

COUNCIL OF THE CITY OF SEAT PLEASANT, MARYLAND CHARTER
AMENDMENT RESOLUTION NO. CA-23-03

Introduced by: City Council
Date Introduced: January 3, 2023
First Reading: January 3, 2023
Second Reading: January 9, 2023
Date Adopted:
Date Effective:

A CHARTER AMENDMENT RESOLUTION OF THE COUNCIL OF THE CITY OF SEAT PLEASANT TO AMEND § C-309, FILLING OF VACANCIES, OF THE CHARTER OF THE CITY OF 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 for the purpose of including each political office and section in the Charter to be filled when a vacancy occurs, and providing that the title of this Charter Amendment Resolution shall be deemed a fair summary.

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; and

WHEREAS, the title of this Charter Amendment Resolution shall be deemed a fair summary.

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-309, of the Charter:

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 §§ C-302, **C-401** and C-609 of this Charter. In event of a vacancy in the office of the Mayor or Councilperson, IT WILL BE FILLED BY APPOINTMENT IF LESS THAN FIFTEEN MONTHS IS REMAINING IN THE TERM. 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 § 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 § 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 § C-302 and § C-609. 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 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 17th, 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 27th, 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

Monica Higgs, Councilmember

Hope Love, Councilmember

Shireka McCarthy, Councilmember

Gerald R. Raynor, Sr., Councilmember

Kizzie Scott, Councilmember

Gloria L. Sistrunk, Councilmember

James Wright, Jr., Councilmember

ATTEST:

Dashaun N. Lanham, CMC
City Clerk

Approved for Legal Sufficiency:

Jason Deloach, Esq.

Date: _____

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.