

### ARTICLE III THE COUNCIL

#### Section 301 Number, Selection, Term, Wards

(a) All legislative powers of the City are vested in a body designated as the Council of the City of Takoma Park, consisting of seven (7) members. Six (6) of these members are elected by ward and are called Councilmembers, and one (1) is elected at large and is called the Mayor. The regular term of the Councilmembers and the Mayor is two (2) years or until their successors have been elected and duly sworn. The term of the Councilmembers and Mayor elected in the 2017 regular election is three (3) years. Newly elected Councilmembers and the Mayor take office on the second Wednesday following their election, but if this day conflicts with Veterans Day or a recognized religious holiday, they will take office on the next day, Thursday.

(b) If no one is elected to fill any position on the Council, or if the candidate elected for any position on the Council is unable to take office, the Clerk shall declare the position to be vacant.

(c) The City of Takoma Park shall be divided into six (6) wards for municipal voting purposes. Each ward shall be compact in form, composed of adjoining territory, and have substantially equal population. The ward boundaries shall be established by ordinance and shall be reviewed after each decennial census. The boundary descriptions of the six (6) wards shall be kept on file for public view at all times in the office of the City Clerk.

#### Section 302 Qualifications and Salary of the Mayor

(a) The Mayor must have resided in the City for at least six (6) months immediately preceding ~~his/her~~ their election, must be at least 18 years of age by the date of ~~his/her~~ their election, and must be a qualified voter of the City. The Mayor must maintain ~~his/her~~ their principal residence in the City during ~~his/her~~ their term of office. If the Mayor changes ~~his/her~~ their principal residence from the City, the Mayor's term shall be immediately terminated and the vacancy shall be filled as provided in Section 308 of this Charter. The Mayor is prohibited from holding other publicly elected offices during ~~his/her~~ the term of office, and is prohibited from serving on any City board, commission, or other body that has authority to adjudicate or otherwise resolve disputes in the City.

(b) The Mayor, who during ~~his/her~~ their term of office is convicted of or enters a plea of nolo contendere to any crime which is a felony or which is a misdemeanor related to the Mayor's public duties and responsibilities and involves moral turpitude for which the penalty may be incarceration in any penal institution, shall be removed from office pursuant to Section 2 of Article XV of the Constitution of Maryland.

(c) The Mayor may receive an annual salary as set from time to time by an ordinance passed by the Council in regular course of business; provided, however, that no change may be made in the salary of the Mayor, either by increase or decrease during the term for which ~~he/she was~~ they were elected. The ordinance making any change in the salary paid to the Mayor, either by

way [or] of increase or decrease, shall be adopted prior to the next municipal election and shall take effect only as to the next succeeding Mayor.

### **Section 303 Powers and Duties of the Mayor.**

- (a) **General.** As the chief elected official of the City, the Mayor shall be recognized as head of the City government for all intergovernmental affairs and ceremonial purposes, by the Courts for service and receipt of civil process, and by the governor for purpose of military law.
- (b) **Council meetings.** The Mayor shall be a member of the Council and shall set an agenda in accordance with the Council rules and preside at all meetings of the Council.
- (c) **Mayor Pro Tempore.** The Mayor shall appoint a member of the Council as the Mayor Pro Tempore who shall serve as the Mayor in the absence of the Mayor.

### **Section 304 Qualifications and Salary of Councilmembers**

- (a) Councilmembers must have resided in the City (and the ward from which they are elected) for at least six (6) months immediately preceding their election, must be at least 18 years of age by the date of their election, and must be qualified voters of the City. Councilmembers must maintain their principal residence in the City and in their ward during their term of office. If a Councilmember changes [his/her] their principal residence from the City or from the ward from which the Councilmember was elected, the Councilmember's term shall be immediately terminated and the vacancy shall be filled as provided in Section 308 of this Charter. Councilmembers are prohibited from holding other publicly elected offices during their term of office, and are prohibited from serving on any City board, commission, or other body that has authority to adjudicate or otherwise resolve disputes in the City.
- (b) Any Councilmember, who during [his/her] their term of office is convicted of or enters a plea of nolo contendere to any crime which is a felony or which is a misdemeanor related to the Councilmember's public duties and responsibilities and involves moral turpitude for which the penalty may be incarceration in any penal institution, shall be removed from office pursuant to Section 2 of Article XV of the Constitution of Maryland.
- (c) Each Councilmember may receive an annual salary which shall be equal for all Councilmembers and may be as specified from time to time by an ordinance passed by the Council in the regular course of its business; provided, however, that the salary specified at the time any Council takes office may not be changed during the period for which the Council was elected. The ordinance making any change in the salary paid to the Councilmembers either by way of increase or decrease shall be adopted prior to the next municipal election, and shall take effect only as to the members of the next succeeding Council.

### **Section 305 Meetings of the Council**

The newly elected Council shall meet on the second Wednesday [~~Monday~~] following its election for the purpose of organization, after which the Council shall meet regularly at such times as

may be prescribed by its rules, but generally not less frequently than once each calendar month. However, the Council may recess as it deems necessary. If the second Wednesday following its election conflicts with Veterans Day or a recognized religious holiday, the Council shall meet the next day, Thursday.

Special meetings may be called by the Mayor, or a majority of the members of the Council. All meetings of the Council shall be open to the public unless the meeting is closed by the Council in accordance with the provisions of the Open Meetings Act, Title 3 of the General Provisions Article [Subtitle 5 of Title 10 of the State Government Article], Annotated Code of Maryland, as amended. The rules of the Council shall provide that residents of the City shall have a reasonable opportunity to be heard at any regular public meeting in regard to any municipal question.

### **Section 306 Quorum**

A majority of the Council shall constitute a quorum for the purpose of transacting business except as otherwise provided in this Charter.

### **Section 307 Procedure of the Council**

The Council shall determine its own rules and order of business. It shall keep written minutes of its meetings. The minutes shall reflect each item that the [e]Council considered; the action that the Council took on each item; and each vote that was recorded. The minutes of regular public meetings shall be open to public inspection. If the [c]Council meets in closed session, then, in accordance with the provisions of the Open Meetings Act, Title 3 of the General Provisions Article [Subtitle 5 of Title 10 of the State Government Article], Annotated Code of Maryland, as amended, the minutes for its next regular public meeting shall include: (1) a statement of the time, place, and purpose of the closed meeting; (2) a record of the vote of each member of the [e]Council as to closing the meeting; (3) a citation of the authority under the Open Meetings Act for closing the meeting; and (4) a listing of the topics of discussion, persons present, and each action taken during the closed meeting.

### **Section 308 Vacancies on the Council**

(a) Method of Filling Vacancies. Should a vacancy on the Council occur more than two hundred and forty (240) days before the next regularly scheduled City election, a special election shall be held to fill the vacancy. If the vacancy occurs less than two hundred and forty (240) days before the next regularly scheduled City election, the remaining members of the Council by a majority vote shall, within sixty (60) days, appoint a person who is qualified in accordance with Section 302 or Section 304, as applicable, to fill such vacancy for the remainder of the unexpired term.

(b) Special Election. If a vacancy is to be filled by special election, the remaining members of the Council shall, by resolution, establish a date for the special election which shall be not less than forty-five (45) days nor more than sixty (60) days from the date of the vacancy.

(c) **Ballot.** If the requirements of Section 302 or Section 304, as applicable, are met, a person may have their ~~[his/her]~~ name listed on the special election ballot as a candidate to fill a vacancy on the Council by submitting a petition to the City Clerk with a sufficient number of valid signatures at least twenty (20) days prior to the date scheduled for the special election.

(d) **Petition.** The petition must clearly state that its purpose is to place a specific person's name on the ballot at a special election to fill a vacancy on the Council of the City of Takoma Park, the office and/or ward that the election is being held to fill, and the date of the special election.

(1) For a Mayoral vacancy, a person must have the signatures of at least 30 qualified voters of the City in order to be listed on the special election ballot as a candidate.

(2) For a Councilmember vacancy, a person must have the signatures of at least 10 qualified voters of the ward in which there is a vacancy in order to be listed on the special election ballot as a candidate.

(3) A qualified voter may sign the petition of more than one person to fill a vacancy on the Council. Each qualified voter shall print their ~~[his/her]~~ name under the signature and shall include their ~~[his/her]~~ address and the date of their ~~[his/her]~~ signature on the petition.

(4) Before listing a person's name on a special election ballot as a candidate to fill a vacancy on the Council, the City Clerk shall verify that sufficient signatures on a petition are from qualified voters of the City and for a Councilmember vacancy of the ward in which there is a vacancy. The invalidation of one signature on a petition shall not serve to invalidate any other signatures on a petition.

(e) **Voting.** For a Mayoral vacancy, all qualified voters of the City may vote in the special election to fill a vacancy on the Council. For a Councilmember vacancy, only qualified voters of the ward in which there is a vacancy may vote in the special election to fill a vacancy on the Council.

(f) **Write-Ins Permitted.** A qualified voter also may write in the name of a candidate on the special election ballot to fill a vacancy on the Council.

(g) **Results of Special Election.** The candidate who meets the qualifications for office as specified in Section 302 or Section 304, as applicable, and who wins ~~[receives a majority of votes]~~ in accordance with Section 606 in the special election to fill a vacancy on the Council ~~[shall be the winner and]~~ shall serve on the Council for the remainder of the unexpired term for which their ~~[his/her]~~ predecessor was elected.

### **Section 309 Ordinances**

(a) In order to enable the Council to exercise fully the power conferred upon ~~[them]~~ it by this Charter and to enable ~~[them]~~ it to better promote and preserve the public health, safety and

welfare, the Council may pass all ordinances, resolutions, or by-laws that are from time to time necessary.

(b) An ordinance may be passed, amended, rejected or have its consideration deferred at any regular or special Council meeting held not less than five (5) days after the meeting at which it was introduced.

(c) Any ordinance introduced but upon which no final action is taken shall expire at the end of the Council's term as defined by Section 301.

(d) Every ordinance passed shall become effective at the expiration of twenty (20) calendar days following approval of the Council unless otherwise stated in the ordinance.

(e) Upon a finding that an emergency exists, the provision that an ordinance may not be passed at the meeting at which it is introduced may be suspended by the affirmative votes of four members of the Council. An emergency ordinance shall become effective on the date specified in the ordinance.

### **Section 310 Appointments**

The Council shall make appointments to such standing committees, ad hoc committees, and boards and commissions as are necessary from time to time.

### **Section 311 Files of Ordinances**

Ordinances shall be permanently filed and shall be kept available for public inspection.  
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