

ARTICLE V
AMENDMENT PROCEDURES

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. 2019-2

**AMENDMENT TO TAKOMA PARK CHARTER, ARTICLE V AMENDMENT
PROCEDURES TO PROVIDE THAT THE SIGNATURE REQUIREMENT FOR
CHARTER AMENDMENT PETITIONS IS TWENTY PERCENT OF QUALIFIED
VOTERS AT THE TIME OF THE MOST RECENT GENERAL CITY ELECTION**

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, pursuant to the Annotated Code of Maryland, Local Government Article, Section 4-305, qualified voters of the City may initiate a proposed amendment or amendments to the City Charter by submitting a petition signed by 20% of persons qualified to vote in municipal general elections; and

WHEREAS, pursuant to the Annotated Code of Maryland, Local Government Article, Section 4-304, qualified voters of the City may petition to referendum a proposed amendment or amendments to the City Charter by submitting a petition signed by at least 20% of qualified voters for of the municipality; and

WHEREAS, by referencing the number of qualified voters for the most recent general City election, petitioners will be able to know in advance the required number of valid signatures needed on such petitions.

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

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ARTICLE V
AMENDMENT PROCEDURES

Section 501 Initiation

An amendment to this Charter may be initiated by the Council or by a petition of qualified voters of the City of Takoma Park.

Section 502 Initiation by the Council

(a) The Council may initiate a proposed amendment or amendments to the Charter by a resolution which, except as otherwise specified in this section, is passed by a majority of the Council. The Council shall hold a public hearing on any such proposed amendment or amendments and shall not take final action on a resolution less than fourteen (14) days following the hearing.

(b) In conformity with a requirement imposed upon the General Assembly by Article 3, Section 29 of the Constitution of Maryland, the resolution shall contain the complete and exact wording of the proposed amendment or amendments, prepared so that the section or sections are set forth as they would read when amended or enacted. This Charter or any section thereof may not be revised or amended by reference to its title or section only.

(c) In conformity with a requirement imposed on the General Assembly by Article 3, Section 29 of the Constitution of Maryland, every Charter amendment adopted by the Council shall embrace but one subject, and that shall be described in its title. Prior to the passage of any resolution which proposes an amendment or amendments to the charter, a public hearing thereon shall be held by the Council, public notice of which shall be given in a newspaper of general circulation in the City of Takoma Park once a week for two successive weeks, the last such notice to appear at least ten (10) days prior to the public hearing. Such public notice shall state the title of the Charter amendment and shall specify the time and place of the public hearing to be held thereon. The public hearings shall be conducted by the Council under such procedures as it shall, in its discretion establish.

(d) The City Clerk shall give notice by posting and publication of any resolution which proposes an amendment or amendments to this Charter. A complete and exact copy of the resolution containing the proposed amendment or amendments shall be posted at City Hall or another main municipal building or public place for a period of at least forty (40) days following its adoption.

(e) A fair summary of the proposed amendment or amendments shall be published in a newspaper of general circulation in the City of Takoma Park not less than four (4) times, at weekly intervals within a period of at least forty (40) days after the adoption of the resolution containing the proposed amendment or amendments.

(f) The amendment or amendments so proposed by the Council shall become and be considered a part of the Charter, according to the terms of the amendment or amendments, in all respects to be effective and observed as such, upon the fiftieth (50) day after being so ordained or

1 passed, unless on or before the fortieth (40) day after being so ordained or passed there shall be
2 presented to the Council, or mailed to it by registered mail, a petition meeting the requirements
3 of this section.
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5 (g) The petition shall be signed by qualified City voters at least equal in number to twenty
6 percent (20%) of registered voters at the time of the most recent general City election [~~twenty~~
7 ~~(20) percent or more of the persons who are qualified to vote as set forth in this charter in the~~
8 ~~municipal general elections in the City of Takoma Park as defined in this charter]~~ and shall
9 request that the proposed amendment or amendments be submitted on referendum to the voters
10 of the City. Each person signing the petition shall indicate thereon such person's name and
11 residence address. Upon receiving the petition for a referendum, the City Clerk is directed to
12 verify that any person who signed it is qualified to vote in its municipal general elections and
13 shall consider the petition to have no effect if it has too few valid signatures [~~as of no effect if it~~
14 ~~is signed by fewer than twenty (20) percent of the persons who are qualified to vote in municipal~~
15 ~~general elections]~~.
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17 (h) If the petition for a referendum complies with the requirements of this section, the Council
18 shall by resolution, passed as in its normal legislative procedure, specify the day and the hours
19 for the election at which the question shall be submitted to the voters of the City of Takoma
20 Park. This may be at either the next regular general election or at a special election at the
21 discretion of the Council. In the event a special election is designated, it shall be held within a
22 period of not less than forty (40) days nor more than sixty (60) days after the final passage of the
23 resolution providing for the referendum. The resolution providing for the referendum shall
24 specify the exact wording which is to be placed on the ballots or voting systems[~~machines~~] when
25 the question is submitted to the voters of[~~in~~] the City.
26

27 **Section 503 Initiation by Petition**

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29 (a) [~~Twenty (20) percent or more of the persons who are qualified to vote in municipal~~
30 ~~general elections in the City of Takoma Park]~~ Qualified City voters at least equal in number to
31 twenty percent (20%) of registered voters at the time of the most recent general City election
32 may initiate a proposed amendment or amendments to the Charter, by a petition presented to the
33 Council. The petition shall contain the complete and exact wording of the proposed amendment
34 or amendments, and the proposed amendment or amendments shall be prepared in conformity
35 with the several requirements contained in subsections (b) and (c) of Section 502 of this Article.
36 Each person signing it shall indicate thereon such person's name and residence address. Upon
37 receiving the petition, the City Clerk is directed to verify that any person who signed it is
38 qualified to vote in City[~~municipal general~~] elections and that the petition contains the required
39 number of signatures[~~, and shall consider the petition as of no effect if it is signed by fewer than~~
40 ~~twenty (20) percent of the persons who are qualified to vote in municipal general elections]~~. If
41 the petition complies[~~d~~] with the requirements of this section, the Council shall by resolution[~~;~~]
42 passed as in its normal legislative procedure, and not later than sixty (60) days after the petition
43 shall have been presented to it, specify the day and the hours for the election at which the
44 question shall be submitted to the voters of the City of Takoma Park. This may be at either the
45 next regular municipal election or at a special election, in the discretion of the Council. In the
46 event a special election is designated, it shall be within a period of not less than forty (40) days
47 nor more than sixty (60) days after the final passage of the resolution. In the resolution, the exact

1 wording shall be specified which is to be placed on the ballots or voting systems when the
2 question is submitted to the voters of the City.

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4 (b) Provided, however, that if the Council shall approve the amendment or amendments
5 provided for in the petition presented to it under subsection (a) above, it shall have the right by
6 resolution to adopt the amendment or amendments thereby proposed and to proceed thereafter in
7 the same manner as if the amendment or amendments had been initiated by the Council and in
8 compliance with the provisions of Section 502 of this Article.

9
10 **Section 504 Posting and Publication**

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12 The Clerk shall give notice by posting and publication of any submission of a proposed Charter
13 amendment to the voters thereof. For four (4) weeks immediately preceding the election, at
14 which the question is to be submitted, a complete and exact copy of the wording of the proposed
15 Charter amendment or amendments shall be posted at City Hall or other main municipal building
16 or in a public place. On the day of the election, a similar copy shall be posted at the place or
17 places for voting. Notice of the election, together with a fair summary of the proposed
18 amendment or amendments, shall be published in a newspaper of general circulation of the City
19 of Takoma Park, not less than once in each of the four (4) weeks immediately preceding the
20 election.

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22 **Section 505 Referendum**

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24 (a) On the day and during the hours specified for any referendum, the proposed Charter
25 amendment or amendments shall be submitted to the qualified voters of the City. The official or
26 officials thereof whose duty it is to arrange for and conduct the regular municipal elections shall
27 perform the same duties so far as relevant to the referendum election on the proposed Charter
28 amendment or amendments. It is the intent of this section that the referendum election shall be
29 conducted generally according to the procedures and practices observed for regular City
30 elections, except as specifically or necessarily modified by the provisions of the section. The
31 wording specified by the Council in the resolution providing for a referendum on the charter
32 amendment or amendments, shall be placed on the ballots or voting systems used at the
33 referendum election. The expenses of the election shall be defrayed by the City.

34
35 (b) The official or officials charged with the duty to arrange for and conduct the referendum,
36 promptly following the closing of the polls, shall tally the results thereof, and shall forthwith
37 certify the results of the referendum to the Council.

38
39 (c) If a majority of those who vote on any question so submitted to the voters of the City shall
40 cast their votes in favor of the proposed Charter amendment or amendments, the Mayor shall so
41 proclaim publicly within ten (10) days after receiving a certification of the votes from the
42 officials conducting the referendum; and on the thirtieth (30) day following the public
43 proclamation the proposed [e]Charter amendment or amendments shall become a part of the
44 Charter of the City of Takoma Park, according to its terms, in all respects to be effective and
45 observed as such. If less than a majority of those who vote on any such questions shall cast their
46 votes in favor of the proposed Charter amendment or amendments, the Mayor shall so proclaim,

1 adding to the proclamation the statement that the proposed Charter amendment or amendments
2 contained in said question are null and void and of no effect whatsoever.
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4 **Section 506 Form and Registration of Amendment**

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6 (a) In any proposal to amend an existing [e]Charter of the City, the new matter, if any, to be
7 added to the Charter shall be indicated by being underscored or in italics and all matters to be
8 eliminated from the existing Charter, if any, shall be indicated in its proper place by enclosing
9 such matter in double parentheses or in boldface brackets. Where the subject matter consists of
10 an entirely new section or sections the words of such new section or sections shall also be
11 underscored or in italics or contain some marginal or other notation to that effect. When the
12 purpose of any proposal is to repeal in its entirety any section or sections of the existing Charter,
13 the matter intended to be repealed need not be written out in full and enclosed in either double
14 parentheses or boldface brackets.
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16 (b) The resolution to amend the Charter shall identify the source of the existing section or
17 sections, citing the code or other publication or amendments in which appears the most recent
18 text of the section or sections to be amended.
19

20 (c) Amendments to the Charter shall be in a consecutively numbered series.
21

22 (d) The resolution to amend the Charter shall provide specifically (and not simply by
23 implication) for the repeal of any section or sections of the existing Charter which are
24 inconsistent with the amended section or sections.
25

26 (e) A proposal to amend the Charter, whether initiated by the Council or by a petition of
27 qualified voters of the City, may not be rescinded after its adoption by the Council or after its
28 formal submission in a petition, in any manner other than that of another Charter amendment.
29

30 (f) At the time a Charter amendment or amendments become effective by reason of having
31 been ordained or passed by the Council, or at the time of making a public proclamation as to the
32 vote on any question containing a proposed Charter amendment or amendments which have been
33 adopted, the Mayor shall send separately by registered mail to the Secretary of State of Maryland
34 and to the Department of Legislative Services the following information concerning the Charter
35 amendment or amendments: (1) The complete text thereof, (2) the date of the referendum
36 election, if any, (3) the number of votes cast for and against each question containing the Charter
37 amendment or amendments, whether in the Council or in a referendum, and (4) the effective date
38 of the Charter amendment or amendments.
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40 (g) The Charter amendment or amendments are not effective and shall not be applied or
41 considered as if effective, unless and until it or they have been registered as required in
42 subsection (f) of this section.
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44 **Section 507 Codification of Amendments**

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46 The exact text of any amendment or amendments to the Charter adopted as in this Article
47 specified, shall thereafter be included in any subsequent edition or codification of the Charter of

1 the City, until altered, modified or repealed by a subsequent amendment or amendments to the
2 Charter.

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4 **SECTION 2. BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF**
5 **TAKOMA PARK**, that the date of adoption of this Charter Amendment Resolution is
6 November 13, 2019, and the amendment of the City of Takoma Park Municipal Charter enacted
7 by this Resolution shall become effective on January 2, 2020 (50 days after its passage), unless a
8 proper petition for referendum shall be filed as permitted by Section 502 of the City of Takoma
9 Park Municipal Charter and Annotated Code of Maryland, Local Government Article, Section 4-
10 304. A complete and exact copy of this Charter Amendment Resolution shall be continuously
11 posted on a bulletin board at the Takoma Park Community Center -- Sam Abbott Citizens'
12 Center from November 14, 2019 until December 31, 2019 (a period of at least 40 days following
13 its adoption), and a fair summary of the proposed Charter Amendment shall be published in a
14 newspaper of general circulation in the City of Takoma Park once a week for four weeks within
15 40 days after passage of this Charter Amendment Resolution.

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

25
26 **SECTION 4. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY**
27 **OF TAKOMA PARK**, that as soon as the Charter Amendment enacted by this Resolution shall
28 become effective, either as provided in this Resolution or following a referendum, the City Clerk
29 shall send to the Department of Legislative Services of Maryland the following information
30 concerning the Charter Amendment Resolution: (1) the complete text of this Charter Amendment
31 Resolution; (2) the date of the referendum election, if any; (3) the number of votes, whether in
32 the Council or in a referendum, cast for or against the Charter Amendment enacted by this
33 Resolution; and (4) the effective date of the Charter Amendment.

34
35 **THE ABOVE CHARTER AMENDMENT** was enacted by the foregoing Charter
36 Amendment Resolution No. 2019-2 which was passed at a meeting of the Council of the City of
37 Takoma Park, Maryland, on the 13th day of November, 2019, seven members of the Council
38 voting in the affirmative, no members of the Council voting in the negative, no members of the
39 Council abstaining, and no members of the Council absent, and the said Charter Amendment
40 Resolution becomes effective in accordance with the law on the 2nd day of January, 2020.

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

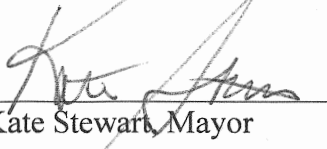
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46 **Aye:** Stewart, Kovar, Dyballa, Kostiuk, Seamens, Smith, Searcy
47 **Nay:** None


1 **Abstain: None**
2 **Absent: None**

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4 **Explanatory Note**

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6 1. Underlining indicates language being added to the Charter.
7 2. [Bold brackets and ~~strikethrough~~] indicates language being deleted from the Charter.
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11 **COUNCIL OF THE CITY OF TAKOMA PARK**

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14 _____
15 Kate Stewart, Mayor
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18 ATTEST:
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20 _____
21 Jessie Carpenter, CMC
22 City Clerk
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24 Date: November 14, 2019
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