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 X1E 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.
SECTION 2. BE IT FURTHER RESOLVED that the City Clerk shall issue a special election to fill such vacancies, as provided in Section 1C of Article 7 of the Home Rule Charter, if a vacancy occurs more than one year before the next general election, in accordance with the provisions of this Article.

In case of a vacancy in the office of County Commissioner, a special election shall be held by the Board of Elections to fill such vacancy.

D. For the purposes of this Article only, the provision of Section 306 of this Charter shall be interpreted as provided in Section 1C of this Article.

If a vacancy occurs less than one year before the next general election, the Mayor shall appoint a qualified person from among the Board of County Commissioners to fill such vacancy in accordance with the provisions of this Article.

If a vacancy occurs during the first year of a term, the successor shall serve for such unexpired term.
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.

Attest:

Melissa Sam, City Clerk

Celina Benitez, Mayor

Luke Chesek, Councilmember Ward 1

Jimmy Tarlau, Councilmember Ward 1

Jarrett Stoltzfus, Councilmember Ward 2