

Introduced and Read: September 16, 2008
2nd Reading and Adoption: September 30, 2008
Posted: October 1, to November 9, 2008
Effective Date: November 19, 2008

CITY OF MOUNT RAINIER, MARYLAND

Charter Amendment Resolution No. 1-2008

(Drafted by: City Attorney)

Introduced by: Mayor Miles, Council members Briones, Knedler, Morton, and Tarlau

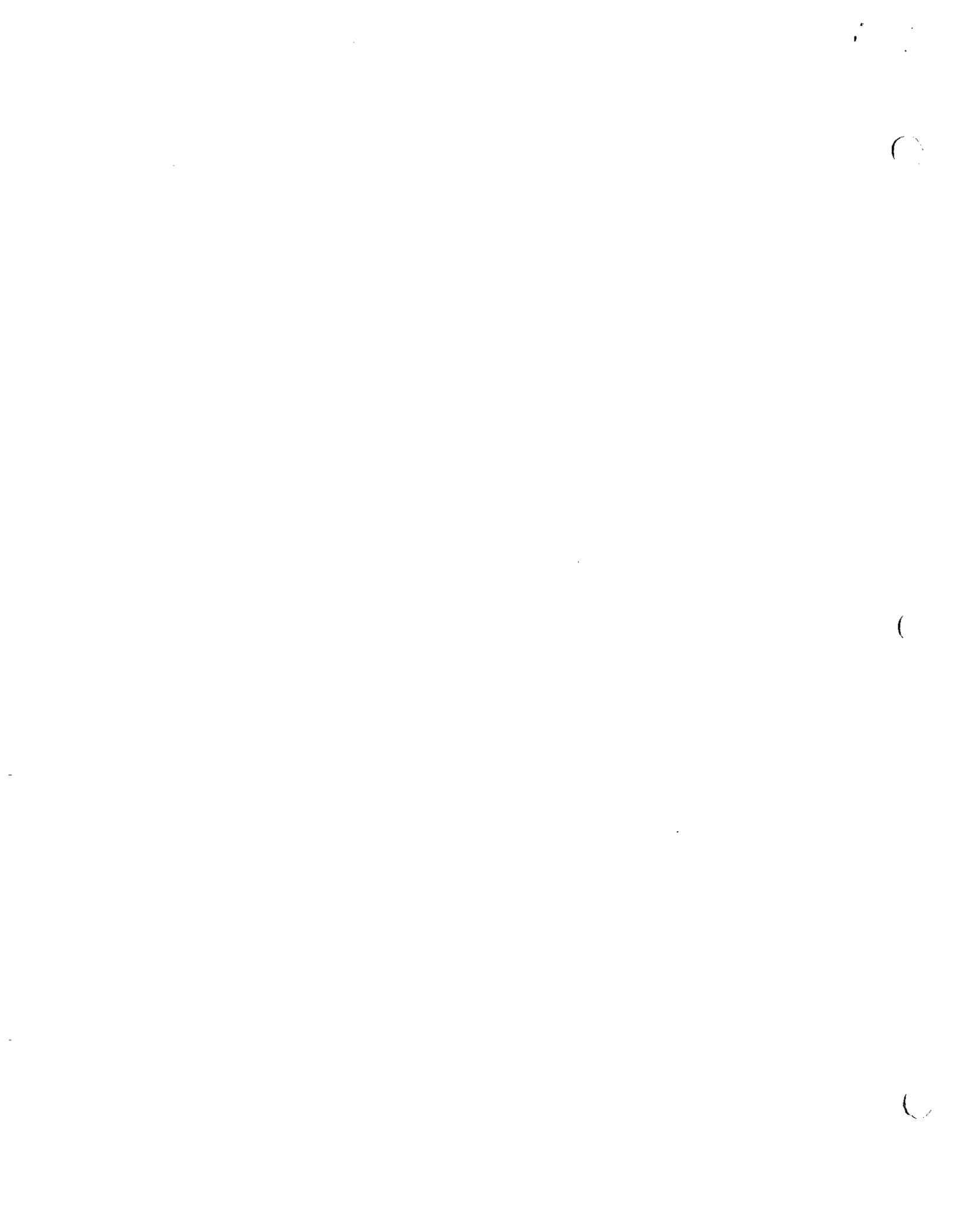
**A Resolution to Amend the Charter of the City of Mount Rainier to
Authorize the City to Issue and Sell its General Obligation Bonds, Notes or
Other Evidence of Indebtedness by Private Negotiated Sale.**

SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER, pursuant to Article XI-E of the *Constitution of the State of Maryland* and Article 23A of the *Annotated Code of Maryland* that the Charter of the City of Mount Rainier is amended as follows:

Section 708. Borrowing Power.

- A. The City shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds, tax anticipation notes, or any other permitted evidences of indebtedness in the manner prescribed in Sections 31 through 39, Creation of Municipal Public Debt, of ~~[[a]]~~ Article 23A of the *Annotated Code of Maryland* (2002 ~~[[1957]]~~ edition, as amended). Notwithstanding the provisions of Sections 31 through 39 of Article 23A of the *Annotated Code of Maryland*, as amended, the City also shall have the power to issue and sell its general obligation bonds, notes or other evidence of indebtedness by private negotiated sale, without advertisement or solicitation of competitive bids, for such price or prices and upon such terms and conditions as may be determined to be in the best interests of the City.
- B. The Mayor and Council shall have the power to borrow on short term notes, certificates of indebtedness, or long-term notes, for an amount not to exceed ten percent (10%) of the assessable base with payments not to exceed thirty (30) years.

SECTION 2. BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER, that the date of adoption of this Charter Amendment Resolution is September 30, 2008, and the amendment of the Charter of the City of Mount Rainier enacted by this Resolution shall become effective on November 19, 2008 (50 days after its passage), unless a proper petition for referendum shall be filed within 40 days following its passage in accordance with *Annotated Code of Maryland*, Article 23A, Section 13, provided that a complete and exact copy of this Charter Amendment Resolution shall be continuously posted at the Municipal Building until November 9,



2008 (a period of at least 40 days following its adoption), and a fair summary of the proposed Charter amendment shall be published in a newspaper of general circulation in the City of Mount Rainier not less than four times at weekly intervals within 40 days after its passage.

SECTION 3. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER, that the City Manager is specifically directed to carry out the provisions of Section 2 of this Resolution and, as evidence of this compliance, the City Manager shall maintain appropriate certificates of the publication of the newspaper in which the fair summary of the Charter Amendment Resolution shall have been published. If a favorable referendum is held on the proposed amendment, the Council shall proclaim the proposed Charter Amendment hereby enacted to have been approved by the voters and the Charter Amendment shall become effective on the date provided by law.

SECTION 4. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER, that as soon as the Charter Amendment enacted by this Resolution shall become effective, either as provided in this Resolution or following a referendum, the City Manager, in accordance with *Annotated Code of Maryland*, Article 23A, Section 9A, shall send to the Department of Legislative Services of Maryland the following information concerning the Charter Amendment Resolution: (1) the complete text of this Charter Amendment Resolution; (2) the date of the referendum election, if any; (3) the number of votes cast for or against the Charter Amendment enacted by this Resolution by the Council or in a referendum, and (4) the effective date of the Charter Amendment.

THE ABOVE CHARTER AMENDMENT was enacted by the foregoing Charter Amendment Resolution No. 1-2008 which was passed at a meeting of the Council of the City of Mount Rainier, on September 16, 2008, 5 members of the Council voting in the affirmative, 0 members of the Council voting in the negative, 0 members of the Council abstaining, and 0 members of the Council absent, and the said Charter Amendment Resolution becomes effective in accordance with the law on November 19, 2008.

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THIS CHARTER AMENDMENT RESOLUTION IS ADOPTED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER ON THIS 3rd DAY OF September 2008.

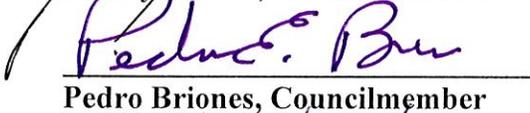
Attest:

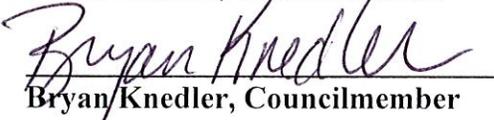

Jeannelle B. Wallace, City Manager


Malinda Miles, Mayor


Alta Morton, Councilmember


Jimmy Tarlau, Councilmember


Pedro Briones, Councilmember


Bryan Knedler, Councilmember

Explanatory Note

New language being added to the Charter is shown by underlining.

[[Language being eliminated from the Charter is shown by enclosing such language in **bold** double brackets.]]



MUNICIPAL CHARTER OR ANNEXATION RESOLUTION REGISTRATION FORM

Article 23A, § 9A of the Annotated Code of Maryland requires municipal officials to deposit certain municipal documents with the Department of Legislative Services. Please use this registration form for each resolution that alters the charter or the boundaries of your municipal corporation. Complete a separate form for each resolution, and mail the entire text of the resolution, along with this form to:

Erin P. Dougherty, Legislative Counsel
Municipal Resolution Registration
Department of Legislative Services
90 State Circle
Annapolis, MD 21401-1991

CITY OF MOUNTRAINIER
Municipal Corporation

PRINCE GEORGE'S
County(ies)

JEANNELLE B. WALLACE, CITY MANAGER
Name and Title of Official Submitting this Resolution

ONE MUNICIPAL PLACE
Address

301-985-6585
Phone

MOUNTRAINIER, MD
20712

DECEMBER 11, 2008
Date of Submitting this Resolution*

CH. AMENDMENT RES. 1-2008
Resolution Number

SEPTEMBER 30, 2008
Date Enacted by Legislative Body

NOVEMBER 19, 2008
Effective Date**

1) For an annexation resolution, state the charter section (e.g., boundary description section, appendix) that is amended _____ OR state the charter section (e.g., general powers section) pursuant to which the property is annexed _____. (Enclose a copy of the metes and bounds description of the complete boundaries of your municipal corporation that includes the newly annexed property, including the number of acres and the point of beginning coordinates for the newly annexed property.)

For a charter resolution, state whether the entire charter is repealed and a new charter is adopted _____ OR state the specific section(s) that is added, repealed, renumbered, or repealed and reenacted with amendments SECTIONS 708 BORROWING POWER

2) Number of votes cast by the legislative body for 5 and against 0 this resolution.

3) Was this resolution petitioned to referendum? NO
If "yes," date of the referendum election _____, AND number of votes cast for _____ and against _____ the referendum.

* A resolution should be submitted to the Department of Legislative Services after the expiration of the time period within which a petition for a referendum may be presented to the municipal corporation - 40 days after the date of enactment for a charter resolution (Art. 23A, § 13(f)), and 45 days after the date of enactment for an annexation resolution (Art. 23A, § 19(f), (g), and (h)).

** Generally, provided that a resolution is not petitioned to referendum, the effective date for a charter resolution is 50 days after enactment (Art. 23A, § 13(f)), and for an annexation resolution is no earlier than 45 days after enactment (Art. 23A, § 19(e)).

