



Takoma Park City Council Meeting – September 28, 2022 Agenda Item 4 and 5

Work Session

Proposed Charter Amendment Removing the Requirement for Board of Personnel Appeals and Proposed Charter Amendment Updating the Charter Amendment Process

Recommended Council Action

Consider the recommended amendments.

Context with Key Issues

The City Council is asked to consider two charter amendments to update language in the City Charter to conform to Council policy and Maryland law.

The charter amendment removing the requirement for a Board of Personnel Appeals would delete § 910 of Article IX of the City Charter in its entirety. Section 910 requires the City to have a Board of Personnel Appeals and for the Council to establish via ordinance the Board's jurisdiction. This change is consistent with prior legislative determinations made by the City Council when it adopted Ordinance 2021-39 reimagining the City's advisory committees and quasi-judicial boards and commissions.

The charter amendment updating the charter amendment process would amend provisions of Article V of the Charter that predate and are inconsistent with State legislation regarding Council initiated charter amendments. The amendment will include the 21-day pre-public hearing notice provisions, remove the provision regarding the delay between the public hearing and voting session, and provide other related changes for clarity.

Public hearings on the proposed charter amendments have been scheduled for October 12, 2022. Notice of the public hearings has been published in the Washington Post and on the City's website. First reading of the charter amendment resolutions is also scheduled for October 12.

Council Priority

Engaged, Responsive & Service-oriented Government

Environmental Considerations

N/A

Fiscal Considerations

Amending the City Charter requires notices of public hearings and publication of a weekly fair summary of the charter amendment for four successive weeks. The anticipated approximate cost is \$4,000.

Racial Equity Considerations

The charter amendments are not expected to disproportionately impact any particular group.

Attachments and Links

Draft charter amendment resolutions

1
2 **CHARTER AMENDMENT RESOLUTION NO. 2022__**
3
4 **AMENDMENT TO THE CITY OF TAKOMA PARK CHARTER,**
5 **ARTICLE V**
6

7 **WHEREAS**, Section 501 of the City Charter authorizes the Council to initiate amendments to
8 the Charter; and
9

10 **WHEREAS**, in the last several years, changes have been made to State law, *see* Maryland Code,
11 § 4-301, *et seq.* of the Local Government Article, regarding amendments to
12 municipal charters which are initiated by Council; and
13

14 **WHEREAS**, some of those changes involve a public hearing requirement and advance notice of
15 the public hearing prior to passage of the resolution; and
16

17 **WHEREAS**, Takoma Park's Charter currently contains requirements related to public hearings,
18 advance notice, and other language designed to ensure the public is aware of a
19 proposed Charter change; and
20

21 **WHEREAS**, some of Takoma Park's Charter provisions addressing public hearings, advance
22 notice, and other language designed to ensure the public is on notice of a proposed
23 Charter change are no longer consistent with State law and other language; and
24

25 **WHEREAS**, language in the Charter regarding the effectiveness of a Charter amendment being
26 conditioned upon registration with the State is not consistent with State law; and
27

28 **WHEREAS**, the proposed amendments to the Charter are designed to promote consistency with
29 State law.
30

31 **SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE**
32 **CITY OF TAKOMA PARK, MARYLAND**, that pursuant to Article XI-E of the Constitution of
33 the State of Maryland, Title 4, Subtitle 3 of the Local Government Article of the Annotated Code
34 of Maryland, and Article V, Amendment Procedures of the City of Takoma Park Municipal
35 Charter, that the City of Takoma Park Municipal Charter is amended as follows:
36

37 **ARTICLE V**
38 **AMENDMENT PROCEDURES**

39 **Section 501 Initiation**

40 An amendment to this Charter may be initiated by the Council or by a petition of qualified voters
41 of the City of Takoma Park.

42 (Res. No. 2019-2, § 1, 11-13-19)

43 **Section 502 Initiation by the Council**

44 (a) The Council may initiate a proposed amendment or amendments to the Charter by a resolution

1 which, except as otherwise specified in this section, is passed by a majority of the entire Council
2 and in the same manner as other resolutions. [~~The Council shall hold a public hearing on any such~~
3 ~~proposed amendment or amendments and shall not take final action on a resolution less than~~
4 ~~fourteen (14) days following the hearing.~~]

5 (b) Before adopting a Council initiated resolution that proposes an amendment to the Charter, the
6 Council shall hold a public hearing on any such proposed amendment or amendments and shall
7 give at least twenty-one (21) days advance notice of the public hearing. Such public notice shall
8 state the title of the Charter amendment and shall specify the time and place of the public hearing
9 to be held thereon. The public hearings shall be conducted by the Council under such procedures
10 as it shall, in its discretion establish.

11 ~~(b)~~ (c) In conformity with a requirement imposed upon the General Assembly by Article 3 III,
12 Section 29 of the Constitution of Maryland, the resolution shall contain the complete and exact
13 wording of the proposed amendment or amendments, prepared so that the section or sections are
14 set forth as they would read when amended or enacted. This Charter or any section thereof may
15 not be revised or amended by reference to its title or section only.

16 ~~(c)~~ (d) In conformity with a requirement imposed on the General Assembly by Article 3 III,
17 Section 29 of the Constitution of Maryland, every Charter amendment adopted by the Council
18 shall embrace but one subject, and that shall be described in its title. [~~Prior to the passage of any~~
19 ~~resolution which proposes an amendment or amendments to the charter, a public hearing thereon~~
20 ~~shall be held by the Council, public notice of which shall be given in a newspaper of general~~
21 ~~circulation in the City of Takoma Park once a week for two successive weeks, the last such notice~~
22 ~~to appear at least ten (10) days prior to the public hearing. Such public notice shall state the title~~
23 ~~of the Charter amendment and shall specify the time and place of the public hearing to be held~~
24 ~~thereon. The public hearings shall be conducted by the Council under such procedures as it shall,~~
25 ~~in its discretion establish.]~~

26 ~~(d)~~ (e) The City Clerk shall give notice by posting and publication of any resolution which proposes
27 an amendment or amendments to this Charter. A complete and exact copy of the resolution
28 containing the proposed amendment or amendments shall be posted at City Hall or another main
29 municipal building or public place for a period of at least forty (40) days following its adoption.

30 ~~(e)~~ (f) A fair summary of the proposed amendment or amendments shall be published in a
31 newspaper of general circulation in the City of Takoma Park not less than four (4) times, at weekly
32 intervals within a period of at least forty (40) days after the adoption of the resolution containing
33 the proposed amendment or amendments.

34 ~~(f)~~ (g) The amendment or amendments so proposed by the Council shall become and be considered
35 a part of the Charter, according to the terms of the amendment or amendments, in all respects to
36 be effective and observed as such, upon the fiftieth (50) day after being so ordained or passed,
37 unless on or before the fortieth (40) day after being so ordained or passed there shall be presented
38 to the Council, or mailed to it by registered mail, a petition meeting the requirements of this section.

39 ~~(g)~~ (h) The petition shall be signed by qualified City voters at least equal in number to twenty
40 percent (20%) of registered voters at the time of the most recent general City election and shall
41 request that the proposed amendment or amendments be submitted on referendum to the voters of

1 the City. Each person signing the petition shall indicate thereon such person's name and residence
2 address. Upon receiving the petition for a referendum, the City Clerk is directed to verify that any
3 person who signed it is qualified to vote in its municipal general elections and shall consider the
4 petition to have no effect if it has too few valid signatures.

5 ~~(h)~~ (i) If the petition for a referendum complies with the requirements of this section, the Council
6 shall by resolution, passed as in its normal legislative procedure, specify the day and the hours for
7 the election at which the question shall be submitted to the voters of the City of Takoma Park. This
8 may be at either the next regular general election or at a special election at the discretion of the
9 Council. In the event a special election is designated, it shall be held within a period of not less
10 than forty (40) days nor more than sixty (60) days after the final passage of the resolution providing
11 for the referendum. The resolution providing for the referendum shall specify the exact wording
12 which is to be placed on the ballots or voting systems when the question is submitted to the voters
13 of the City.

14 (Res. No. 2019-2, § 1, 11-13-19)

15 **Section 503 Initiation by Petition**

16 (a) Qualified City voters at least equal in number to twenty percent (20%) of registered voters at
17 the time of the most recent general City election may initiate a proposed amendment or
18 amendments to the Charter, by a petition presented to the Council. The petition shall contain the
19 complete and exact wording of the proposed amendment or amendments, and the proposed
20 amendment or amendments shall be prepared in conformity with the several requirements
21 contained in subsections ~~(b)~~ (c) and ~~(e)~~ (d) of Section 502 of this Article. Each person signing it
22 shall indicate thereon such person's name and residence address. Upon receiving the petition, the
23 City Clerk is directed to verify that any person who signed it is qualified to vote in City elections
24 and that the petition contains the required number of signatures. If the petition complies with the
25 requirements of this section, the Council shall by resolution passed as in its normal legislative
26 procedure, and not later than sixty (60) days after the petition shall have been presented to it,
27 specify the day and the hours for the election at which the question shall be submitted to the voters
28 of the City of Takoma Park. This may be at either the next regular municipal election or at a special
29 election, in the discretion of the Council. In the event a special election is designated, it shall be
30 within a period of not less than forty (40) days nor more than sixty (60) days after the final passage
31 of the resolution. In the resolution, the exact wording shall be specified which is to be placed on
32 the ballots or voting systems when the question is submitted to the voters of the City.

33 (b) Provided, however, that if the Council shall approve the amendment or amendments provided
34 for in the petition presented to it under subsection (a) above, it shall have the right by resolution to
35 adopt the amendment or amendments thereby proposed and to proceed thereafter in the same
36 manner as if the amendment or amendments had been initiated by the Council and in compliance
37 with the provisions of Section 502 of this Article.

38 (Res. No. 2019-2, § 1, 11-13-19)

39 **Section 504 Posting and Publication**

40 The Clerk shall give notice by posting and publication of any submission of a proposed Charter
41 amendment to the voters thereof. For four (4) weeks immediately preceding the election, at which
42 the question is to be submitted, a complete and exact copy of the wording of the proposed Charter

1 amendment or amendments shall be posted at City Hall or other main municipal building or in a
2 public place. On the day of the election, a similar copy shall be posted at the place or places for
3 voting. Notice of the election, together with a fair summary of the proposed amendment or
4 amendments, shall be published in a newspaper of general circulation of the City of Takoma Park,
5 not less than once in each of the four (4) weeks immediately preceding the election.

6 (Res. No. 2019-2, § 1, 11-13-19)

7 **Section 505 Referendum**

8 (a) On the day and during the hours specified for any referendum, the proposed Charter
9 amendment or amendments shall be submitted to the qualified voters of the City. The official or
10 officials thereof whose duty it is to arrange for and conduct the regular municipal elections shall
11 perform the same duties so far as relevant to the referendum election on the proposed Charter
12 amendment or amendments. It is the intent of this section that the referendum election shall be
13 conducted generally according to the procedures and practices observed for regular City elections,
14 except as specifically or necessarily modified by the provisions of the section. The wording
15 specified by the Council in the resolution providing for a referendum on the charter amendment or
16 amendments, shall be placed on the ballots or voting systems used at the referendum election. The
17 expenses of the election shall be defrayed by the City.

18 (b) The official or officials charged with the duty to arrange for and conduct the referendum,
19 promptly following the closing of the polls, shall tally the results thereof, and shall forthwith certify
20 the results of the referendum to the Council.

21 (c) If a majority of those who vote on any question so submitted to the voters of the City shall
22 cast their votes in favor of the proposed Charter amendment or amendments, the Mayor shall so
23 proclaim publicly within ten (10) days after receiving a certification of the votes from the officials
24 conducting the referendum; and on the thirtieth (30) day following the public proclamation the
25 proposed Charter amendment or amendments shall become a part of the Charter of the City of
26 Takoma Park, according to its terms, in all respects to be effective and observed as such. If less
27 than a majority of those who vote on any such questions shall cast their votes in favor of the
28 proposed Charter amendment or amendments, the Mayor shall so proclaim, adding to the
29 proclamation the statement that the proposed Charter amendment or amendments contained in said
30 question are null and void and of no effect whatsoever.

31 (Res. No. 2019-2, § 1, 11-13-19)

32 **Section 506 Form and Registration of Amendment**

33 (a) In any proposal to amend an existing Charter of the City, the new matter, if any, to be added
34 to the Charter shall be indicated by being underscored or in italics and all matters to be eliminated
35 from the existing Charter, if any, shall be indicated in its proper place by enclosing such matter in
36 double parentheses or in boldface brackets. Where the subject matter consists of an entirely new
37 section or sections the words of such new section or sections shall also be underscored or in italics
38 or contain some marginal or other notation to that effect. When the purpose of any proposal is to
39 repeal in its entirety any section or sections of the existing Charter, the matter intended to be
40 repealed need not be written out in full and enclosed in either double parentheses or boldface
41 brackets.

1 (b) The resolution to amend the Charter shall identify the source of the existing section or
2 sections, citing the code or other publication or amendments in which appears the most recent text
3 of the section or sections to be amended.

4 (c) Amendments to the Charter shall be in a consecutively numbered series.

5 (d) The resolution to amend the Charter shall provide specifically (and not simply by implication)
6 for the repeal of any section or sections of the existing Charter which are inconsistent with the
7 amended section or sections.

8 (e) A proposal to amend the Charter, whether initiated by the Council or by a petition of qualified
9 voters of the City, may not be rescinded after its adoption by the Council or after its formal
10 submission in a petition, in any manner other than that of another Charter amendment.

11 (f) At the time a Charter amendment or amendments become effective by reason of having been
12 ordained or passed by the Council, or at the time of making a public proclamation as to the vote
13 on any question containing a proposed Charter amendment or amendments which have been
14 adopted, the Mayor shall send separately by registered mail to the Secretary of State of Maryland
15 and to the Department of Legislative Services the following information concerning the Charter
16 amendment or amendments: (1) The complete text thereof, (2) the date of the referendum election,
17 if any, (3) the number of votes cast for and against each question containing the Charter
18 amendment or amendments, whether in the Council or in a referendum, and (4) the effective date
19 of the Charter amendment or amendments.

20 ~~[(g) The Charter amendment or amendments are not effective and shall not be applied or~~
21 ~~considered as if effective, unless and until it or they have been registered as required in subsection~~
22 ~~(f) of this section.]~~

23 (Res. No. 2019-2, § 1, 11-13-19)

24 **Section 507 Codification of Amendments**

25 The exact text of any amendment or amendments to the Charter adopted as in this Article specified,
26 shall thereafter be included in any subsequent edition or codification of the Charter of the City,
27 until altered, modified or repealed by a subsequent amendment or amendments to the Charter.

28 (Res. No. 2019-2, § 1, 11-13-19)

29
30 **SECTION 2. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF**
31 **TAKOMA PARK**, that the date of adoption of this Charter Amendment Resolution is **October**
32 **26, 2022**, and the amendment of the City of Takoma Park Municipal Charter enacted by this
33 Resolution shall become effective on **December 15, 2022 (50 days after its passage)**, unless a
34 proper petition for referendum shall be filed as permitted by Section 502 of the City of Takoma
35 Park Municipal Charter and Annotated Code of Maryland, Local Government Article, Section 4-
36 304. A complete and exact copy of this Charter Amendment Resolution shall be continuously
37 posted on a bulletin board at the Takoma Park Community Center – Sam Abbott Citizens’ Center
38 from **October 27, 2022 until December 5, 2022 (a period of at least 40 days following its adoption)**,
39 and a fair summary of the proposed Charter Amendment shall be published in a newspaper of

1 general circulation in the City of Takoma Park once a week for four weeks within 40 days after
2 passage of this Charter Amendment Resolution.

3
4 **SECTION 3. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF**
5 **TAKOMA PARK**, that the City Clerk is specifically directed to carry out the provisions of Section
6 2 of this Resolution and, as evidence of this compliance, the City Clerk shall maintain appropriate
7 certificates of the publication of the newspaper in which the fair summary of the Charter
8 Amendment Resolution shall have been published. If a favorable referendum is held on the
9 proposed amendment, the Council shall proclaim the proposed Charter Amendment hereby
10 enacted to have been approved by the voters and the Charter Amendment shall become effective
11 on the date provided by law.

12
13 **SECTION 4. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF**
14 **TAKOMA PARK**, that as soon as the Charter Amendment enacted by this Resolution shall
15 become effective, either as provided in this Resolution or following a referendum, the City Clerk
16 shall send to the Department of Legislative Services of Maryland the following information
17 concerning the Charter Amendment Resolution: (1) the complete text of this Charter Amendment
18 Resolution; (2) the date of the referendum election, if any; (3) the number of votes, whether in the
19 Council or in a referendum, cast for or against the Charter Amendment enacted by this Resolution;
20 and (4) the effective date of the Charter Amendment.

21
22 **THE ABOVE CHARTER AMENDMENT** was enacted by the foregoing Charter
23 Amendment Resolution No. 2022-___ which was passed at a meeting of the Council of the City
24 of Takoma Park, Maryland on **the 26th day of October, 2022**, ___ members of the Council voting
25 in the affirmative, ___ members of the Council voting in the negative, ___ members of the Council
26 abstaining, and ___ members of the Council absent, and the said Charter Amendment Resolution
27 becomes effective in accordance with the law on **the 15th day of December, 2022**.

28
29
30 THIS CHARTER AMENDMENT RESOLUTION IS ADOPTED BY THE COUNCIL OF THE
31 CITY OF TAKOMA PARK, MARYLAND, THIS **26th DAY OF OCTOBER, 2022**, BY ROLL-
32 CALL VOTE AS FOLLOWS:

33
34 Aye:
35 Nay:
36 Abstain:
37 Absent:

38
39 **Explanatory Note**

- 40
41 1. [Bold brackets and ~~strikethrough~~] indicates language being deleted from the Charter.
42
43

44 COUNCIL OF THE CITY OF TAKOMA PARK
45
46

1 _____
2 Kate Stewart, Mayor

3
4 ATTEST:
5
6 _____

7 Jessie Carpenter, CMC
8 City Clerk

9
10 Date: _____

11
12
13

CITY OF TAKOMA PARK, MARYLAND

CHARTER AMENDMENT RESOLUTION NO. 2022__

**AMENDMENT TO THE TAKOMA PARK CITY CHARTER, ARTICLE
IX**

WHEREAS, Section 501 of the City Charter authorizes the Council to initiate amendments to the Charter; and

WHEREAS, Section 401(b)(1) of the City Charter states that the Council has the power to establish any administrative agencies, boards, commission that may be deemed necessary to further the purposes of the City, and to provide administrative procedures, including rule making and quasi-judicial decision-making by such agencies; and

WHEREAS, the City Council previously identified it as a priority to review the overall structure and purpose of existing Council-appointed committees and put in place improvements with the desired outcome of enabling diverse, engaged, productive, and rewarding resident involvement and collaboration with City government; and

WHEREAS, the adoption of Ordinance No. 2021-39 amended the City Code to restructure the City’s advisory committees and quasi-judicial boards; and

WHEREAS, the proposed amendment to the Charter will ensure that the restructured advisory committees and quasi-judicial boards are effectuated justly.

SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, that pursuant to Article XI-E of the Constitution of the State of Maryland, Title 4, Subtitle 3 of the Local Government Article of the Annotated Code of Maryland, and Article V, Amendment Procedures of the City of Takoma Park Municipal Charter, that the City of Takoma Park Municipal Charter is amended as follows:

* * *

**ARTICLE IX
PERSONNEL**

* * *

~~**[Section 910 Personnel Appeals**~~

~~**(a) There is established a board to adjudicate certain final personnel decisions by the City Manager, directly or by delegation, affecting members of the classified service of the City.**~~

~~**(b) The Council shall define by ordinance which personnel decisions are appealable and enact such additional provisions as are necessary to implement this section.]**~~

* * *

1
2
3 **SECTION 2. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF**
4 **TAKOMA PARK**, that the date of adoption of this Charter Amendment Resolution is **October**
5 **26, 2022**, and the amendment of the City of Takoma Park Municipal Charter enacted by this
6 Resolution shall become effective on **December 15, 2022 (50 days after its passage)**, unless a
7 proper petition for referendum shall be filed as permitted by Section 502 of the City of Takoma
8 Park Municipal Charter and Annotated Code of Maryland, Local Government Article, Section 4-
9 304. A complete and exact copy of this Charter Amendment Resolution shall be continuously
10 posted on a bulletin board at the Takoma Park Community Center – Sam Abbott Citizens’ Center
11 from **October 27, 2022 until December 5, 2022 (a period of at least 40 days following its adoption)**,
12 and a fair summary of the proposed Charter Amendment shall be published in a newspaper of
13 general circulation in the City of Takoma Park once a week for four weeks within 40 days after
14 passage of this Charter Amendment Resolution.

15
16 **SECTION 3. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF**
17 **TAKOMA PARK**, that the City Clerk is specifically directed to carry out the provisions of Section
18 2 of this Resolution and, as evidence of this compliance, the City Clerk shall maintain appropriate
19 certificates of the publication of the newspaper in which the fair summary of the Charter
20 Amendment Resolution shall have been published. If a favorable referendum is held on the
21 proposed amendment, the Council shall proclaim the proposed Charter Amendment hereby
22 enacted to have been approved by the voters and the Charter Amendment shall become effective
23 on the date provided by law.

24
25 **SECTION 4. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF**
26 **TAKOMA PARK**, that as soon as the Charter Amendment enacted by this Resolution shall
27 become effective, either as provided in this Resolution or following a referendum, the City Clerk
28 shall send to the Department of Legislative Services of Maryland the following information
29 concerning the Charter Amendment Resolution: (1) the complete text of this Charter Amendment
30 Resolution; (2) the date of the referendum election, if any; (3) the number of votes, whether in the
31 Council or in a referendum, cast for or against the Charter Amendment enacted by this Resolution;
32 and (4) the effective date of the Charter Amendment.

33
34 **THE ABOVE CHARTER AMENDMENT** was enacted by the foregoing Charter
35 Amendment Resolution No. 2022-___ which was passed as a meeting of the Council of the City
36 of Takoma Park, Maryland on **the 26th day of October, 2022**, ___ members of the Council voting
37 in the affirmative, ___ members of the Council voting in the negative, ___ members of the Council
38 abstaining, and ___ members of the Council absent, and the said Charter Amendment Resolution
39 becomes effective in accordance with the law on **the 15th day of December, 2022**.

40
41
42 **THIS CHARTER AMENDMENT RESOLUTION IS ADOPTED BY THE COUNCIL OF THE**
43 **CITY OF TAKOMA PARK, MARYLAND, THIS 26th DAY OF OCTOBER, 2022, BY ROLL-**
44 **CALL VOTE AS FOLLOWS:**

45
46 Aye:

1 Nay:
2 Abstain:
3 Absent:

4
5 **Explanatory Note**

- 6
7 1. [Bold brackets and ~~strike~~through] indicates language being deleted from the Charter.
8
9

10 COUNCIL OF THE CITY OF TAKOMA PARK

11
12
13 _____
14 Kate Stewart, Mayor

15
16 ATTEST:

17
18 _____
19 Jessie Carpenter, CMC
20 City Clerk

21
22 Date: _____
23
24