

Introduced: May 25 2022 Commissioners Khalil and Harrod  
Passed: May 25 2022 5-0  
Effective: July 14 2022

CHARTER AMENDMENT RESOLUTION NO. 2022-01

A CHARTER AMENDMENT RESOLUTION  
OF THE COMMISSIONERS OF ST. MICHAELS,  
AMENDING THE CHARTER OF ST. MICHAELS FOR THE PURPOSE OF  
SEPARATING THE POSITION OF THE TOWN CLERK FROM THE OFFICE  
OF THE TOWN MANAGER, REVISING THE DUTIES OF THE CLERK,  
AND REDESIGNATING THE OFFICE OF THE TOWN CLERK/MANAGER  
AS THE OFFICE OF THE TOWN ADMINISTRATOR.

WHEREAS, pursuant to Article XI-E, § 3 of the Constitution of Maryland, the Commissioners of St. Michaels (the "Commissioners"), as the legislative body of the Town of St. Michaels (the "Town"), are authorized and empowered to amend the Charter of the Town of St. Michaels (the "Charter"); and

WHEREAS, pursuant to Article XI-3, § 4 of the Constitution of Maryland, an amendment to the Charter shall be proposed either by a resolution of the Commissioners or by a petition containing the signatures of at least twenty (20) percent of the registered voters of the Town and filed with the Commissioners; and

WHEREAS, pursuant to Md. Code Ann., Local Gov't §§ 4-302(1) and 4-304, the Commissioners may initiate a proposed amendment or amendments to the Charter by a resolution which, except as otherwise specified in Title 4, Subtitle 3 of the Local Government Article, is adopted in the same manner as other resolutions in the Town by a majority of all the individuals elected to the Commissioners, as the legislative body of the Town, and the same shall be subject to the right of referendum; and

WHEREAS, the position of the Town Clerk is created in Town Charter, Section C-40, which asserts that the Town Clerk/Manager shall perform the duties of the Town Clerk under Article V of the Charter; and

WHEREAS, the office of the Town Clerk/Manager is created in Town Charter Section C-63, which sets for the additional duties of said position; and

WHEREAS, the Commissioners deem it in the best interests of the Town to separate the position of the Town Clerk from the office of the Town Manager and further to redesignate the office of the Town Manager as that of the Town Administrator,

SECTION 1. NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COMMISSIONERS OF ST. MICHAELS that, pursuant to the authority of Article XI-E of the Constitution of Maryland and § 4-301 *et seq.* of the Local Government Article of the Maryland Annotated Code, the Charter of St. Michaels, Section C-40, "Town Clerk" and C-41, "Powers and Duties of the Town Clerk", be and hereby are REPEALED their entireties and the section numbers shall be reserved for future legislation.

SECTION 2. BE IT FURTHER RESOLVED BY THE COMMISSIONERS OF ST. MICHAELS that, pursuant to the authority of Article XI-E of the Constitution of Maryland and § 4-301 *et seq.* of the Local Government Article of the Maryland Annotated Code, the Charter of St. Michaels, Section C-42, “Clerk’s Bond”, be and hereby is amended as follows:

§ C-42. ((Clerk's)) TOWN ADMINISTRATOR’S bond.

The Town ((Clerk)) ADMINISTRATOR shall provide a bond with such corporate surety and in such amount as the Commission by ordinance may require.

SECTION 3. BE IT FURTHER RESOLVED BY THE COMMISSIONERS OF ST. MICHAELS that, pursuant to the authority of Article XI-E of the Constitution of Maryland and § 4-301 *et seq.* of the Local Government Article of the Maryland Annotated Code, the Charter of St. Michaels, Section C-44, “Review of budget by Commission”, be and hereby is amended as follows:

§ C-44 Review of budget by Commission.

The Commission, on such date as the ordinance determines but at least 45 days before the beginning of each fiscal year, shall review the budget submitted by the Town ((Clerk)) ADMINISTRATOR. The Commission will ensure that the budget provides a complete financial plan for the budget year, contain estimates of anticipated revenues and proposed expenditures for the upcoming budget year, and that the total of anticipated revenues equals or exceeds the total of proposed expenditures. The budget shall be a public record in the office of the Town Clerk, open to public inspection by anyone during normal business hours

SECTION 4. BE IT FURTHER RESOLVED BY THE COMMISSIONERS OF ST. MICHAELS that, pursuant to the authority of Article XI-E of the Constitution of Maryland and § 4-301 *et seq.* of the Local Government Article of the Maryland Annotated Code, the Charter of St. Michaels, Section C-50, “Checks, drafts, ad withdrawals”, be and hereby is amended as follows:

§ C-50 Checks, drafts and withdrawals.

All checks, drafts and withdrawals drawn on any account containing funds of the Town shall be signed by two authorized signers. The persons authorized to sign checks, drafts and withdrawals drawn on any account containing funds of the Town shall be the five Commissioners and the Town ((Clerk/Manager)) ADMINISTRATOR.

SECTION 5. BE IT FURTHER RESOLVED BY THE COMMISSIONERS OF ST. MICHAELS that, pursuant to the authority of Article XI-E of the Constitution of Maryland and § 4-301 *et seq.* of the Local Government Article of the Maryland Annotated Code, the Charter of St. Michaels, Section C-62, “Purchasing and Contracts”, be and hereby is amended as follows:

§ C-62. Purchasing and Contracts

All purchases and contracts for the Town government shall be made by the Commission. The Commission may provide by ordinance for rules and regulations regarding the use of competitive

bidding and contracts for all Town purchases and contracts.

A. Except as provided in § C-62B, C and D below, all expenditures for supplies, materials, equipment, construction of public improvements, or contractual service involving \$5,000 or more shall be made on written contract. The Commission shall obtain sealed bids, in such manner as may be prescribed by ordinance, for all such written contracts. The written contracts shall be awarded to the bidder who offers the lowest or best bid, quality of goods and work, time of delivery or completion, and responsibility of bidders being considered. All such written contracts shall be approved by the Commission before becoming effective. The Commission may reject all bids. The Town at any time in its discretion may employ its own forces for the construction or reconstruction of public improvements without receiving bids. All written contracts may be protected by such bonds, penalties, and conditions as the Town may require.

B. Purchases and contracts under \$5,000 may be made by the Commissioners and/or the Town ((Clerk/Manager)) ADMINISTRATOR, provided the funds have been appropriated in the budget for the use intended.

C. All contracts involving professional services, such as accounting, architecture, auditing, consulting, computer maintenance and support services, engineering, law, planning, and surveying, may not be subject to competitive bidding, but may be negotiated by the Town ((Clerk/Manager)) ADMINISTRATOR with the approval of the Commission or by the Commission itself.

D. The Town may contract with any contractor who offers goods, services, insurance, or construction on the same terms as provided to (i) the State of Maryland; (ii) any other state of the United States of America; (iii) any county or local governments or agencies of the State of Maryland or any other state of the United States of America [the entities listed in (i), (ii) and (iii) shall collectively be referred to as "governmental entities"], which governmental entities have arrived at those terms through a competitive procurement procedure requiring bids, proposals from bidders, and analysis of responsive bids in accordance with the applicable laws of such governmental entities

SECTION 6. BE IT FURTHER RESOLVED BY THE COMMISSIONERS OF ST. MICHAELS that, pursuant to the authority of Article XI-E of the Constitution of Maryland and § 4-301 *et seq.* of the Local Government Article of the Maryland Annotated Code, the Charter of St. Michaels, Section C-62.2, "Town funds", be and hereby is amended as follows:

§ C-62.2 Town funds.

The Town Commissioners shall segregate Town monies into separate funds to help ensure the Town's long-term financial stability. Upon the Town ((Clerk's)) ADMINISTRATOR'S recommendation, the Town Commissioners shall establish by resolution the balances maintained in such funds and the methods for maintenance. The following funds shall be established and maintained as the Town Commissioners deem appropriate from time to time:

A. General Operating Fund. A fund used to account for all activity, assets and liabilities of the

Town except those assigned for other purposes in another specific fund. This fund is the primary operating fund that contains uncommitted resources that may be used for the Town's general purposes.

B. Repair and Replacement Fund. A fund used to cover anticipated expenses for the repair and replacement of Town facilities, equipment, and infrastructure, otherwise known as reserve elements, as identified in a formal reserve study, which may be updated from time to time at the Town Commissioners' discretion and may be further defined and described by resolution. This fund's purpose is to maintain adequate reserves for the repair, maintenance and replacement of Town assets over time.

C. Capital Fund. A fund used for capital projects and improvements, including the acquisition of property and assets not accounted for in the Repair and Replacement Fund.

D. Contingency Fund. A fund used to manage uncertain or unexpected emergencies, events, and risks.

E. Water System Enterprise Fund. A fund used to manage the Town's water system finances. This fund may be used for all activity related to the Town's water system, including capital expenditures.

SECTION 7. BE IT FURTHER RESOLVED BY THE COMMISSIONERS OF ST. MICHAELS that, pursuant to the authority of Article XI-E of the Constitution of Maryland and § 4-301 *et seq.* of the Local Government Article of the Maryland Annotated Code, the Charter of St. Michaels, Section C-63, "Town Clerk/Manager", be and hereby is amended as follows:

§ C-63 Town ((Clerk/Manager)) ADMINISTRATOR

There shall be a Town ((Clerk/Manager)) ADMINISTRATOR appointed by the Commission. He or she shall serve at the pleasure of the Commission, and compensation shall be determined by the Commission. The Town ((Clerk/Manager)) ADMINISTRATOR shall be the chief administrative officer of the Town and shall be responsible for and undertake such duties as the Commissioners shall from time to time require of him or her. ((He or she shall also serve as the Town Clerk in accordance with the provisions of this Charter.))

SECTION 8. BE IT FURTHER RESOLVED BY THE COMMISSIONERS OF ST. MICHAELS that, pursuant to the authority of Article XI-E of the Constitution of Maryland and § 4-301 *et seq.* of the Local Government Article of the Maryland Annotated Code, the Charter of St. Michaels, be and hereby is amended to ADD Section 64.1, "Town Clerk", to read as follows:

§ C-64.1 TOWN CLERK

THERE SHALL BE A TOWN CLERK WHO SHALL PERFORM SUCH DUTIES AS THE COMMISSIONERS OR THE TOWN ADMINISTRATOR MAY FROM TIME TO TIME REQUIRE OF HIM OR HER.

SECTION 9. BE IT FURTHER RESOLVED BY THE COMMISSIONERS OF ST. MICHAELS that, in this Resolution, unless a section of the Charter is expressly repealed in its entirety and reenacted, new or added language is underlined and set forth in small caps and deleted

text is enclosed in double bold parentheses. Language added after the date of introduction, if any, is in italicized type and text deleted after the date of introduction is enclosed in bold brackets.

SECTION 10. BE IT FURTHER RESOLVED BY THE COMMISSIONERS OF ST. MICHAELS that if any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Resolution, it being the intent of the Council that this Resolution shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 11. BE IT FURTHER RESOLVED BY THE COMMISSIONERS OF ST. MICHAELS that to the extent that any section of the Charter is in conflict with the provisions of Sections 1 through 8 of this Resolution, such section or sections be and hereby are repealed to the extent of such conflict.

SECTION 12. BE IT FURTHER RESOLVED BY THE COMMISSIONERS OF ST. MICHAELS that the Charter amendments adopted by this Resolution shall become effective upon the fiftieth (50th) day after adoption unless a proper petition for a referendum hereon shall be filed on or before the fortieth (40th) day after adoption, as provided by law. A complete and exact copy of this Resolution shall be posted at the Edgar M. Bosley, Jr. Municipal Building, 300 Mill Street, St. Michaels, Maryland 21663, for a period of at least forty (40) days following its adoption, and the title to this Resolution, being a fair summary of the Charter amendments adopted hereby, shall be published in a newspaper of general circulation in the Town not less than four (4) times, at weekly intervals within a period of at least forty (40) days, starting immediately after the date of its adoption.

SECTION 13. BE IT FURTHER RESOLVED BY THE COMMISSIONERS OF ST. MICHAELS that as soon as the Charter amendments adopted by this Resolution shall become effective, either as herein provided or following a referendum, the Town Clerk shall send by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to the Department of Legislative Services of the State of Maryland, the following documents or information concerning the Charter amendments herein: (1) the complete text of this Resolution; (2) the date of the referendum election, if any, held with respect thereto; (3) the number of votes cast for or against this Resolution by the Council or in a referendum; and (4) the effective date of the Charter amendments.

SECTION 14. BE IT FURTHER RESOLVED BY THE COMMISSIONERS OF ST. MICHAELS that the Town Clerk is hereby authorized and directed to carry out the provisions of Sections 12 and 13 hereof; and as evidence of compliance herewith, the Town Clerk shall cause to be affixed to the minutes of the Commissioners for the meeting at which this Resolution is adopted: (1) a certificate to the effect that this Resolution was duly and properly posted as provided in Section 12 herein; (2) an appropriate certificate of publication in the newspaper in which the fair summary of the Charter amendments herein shall have been published as provided in Section 6 herein; and (3) the return receipt of the mailing as provided in Section 7 herein; provided, however, that failure to comply with any of the foregoing shall not invalidate this Resolution.

THIS CHARTER AMENDMENT RESOLUTION HAVING BEEN INTRODUCED by  
The Commissioners of St. Michaels at a Public Meeting held on the 25th day of May, 2022 at  
6 o'clock p.m., in the meeting room of the Town Office of St. Michaels, Maryland; and

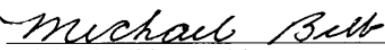
I HEREBY CERTIFY that the above Charter Amendment Resolution No. 2022-01 was adopted  
by a yea and nay vote of the Commissioners of St. Michaels on the 25<sup>th</sup> day of May, 2022.

Bibb          yea    
Harrod       yea    
DuPont      yea    
Breimhurst   yea    
Khalil       yea  

ATTEST:

THE COMMISSIONERS OF ST. MICHAELS

  
\_\_\_\_\_  
Robert Straebel, Town Administrator

 (SEAL)  
\_\_\_\_\_  
Michael Bibb, President