

CHARTER AMENDMENT RESOLUTION NO. 141

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND ENTITLED  
A RESOLUTION AMENDING THE CHARTER (THE "CHARTER") OF MAYOR  
AND CITY COUNCIL OF CUMBERLAND (THE "CITY") BY ADDING TO  
SECTION 82A OF THE CHARTER NEW CLAUSES (3) AND (4) OF SUBSECTION  
(D) AND NEW SUBSECTIONS (E) AND (F) RESPECTIVELY (I) PROVIDING  
THAT THE MAYOR AND CITY COUNCIL, AT ITS OPTION, MAY (A) DELEGATE  
TO ONE OR MORE OFFICIALS THE AUTHORITY TO DETERMINE ANY  
MATTERS CONTEMPLATED BY SUBSECTION (D) OF SECTION 82A AND (B)  
DETERMINE BY ORDINANCE ANY OF THE MATTERS SPECIFIED IN  
CHARTER SUBSECTION 82(D) AS BEING DETERMINABLE BY RESOLUTION,  
(II) PROVIDING FOR OR AUTHORIZING THE METHODS BY WHICH GENERAL  
OBLIGATION DEBT OF THE CITY MAY BE BID FOR IN CONNECTION WITH  
THE SALE OF THE SAME BY SOLICITATION OF COMPETITIVE BIDS AT  
PUBLIC SALE AND THE METHODS BY WHICH ANY NOTICE OF SALE OR  
SUMMARY THEREOF MAY BE PUBLISHED, DISSEMINATED OR MADE  
AVAILABLE, (III) PROVIDING THAT REFERENCES IN CHARTER SECTION 82A  
TO GENERAL OBLIGATION BONDS OF THE CITY SHALL BE CONSTRUED TO  
REFER TO GENERAL OBLIGATION BONDS, GENERAL OBLIGATION NOTES  
OR OTHER GENERAL OBLIGATION EVIDENCES OF INDEBTEDNESS, AND (IV)  
PROVIDING THAT THE GENERAL OBLIGATION BORROWING POWER SET  
FORTH IN CHARTER SECTION 82A IS ADDITIONAL AND SUPPLEMENTAL TO  
ANY OTHER GENERAL OBLIGATION BORROWING AUTHORITY APPLICABLE

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TO THE CITY; AND PROVIDING FOR COMPLIANCE WITH CERTAIN PROVISIONS OF THE ANNOTATED CODE OF MARYLAND PERTAINING TO CHARTER AMENDMENTS.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND:

SECTION 1. Pursuant to the authority of Article XI-E of the Constitution of Maryland, as published in the Constitution of Maryland Article of the Annotated Code of Maryland (West 2002 and 2012 Cumulative Supplement, as amended to date), and Section 13 of Article 23A of the Annotated Code of Maryland (West 2002 and 2012 Cumulative Supplement, as amended to date) (“Article 23A”), the Charter of the City of Cumberland (as published in Municipal Charters of Maryland, Volume 3, 2008 Replacement Edition and November 2011 Supplement, as amended to date) (the “Charter”) be, and the same is hereby, amended by adding to Section 82A of the Charter new clauses (3) and (4) of subsection (d) (to be inserted following existing clause (2) of such subsection (d)) and new subsections (e) and (f) (to be inserted following new subsection (d)(4)) to read as follows:

Section 82A. Bonds – Issuance.

\* \* \* \* \*

(3) The Mayor and City Council may, at its option, delegate to one or more officials the authority to make any of the determinations contemplated in this subsection (d). Notwithstanding the provisions of subsection (b)(1)(iv) of this section, the Mayor and City Council may, at its option, determine or provide for the determination of any of the matters referenced in this subsection (d) by the ordinance contemplated by subsection (b) of this section instead of by resolution.

(4) In connection with any sale of general obligation bonds by the solicitation of competitive bids at public sale, any such competitive bids may be delivered by electronic and/or facsimile means and/or by any other then-commercially reasonable manner for the public sale of municipal obligations by competitive bid; and any notice of sale may be published solely in summary form in a newspaper of general circulation in the City and/or in a generally recognized financial journal such as *The Bond Buyer*, or any notice of sale, rather than being published in full or summary form, may be made available solely via the internet or by other electronic means and/or by any other then-commercially reasonable manner for the sale of municipal obligations, all as determined by the Mayor and City Council by resolution or ordinance in accordance with the provisions of this subsection (d). To the extent the Mayor and City Council determine to publish the notice of sale in full or summary form, any such publication need only be made once at least seven (7) days before the initial date fixed for sale.

(e) References in this section to general obligation bonds shall be construed to refer to general obligation bonds, general obligation notes or other general obligation evidences of indebtedness of the City.

(f) The power conferred on the City under this section shall be deemed to be additional and supplemental to any other general obligation borrowing authority granted to the City by Maryland, City or federal law, and the City may authorize, issue and secure any such general obligation debt in conformity with this section and/or any other applicable law.

SECTION 2. The amendments to the Charter adopted by this Resolution shall become effective upon the fiftieth (50<sup>th</sup>) day after passage of this Resolution, unless a proper petition for referendum meeting the requirements of Section 13 of Article 23A shall be presented or mailed to the Mayor and City Council in accordance with Section 13 of Article 23A on or before the

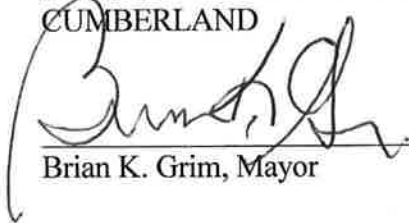
fortieth (40<sup>th</sup>) day after passage of this Resolution. A complete and exact copy of this Resolution shall be posted at City Hall or other main municipal building or public place for a period of at least forty (40) days following its adoption, and the title to this Resolution, being a fair summary of the amendments to the Charter adopted hereby, shall be published in a newspaper of general circulation in the City not less than four (4) times, at weekly intervals, within a period of forty (40) days starting immediately after the date of adoption of this Resolution.

SECTION 3. The Mayor shall send or cause to be sent to the Department of Legislative Services of the State of Maryland, in accordance with the provisions of Sections 17(f) and 9A of Article 23A, the following documents or information concerning the Charter amendments: (1) the complete text of this Resolution; (2) the date of the referendum election, if any, held with respect thereto; (3) the number of votes cast for or against this Resolution by the Mayor and City Council or in a referendum; and (4) the effective date of the Charter amendments.

SECTION 4. The Mayor is hereby authorized and directed to carry out or cause to be carried out the provisions of Sections 2 and 3 hereof. The Mayor shall cause to be maintained in the appropriate records of the City a certificate of publication from the newspaper in which the fair summary of the Charter amendments shall have been published or other evidence of publication; provided that, the failure to so maintain the same shall not invalidate the effectiveness of the Charter amendments provided for in this Resolution.


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MAYOR AND CITY COUNCIL OF  
CUMBERLAND

  
\_\_\_\_\_  
Brian K. Grim, Mayor

(SEAL)

ATTEST:

  
\_\_\_\_\_  
Marjorie A. Eirich  
City Clerk

Introduced: January 29, 2013

Passed: February 12, 2013

Votes for passage: 5

Votes against passage: 0

Abstentions: 0

Effective: April 3, 2013, 2013

Key:

Underlining indicates matter added to existing Charter.

[**Boldface brackets**] indicate matter deleted from existing Charter.

ALLCAPS indicate amendments made to this Charter Amendment Resolution following introduction.

~~Strike-throughs~~ indicate amendments made to this Charter Amendment Resolution following introduction.