

**THE COMMISSIONERS OF
THE TOWN OF COTTAGE CITY
CHARTER AMENDMENT RESOLUTION NUMBER 2022-02**

A CHARTER AMENDMENT RESOLUTION OF THE COTTAGE CITY COMMISSION TO AMEND SECTION 8 (SALARY OF COMMISSIONERS) OF THE CHARTER OF THE TOWN OF COTTAGE CITY TO INCREASE THE ANNUAL SALARY OF THE COMMISSIONERS COMMENCING AFTER THE NEXT ELECTION; TO AUTHORIZE THE COTTAGE CITY COMMISSION TO CHANGE ITS COMPENSATION AFTER THE SUBSEQUENT ELECTION ACCORDING TO CERTAIN LIMITATIONS; AND INCLUDE A LIMITED ANNUAL SUPPLEMENTAL PAYMENT FOR THE OFFICE OF COMMISSIONER-CHAIR, AND GENERALLY RELATING TO COMPENSATION FOR THE COTTAGE CITY COMMISSION.

INTRODUCED BY: Commissioner-Chair Wheatley

WHEREAS, pursuant to Section 6 of the Charter of the Town of Cottage City (the “Charter”), the corporate powers of the Town shall be vested in, and shall be exercised by, and said Town shall be governed by, a commission to be known as the Cottage City Commission; and

WHEREAS, to initiate a charter change pursuant § 4-304 of the LG Article of the Maryland Code, the elected governing body of a municipality must typically first pass a resolution to effect a charter change and must post an exact copy of the charter amendment resolution at the town hall or some other public place for at least 40 days after passage of the resolution, and the law further requires the municipality to publish a “fair summary” of the proposed amendment not less than four times at weekly intervals in a newspaper of general circulation in the community, and unless an approved charter amendment is petitioned to referendum, an amendment becomes effective 50 days after a municipal governing body passes a charter amendment resolution; and

WHEREAS, the General Assembly of Maryland passed HB 615 during the 2018 session effective July 1, 2018, requiring the legislative body of a municipality to hold a public hearing and give at least 21-days’ notice by posting the notice in a public place before adopting a resolution initiated by the legislative body that proposes an amendment to the municipal charter; and

WHEREAS, pursuant to Section 6 of the Town Charter, the corporate powers of the Town shall be vested in, and shall be exercised by, and said Town shall be governed by, a commission to be known as the Cottage City Commission, and said commission shall be composed of five members, one from each ward, and one to be elected as commissioner at large, to be known as commissioners, and ...they shall hold office for a term of two (2) years or until their successors take office; and

WHEREAS, pursuant to Section 29 of the Town Charter, annually, on the first Monday in May, if not a legal holiday, and if a legal holiday then on the day following, the board of election

supervisors shall conduct an election by ballot for the election of commissioners for those seats becoming vacant, and in even-numbered years the seats from wards 2, 3 and 4 become vacant, and in odd-numbered years the seats from ward 1 and the commissioner at large become vacant; and

WHEREAS, Article III, § 35 of the Maryland Constitution states that “[e]xtra compensation may not be granted or allowed by the General Assembly to any public Officer, Agent, Servant or Contractor, after the service has been rendered, or the contract entered into; nor may the salary or compensation of any public officer be increased or diminished during his term of office except those whose full term of office is fixed by law in excess of 4 years; however, after January 1, 1956, for services rendered after that date, ...”; and

WHEREAS, on or about May 18, 2011, the Cottage City Commission enacted Charter Amendment Resolution No. 2011–001, amending Section 8 of the Charter of Cottage City (Salary of commissioners) which provides that each Commissioner shall receive an annual salary of three thousand six hundred dollars (\$3,600.00) effective after the 2012 Town elections, and the Commissioners may, by ordinance, including a budget ordinance, increase or decrease this annual salary provided the increase or decrease for each position shall not be effective until an election has occurred for such position on the Commission; however, the annual salary may not be increased to an amount greater than five (5) thousand dollars (\$5,000.00) for each Commissioner; and

WHEREAS, the Cottage City Commission finds that the commissioners’ annual salaries are currently set at \$4,800.00 and they serve staggered two-year terms; and

WHEREAS, the Cottage City Commission has reviewed and compared compensation for elected officials in other small municipalities in Maryland and Prince George’s County and finds that a modest salary increase is appropriate to take effect after the future elections for all members of the commission as well as a supplemental payment to the chairman for extra time and effort expended in fulfilling the duties of the office.

Section 1. **NOW, THEREFORE, BE IT RESOLVED BY THE COTTAGE CITY COMMISSION** on this ____ day of December 2022 that Section 8 (Salary of commissioners) of the Charter of the Town of Cottage City, Maryland shall be amended and adopted to read as follows:

* * *

The Commission

* * *

Section 8. Salary of commissioners.

Each Commissioner shall receive an annual salary of ~~[[three thousand six hundred dollars (\$3,600.00)]]~~ **FOUR THOUSAND NINE HUNDRED DOLLARS (\$4,900.00)** effective after the ~~[[2012]]~~ **2023** Town elections. The Commissioners may, by ordinance, including a budget ordinance, increase or decrease this annual salary, **AND THE CHAIR’S SUPPLEMENTAL**

SALARY, provided the increase or decrease for each position shall not be effective until an election has occurred for such position on the Commission. However, the annual salary may not be increased to an amount greater than ~~[[five (5) thousand dollars (\$5,000.00)]]~~ SIX (6) THOUSAND DOLLARS (\$6,000.00) FOR EACH COMMISSIONER. NOTWITHSTANDING ANYTHING HEREIN TO THE CONTRARY, IN ADDITION TO THE ANNUAL SALARY PROVIDED HEREIN FOR A COMMISSIONER, THE CHAIR MAY RECEIVE ADDITIONAL COMPENSATION OF UP TO TWO THOUSAND DOLLARS (\$2,000.00), TO SUPPLEMENT THE CHAIR'S ANNUAL SALARY EFFECTIVE AFTER THE 2023 TOWN ELECTIONS AND THE ELECTION OF THE CHAIR BY THE COMMISSION.

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Section 2. **BE IT FURTHER RESOLVED** that, unless a proclamation, notice or resolution issued subsequently states otherwise, this Charter Amendment Resolution is adopted on the aforementioned date, and that upon a hearing and adoption by the Cottage City Commission, a complete and exact copy of this Charter Amendment Resolution shall be posted in the Town Office for a period of at least forty (40) days following the date of its adoption. Additionally, unless a proclamation, notice or resolution states otherwise, a fair summary of the proposed Amendment shall be published in a newspaper of general circulation in the Town of Cottage City not less than four (4) times at weekly intervals within the forty (40) days following the adoption this Charter Amendment Resolution, and the Clerk to the Commission shall further endeavor, as much as practical, to publish a summary or a complete copy of this resolution by as many methods of communication as are reasonably possible of the following: posting on the Town's website, newsletter, the Cable TV channel, or any appropriate list serve.

Section 3. **BE IT FURTHER RESOLVED** that the Amendment initiated in this Charter Amendment Resolution shall take effect and shall become and be considered the Charter of the Town of Cottage City, upon the fiftieth day after being so ordained or passed unless on or before the fortieth day after being so adopted and passed a referendum petition meeting the requirements of State law shall be presented to the Cottage City Commission or mailed to it by certified mail, return receipt requested, bearing a postmark from the United States Postal Service.

Section 4. **BE IT FURTHER RESOLVED** that when the Charter Amendment hereby initiated becomes effective, as provided herein, or following a referendum election, the Town Clerk shall send separately, by certified mail, return receipt requested, to the Department of Legislative Services within 10 days after the charter resolution becomes effective, the following information concerning the Charter Amendment: (i) the complete text of this Charter Amendment Resolution; (ii) the date of the referendum election, if any held with respect thereto; (iii) the number of votes cast for and against this Charter Amendment Resolution by the Cottage City Commission or a referendum election; and (iv) the effective date of the Charter Amendment.

Section 5. **BE IT FURTHER RESOLVED** that the Town Clerk-Treasurer/Town Manager of the Town of Cottage City is specifically instructed to carry out the provisions of Sections 2, 3, and 4 hereof, as evidence of compliance herewith, the Town Clerk-Treasurer/Town Manager shall cause to be

