

Introduced: Ms. Weaver
1st Reading: February 13, 2023
Passed: April 11, 2023
Posted: April 12, 2023
Effective:

**CHARTER AMENDMENT RESOLUTION NUMBER.: 2023-1
RESOLUTION NUMBER 2105**

**CHARTER RESOLUTION OF THE COUNCIL OF THE CITY OF GREENBELT, TO
AMEND §35, CITY MANAGER-APPOINTMENT; QUALIFICATIONS; TERM OF
OFFICE; REMOVAL; ACTING CITY MANAGER, TO PROVIDE THE COUNCIL THE
DISCRETION TO PERMIT A CITY MANAGER TO LIVE OUTSIDE THE CITY OF
GREENBELT, AND UPDATE GENDER REFERENCES TO THE CITY MANAGER**

A Charter Resolution of the Council of the City of Greenbelt adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and §4-301 *et-seq.*, Local Government Article, Annotated Code of Maryland as amended.

WHEREAS, §35, “City manager--Appointment; qualifications; term of office; removal; acting city manager” currently requires the City Manager be a resident of Greenbelt while fulfilling the role of City Manager; to provide the council the discretion to permit a city manager to live outside the City of Greenbelt; and,

WHEREAS, the Council believe that in the event of a vacancy in the City Manager position, it can select from a wider pool of qualified candidates to serve as City Manager by eliminating the residency requirement; and.

WHEREAS, the Council have determined that it is in the public interest to permit a City Manager to reside outside of the city limits of Greenbelt while in that position.

CAPS :Indicate matter added to existing law.
[Brackets] :Indicate matter deleted from law.
Asterisks *** :Indicate matter remaining unchanged in existing law but not set forth in Resolution.
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Section 1. NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Greenbelt that §35 “City Manager--appointment; qualifications; term of office; removal; acting city manager,” to provide the Council the discretion to permit a city manager to live outside the City of Greenbelt, be repealed, re-enacted and amended to read as follows:

§35 City manager-appointment; qualifications; term of office; removal; acting city manager, TO PROVIDE THE COUNCIL THE DISCRETION TO PERMIT A CITY MANAGER TO LIVE OUTSIDE THE CITY OF GREENBELT.

(a) *Appointment; qualifications.* The Council shall appoint an officer whose title shall be city manager and who shall be the chief executive officer and the head of the administrative branch of the city government. The city manager shall be chosen by the council solely on the basis of his executive and administrative qualifications with special reference to his OR HER actual experience in, or his OR HER knowledge of, accepted practice in respect to the duties of his OR HER office as hereinafter outlined. At the time of his OR HER appointment he OR SHE need not be a resident of the city or state, **[but during his tenure of office he shall reside within the city]** AND MAY RESIDE OUTSIDE THE CITY WHILE IN OFFICE ONLY WITH THE APPROVAL OF THE COUNCIL. No person elected to membership on the council shall, subsequent to such election, be eligible for appointment as city manager until one (1) year has elapsed following the expiration of the term for which he OR SHE was elected. The council may permit the city manager to accept other employment not inconsistent with his OR HER duties, and to receive compensation for such employment, provided that before granting such permission the council shall be informed of the nature, extent and compensation of such employment.

(b) *Tenure.* The city manager shall be appointed for an indefinite term but the council may remove the manager from office in accordance with the following procedures:

- (1) The council shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the manager from duty for a period not to exceed forty-five (45) days.

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A copy of the resolution shall be delivered promptly to the manager.

- (2) Within five (5) days after a copy of the resolution is delivered to the manager, he OR SHE may file with the council a written request for a private or a public hearing. This hearing shall be held at a council meeting not earlier than fifteen (15) days nor later than thirty (30) days after the request is filed. The manager may file with the council a written reply not later than five (5) days after the hearing.
- (3) The council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after five days from the date when a copy of the preliminary resolution was delivered to the manager, if he OR SHE has not requested a private or a public hearing or at any time after a hearing if he OR SHE has requested one. The manager shall continue to receive his OR HER salary until the effective date of a final resolution of removal. The action of the council in suspending or removing the manager shall not be subject to review by any court or agency.

(c) *Acting city manager.* The manager may recommend and the council may designate a qualified city administrative officer as acting city manager to exercise the power and perform the duties of the manager during any temporary absence or disability of the manager. The council may revoke such designation at any time and appoint another officer of the city as acting city manager.

Section 2. BE IT FURTHER RESOLVED by the Council of the City of Greenbelt that this charter resolution was introduced on the 13th day of February 2023, and was considered for adoption after a public hearing. It is adopted this 11th day of April 2023, after at least 21 days of prior public notice and shall become effective upon the fiftieth (50th) day after its passage by the city unless petition to referendum in accordance with § 4-304 of the Local Government Article, Annotated Code of Maryland within forty (40) days following its adoption. A complete and exact copy of this charter resolution shall be posted in the City offices located at 25 Crescent

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Road, Greenbelt, Maryland 20770 for forty (40) days following its adoption by the Council and a fair summary of the charter resolution shall be published in the newspaper having general circulation in the city not less than four (4) times at weekly intervals, also within the forty (40) day period following its adoption by the City.

Section 3. BE IT FURTHER RESOLVED that within 10 days after the charter resolution hereby enacted becomes effective, either as herein provided or following referendum, the city manager for the City of Greenbelt shall send separately, by mail, bearing a postmark from the United States postal service, to the Department of Legislative Services, one copy of the following information concerning the charter resolution: (i) The complete text of this resolution; (ii) the date of referendum election, if any, held with respect thereto; (iii) the number of votes cast for and against this resolution by the Council of the City of Greenbelt or in the referendum; and (iv) the effective date of the charter resolution.

Section 4. BE IT FURTHER RESOLVED that the city manager of the City of Greenbelt be, and hereby is, specifically enjoined and instructed to carry out the provisions of Sections 2 and 3 as evidence of compliance herewith; and said city manager shall cause to be affixed to the minutes of this meeting (i) an appropriate certificate of publication of the newspaper in which the fair summary of the charter resolution shall have been published; and (ii) shall further cause to be completed and executed the municipal charter or annexation resolution registration form.

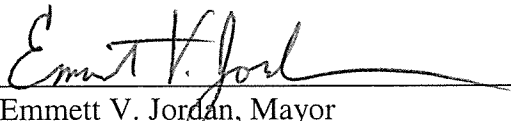
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Section 5. BE IT FURTHER RESOLVED that if any provision of this charter resolution or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not effect the other provisions or any other application of this charter resolution which can be given effect without the invalid provisions or application, and to this end, all the provisions of this resolution and of the charter are hereby declared to be severable.


INTRODUCED, by the Council of the City of Greenbelt, at a regular meeting on the 13th day of February 2023.

ADOPTED, by the Council of the City of Greenbelt at a regular meeting on the 11th day of April 2023.

EFFECTIVE, the 31st day of May, 2023.

By: 
Emmett V. Jordan, Mayor

ATTEST:


Bonita Anderson, City Clerk

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