

CITY COUNCIL OF THE CITY OF SEAT PLEASANT, MARYLAND

CHARTER AMENDMENT RESOLUTION NO. R-10-10

Introduced By **City Council**
Date Introduced **November 9, 2009**
Amendments Adopted **None**
Date Adopted **November 9, 2009**
Date Effective **December 29, 2009**

A CHARTER AMENDMENT RESOLUTION concerning

FILLING VACANCIES – MAYOR AND COUNCIL

FOR the purpose of altering the process for filling vacancies in the offices of Mayor and Councilpersons.

BY Repealing and reenacting, with amendments,
 Article III, The Council
 Section C-309
 Charter of the City of Seat Pleasant

WHEREAS, the City Council has reviewed Article III, Section C-309, "Filling of Vacancies", of the Charter of the City of Seat Pleasant and has recommended amendments to this Section to establish a formal process for the solicitation, application and consideration of persons to fill vacancies in the offices of Mayor and Councilpersons; and

WHEREAS, the Council desires to adopt these amendments to the Charter. Now, therefore,

SECTION 1. BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT, that Section C-309 of the Charter of the City of Seat Pleasant is amended to read as follows:

Section C-309. Filling of Vacancies

A VACANCY IN THE OFFICE OF MAYOR OR COUNCILPERSON SHALL BE FILLED BY A PERSON WHO MEETS THE QUALIFICATIONS SET FORTH IN SECTIONS C-302 AND C-609 OF THIS CHARTER. In event of a vacancy in the office of the Mayor or Councilperson the Council shall PUBLISH AN ADVERTISEMENT IN A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY. THE ADVERTISEMENT SHALL PROVIDE

PUBLIC NOTICE OF THE VACANCY AND SHALL SOLICIT QUALIFIED PERSONS TO SUBMIT, ON OR BEFORE A DATE SPECIFIED IN THE NOTICE, LETTERS OF INTEREST FOR CONSIDERATION TO FILL THE VACANCY. THE NOTICE ALSO SHALL STATE THAT EACH LETTER OF INTEREST MUST BE ACCOMPANIED BY THE CANDIDATE'S RESUME AND A PETITION AS SPECIFIED BELOW. CONCURRENTLY WITH THE PUBLICATION OF THE ADVERTISEMENT THE COUNCIL ALSO SHALL MAIL A NOTICE THAT CONTAINS INFORMATION SUBSTANTIALLY SIMILAR TO THE PUBLISHED NOTICE. THE MAILED NOTICE SHALL BE SENT TO ALL REGISTERED VOTERS IN THE CITY, EXCEPT THAT WHEN THE VACANCY IS TO FILL THE POSITION OF COUNCILPERSON FROM ONE OF THE COUNCILMANIC SUBDIVISIONS SPECIFIED IN SECTION C-609, NOTICE SHALL BE MAILED ONLY TO THE REGISTERED VOTERS IN THAT COUNCILMANIC SUBDIVISION. EACH CANDIDATE TO FILL A VACANCY SHALL FILE THE CANDIDATE'S LETTER OF INTEREST, RESUME AND A PETITION THAT SATISFIES THE REQUIREMENTS OF SECTION C-610 WITH THE OFFICE OF THE CITY CLERK ON OR BEFORE THE DATE SPECIFIED IN THE NOTICE. FOLLOWING THE DATE SPECIFIED IN THE NOTICE FOR THE FILING OF APPLICATIONS TO FILL A VACANCY, THE COUNCIL SHALL CONDUCT A PUBLIC REVIEW OF ALL QUALIFIED CANDIDATES WHO HAVE SUBMITTED THE REQUIRED LETTERS OF INTEREST, RESUMES AND PETITIONS. THIS PUBLIC REVIEW MAY INCLUDE A PUBLIC HEARING FOR PUBLIC COMMENT ON THE CANDIDATES. AFTER THE COUNCIL COMPLETES ITS PUBLIC REVIEW, THE COUNCIL MAY appoint some person qualified in accordance with Section C-302 AND SECTION C-609((, to serve until the next regularly scheduled election)). THE COUNCIL ALSO MAY REJECT ALL CANDIDATES AND REPEAT THE PROCESS ESTABLISHED IN THIS SECTION UNTIL THE COUNCIL APPOINTS A QUALIFIED PERSON TO FILL THE VACANCY. A vacancy shall be filled by the favorable votes of a majority of the remaining members of the Council and the results of such votes shall be recorded in the minutes of the Council. A PERSON APPOINTED TO FILL A VACANCY SHALL SERVE UNTIL THE NEXT REGULARLY SCHEDULED ELECTION.

SECTION II. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that the amendment of the Charter of the City of Seat Pleasant hereby enacted shall become effective on the fiftieth day following its adoption unless a proper petition for referendum hereon shall be filed as permitted by law, provided a complete and exact copy of this Resolution shall be continuously posted on the bulletin board in the City Hall for a period of at least forty (40) days after the adoption of this Resolution, and provided further that a copy of the title of this Resolution shall be published in a newspaper of general circulation in the City of Seat Pleasant, at weekly intervals in each of four successive weeks, the last date of such publication being not later than forty (40) days after the adoption of this Resolution.

SECTION III. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that the City Administrator is hereby specifically commanded to carry out the provisions of Section II hereof, and, as evidence of such compliance, the City Administrator shall cause to be maintained appropriate certificates of publication from the newspaper or newspapers in which the title of the Resolution shall have been published. If a

favorable referendum is held on the Charter change the Mayor shall proclaim the Charter change hereby enacted to have been approved by the voters and the charter amendment shall become effective on the date provided by law.

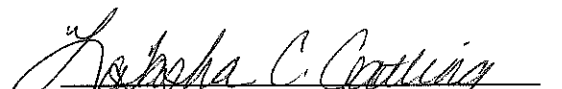
SECTION IV. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that as soon as the Charter Amendment hereby enacted shall become effective, either as provided herein or following a referendum, the City Administrator shall send by mail, to the Department of Legislative Services of Maryland, a clear certified copy of this Resolution showing the number of Councilmembers voting for and against it and a report on the votes cast for or against the amendment hereby enacted at any referendum thereon and the date of such referendum.

ADOPTED this 9th Day of November, 2009.

ATTEST:

COUNCIL OF THE CITY OF SEAT PLEASANT


Dashaun N. Lanham, City Clerk


LaTasha C. Gatling, Council President

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 the bill by amendment or deleted from the law.

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The above Charter Amendment was enacted by the foregoing Resolution which was passed at a regular meeting of the Council of The City of Seat Pleasant on November 9, 2009, 4 members of the City Council voting in the affirmative, 0 members of the City Council voting in the negative, 0 members of the City Council abstaining and 2 member of the City Council absent, and the said Resolution becomes effective in accordance with law on the December 29, 2009 (50 days from the date of adoption).


Dashaun N. Lanham
City Clerk