

INTRODUCTION: December 21, 2021
ADOPTION: January 04, 2022
EFFECTIVE DATE: February 23, 2022

CITY OF MOUNT RAINIER, MARYLAND
CHARTER AMENDMENT RESOLUTION NO. 09-2021

Introduced by: Mayor Benitez and City Council

A Resolution to Amend the Charter of the City of Mount Rainier to Change the Procedure for Filling a Vacant City Council Seat.

WHEREAS, the City of Mount Rainier (hereinafter, the “City”) is a municipal corporation of the State of Maryland, organized and operating under a Charter in accordance with Article XI E of the Constitution of Maryland, and Md. Code Ann., Local Gov’t Article; and

WHEREAS, pursuant to Local Govt. Art., §§ 4-301 et seq. the City has the authority to amend the City Charter, in accordance with the procedures set forth therein; and

WHEREAS, the City has, pursuant to the authority of Article XI-E, Section 4 of the Constitution of the State of Maryland and Local Govt. Art., § 5-202, adopted City Charter, Article V, “Registration, Nomination, and Election Procedures”, including provisions for municipal elections for the offices of Mayor and the members of the City Council, and in particular Section 513, “Vacancies in Office”; and

WHEREAS, the City Council deems the public interest best served by amending Section 513, “Vacancies in Office”, of the Charter to provide that vacancies with respect to a Council seat shall be filled by special election in certain circumstances.

SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER, MARYLAND, that Section 513, “Vacancies in Office”, of the City Charter, shall be amended to read as follows:

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 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.

C. In case of a vacancy in the Office of Councilmember,

1. THE VACANCY SHALL BE FILLED IN THE FOLLOWING MANNER:

A. IF IT OCCURS MORE THAN ONE YEAR BEFORE THE NEXT GENERAL ELECTION, THE VACANCY SHALL BE FILLED BY SPECIAL ELECTION AS PROVIDED IN SECTION 514 OF THIS ARTICLE.

B. IF IT OCCURS LESS THAN ONE YEAR BEFORE THE NEXT GENERAL ELECTION, 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.

2. If a vacancy cannot be filled by ~~[[this method]]~~ THE METHODS SET FORTH IN SUBSECTION C.1. OF THIS SECTION 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.

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 the Mayor and Council shall be sufficient to fill any vacancies as required by this section.

SECTION 2. BE IT FURTHER RESOLVED that a complete and exact copy of this Charter Amendment Resolution shall be posted at City Hall for a period of at least forty (40) days following adoption and that a fair summary of the proposed Amendment shall be published in a newspaper of general circulation in the City not less than four (4) times at weekly intervals within that forty (40) day period.

SECTION 3. BE IT FURTHER RESOLVED that this Charter Amendment shall take effect on the 50th day after adoption, provided that not timely petition for referendum has been filed in accordance with Md. Code Ann., Local Gov't Art., § 4-304(d) on or before the 40th day after adoption. In the case of a required referendum, provided that a majority of voters vote in favor of the Charter Amendment set forth herein, the Charter Amendment shall take effect upon the Mayor's proclamation of the results, which shall occur within 10 days of certification of the results by the Board of Elections.

SECTION 4. BE IT FURTHER RESOLVED that the City Clerk is directed to send to the Department of Legislative Services, within 10 days of the date on which the Charter Amendment become effective, the following information concerning the Charter Amendment: (i) the complete text of this Charter Amendment Resolution; (ii) the date of the referendum election, if any held with respect thereto; (iii) the number of votes cast for and against this Charter Amendment Resolution by the Mount Rainier Mayor and City Council, or a referendum election; and (iv) the effective date of the Charter Amendment.

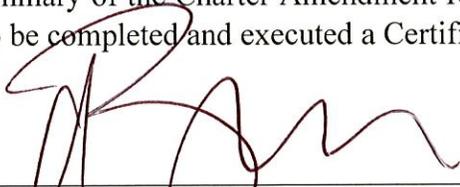
SECTION 5. BE IT FURTHER RESOLVED that the City Clerk is specifically instructed to carry out the provisions of Sections 2, 3, and 4 hereof, as evidence of compliance herewith, and that the

City Clerk shall cause to be affixed to this Charter Amendment Resolution and to the Minutes of the regular meeting of the City Council at which it is adopted an appropriate certificate of publication of the newspaper in which the summary of the Charter Amendment Resolution shall have been published and shall further cause to be completed and executed a Certificate of Effect.

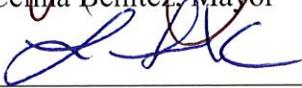
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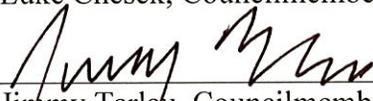
Melissa Sam, City Clerk



Celina Benitez, Mayor



Luke Chesek, Councilmember Ward 1



Jimmy Tarlau, Councilmember Ward 1



Jarrett Stoltzfus, Councilmember Ward 2

