

Article 23A – Corporations – Municipal

9A.

(a) Whenever the mayor and city council, by whatever name known, of any municipal corporation in this State (as defined in § 9(a) of this article) causes, or is required to cause any of the following documents to be created, implemented or otherwise established, the respective documents shall be deposited with the Department of Legislative Reference, and in the manner, as prescribed by subsection (b) of this section.

(4) ~~A charter amendment, ordinance, referendum or any other device by~~ which the corporate boundaries of the municipality are enlarged or otherwise changed; including (i) a copy of the complete text of it with a statement of [the original boundaries and] the new boundaries, (ii) the date of the referendum election, if any, (iii) the number of votes cast for or against the annexation, whether in the legislative body or in a referendum, and (iv) the effective date of the annexation; as provided for in § 19(p) of this article.

EXPLANATION: Article 23A, § 9A(a)(4) requires a municipal corporation to file with the Department of Legislative Reference certain documents altering the boundaries of the municipal corporation. The filing of the original boundaries with each resolution is unnecessary because by law the original boundaries are already on file, and this requirement only imposes an additional expense. Staff recommends this provision be modified.

(b) The mayor or other chief executive officer, by whatever name known, of each municipal corporation shall send, or cause to be sent, separately by [certified] mail, [return receipt requested,] bearing a postmark from the United States Postal Service, one copy of each of the documents, as appropriate, enumerated in subsection (a) of this section to the Department of Legislative Reference.

EXPLANATION: Article 23A, § 9A(b) requires each municipal corporation to submit certain documents to the Department of Legislative Reference by certified mail, return receipt requested. In practice, however, most municipal corporations submit documents by regular mail to avoid unnecessary cost and time. Moreover, whatever concern that may have existed when the certified mail, return receipt requested requirement was imposed originally is now resolved by the fact that DLR indicates the date of receipt of each resolution in a DLR acknowledgment letter. A municipal corporation may still continue to use certified mail, return receipt requested, if desired for the municipal corporation's own benefit, but this practice should no longer be statutorily required. Staff recommends this provision be modified.

19.

(p) ~~The chief executive and administrative officer of~~ a municipal corporation which has enlarged its corporate boundaries under the provisions of this section shall promptly register [both the original boundaries and] the new boundaries with the clerk or similar official thereof, with the clerk of the court in the county or counties in which the municipal corporation is located, with the Department of Legislative Reference as