

Introduced: Ms. Mach
1st Reading: June 8, 2009
Passed: June 22, 2009
Posted: June 23, 2009
Effective: August 11, 2009

CHARTER AMENDMENT RESOLUTION NUMBER 2009-2

RESOLUTION NUMBER 1045

A RESOLUTION OF THE CITY OF GREENBELT ADOPTED PURSUANT TO THE AUTHORITY OF ARTICLE XI-E OF THE CONSTITUTION OF MARYLAND AND SECTION 13 OF ARTICLE 23A OF THE ANNOTATED CODE OF MARYLAND, (1957 EDITION AS AMENDED), TITLE, "CORPORATION-MUNICIPAL," SUBTITLE "HOME RULE" TO AMEND THE CHARTER OF THE CITY OF GREENBELT FOUND, IN WHOLE OR IN PART, IN THE COMPILATION OF MUNICIPAL CHARTERS OF MARYLAND (1983 EDITION AS AMENDED), AS PREPARED BY THE DEPARTMENT OF LEGISLATIVE SERVICES PURSUANT TO CHAPTER 77 OF THE ACTS OF THE GENERAL ASSEMBLY OF MARYLAND OF 1983, BY AMENDING PARAGRAPH (A) OF SECTION 4, TITLED "CREATION; QUALIFICATIONS; COMPENSATION" AND SECTION 31 TITLED "ELECTION OF COUNCIL" TO INCREASE THE SIZE OF THE COUNCIL FROM FIVE TO SEVEN MEMBERS (CHARTER AMENDMENT RESOLUTION NO. 2009-2)

SECTION I WHEREAS, in February 2008, the City received correspondence from the American Civil Liberties Union of Maryland and the Prince George's County Branch of the NAACP raising concerns about the City's voting process and subsequently learned that the U.S. Department of Justice was investigating Greenbelt's election system. In response to these concerns, City Council engaged in dialogue and deliberations with residents, other stakeholders and staff to determine what changes, if any, were needed to the City's election system. One of the suggestions resulting from this process was to increase the size of the Council to allow for additional residents to run for office, as well as provide additional Council members to carry out the necessary business of a growing City. NOW, THEREFORE,

SECTION II BE IT RESOLVED AND ORDAINED by the Council of the City of Greenbelt that the Charter of the City, found, in whole or in part, in the compilation of Municipal Charters of Maryland (1983 edition as amended), as prepared by the Department of Legislative Services pursuant to Chapter 77 of the Acts of the General Assembly of Maryland of 1983, shall be amended to read as follows:

* * * * *

Sec. 4. Creation; qualifications; compensation.

(a) Except as otherwise provided in this charter, all powers of the city shall be vested in a council of five (5) members prior to November 9, 2009 and a council of seven (7) members beginning November 9, 2009 nominated and elected from the city at large in the manner hereinafter provided. The term of each member of council shall be for two (2) years

and until his or her successor shall have qualified, and shall begin on the first Monday following the regular council election or run-off election.

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Sec. 31. Election of council.

All members of council shall be elected at large. Every voter shall be entitled to vote for ~~five (5)~~seven (7) candidates. The candidates receiving votes amounting to forty (40) percent or more of the number of voters voting at the election, shall be declared elected. If more candidates receive votes amounting to forty (40) percent or more of the number of voters voting than there are offices to be filled, those candidates receiving the greatest number of votes shall be declared elected. If, however, fewer than ~~five (5)~~seven (7) candidates in a field of ~~six (6)~~eight (8) or more candidates receive votes amounting to forty (40) percent or more of the persons voting in the election, a runoff election will be held to fill the vacancies remaining. This runoff election will be held on the seventh day following the first election. In the runoff election twice as many names, if possible, will be printed on the ballot as there are vacancies remaining unfilled. These names will be of those unelected candidates who polled the greatest number of votes in the first election. The names shall be listed in the order as they appear on the ballot for the first election. In the runoff election the remaining position will be filled by declaring elected the candidate or candidates receiving the greatest number of votes.

If, as a result of any election, an office cannot be declared filled because of an equal number of votes being received by two (2) or more candidates, a runoff election shall be held on the seventh day following the election. The names of the candidates receiving the tie vote shall be placed on the ballot and the candidate receiving the greatest number of votes in the runoff election shall be declared elected.

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SECTION III BE IT FURTHER RESOLVED that the date of the adoption of this resolution is June 22, 2009, and that the amendment to the Charter of the City, as herein adopted, shall be and become effective on August 11, 2009, unless on or before August 1, 2009, a proper petition for referendum on this resolution shall be filed as permitted by law.

SECTION IV BE IT FURTHER RESOLVED that a complete and exact copy of this resolution shall be posted at the Greenbelt City Office, 25 Crescent Road, Greenbelt, Maryland, until August 1 and a fair summary of the proposed Charter amendment contained in this resolution shall be published in a newspaper of general circulation in the City of Greenbelt not fewer than four (4) times at weekly intervals before August 1, 2009.

SECTION V BE IT FURTHER RESOLVED that as soon as the Charter amendment hereby enacted shall become effective, either as herein provided or following a referendum, the City Manager shall send or cause to be sent to the Department of Legislative Reference the following information concerning this Charter resolution: (1) the complete text of this resolution; (2) the date of enactment of the Charter amendment; (3) the date of the referendum election, if any; (4) the

number of votes cast for or against this resolution whether by the City Council or in a referendum; and (5) the effective date of the Charter amendment contained herein.

SECTION VI AND BE IT FURTHER RESOLVED that the City Manager of the City of Greenbelt be and hereby is specifically enjoined and instructed to carry out or cause to be carried out the provisions of Sections IV and V.

Judith F. Davis, Mayor

ATTEST:

Cindy Murray, City Clerk

Key:

Underscoring indicates language added to existing law.

~~Overstriking~~ indicates language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.