



CHARTER AMENDMENT RESOLUTION 19-01

**CHARTER AMENDMENT RESOLUTION
OF THE CITY COUNCIL OF NEW CARROLLTON AMENDING CITY
CHARTER, §C-3 "GOVERNMENT OF THE CITY" TO REMOVE THE
REQUIREMENT FOR STAGGERED TERMS FOR ELECTED OFFICIALS AND
TO PROVIDE FOR HOW THE CHANGE WILL OCCUR; AND AMENDING
CITY CHARTER, §C-7 "ELECTIONS" TO EFFECTUATE THE ELIMINATION
OF STAGGERED TERMS**

WHEREAS, pursuant to the authority contained in Article XI-E, §4 of the Constitution of the State of Maryland and Md. Code Ann., Local Gov't Art., §4-301 et seq., the City Council of New Carrollton has the authority to amend the City's Charter, in accordance with the procedures set forth therein; and

WHEREAS, based upon the outcome of a nonbinding referendum in which City voters said that the City should remove the requirement for staggered terms so that the Mayor and all City Councilmembers are elected at the same time, the City Council of New Carrollton desires to amend the City Charter to eliminate the requirement for staggered terms of elected City officials; and

WHEREAS, the City Council of New Carrollton deems it to be necessary and appropriate for good government and for the good of the City of New Carrollton to amend the City Charter accordingly.

Section 1: NOW, THEREFORE, BE IT RESOLVED by the City Council of New Carrollton, that the Charter of the City of New Carrollton, §C-4 "Qualifications of elected officials" shall be and is hereby amended to read as follows:

§ C-3 Government of the City.

- A. Election and terms of office. The government of the City shall be vested in a Mayor and a Council of five (5) members, elected at large. On the first Monday in May of each even-numbered year, there shall be a general election as herein provided, at which a Mayor and two (2) Councilmembers shall be elected to two-year terms, **EXCEPT THAT IN THE YEAR 2020 A MAYOR AND TWO COUNCILMEMBERS WILL BE ELECTED TO SERVE ONE THREE (3) YEAR TERM.** On the first Monday in May of each odd-numbered year **THROUGH AND INCLUDING MAY 3, 2021**, there shall be a general election as herein provided, at which three (3) Councilmembers shall be elected for two-year terms. **COMMENCING WITH THE 2023 CITY ELECTION, THERE SHALL BE NO MORE STAGGERED TERMS AND A MAYOR AND COUNCIL OF FIVE MEMBERS SHALL BE ELECTED TO TWO (2) YEAR TERMS ON THE FIRST**

MONDAY IN MAY, 2023 AND IN EVERY ODD-NUMBERED YEAR THEREAFTER.

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Section 2: NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of New Carrollton that the Charter of the City of New Carrollton, §C-7 "Elections" shall be and is hereby amended to read as follows:

§ C-7 Elections

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- D. Candidates elected. At each election in which a Mayor is to be elected, the candidate for Mayor receiving the highest number of votes cast at the election shall be declared duly elected to the office of Mayor. At the election held during every even-numbered year **THROUGH AND INCLUDING THE MAY 2020 ELECTION**, the two (2) candidates for Councilmember receiving the highest number of votes cast at the election shall be declared duly elected to the office of Councilmember, and at the election held during every odd-numbered year **THROUGH AND INCLUDING THE MAY 2021 ELECTION**, the three (3) candidates for Councilmember receiving the highest number of votes cast at the election shall be declared duly elected to the office of Council-member. **COMMENCING WITH THE MAY 2023 CITY ELECTION, THE FIVE (5) CANDIDATES FOR THE OFFICE OF COUNCILMEMBER WITH THE HIGHEST NUMBER OF VOTES IN AN ELECTION SHALL BE DECLARED ELECTED AS THE CITY COUNCIL.** In the event of a special election to fill a vacancy on the Council, the candidate or candidates for Councilmember receiving the highest number of votes cast at the election shall be declared elected to complete the unexpired term(s) of office of Councilmember. In the event that vacancies on the Council would require that one (1) or more additional Councilmembers be elected at an election to a one-year term to maintain a full five-member Council, the candidate or candidates for Councilmember receiving the next-highest number of votes cast at the election, after those candidates elected to the regular two-year terms on the Council, shall be declared elected to the office of Council Member for the one-year term or terms. In the event of a tie vote for any office, a runoff election between the tied candidates shall be conducted on the fourth Tuesday following the date of the election in which the tie vote occurred.

Section 3: NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of New Carrollton that if any provision of this Charter Amendment Resolution or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction,

BOLD CAPITALS: INDICATE LANGUAGE ADDED TO THE CITY CHARTER.

* * *: Indicate language in the city charter that remains unchanged.

the invalidity does not affect other provisions or any other application of this Charter Amendment Resolution that can be given effect without the invalid provision or application, and for the purpose the provision of this Charter Amendment Resolution are declared severable.

Section 4: BE IT FURTHER RESOLVED that this Charter Amendment Resolution is adopted this 16th day of January, 2019, and that the amendments to the Charter of the City of New Carrollton, hereby proposed by this enactment, shall be and become effective fifty (50) days after its passage by the City unless petitioned to referendum in accordance with the Local Government Article of the Annotated Code of Maryland within 40 days following its passage. A fair summary of this Resolution shall be posted in the City Hall for forty (40) days following its adoption and published in a newspaper having general circulation in the City no fewer than four (4) times at weekly intervals within the forty (40) days following its passage by the City.

Section 5: BE IT FURTHER RESOLVED that prior to the adoption of this Charter Amendment Resolution, the City Council of New Carrollton conducted a public hearing on the proposed amendment on the 16th day of January, 2019, after at least 21 days' advance notice of the public hearing.

Section 6: BE IT FURTHER RESOLVED that as soon as the Charter Amendment Resolution hereby enacted becomes effective, either as herein provided or following referendum, the City Administrative Officer shall send to the Department of Legislative Services, the following information concerning the Charter Amendment Resolution: (i) the complete text of this Resolution; (ii) the date of referendum election, if any, held with respect thereto; (iii) the number of votes cast for and against this Resolution by the City Council of New Carrollton or in a referendum; and (iv) the effective date of the Charter Amendment.

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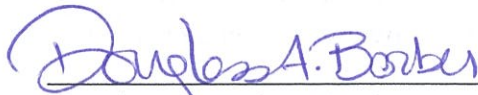
Section 7: BE IT FURTHER RESOLVED that the City Administrative Officer of the City of New Carrollton, Maryland be, and hereby is specifically instructed to carry out the provisions of Sections 4 and 6 as evidence of compliance herewith; and the City Administrative Officer shall cause to be affixed to the minutes of this meeting an appropriate Certificate of Publication of the newspaper in which the fair summary of the Charter Amendment shall have been published, and shall further cause to be completed and executed the Certificate of Effect.

INTRODUCED by the City Council of New Carrollton at a Regular Meeting of the City Council on the 19th day of December 2018.

ADOPTED AND ENACTED by the City Council of New Carrollton at a Regular Meeting of the City Council on the 16 day of January, 2019.

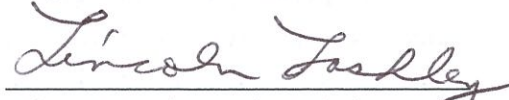
Effective: March 7, 2019

Attest:



Douglass A. Barber, CMC
City Clerk

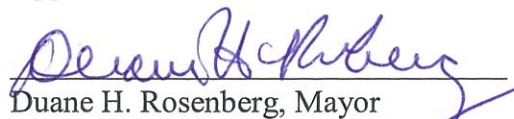
City of New Carrollton



Lincoln Lashey, Vice Chairman

Date: January 16, 2019

Approved:



Duane H. Rosenberg, Mayor

Date: January 16, 2019

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* * *:

Indicate language in the city charter that remains unchanged.