



Revised on Sept. 23, 2020
Introduced and read on Oct. 5, 2020
Second Reading and Adoption _____, 2020

THE INCORPORATED TOWN OF CAPITOL HEIGHTS
RESOLUTION 2021-06

Drafted by Town Clerk, Robin Bailey-Walls and Special Counsel Kevin J. Best
Introduced by Council Member Elaine Williams

A CHARTER AMENDMENT RESOLUTION TO AMEND SECTION 304 OF THE TOWN CHARTER TO LIMIT CONSECUTIVE TERMS OF OFFICE FOR ELECTED OFFICIALS IN THE INCORPORATED TOWN OF CAPITOL HEIGHTS

EXPLANATORY STATEMENT: The reasoning for term limits is not to single out current office holders or to empower groups or parties that are not currently elected. It is to provide an environment where the local government can be more flexible and responsive to voters and the general public. Term limits increase the possibility of electing a diverse set of candidates. Turnover in office makes it more likely that the new officials will be more representative of the current population. Without reasonable term limits of service, the status quo rather than reflecting the needs of a changing community will remain the same. Long-term lawmakers often vote for more bureaucracy than do lawmakers who have been in office for shorter times. Expertise in municipal problems and issues acquired in office will not be lost. As experienced elected officials come out of office, they are available to advise on developing solutions to complex issues and will be permitted to resume elected service after a break. The newly elected officials can call upon them in many ways to assist as needed and the electorate can place them back in municipal office after an intervening term.

WHEREAS, to initiate a charter change pursuant § 4-304 of the LG Article of the Maryland Code, the elected governing body of a municipality must first pass a resolution to effect a charter change and must post an exact copy of the charter amendment resolution at the town hall or some other public place for at least 40 days after passage of the resolution, and the law further requires the municipality to publish a “fair summary” of the proposed amendment not less than four times at weekly intervals in a newspaper of general circulation in the community, and unless an approved charter amendment is petitioned to referendum, an amendment becomes effective 50 days after a municipal governing body passes a charter amendment resolution; and

WHEREAS, the General Assembly of Maryland passed HB 615 during the 2018 session effective July 1, 2018 and currently codified as § 4-304(a)(2) of the LG Art. further requiring the legislative body of a municipality to also hold a public hearing and give at least 21-days’ notice by posting the notice in a public place before adopting a resolution initiated by the legislative body that proposes an amendment to the municipal charter; and

WHEREAS, under Section 304 of the Town Charter, the qualified voters of the Town shall elect one person as Mayor and six persons as councilmembers to each serve for a term of four years, or until a successor qualifies for office; and

WHEREAS, the citizen legislature is deemed the core ingredient of a democratic process as it focuses on improving the community and its values during the time involved in realizing the outcomes of community initiatives; and

WHEREAS, the Mayor and Town Council should strive to encourage community engagement; and

WHEREAS, Mayor and Town Council term limits will allow more residents to participate and have an in-depth opportunity to understand the governance of the Town and its business activities; and

WHEREAS, the Mayor and Council finds that term limits will enable new representation to be elected with fresh ideas to move the Town forward with change rather than continuing with outmoded political business due to the long-term rotation of elected officials.

Section 1. NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE INCORPORATED TOWN OF CAPITOL HEIGHTS on this ___ day of October 2020, that Section 304 (Election of the Mayor and Council) of the Charter of The Incorporated Town of Capitol Heights, Maryland shall be and is hereby amended to read as follows:

* * *

Section 304. Election of the Mayor and Council.

On the first Monday in May of 1998 and every four years thereafter on the first Monday in May the qualified voters of the Town shall elect one person as Mayor and six persons as councilmembers to each serve for a term of four years, or until a successor qualifies for office. NO PERSON SHALL BE ELECTED TO ANY OFFICE OR OFFICES UNDER THIS CHARTER, WHETHER IT BE AS MAYOR, COUNCILMEMBER OR BOTH OFFICES, FOR AN UNINTERRUPTED PERIOD OF MORE THAN THREE CONSECUTIVE FOUR-YEAR TERMS. EXCEPT AS STATED HEREIN, THOSE ELECTED OFFICIALS THAT HAVE SERVED CONTINUOUSLY FOR TWELVE YEARS OR MORE, OR HAVING SERVED THREE FULL TERMS OF CONSECUTIVE ELECTED OFFICE OR MORE BY THE DAY OF THE GENERAL MUNICIPAL ELECTION OF 2022 SHALL NOT BE ELIGIBLE TO RUN FOR OFFICE IN MAY OF 2022 OR ANY TIME THEREAFTER. AN ELECTED OFFICIAL OF THE TOWN SHALL BE PERMITTED TO ACCUMULATE MORE THAN TWELVE YEARS OF TOTAL MUNICIPAL SERVICE TO THE TOWN PROVIDED THAT NO ONE PERIOD OF CONTINUOUS SERVICE SHALL EXCEED TWELVE YEARS OR THREE CONSECUTIVE FOUR-YEAR TERMS.

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Section 2. BE IT FURTHER RESOLVED that this Charter Amendment Resolution is adopted on the aforementioned date, and that upon adoption by the Mayor and Council of The Incorporated Town of Capitol Heights, Maryland, a complete and exact copy of this Charter Amendment Resolution shall be posted in the Town Office for a period of at least forty (40) days

following the date of its adoption. Additionally, a fair summary of the proposed Amendment shall be published in a newspaper of general circulation in The Incorporated Town of Capitol Heights not less than four (4) times at weekly intervals within the forty (40) days following the adoption this Charter Amendment Resolution.

Section 3. BE IT FURTHER RESOLVED that the Amendment initiated in this Charter Amendment Resolution shall take effect and shall become and be considered the Charter of The Incorporated Town of Capitol Heights, upon the fiftieth day after being so ordained or passed unless on or before the fortieth day after being so adopted and passed a referendum petition meeting the requirements of State law shall be presented to the Mayor and Council of The Incorporated Town of Capitol Heights, Maryland or mailed to it by certified mail, return receipt requested, bearing a postmark from the United States Postal Service.

Section 4. BE IT FURTHER RESOLVED that when the Charter Amendment hereby initiated becomes effective, as provided herein, or following a referendum election, the Town Clerk shall send separately, by certified mail, return receipt requested, to the Maryland Department of Legislative Services within 10 days after the charter resolution becomes effective, the following information concerning the Charter Amendment: (i) the complete text of this Charter Amendment Resolution; (ii) the date of the referendum election, if any held with respect thereto; (iii) the number of votes cast for and against this Charter Amendment Resolution by the Mayor and Council of The Incorporated Town of Capitol Heights, Maryland or a referendum election; and (iv) the effective date of the Charter Amendment.

Section 5. BE IT FURTHER RESOLVED that the Town Clerk of The Incorporated Town of Capitol Heights is specifically instructed to carry out the provisions of Sections 2, 3, and 4 hereof, as evidence of compliance herewith, the Town Clerk shall cause to be affixed to this Charter Amendment Resolution and to the Minutes of the Mayor and Council Meeting in which it is adopted (i) an appropriate certificate of publication of the newspaper in which the summary of the Charter Amendment Resolution shall have been published and (ii) return receipts of the mailing referred to in Section 4, and shall further complete and execute the Certificate of Effect attached hereto.

PASSED by the Mayor and Council of The Incorporated Town of Capitol Heights, Maryland at a regular or special meeting held on the ___ day of October 2020.

THE INCORPORATED TOWN OF CAPITOL HEIGHTS