

COUNCIL OF THE TOWN OF LA PLATA
Resolution No. 09-5

Introduced By: Mayor Roy Hale

Date Introduced: July 28, 2009

Amendments adopted:

Date Adopted: August 25, 2009

Date Effective: October 14, 2009

1 **A RESOLUTION** concerning

2
3 **Charter Amendment – Term of Employment of Town Manager**

4
5 **FOR** the purpose of amending the Charter of the Town of La Plata to provide a maximum term of
6 employment to which the Town Council may appoint a Town Manager; to provide that such
7 specified term of employment may be renewed by the Town Council; and all matters
8 generally relating thereto.

9 * * * * *

10 **BY** repealing and reenacting, with amendments
11 Article V, Town Manager
12 Sections C5-1 and C5-4
13 Charter of the Town of La Plata

14
15 **SECTION 1. BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF**
16 **LA PLATA** that Sections C5-1 and C5-4 of Article V, Town Manager of the Charter of the Town of
17 La Plata be and they are hereby repealed and reenacted, with amendments, to read as follows:

18
19 **Article V Town Manager**

20
21 **§ C5-1. Appointment of Town Manager.**

22 The Council may appoint an officer of the town who shall have the Title of "Town Manager" and
23 shall have the powers and perform the duties provided in this Charter. THE COUNCIL MAY
24 APPOINT A TOWN MANAGER TO SERVE AT THE PLEASURE OF THE COUNCIL OR FOR
25 A FIXED TERM OF EMPLOYMENT NOT TO EXCEED FIVE (5) YEARS. THE COUNCIL
26 MAY EXTEND A TOWN MANAGER'S FIXED TERM OF EMPLOYMENT FOR ADDITIONAL
27 TERMS NOT TO EXCEED FIVE (5) YEARS EACH. THE COUNCIL MAY ENTER INTO A

28 WRITTEN AGREEMENT WITH THE TOWN MANAGER REGARDING COMPENSATION
 29 AND OTHER TERMS AND CONDITIONS OF THE TOWN MANAGER’S EMPLOYMENT
 30 NOT INCONSISTENT WITH LAW. Neither the Mayor nor any member of the Council shall
 31 receive such appointment during the term for which he shall have been elected nor within one (1)
 32 year after the expiration of his term.

33 * * *

34
 35 **§ C5-4. Removal of Manager.**
 36 The Council ((shall appoint the Town Manager for an indefinite term and)) may remove THE
 37 TOWN MANAGER by a majority vote of its members, SUBJECT TO ANY SEVERANCE OR
 38 OTHER BENEFITS TO WHICH THE TOWN MANAGER MAY BE ENTITLED UNDER THE
 39 PROVISIONS OF A WRITTEN AGREEMENT BETWEEN THE TOWN MANAGER AND THE
 40 TOWN PURSUANT TO SECTION C5-1. At least thirty (30) days before such removal shall
 41 become effective, the Council shall, by a majority vote of its members, adopt a preliminary
 42 resolution stating the reasons for his removal. The Manager may reply in writing and may request a
 43 public hearing, which shall be held not earlier than twenty (20) days nor later than thirty (30) days
 44 after the filing of such request. After such public hearing, if one is requested, and after full
 45 consideration, the Council, by majority vote of its members, may adopt a final resolution of removal.
 46 By the preliminary resolution, the Council may suspend the Manager from duty but shall in any case
 47 cause to be paid him forthwith any unpaid balance of his salary and his salary for the next three (3)
 48 calendar months following adoption of the preliminary resolution.

49
 50 **SECTION 2. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE**
 51 **TOWN OF LA PLATA** that the date of adoption of this Resolution is August 25, 2009, and the
 52 amendment of the Charter of the Town of La Plata hereby enacted shall become effective on October
 53 14, 2009, unless a proper petition for referendum hereon shall be filed as permitted by law, provided
 54 a complete and exact copy of this Resolution shall be continuously posted on the bulletin board in
 55 the La Plata Town Hall until October 14, 2009, and provided further that a copy of the title of this
 56 Resolution shall be published in the Maryland Independent, a newspaper of general circulation in the
 57 Town of La Plata, or in any other newspaper of such general circulation, four times, once in each of
 58 the weeks beginning September 2, 2009.

59
 60 **SECTION 3. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE**
 61 **TOWN OF LA PLATA** that the Town Clerk is hereby specifically commanded to carry out the
 62 provisions of Section 2. hereof, and, as evidence of such compliance, the Town Clerk shall cause to
 63 be maintained appropriate certificates of publication of the newspaper or newspapers in which the
 64 title of the Resolution shall have been published. If a favorable referendum is held on the Charter
 65 change the Mayor shall proclaim the Charter change hereby enacted to have been approved by the
 66 voters and the charter amendment shall become effective on the date provided by law.

67
 68 **SECTION 4. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE**
 69 **TOWN OF LA PLATA** that as soon as the Charter Amendment hereby enacted shall become

70 effective, either as provided herein or following a referendum, the Town Chief Executive Officer
71 shall send by mail to the Department of Legislative Services of Maryland, a clear certified copy of
72 this Resolution showing the number of Councilmen voting for and against it and a report on the
73 votes cast for or against the amendment hereby enacted at any referendum thereon and the date of
74 such referendum.

75
76 The above Charter Amendment was enacted by the foregoing Resolution which was passed at
77 a regular meeting of the Council of the Town of La Plata on August 25, 2009, four members of the
78 Town Council voting in the affirmative, zero members of the Town Council voting in the negative,
79 zero members of the Town Council abstaining, and one member of the Town Council absent, and the
80 said Resolution becomes effective in accordance with law on the 14 day of October, 2009.

81
82 **ADOPTED** this 25th day of August, 2009.

83
SEAL: **COUNCIL OF THE TOWN OF LA PLATA**

Roy G. Hale, Mayor

R. Wayne Winkler, Councilman

C. Keith Back, Councilman

ATTEST: _____
Paretta D. Mudd, Councilwoman

Danielle Mandley, Town Clerk
Date _____

Joseph W. Norris, Councilman

EXPLANATION:
CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
((Double Parenthesis)) indicate matter deleted from existing law.
Underlining indicates amendments to bill.
~~Strike Out~~ indicates matter stricken from bill by amendment or
deleted from the law by amendment.

