

Introduced by: Councilmember Dyballa Introduction and First Reading: November 6, 2019
Adoption: November 13, 2019
Effective Date: January 2, 2020

CITY OF TAKOMA PARK, MARYLAND

CHARTER AMENDMENT RESOLUTION NO. 2019-1

**AMENDMENT TO THE TAKOMA PARK CITY CHARTER
ARTICLE III CITY COUNCIL**

**TO REQUIRE THAT EACH VOTING WARD BE COMPACT IN FORM,
COMPOSED OF ADJOINING TERRITORY, AND HAVE SUBSTANTIALLY EQUAL
POPULATIONS; CHANGE THE COUNCIL’S ORGANIZATIONAL MEETING TO
THE SECOND WEDNESDAY FOLLOWING THE ELECTION; AND ELIMINATE
GENDER BINARY LANGUAGE**

WHEREAS, the Takoma Park Board of Elections undertook a review of the City Charter and City Code to prepare for implementation of the change of election date to coincide with State and federal general elections; and

WHEREAS, the City Council discussed the Board’s recommendations and other revisions at work sessions and held a public hearing on October 23, 2019; and

WHEREAS, Section 5.08.010 of the City Code sets forth a requirement that each of the City’s six wards should be compact in form, composed of adjoining territory, and have substantially equal population, but that language is more appropriately located in Article III of the City Charter; and

WHEREAS, newly elected Councilmembers and the Mayor take office on the second Wednesday following their election, but if the date conflicts with Veterans Day or a Council-recognized religious holiday, the City Council desires that the swearing in and organizational meeting should be moved to the following day; and

WHEREAS, the Mayor and Councilmembers are prohibited from serving on any City board, commission or other body that has authority to adjudicate or otherwise resolve disputes, but that limitation should only apply to bodies that adjudicate or otherwise resolve disputes in the City; and

WHEREAS, the Maryland Open Meetings Act was moved from the State Government Article to the General Provisions Article of the Annotated Code of Maryland when the Maryland Code was most recently re-codified; and

1 **WHEREAS**, as updates are made to the City Charter and Code, the City Council desires to
2 remove gender binary references.
3

4 **SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE**
5 **CITY OF TAKOMA PARK**, pursuant to Article XI-E of the Constitution of the State of
6 Maryland, Title 4, Subtitle 3 of the Local Government Article of the Annotated Code of
7 Maryland, and Article V, Amendment Procedures of the City of Takoma Park Municipal
8 Charter, that the City of Takoma Park Municipal Charter Article III is amended as follows:
9

10 **ARTICLE III**
11 **THE COUNCIL**
12

13 **Section 301 Number, Selection, Term, Wards**
14

15 (a) All legislative powers of the City are vested in a body designated as the Council of the City
16 of Takoma Park, consisting of seven (7) members. Six (6) of these members are elected by ward
17 and are called Councilmembers, and one (1) is elected at large and is called the Mayor. The
18 regular term of the Councilmembers and the Mayor is two (2) years or until their successors have
19 been elected and duly sworn. The term of the Councilmembers and Mayor elected in the 2017
20 regular election is three (3) years. Newly elected Councilmembers and the Mayor take office on
21 the second Wednesday following their election, but if this day conflicts with Veterans Day or a
22 Council-recognized religious holiday, they will take office on the next day, Thursday.
23

24 (b) If no one is elected to fill any position on the Council, or if the candidate elected for any
25 position on the Council is unable to take office, the Clerk shall declare the position to be vacant.
26

27 (c) The City of Takoma Park shall be divided into six (6) wards for municipal voting purposes.
28 Each ward shall be compact in form, composed of adjoining territory, and have substantially
29 equal population. The ward boundaries shall be established by ordinance and shall be reviewed
30 after each decennial census. The boundary descriptions of the six (6) wards shall be kept on file
31 for public view at all times in the office of the City Clerk.
32

33 **Section 302 Qualifications and Salary of the Mayor**
34

35 (a) The Mayor must have resided in the City for at least six (6) months immediately preceding
36 [his/her] their election, must be at least 18 years of age by the date of [his/her] their election, and
37 must be a qualified voter of the City. The Mayor must maintain [his/her] their principal residence
38 in the City during [his/her] their term of office. If the Mayor changes [his/her] their principal
39 residence from the City, the Mayor's term shall be immediately terminated and the vacancy shall
40 be filled as provided in Section 308 of this Charter. The Mayor is prohibited from holding other
41 publicly elected offices during [his/her] the term of office, and is prohibited from serving on any
42 City board, commission, or other body that has authority to adjudicate or otherwise resolve
43 disputes in the City.
44

45 (b) The Mayor, who during [his/her] their term of office is convicted of or enters a plea of nolo
46 contendere to any crime which is a felony or which is a misdemeanor related to the Mayor's
47 public duties and responsibilities and involves moral turpitude for which the penalty may be

1 incarceration in any penal institution, shall be removed from office pursuant to Section 2 of
2 Article XV of the Constitution of Maryland.

3
4 (c) The Mayor may receive an annual salary as set from time to time by an ordinance passed by
5 the Council in regular course of business; provided, however, that no change may be made in the
6 salary of the Mayor, either by increase or decrease during the term for which ~~he/she was~~ they
7 were elected. The ordinance making any change in the salary paid to the Mayor, either by way
8 ~~[or]~~ of increase or decrease, shall be adopted prior to the next municipal election and shall take
9 effect only after the oath of office is administered subsequent to that election ~~[as to the next~~
10 ~~succeeding Mayor.]~~.

11 **Section 303 Powers and Duties of the Mayor.**

12
13
14 (a) **General.** As the chief elected official of the City, the Mayor shall be recognized as head of
15 the City government for all intergovernmental affairs and ceremonial purposes, by the Courts for
16 service and receipt of civil process, and by the governor for purpose of military law.

17
18 (b) **Council meetings.** The Mayor shall be a member of the Council and shall set an agenda in
19 accordance with the Council rules and preside at all meetings of the Council.

20
21 (c) **Mayor Pro Tempore.** The Mayor shall appoint a member of the Council as the Mayor Pro
22 Tempore who shall serve as the Mayor in the absence of the Mayor.

23 **Section 304 Qualifications and Salary of Councilmembers**

24
25
26 (a) Councilmembers must have resided in the City (and the ward from which they are elected)
27 for at least six (6) months immediately preceding their election, must be at least 18 years of age
28 by the date of their election, and must be qualified voters of the City. Councilmembers must
29 maintain their principal residence in the City and in their ward during their term of office. If a
30 Councilmember changes ~~his/her~~ their principal residence from the City or from the ward from
31 which the Councilmember was elected, the Councilmember's term shall be immediately
32 terminated and the vacancy shall be filled as provided in Section 308 of this Charter.

33 Councilmembers are prohibited from holding other publicly elected offices during their term of
34 office, and are prohibited from serving on any City board, commission, or other body that has
35 authority to adjudicate or otherwise resolve disputes in the City.

36
37 (b) Any Councilmember, who during ~~his/her~~ their term of office is convicted of or enters a
38 plea of nolo contendere to any crime which is a felony or which is a misdemeanor related to the
39 Councilmember's public duties and responsibilities and involves moral turpitude for which the
40 penalty may be incarceration in any penal institution, shall be removed from office pursuant to
41 Section 2 of Article XV of the Constitution of Maryland.

42
43 (c) Each Councilmember may receive an annual salary which shall be equal for all
44 Councilmembers and may be as specified from time to time by an ordinance passed by the
45 Council in the regular course of its business; provided, however, that the salary specified at the
46 time any Council takes office may not be changed during the period for which the Council was
47 elected. The ordinance making any change in the salary paid to the Councilmembers either by

1 way of increase or decrease shall be adopted prior to the next municipal election, and shall take
2 effect only after the oath of office is administered subsequent to that election~~[as to the members~~
3 ~~of the next succeeding Council]~~.

4
5 **Section 305 Meeting of the Council**

6
7 The newly elected Council shall meet on the second Wednesday ~~[Monday]~~ following its election
8 for the purpose of organization, after which the Council shall meet regularly at such times as
9 may be prescribed by its rules, but generally not less frequently than once each calendar month.
10 However, the Council may recess as it deems necessary. If the second Wednesday following its
11 election conflicts with Veterans Day or a recognized religious holiday, the Council shall meet the
12 next day, Thursday.

13
14 Special meetings may be called by the Mayor, or a majority of the members of the Council. All
15 meetings of the Council shall be open to the public unless the meeting is closed by the Council in
16 accordance with the provisions of the Open Meetings Act, Title 3 of the General Provisions
17 Article ~~[Subtitle 5 of Title 10 of the State Government Article]~~, Annotated Code of Maryland, as
18 amended. The rules of the Council shall provide that residents of the City shall have a reasonable
19 opportunity to be heard at any regular public meeting in regard to any municipal question.

20
21 **Section 306 Quorum**

22
23 A majority of the Council shall constitute a quorum for the purpose of transacting business
24 except as otherwise provided in this Charter.

25
26 **Section 307 Procedure of the Council**

27
28 The Council shall determine its own rules and order of business. It shall keep written minutes of
29 its meetings. The minutes shall reflect each item that the ~~[e]~~Council considered; the action that
30 the Council took on each item; and each vote that was recorded. The minutes of regular public
31 meetings shall be open to public inspection. If the ~~[e]~~Council meets in closed session, then, in
32 accordance with the provisions of the Open Meetings Act, Title 3 of the General Provisions
33 Article~~[Subtitle 5 of Title 10 of the State Government Article]~~, Annotated Code of Maryland, as
34 amended, the minutes for its next regular public meeting shall include: (1) a statement of the
35 time, place, and purpose of the closed meeting; (2) a record of the vote of each member of the
36 ~~[e]~~Council as to closing the meeting; (3) a citation of the authority under the Open Meetings Act
37 for closing the meeting; and (4) a listing of the topics of discussion, persons present, and each
38 action taken during the closed meeting.

39
40 **Section 308 Vacancies on the Council**

41
42 (a) Method of Filling Vacancies. Should a vacancy on the Council occur more than two
43 hundred and forty (240) days before the next regularly scheduled City election, a special election
44 shall be held to fill the vacancy. If the vacancy occurs less than two hundred and forty (240) days
45 before the next regularly scheduled City election, the remaining members of the Council by a
46 majority vote shall, within sixty (60) days, appoint a person who is qualified in accordance with

1 Section 302 or Section 304, as applicable, to fill such vacancy for the remainder of the unexpired
2 term.

3
4 (b) Special Election. If a vacancy is to be filled by special election, the remaining members of
5 the Council shall, by resolution, establish a date for the special election which shall be not less
6 than forty-five (45) days nor more than sixty (60) days from the date of the vacancy.

7
8 (c) Ballot. If the requirements of Section 302 or Section 304, as applicable, are met, a person
9 may have their [his/her] name listed on the special election ballot as a candidate to fill a vacancy
10 on the Council by submitting a petition to the City Clerk with a sufficient number of valid
11 signatures at least twenty (20) days prior to the date scheduled for the special election.

12
13 (d) Petition. The petition must clearly state that its purpose is to place a specific person's name
14 on the ballot at a special election to fill a vacancy on the Council of the City of Takoma Park, the
15 office and/or ward that the election is being held to fill, and the date of the special election.

16
17 (1) For a Mayoral vacancy, a person must have the signatures of at least 30 qualified voters
18 of the City in order to be listed on the special election ballot as a candidate.

19
20 (2) For a Councilmember vacancy, a person must have the signatures of at least 10
21 qualified voters of the ward in which there is a vacancy in order to be listed on the special
22 election ballot as a candidate.

23
24 (3) A qualified voter may sign the petition of more than one person to fill a vacancy on the
25 Council. Each qualified voter shall print their [his/her] name under the signature and shall
26 include their [his/her] address and the date of their [his/her] signature on the petition.

27
28 (4) Before listing a person's name on a special election ballot as a candidate to fill a
29 vacancy on the Council, the City Clerk shall verify that sufficient signatures on a petition are
30 from qualified voters of the City and for a Councilmember vacancy of the ward in which
31 there is a vacancy. The invalidation of one signature on a petition shall not serve to
32 invalidate any other signatures on a petition.

33
34 (e) Voting. For a Mayoral vacancy, all qualified voters of the City may vote in the special
35 election to fill a vacancy on the Council. For a Councilmember vacancy, only qualified voters of
36 the ward in which there is a vacancy may vote in the special election to fill a vacancy on the
37 Council.

38
39 (f) Write-Ins Permitted. A qualified voter also may write in the name of a candidate on the
40 special election ballot to fill a vacancy on the Council.

41
42 (g) Results of Special Election. The candidate who meets the qualifications for office as
43 specified in Section 302 or Section 304, as applicable, and who wins [~~receives a majority of~~
44 ~~votes~~] in accordance with Section 606 in the special election to fill a vacancy on the Council
45 [~~shall be the winner and~~] shall serve on the Council for the remainder of the unexpired term for
46 which their [his/her] predecessor was elected.

SECTION 2. BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, that the date of adoption of this Charter Amendment Resolution is November 13, 2019, and the amendment of the City of Takoma Park Municipal Charter enacted by this Resolution shall become effective on January 2, 2020 (50 days after its passage), unless a proper petition for referendum shall be filed as permitted by Section 502 of the City of Takoma Park Municipal Charter and Annotated Code of Maryland, Local Government Article, Section 4-304. A complete and exact copy of this Charter Amendment Resolution shall be continuously posted on a bulletin board at the Takoma Park Community Center -- Sam Abbott Citizens' Center from November 14, 2019 until December 31, 2019 (a period of at least 40 days following its adoption), and a fair summary of the proposed Charter Amendment shall be published in a newspaper of general circulation in the City of Takoma Park once a week for four weeks within 40 days after passage of this Charter Amendment Resolution.

SECTION 3. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, that the City Clerk is specifically directed to carry out the provisions of Section 2 of this Resolution and, as evidence of this compliance, the City Clerk shall maintain appropriate certificates of the publication of the newspaper in which the fair summary of the Charter Amendment Resolution shall have been published. If a favorable referendum is held on the proposed amendment, the Council shall proclaim the proposed Charter Amendment hereby enacted to have been approved by the voters and the Charter Amendment shall become effective on the date provided by law.

SECTION 4. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, that as soon as the Charter Amendment enacted by this Resolution shall become effective, either as provided in this Resolution or following a referendum, the City Clerk shall send to the Department of Legislative Services of Maryland the following information concerning the Charter Amendment Resolution: (1) the complete text of this Charter Amendment Resolution; (2) the date of the referendum election, if any; (3) the number of votes, whether in the Council or in a referendum, cast for or against the Charter Amendment enacted by this Resolution; and (4) the effective date of the Charter Amendment.

THE ABOVE CHARTER AMENDMENT was enacted by the foregoing Charter Amendment Resolution No. 2019-1 which was passed at a meeting of the Council of the City of Takoma Park, Maryland, on the 13th day of November, 2019, seven members of the Council voting in the affirmative, no members of the Council voting in the negative, no members of the Council abstaining, and no members of the Council absent, and the said Charter Amendment Resolution becomes effective in accordance with the law on the 2nd day of January, 2020.

THIS CHARTER AMENDMENT RESOLUTION IS ADOPTED BY THE COUNCIL OF THE CITY OF TAKOMA PARK THIS 13TH DAY OF NOVEMBER, 2019, BY ROLL CALL VOTE AS FOLLOWS:

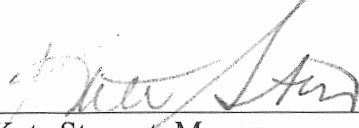
Aye: Stewart, Kovar, Dyballa, Kostiuik, Seamens, Smith, Searcy
Nay: None
Abstain: None

1 Absent: None

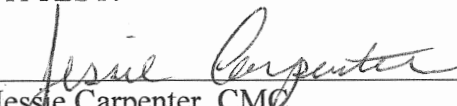
2
3 **Explanatory Note**

- 4
5 1. Underlining indicates language being added to the Charter.
6 2. [Bold brackets and ~~striketrough~~] indicates language being deleted from the Charter.
7 3. ***** indicates sections of the Charter that are not being amended and are not
8 reproduced here.
9
10

11
12 **COUNCIL OF THE CITY OF TAKOMA PARK**

13
14 
15 _____
16 Kate Stewart, Mayor
17
18

19 ATTEST:

20
21 
22 _____
23 Jessie Carpenter, CMC
24 City Clerk

25 Date: November 14, 2019
26
27
28