Approved

Introduced and Read: 12-7, 2010
2nd Reading and Adoption: 1-4, 2011
Posted: _____, 201_ to_____, 2011
Effective Date: _____, 2011

CITY OF MOUNT RAINIER, MARYLAND

Charter Amendment Resolution No. 1-2010
(Drafted by: Councilmembers Tarlau, Knedler, and City Attorney)
Introduced by: Mayor Miles, Councilmember Shpritzer, Tarlau, Knedler and Thompson

A Resolution to amend Article V (Registration, Nomination, and Elections Procedures) of the Charter of the City of Mount Rainier to provide that a person appointed to fill a Councilmember vacancy shall serve until the next biennial City election when there shall be a special election for that Council office; to provide that if a special election to fill a Council vacancy is required, then the person elected shall serve for the remainder of the unexpired term of the vacant office being filled; and to provide for nomination procedures for 4-year and 2-year terms of office in the event that, due to a Councilmember vacancy filled by appointment, both Council seats in a ward expire at the same City biennial election.

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 Article V, Registration, Nomination, and Election Procedures, of the Charter of the City of Mount Rainier is amended as follows:

Section 505. Nomination Procedures

A. Any person desiring to have his or her name placed upon the official ballot for Mayor or Councilmember at any C((e))ity election shall present to the Supervisor of Elections a petition setting forth his or her name and residence, and the office sought, and such petition shall be signed by at least twenty (20) qualified voters. In the case of a petitioner for Councilmember only signatures of qualified voters residing within the ward from which the petitioner is running shall be counted. No person may file for nomination to more than one elective public office or hold more than one elective public office at one time. Any person nominated as a candidate for elective office must meet the qualifications of the office for which he or she is nominated. The ((Mayor and)) Council shall develop such rules and procedures as are necessary relating to nomination procedures consistent with the provisions of this Charter.

B. If the term of office of a Councilmember expires at the same biennial election as a Special Election for a Council ward seat that was filled by appointment following a vacancy in office, then any person desiring to have his or her name placed on the official ballot for Councilmember shall present a nominating petition to the Supervisor of Elections for either a four year or a two year term of office. The nomination procedures shall be as set forth in this section, except that the nominating petition shall state that the candidacy is for a four year or a

Section 512. Recall of Elected Officials.

* * * *

Section 513. Vacancies in Office.

A. A vacancy in the Office of Mayor or Councilmember shall exist upon the death, resignation, or recall of the official or upon forfeiture of the office by the official in accordance with the provisions of this Charter. Whenever a vacancy occurs the ((~~Mayor and~~)) Council shall declare the vacancy at a public meeting of the Council and fill the office as prescribed by this section.

B. In case of a vacancy occurring in the Office of Mayor, the vacancy shall be filled in the following manner:

1. Where there is 180 days or less remaining in the unexpired term, the Vice-Mayor shall become Mayor and the Council seat held by the Vice-Mayor shall become vacant and filled in accordance with the provisions of this section.

2. Where there is more than 180 days remaining in the unexpired term, the Council shall call a Special Election as provided in Section 514.

((~~D~~)) C. In case of a vacancy in the Office of Councilmember, the Mayor and remaining Councilmembers shall appoint a qualified person from a list of not more than three (3) qualified persons provided by the remaining ward representative, to serve as Councilmember from the appropriate ward until the next biennial election when there shall be a Special Election for that Council office. If a vacancy cannot be filled by this method due to unforeseen circumstances such as multiple simultaneous vacancies in the same ward, the Council shall call a Special Election to fill the vacancy as provided in Section 514 of this Article.

((~~E~~)) D. For the purposes of this section only, the provision of Section 306 of this Charter requiring the affirmative vote of three members of the ((~~Mayor and~~)) Council to take any official action shall be suspended. A simple majority of the remaining members of thee ((~~Mayor and~~)) Council shall be sufficient to fill any vacancies as required by this section.

Section 514. Special Elections.

A. Except as provided in Section 514.B below, ((~~W~~)) whenever a special election is required by this Charter, the ((~~City~~)) Council shall establish a date for the special election not less than thirty (30) days nor more than sixty (60) days from:

1. the date of the regular City election (((~~(~~)) in the case of a tie between candidates for any office((~~)~~)); or

Amendment.

THE ABOVE CHARTER AMENDMENT was enacted by the foregoing Charter Amendment Resolution No. 1-2010 which was passed at a meeting of the Council of the City of Mount Rainier, on January 4, 2011, 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 _____, 2011.

THIS CHARTER AMENDMENT RESOLUTION IS ADOPTED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER ON THIS 4th DAY OF January, 2011.

Attest:

Jeannelle B. Wallace, City Manager

Malinda Miles, Mayor

Jimmy Tarlau, Councilmember

William Updike, Councilmember

Bryan Knedler, Councilmember

Ivy R. Thompson, Councilmember

EXPLANATORY NOTE

1. New language being added to the Charter is shown by underlining.
2. Language being eliminated from the Charter is shown by ((double parentheses)) and ~~strikethroughs.~~
3. Asterisks * * * indicate language of the Charter that is not being changed and is not reproduced herein.

MUNICIPAL CHARTER OR ANNEXATON RESOLUTON REPOSITION 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:

Georgeanne Carter, Legislative Counsel
Municipal Resolution Reposition
Department of Legislative Services
90 State Circle
Annapolis, MD 21401-1991

City of Mount Rainier
Municipal Corporation

Prince George's
County(ies)

Janis G. Lomax City Clerk
Name and Title of Official Submitting this Resolution

One Municipal Place
Address

Mount Rainier, MD
20712

301-985-6585
Phone

January 7th 2011
Date of Submitting this Resolution*

Charter Amendment Resolution No-1-2010
Resolution Number

Date Enacted by Legislative Body

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 _____.

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

3) Will this resolution be petitioned to referendum? _____

If "yes", date of the referendum election (if known) _____.

* *A resolution should be submitted to the Department of Legislative Services* ***10 days after the effective date*** *of the resolution (Art. 23A, § 9A(c)). 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)).*

DLS/1-08