



**TOWN OF PORT DEPOSIT  
ORDINANCE AND RESOLUTION 2021-01**

**A curative Ordinance and Resolution Reaffirming Ordinances and Town Council Resolutions passed since the May, 2019 Election with less than four (4) Council members present and voting in the affirmative.**

**WHEREAS**, on November 6, 2018, the Mayor and Council of the Town of Port Deposit (“the Town”), adopted Charter Amendment Resolution 08-2018, and on April 24, 2019 adopted Charter Amendment Resolution 01-2019, which in sum made changes to Section 301 and 609 (in part erroneously identified as Section 610 in Charter Amendment Resolution 08-2018), and reduced the number of Town Council seats from six (6) to four (4); accordingly modifying the seats up for election during the 2019 Town election on the second Tuesday of May, 2019; and in accordingly modifying the seats up for election during the 2021 Town election on the second Tuesday of May, 2021, said Charter Amendments being attached hereto respectively as Exhibits A and B (collectively referred to herein as “the 2018 and 2019 Charter Amendments”); and

**WHEREAS**, subsequent to the adoption of the 2018 and 2019 Charter Amendments, the 2019 Town election was held in accordance with those amendments; and

**WHEREAS**, subsequently, it was determined that the 2018 and 2019 Charter Amendments were adopted without holding public hearings; and

**WHEREAS**, in 2018, the Local Government Article of the Maryland Code (“LG”), § 4-304, setting forth the process by which a municipality undertakes Charter Amendments, was amended to require a public hearing with 21 days’ advance notice. LG, § 4-304(a)(2), effective 7/1/18, Maryland House Bill 625, which was signed into law by the Governor on 4/24/18; and

**WHEREAS**, the 2018 and 2019 Charter Amendments were otherwise adopted in full compliance with applicable law including listing them on a publically available agenda in advance of their

adoption, adoption in a public meeting, the posting of the resolutions at Town Hall for forty days after the resolutions were adopted, and publication of a fair summary of the proposed amendments in a newspaper of general circulation in the municipality at least four times at weekly intervals within the forty days after the resolution was adopted. LG, § 4-304(b); and

**WHEREAS**, Charter Amendment Resolution 08-2018 was published in the Cecil Whig, and posted in Town Hall and on the Town website, for four consecutive weeks beginning on November 16, 2018; and

**WHEREAS**, the public notice for Charter Amendment Resolution 08-2018 was clearly titled “PUBLIC NOTICE” and described that on November 6, 2018, a Charter Amendment Resolution was adopted so that “the qualified voters of this Town shall hold an election for ONE (1) Council member who shall serve a four year term. . . [o]n the second Tuesday of May, 2021, the qualified voters of this town shall hold and election for three (3) council members”, and the notice further notified the public that the Amendment would become effective on December 26, 2018, “unless a petition to have any one or more of such amendments submitted for referendum vote ...”, and listed a contact number for the Town Administrator in case there were any questions about the Charter Amendment; and

**WHEREAS**, Charter Amendment Resolution 01-2019 was published in the Cecil Whig, and posted in Town Hall and on the Town website, for four consecutive weeks beginning on March 15, 2019; and

**WHEREAS**, the public notice for Charter Amendment Resolution 01-2019 was clearly titled “PUBLIC NOTICE” and described that on March 5, 2019, a Charter Amendment Resolution was adopted so that “[a]ll legislative powers of the Town shall be vested in a body designated as ‘The Council of Port Deposit,’ consisting of a Mayor and four (4) Councilmembers[]”, and the notice further notified the public that the Amendment would become effective on April 24, 2019, “unless a petition to have any one or more of such amendments submitted for referendum vote ...” and listed a contact number for the Town Administrator in case there were any questions about the Charter Amendment;

and

**WHEREAS**, the other two Councilmembers who were on the Council when the 2018 and 2019 Charter Amendments were adopted announced in advance of the adoption of those amendments and/or in advance of the May, 2019 Town election that they were not going to run for reelection; and

**WHEREAS**, the position of Mayor and one Council seat went up for election in May, 2019, and the sitting Mayor and Councilman ran unopposed, and were reelected; and

**WHEREAS**, on March 16, 2021, Charter Amendment Resolution 03-2021 was introduced and adopted, after a public hearing with 21 days' advance notice as required by LG, § 4-304(a)(2), reaffirming the 2018 and 2019 Charter Amendments; and

**WHEREAS**, Charter Amendment Resolution 03-2021 is expected to become effective on May 5, 2021; and

**WHEREAS**, the presence of four (4) Councilmembers constituted a quorum for a six (6) member Council, as existed prior to adoption of the 2018 and 2019 Charter Amendments, and the affirmative votes of four (4) Councilmembers constituted a majority of a six (6) member Council and was sufficient to pass legislation pursuant to the Town Charter, § 306; and

**WHEREAS**, since the May, 2019 election, only the following ordinances were passed with less than four (4) Councilmembers present and voting in the affirmative:

***2019-02 - Code vending machines - 2 yes and 2 abstain - Mayor broke with tie with yes***

***2020-01 - Zoning Code B&I District - 3 yes and 1 absent***

***2020-02 - Zoning Code B & I District - 3 - yes and 1 absent***

***2020-03 - Zoning Code B&I District - 3 yes and 1 absent***

***2020-07 - Zoning Code - Camping - 3 yes and 1 absent***

***2020-08 - Zoning Code - Events - 3 yes and 1 absent***

all of which are attached hereto as Exhibit C; and

**WHEREAS**, since the May, 2019 election, only the following resolution was passed with less than four (4) Councilmembers present and voting in the affirmative:

***09-2020 - Seasonal Business/Vendor Uses - 3 yes and 1 abstain***

which is attached hereto as Exhibit D; and

**WHEREAS**, the purpose of this ordinance is to cure any defect there may have been to the passage of the ordinances attached as Exhibit C and the resolution attached as Exhibit D by virtue of the lack of public hearings on 21 days' notice for the 2018 and 2019 Charter Amendments, and any defects that may have been as a result to the passages of the ordinance and resolution attached hereto as Exhibits C and D by reaffirming them with the presence and affirmative votes of four (4) Councilmembers, which would have been sufficient for quorum passage of an ordinance or resolution with six (6) Councilmembers as existed prior to the adoption of the 2018 and 2019 Charter Amendments.

**NOW, THEREFORE, BE IT HEREBY ORDAINED**, that the Council of the Town of Port Deposit hereby re-adopts, re-approves and reaffirms the ordinances attached hereto as Exhibit C;

**AND BE IT RESOLVED** that the Council of the Town of Port Deposit hereby re-adopts, re-approves and reaffirm the resolution attached hereto as Exhibit D.

**BE IT HEREBY FURTHER ORDAINED AND RESOLVED**, that upon this ordinance taking effect, the ordinances attached hereto as Exhibit C and the resolution attached hereto as Exhibit D shall apply retroactively to their respective effective dates as set forth in the original ordinances and resolution; and

**EFFECTIVE DATE**

Ordinance and Resolution 2021-01 was introduced on the 2<sup>nd</sup> day of March, 2021 and adopted on the 6<sup>th</sup> day of April, 2021 and shall take effect on the 26<sup>th</sup> day of April, 2021 as per Article III, Section 309 of the Charter of the Town of Port Deposit, and shall be published at least once in a newspaper having general circulation within the Town of Port Deposit.

**INTRODUCED:** March 2, 2021

**PUBLIC HEARING:** March 16, 2021

**ADOPTED:** April 6, 2021

**EFFECTIVE DATE:** April 26, 2021

**IN WITNESS WHEREOF**, we have set our hands and seals, and adopted Ordinance and Resolution  
2021-01 this 6<sup>th</sup> day of April, 2021.

Affirmative \_\_\_\_\_

Absent \_\_\_\_\_

Negative \_\_\_\_\_

Abstained \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
Town Administrator

\_\_\_\_\_  
Robert Kuhs, Mayor

\_\_\_\_\_  
Kevin Brown, Deputy Mayor

\_\_\_\_\_  
William Baron, Council

\_\_\_\_\_  
Christopher Broomell, Council

\_\_\_\_\_  
Thomas Knight, Council