

COUNCIL OF THE CITY OF SEAT PLEASANT, MARYLAND CHARTER
AMENDMENT RESOLUTION NO. CA-23-08

Introduced by: City Council

Date Introduced: January 3, 2023

First Reading: January 3, 2023

Second Reading: January 9, 2023

Date Adopted: January 9, 2023

Date Effective: February 27, 2023

A CHARTER AMENDMENT RESOUTLION OF THE COUNCIL OF THE CITY OF SEAT PLEASANT AMENDING § C-615, SPECIAL ELECTIONS OF THE CHARTER OF THE CITYOF SEAT PLEASANT (as published in Municipal Charters of Maryland, Vol. 13), pursuant to the authority of Article XI-E of the Constitution of Maryland and §§ 4-302(1) and 4-304 of the Local Government Article of the Maryland Annotated Code to amend the Charter of the City of Seat Pleasant for the purpose of Altering Provisions related to Special Elections, and the use of special elections to fill certain vacancies.

RECITALS

WHEREAS , pursuant to Article XI-E, § 3 of the Constitution of Maryland, the Council of the City of Seat Pleasant (the "Council"), as the legislative body of The City of Seat Pleasant, Maryland (the "City"), is authorized and empowered to amend the Charter of the City of Seat Pleasant (the "Charter"); and

WHEREAS, pursuant to Article XI-E, § 4 of the Constitution of Maryland, an amendment to the Charter shall be proposed either by a resolution of the Council or by a petition containing the signatures of at least twenty (20) percent of the registered voters of the City and filed with the Council; and

WHEREAS , pursuant to Md. Code Ann., Local Gov't §§ 4-302(1) and 4-304, the Council may initiate a proposed amendment or amendments to the Charter by a resolution which, except as otherwise specified in Title 4, Subtitle 3 of the Local Government Article, is adopted in the same manner as other resolutions in the City by a majority of all the individuals elected to the Council, as the legislative body of the City, and the same shall be subject to the right of referendum; and

WHEREAS , the Council has determined that the Charter amendments set forth herein are necessary for a more effective and efficient means of government; and

WHEREAS, the Council, to provide for the reasonable and appropriate representation of the citizens of the City and to provide for the better management and governance of the City and its affairs, deems it necessary and appropriate for the good government and citizens of the City to amend certain provisions of the Charter as set forth herein.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that, pursuant to the authority of Article XI-E of the Constitution of Maryland and §§ 4-302(1) and 4-304 of the Local Government Article of the Maryland Annotated Code, the Municipal Charter of the City of Seat Pleasant (as published in Municipal Charters of Maryland, Vol. 13 be, and the same is hereby, amended as follows:

SECTION 1. BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that the following changes are made to § C-615, of the Charter:

§ C-615 Special Elections

All special City elections shall be conducted by the Board of Supervisors of Elections with the assistance of the City Clerk in the same manner and with the same personnel, (()) if practicable, as regular City elections, IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION AS FOLLOWS:

A. GENERALLY. IN ADDITION TO REGULARLY SCHEDULED ELECTIONS, SPECIAL ELECTIONS SHALL BE HELD TO RESOLVE ELECTIONS RESULTING IN A TIE AND/OR TO FILL VACANCIES THAT HAVE GREATER THAN FIFTEEN MONTHS OF TIME BEFORE THE NEXT REGULARLY SCHEDULED ELECTION, WHICH SHALL BE CONDUCTED PURSUANT TO THIS SECTION.

B. RUNOFF ELECTIONS.

1. IF, IN ANY ELECTION DIRECTED BY THE CHARTER, ANY TWO OR MORE CANDIDATES FOR THE OFFICE OF MAYOR OR COUNCILMEMBER WHO HAVE RECEIVED THE HIGHEST NUMBER OF VOTES RECEIVE AN EQUAL NUMBER OF VOTES, OR THE VOTE UPON ANY BINDING REFERENDUM RESULTS IN A TIE, A RUNOFF SPECIAL ELECTION BETWEEN THESE CANDIDATES AND/OR TIED REFERENDA SHALL BE ORDERED AND CONDUCTED BY THE BOARD.

2. ANY RUNOFF SPECIAL ELECTION REQUIRED BY SUBSECTION B(1) OF THIS SECTION SHALL BE HELD WITHIN SEVENTY-FIVE (75) DAYS OF THE ELECTION IN WHICH THE TIE VOTE OCCURRED AND SHALL INCLUDE THOSE OFFICES FOR WHICH THE EQUAL NUMBER OF VOTES WAS CAST OR REFERENDUM QUESTIONS WHICH RESULTED IN A TIE VOTE.

C. SPECIAL ELECTION TO FILL VACANCY

1. IF AT ANY POINT THE OFFICE OF THE MAYOR AND/OR ONE OR MORE SEATS

ON THE COUNCIL BECOMES VACANT WITH MORE THAN FIFTEEN (15) MONTHS REMAINING IN THE TERM, THE BOARD OF SUPERVISORS OF ELECTIONS, AT THE DIRECTION OF THE COUNCIL, SHALL CONDUCT A SPECIAL ELECTION TO FILL THE VACANCIES.

2. THE SPECIAL ELECTION SHALL BE HELD WITHIN SEVENTY-FIVE (75) DAYS OF THE DATE THE VACANCY WAS CREATED.
3. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBSECTION, NO SPECIAL ELECTION TO FILL A VACANCY SHALL BE HELD.

SECTION 2. BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that, in this Resolution, unless a section of the Charter is expressly repealed in its entirety and reenacted, new, or added language is underlined, and deleted text is enclosed in double parentheses. Language added after the date of introduction is in italicized type and text deleted after the date of introduction is enclosed in bold brackets.

SECTION 3. BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that if any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Resolution, it being the intent of the Council that this Resolution shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 4. BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that to the extent that any section of the Charter is in conflict with the provisions of Sections I of this Resolution, such section or sections be and hereby are repealed to the extent of such conflict.

SECTION 5. BE IT FURTHER RESOLVED BY THE BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that the date of passage of this Resolution is January 9, 2023, and the Charter amendment enacted by this Resolution shall become effective upon the fiftieth (50th) day after passage, or on February 27, 2023, unless a proper petition for a referendum hereon shall be filed on or before the fortieth (40th) day after passage, or on February 17, 2023 as provided by law. A complete and exact copy of this Resolution shall be posted on the city's website, and at City Hall, 6301 Addison Rd., Seat Pleasant, Maryland 20743, or another main municipal building or public place, for a period of at least forty (40) days following its passage, or until February 17th, 2023, and the title to this Resolution, being a fair summary of the Charter amendment enacted 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 at least forty (40) days, starting immediately after the date of its passage, or between January 19th, 2023 and February 9th, 2023.

SECTION 6. BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF

SEAT PLEASANT that as soon as the Charter amendments adopted by this Resolution shall become effective, either as herein provided or following a referendum, the City Clerk or the chief executive officer of the City shall send by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to the Department of Legislative Services of the State of Maryland, the following documents or information concerning the Charter amendments herein: (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 Council or in a referendum; and (4) the effective date of the Charter amendments.

SECTION 7. BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that the City Clerk is hereby authorized and directed to carry out the provisions of Sections 5 and 6 hereof; and as evidence of compliance herewith, the City Clerk shall cause to be affixed to the minutes of the Council for the meeting at which this Resolution is adopted: (1) a certificate to the effect that this Resolution was duly and properly posted as provided in Section 5 herein; (2) an appropriate certificate of publication in the newspaper in which the fair summary of the Charter amendments herein shall have been published as provided in Section 5 herein; and (3) the return receipt of the mailing as provided in Section 6 herein; provided, however, that failure to comply with any of the foregoing shall not invalidate this Resolution.

COUNCIL OF THE CITY OF SEAT PLEASANT

DocuSigned by:

Monica Higgs

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Monica Higgs, Councilmember

DocuSigned by:

Hope Love

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Hope Love, Councilmember

DocuSigned by:

Shireka McCarthy

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Shireka McCarthy, Councilmember

DocuSigned by:

Gerald R. Raynor, Sr.

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Gerald R. Raynor, Sr., Councilmember

DocuSigned by:

Kizzie Scott

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Kizzie Scott, Councilmember

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Gloria L. Sistrunk

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Gloria L. Sistrunk, Councilmember

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James Wright, Jr.

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James Wright, Jr., Councilmember

ATTEST:

DocuSigned by:

Dashaun N. Lanham

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Dashaun N. Lanham, CMC
City Clerk

Approved for Legal Sufficiency:

DocuSigned by:

Jason Deloach

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Jason Deloach, Esq.

Date: 1/10/2023

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

((Double Parenthesis)) indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike Out~~ indicates matter stricken from bill by amendment or deleted from the law by amendment.