

CITY OF TANEYTOWN
CHARTER RESOLUTION NO. CR2016-01

REMOVAL OF ELECTED OFFICIALS FROM OFFICE

RESOLUTION of the Mayor and City Council of the City of Taneytown adopted pursuant to the authority of Section 3 and 4 entitled “Home Rule” of Article XI-E entitled “Municipal Corporations” of the Constitution of Maryland and Section 4-301 et. seq. under subtitle “Amendment or Repeal of Charter” of the Local Government Article of the Annotated Code of Maryland, to amend the Charter of the City of Taneytown, Maryland with a provision to address the removal of elected officials from office.

SECTION 1. BE IT RESOLVED by the Mayor and City Council of the City of Taneytown, Maryland that a new Section C-519 of the Charter of the City of Taneytown, Maryland is hereby amended as follows:

§C-519. Removal from Office.

The Mayor and or Councilperson may be removed from office as follows:

- A. Absence. If an elected official fails to attend three (3) consecutive meetings, without being excused by a majority vote of the City Council, which may be given provided that prior notice of the absence was given to the Mayor and City Council in writing. Said position shall be considered immediately vacant, and filled pursuant to the provisions of the Charter.

- B. Just Cause. An elected official may be removed from office for Just Cause by a majority vote of the City Council, after the Council issues a written charge or charges expressing Just Cause, which shall consist of a violation of criminal law, Federal or State law, County codes and regulations, the City’s ethics law, or provisions contained in the City’s Charter or Code, and holds a public hearing on the matter. Such action is not subject to the veto power of the Mayor, but the Mayor may vote to break a tie.

- C. Recall. Any elected official, after having been censured by an act of the Mayor and Council, may be petitioned for recall and removed from office for any reason by the qualified voters of the City of Taneytown, in accordance with the following provisions.
 - (1) Recall Petition.
 - a. No Recall Petition shall be filed against any person until that person shall have been in office for at least three (3) month.

 - b. A Recall Petition shall only address one (1) elected official.

 - c. A Recall Petition shall: (1) set forth the Act of Censure taken by the Mayor and City Council; (2) contain any additional reasoning for Recall; (3) shall be signed by not less than (20%) twenty percent of the qualified registered

voters of the City; and (4) shall request a Recall Election to be held for said office holder.

d. The petition shall be filed with the City Clerk.

e. Upon receiving a Recall Petition the City Clerk shall immediately notify the Mayor and Council that a Recall Petition has been filed. Within (15) fifteen days of the filing of the Recall Petition, the Clerk shall have ascertained whether the Recall Petition is signed by the requisite number of the registered voters of the City, and shall attach a dated certificate stating the results of the examination and whether the Recall Petition meets the requirements of this section. This certification shall be forwarded to the Mayor and Council of the City of Taneytown.

f. If the certificate shows the Recall Petition does not meet the requirements of this Section the Clerk shall send a written notice of this fact to the individual who filed the Recall Petition.

g. If the certificate shows the Recall Petition meets the requirements of this Section, the matter shall be placed on the agenda by the Mayor at the next regularly scheduled business meeting, if such a meeting is scheduled to occur within (15) fifteen days of the date of certification. If the next regularly scheduled business meeting is scheduled (16) sixteen or more days from the date of certification a special meeting shall be scheduled within (15) days of the date of certification, to take action on the Recall Petition to set the date of the Recall Election

(2) Recall Election.

a. The Recall Election shall be conducted in all respects not otherwise addressed by this Section, as other City Elections.

b. One qualified voter in favor of the recall of the individual elected official and one qualified voter opposed to the recall of the individual elected official, shall have the right to be a poll watcher in the polling room. The poll watches shall not impede the flow of voters within the polling location. The Clerk will provide a seat for the poll watchers, at a location selected by the Clerk. The poll watchers shall not politic for or against the elected official. The poll watcher shall not be an elected official or individual subject to the recall vote. The poll watchers shall register with the City Board of Election Supervisors no later than seven (7) days prior to the date of the Recall Election. The first qualified voter to register as a poll watcher for each side shall be entitled to be the poll watcher. The poll watcher shall not interfere with, or interact with the election judges, staff or voters,. The Clerk has the authority to remove the poll watcher from the polling location for any of the above violations.

c. The elected official whose Recall is sought shall continue to serve in office pending the results of the Recall Election, but shall not participate in any discussions or actions related to the Recall.

d. The Recall Election ballot shall read: “Shall (name of official) continue in the office of (insert official name) of The City of Taneytown? Following this question shall be the words “Yes” and “No” which the voter shall use to vote for or against Recall.

e. Results of the election. The question of Recall shall be decided by a simple majority of votes cast. If a majority of votes cast is in favor of Recall, the elected official’s term of office shall immediately terminate upon the certification of the election. If the majority of votes cast are not in favor of Recall, the elected official’s term shall continue unaffected.

f. The successor of any elected official removed by Recall shall be selected as provided by this Charter. A person recalled from office shall not be appointed to fill the vacancy so created.

SECTION 2. AND BE IT FURTHER RESOLVED by the Mayor and City Council of the City of Taneytown, Maryland that this amendment to the Charter shall in all respects be effective and observed as such, upon the fiftieth (50th) day after the date of adoption, unless on or before the fortieth (40th) day thereafter there shall be presented to the Mayor and City Council of Taneytown, or mailed to it, a Petition for referendum in accordance with the provisions of Section 4-304 of the Local Government Article of the Annotated Code of Maryland.

SECTION 3. AND BE IT FURTHER RESOLVED by the Mayor and City Council of the City of Taneytown, Maryland that a complete and exact copy of this Resolution shall be posted in the municipal offices of the City of Taneytown, Maryland or some public place for a period of at least forty (40) days following its adoption, and further, that a fair summary of this proposed amendment shall be published in a newspaper of general circulation in the City of Taneytown for not less than four (4) times, at weekly intervals, within a period of forty (40) days from the adoption of this Resolution.

SECTION 4. AND BE IT FURTHER RESOLVED by the Mayor and Council of the City of Taneytown, Maryland that as soon as the Charter amendment hereby adopted shall become effective, the Clerk of the City of Taneytown shall send separately by registered mail to the Department of Legislative Reference the following information concerning the Charter:

- (1) A complete copy 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 the Resolution whether by the Council of the City of Taneytown or in a referendum; and
- (4) The effective date of the Charter.

SECTION 5. AND BE IT FURTHER RESOLVED by the Mayor and Council of the City of Taneytown, Maryland that the Clerk of the City of Taneytown be and is specifically authorized and instructed to carry out the provision of Section 3 and 4 hereof, and as evidence of compliance herewith, the clerk shall cause to be affixed to the Minutes of the meeting in which this Charter shall have been adopted:

- (1) Appropriate certification of publication of the newspaper in which the summary of the proposed amendment shall have been published.
- (2) The return receipts of the mailing referred to in Section 4.

INTRODUCED THIS _____ DAY OF _____, 2016.

Attest: _____
Clerk

PASSED WITH _____ VOTES IN FAVOR AND _____ VOTES OPPOSED

THIS _____ DAY OF _____, 2016.

Attest: _____
Clerk

APPROVED THIS _____ DAY OF _____, 2016.

JAMES L. MCCARRON, MAYOR

Approved as to legal sufficiency this

_____ day of _____, 2016

Jack A. Gullo Jr., City Attorney