

CHARTER AMENDMENT RESOLUTION NO. 55

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF FROSTBURG, ADOPTED PURSUANT TO THE AUTHORITY CONTAINED IN ARTICLE 11-E OF THE CONSTITUTION OF THE STATE OF MARYLAND AND SECTION 4-304 OF THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND ENTITLED "A RESOLUTION TO REPEAL AND RE-ENACT SECTION 605 OF THE CITY CHARTER, PERTAINING TO THE PROCEDURE FOR ELECTIONS RELATIVE TO THE DATE OF ELECTIONS FOR THE PURPOSE OF FACILITATING ELECTION PROCEDURES."

WHEREAS, the purpose of this Charter Amendment is set forth in the title above; and

WHEREAS, before adopting this Resolution, a public hearing on the proposed amendment of the Charter as provided for herein was held on December 21, 2023, the said date, time and place of said hearing having been published in the Cumberland Times-News on November 27, 2023, the said date being no later than twenty-one (21) days before the date of the said hearing.

NOW, THEREFORE:

SECTION 1: BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FROSTBURG, that Section 605 of the Charter of the City of Frostburg is amended as follows:

Sec. 605. Procedure of Elections.

In order to be counted, all election ballots shall be (i) placed in a secure delivery box at the Frostburg Municipal Center, 37 Broadway, Frostburg, MD 21532 from 8:00 a.m. [14] thirty-five (35) days prior to the election to 7:00 p.m. on the date of the election or (ii) mailed to the City at P.O. Box 440, Frostburg, MD 21532 provided they are postmarked no later than the date of the election and received no later than 10:00 a.m. on the tenth (10th) day following the date of the election.

[NOTE: All changes are set forth in bold print. Underlined and italicized wording is language added to the Charter. The wording enclosed in double parentheses are deletions.]

SECTION 2: AND BE IT FURTHER RESOLVED, the amendment of the Charter of the City of Frostburg, hereby enacted, shall become effective on the 50th after the date of the adoption of this Resolution, unless a proper petition for a referendum hereon shall be filed on or before the 40th day after the date of the adoption of this Resolution, as provided by Section 4-304 of Local Government Article of the Annotated Code of Maryland. A complete and exact copy of this Resolution shall be continuously posted at the entrance to City Hall and the City's website for forty (40) days after this Resolution is adopted, and the title of this Resolution setting forth a fair summary of its terms shall be published in a newspaper of general circulation in the City of Frostburg, no less than four times, at weekly intervals, with the last publication occurring no later than forty (40) days after the adoption of this Resolution.

SECTION 3: AND BE IT FURTHER RESOLVED, that the Mayor and City Council of Frostburg are hereby specifically directed to carry out the provisions of Section 2 hereof. As evidence of said compliance and the publication of the notice for the public hearing described in the recitals hereinbefore, the City Clerk shall cause to be affixed to this Resolution certificates of the publication in the newspaper for the public hearing described in the recitals hereinbefore and the notice described in Section 2 of this Resolution and (ii) in which the summary of this Resolution (i.e., its title) shall have been published; and the Mayor, if there is no petition for referendum, shall declare the Charter Amendment made to be effective on the effective date herein provided for by affixing his signature hereto in the space provided below the effective date hereof.

SECTION 4: AND BE IT FURTHER RESOLVED, that, if a proper petition for referendum on the Charter Amendment herein proposed is filed, the Mayor and other proper officials of the City of Frostburg shall comply with all of the provisions set forth in Sections 4-304 and 4-307 of the Local Government Article of the Annotated Code of Maryland.

SECTION 5: AND BE IT FURTHER RESOLVED, that as soon as the Charter Amendment shall become effective, either as herein provided or following a referendum, the Mayor shall send separately, by registered mail, to the Secretary of the State of Maryland and to the Department of Legislative Reference of Maryland, a complete certified copy of the text of this Resolution, the date of the referendum, if any is held, a certificate showing the number of Councilpersons voting for and against it, and a report on the votes cast for or against the amendments hereby

enacted at any referendum hereon, and the effective date of the Charter Amendment.

THIS RESOLUTION ADOPTED THIS 21st DAY OF December,
2023.

ATTEST:

Elizabeth Stahlman
Elizabeth Stahlman
City Administrator

W. Robert Flanigan

W. Robert Flanigan, Mayor

The Charter Amendment enacted by the foregoing Resolution became effective this 9th day of February, 2024.

Elizabeth Stahlman
Elizabeth Stahlman
City Administrator

W. Robert Flanigan

W. Robert Flanigan, Mayor

I HEREBY CERTIFY that I caused notice of the date, time and place of the public hearing described in the recitals hereinbefore to be published on the City's website starting November 16, 2023 and published in the Cumberland Times-News on November 27, 2023, the said dates being no later than twenty-one (21) days before the date of the said hearing, and that a true and correct copy of said publication notice is attached hereto.

I FURTHER CERTIFY that the title of this Resolution was published in the Cumberland Times-News on

December 28, 2023,

January 4, 2024,

January 11, 2024, and

January 18, 2024,

as evidenced by the true and correct copy of the Cumberland Times-News certificate of publication attached hereto, and that it was continuously posted on the entrance to City Hall, Frostburg, Maryland and the City's website.

I FURTHER CERTIFY, that the aforesgoing Resolution, amending the Charter of The City of Frostburg, was adopted the 21st day of December, 2023, with 4 votes in affirmation and 0 votes in the negative.

I FURTHER CERTIFY, that there was no petition for a referendum on the proposed amendment filed within the required time, and therefore, the same became effective on the 9th day of February, 2024.

Elizabeth Stahman
Elizabeth Stahman, City Administrator

Cumberland Times – News
P.O. Box 1662
Cumberland, MD 21501-1662

**THIS IS TO CERTIFY THAT THE ANNEXED
MAYOR AND CITY COUNCIL OF FROSTBURG - RESOLUTION TO AMEND
WAS PUBLISHED IN *THE CUMBERLAND TIMES – NEWS*,
A NEWSPAPER PUBLISHED IN THE CITY OF CUMBERLAND, MD 21502**

By: CNHI, LLC; Publishers

On: December 28, 2023; January 4, 11, 18, 2024

s/s Kim Hughes, Legal Advertising Clerk
Kim Hughes, Times – News Legal Advertising Clerk

On December 21, 2023, the Mayor and City Council of Frostburg pursuant to the authority of Section 4-304 of the Local Government Article of the Annotated Code of Maryland, adopted "A RESOLUTION TO AMEND SECTION 604 OF THE CITY CHARTER" and "A RESOLUTION TO REPEAL AND RE-ENACT SECTION 605 OF THE CITY CHARTER"

Section 4-304 of the Annotated Code of Maryland requires that a complete and exact copy of this Resolution be continuously posted at the entrance to City Hall, Frostburg Maryland for 40 days and that a fair summary of the proposed amendment be published in newspaper of general circulation not less than four times, at weekly intervals within a period of at least forty days. That fair summary is provided by a complete copy of the program elements as included in the Resolution and as appears in this Legal Advertisement. A complete and exact copy will be posted on the City web page and copies will be available at City Hall located at 37 Broadway, Frostburg, MD.

The Mayor and the City Council is hereby specifically directed to carry out the provisions of Section 4-304 hereof, regarding the giving of notice by posting and publication of this Resolution, approving the same, and as evidence of said compliance, the City Administrator shall cause to be affixed hereto a Certificate of Publication of the newspaper in which the summary of this Resolution shall have been published, and the Mayor, if there is no Petition for a Referendum, shall declare the Charter Amendment made to be effective on the effective date herein provided for, which is February 9, 2024, by affixing his signature hereto in the space provided below the effective date hereof.

This Resolution passed this 21st day of December, 2023.

Frostburg Mayor and Council
W. Robert Flanigan, Mayor
Elizabeth Stahlman, City Administrator

A RESOLUTION ENTITLED "A RESOLUTION TO AMEND SECTION 604 OF THE CITY CHARTER, RELATIVE TO THE DATE OF ELECTIONS FOR THE PURPOSE OF CORRECTING AN INADVERTENT ERROR."

This amends Section 604 of the Charter to read as follows:

Sec. 604. Date of Elections.

On the first Tuesday in June in years ending in an even number, the qualified voters of the City shall elect a Mayor and four (4) Councilmembers to serve for terms of two (2) years or until their terms expire as provided for in Article III, Section 302 of this Charter.

A RESOLUTION ENTITLED "A RESOLUTION TO REPEAL AND RE-ENACT SECTION 605 OF THE CITY CHARTER, PERTAINING TO THE PROCEDURE FOR ELECTIONS RELATIVE TO THE DATE OF ELECTIONS FOR THE PURPOSE OF FACILITATING ELECTION PROCEDURES."

This repeals and re-enacts Section 605 of the Charter to read as follows:

Sec. 605. Procedure of Elections.

In order to be counted, all election ballots shall be (i) placed in a secure delivery box at the Frostburg Municipal Center, 37 Broadway, Frostburg, MD 21532 from 8:00 a.m. thirty-five (35) days prior to the election to 7:00 p.m. on the date of the election or (ii) mailed to the City at P.O. Box 440, Frostburg, MD 21532 provided they are postmarked no later than the date of the election and received no later than 10:00 a.m. on the tenth (10th) day following the date of the election.