

Read: October 5, 2020  
Voted and Adopted: October 27, 2020  
Date Effective: December 16, 2020

**THE TOWN OF CAPITOL HEIGHTS  
CHARTER AMENDMENT RESOLUTION 2021-02**

(Drafted by Town Clerk and Special Counsel Kevin J. Best)  
Introduced by Council Member Caroline Brown

**A CHARTER AMENDMENT RESOLUTION TO CLARIFY AND AMEND THE  
CHARTER REQUIREMENTS TO CALL A SPECIAL MEETING AND TO ESTABLISH  
A QUORUM FOR MEETINGS BY AMENDING SECTIONS 208 AND 209 OF THE  
CHARTER OF TOWN OF CAPITOL HEIGHTS**

**EXPLANATORY STATEMENT:** In the Town Charter, Section 208 (Meetings of the Mayor and Council) states that special meetings shall be called by the Mayor or a majority of the members of the Mayor and Council. Section 209 (Quorum) states that four Councilmembers and the Mayor shall constitute a quorum for the transaction of business.

**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**, TOWN OF CAPITOL HEIGHTS is governed by what may be characterized as a Strong Council, Weak Mayor form of municipal government, and the Mayor and Council as a body is comprised of a Mayor and six voting councilmembers; and

**WHEREAS**, under Section 201 of the Town Charter, the Mayor is a member of the legislative body totaling seven (7) in number known as the Mayor and Council; and

**WHEREAS**, a typical quorum under the Common Law of Maryland is a simple majority of the governing body's membership or in this case four (4); and

**WHEREAS**, Section 209 of the Town Charter abrogates the Common Law of Maryland thereby making it more difficult for the Mayor and Council to obtain a quorum in order to conduct public business at a Town meeting; and

**WHEREAS**, Section 209 of the Town Charter requires that in order to conduct a meeting that a quorum shall consist of at least four (4) Councilmembers and the Mayor, which (i) makes the Mayor, or the mayor *pro tempore*, an indispensable participant, (ii) constitutes a super majority in the numbers of the Mayor and Council's membership, and (iii) substantially negates if not conflicts with Section 208's provision allowing as few as four (4) councilmembers to call a special meeting without the Mayor's concurrence; and

**WHEREAS**, the Mayor and Council finds that the requirement in Section 209 mandating the Mayor's presence to constitute a quorum conflicts with the Strong Council form of government and, more importantly, would enable the Mayor and/or the Mayor *Pro Tempore*, when assuming the Mayor's duties in his absence, to prevent the Mayor and Council from conducting any business of the Town whatsoever by simply absenting him or herself from a duly called meeting and thereby preventing a quorum; and

**WHEREAS**, the Mayor and Council further finds that it is in the best interest of the Town to remedy the above described situation, clarify the Charter's language, and eliminate uncertainty and impediments to the orderly conduct of Town business.

**Section 1. NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF TOWN OF CAPITOL HEIGHTS** on this 27th day of October 2020, that Section 208 (Meetings of the Mayor and Council), and Section 209 (Quorum) of the Charter of The Town of Capitol Heights, Maryland shall be and are hereby amended to read as follows:

**Section 208. Meetings of the Mayor and Council.**

Members of the Mayor and Council shall have power to meet and adjourn from time to time as they shall think proper, except that the Mayor and Council shall meet at least once in every month. The Mayor OR, IN THE ABSENCE OF THE MAYOR, THE MAYOR PRO TEMPORE shall preside at all meetings and vote only in case of a tie vote. Special meetings shall be called by the Mayor or a majority of the members of the Mayor and Council. Except as may be provided by law, all meetings of the Mayor and Council shall be open to the public, and the rules of the Mayor and Council shall provide that the residents of the Town shall have a reasonable opportunity to be heard at any public meeting in regard to any municipal questions.

**Section 209. Quorum.**

(a) Four MEMBERS OF THE MAYOR AND COUNCIL shall constitute a quorum for the transaction of business.

(b) The Town Clerk shall be notified by a member in the event the member is unable to attend a regular meeting.

**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 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 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 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 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.

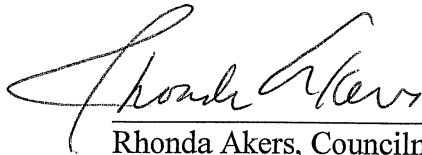
**Section 5.** BE IT FURTHER RESOLVED that the Town Clerk of The TOWN OF CAPITOL HEIGHTS is specifically instructed to carry out the provisions of Sections 2, 3, and 4 hereof, as evidence of compliance herewith, the Town Clerk shall cause to be affixed to this Charter Amendment Resolution and to the 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 Town of Capitol Heights, Maryland at a regular or special meeting held on the 27th day of October 2020.

**THE TOWN OF CAPITOL HEIGHTS**

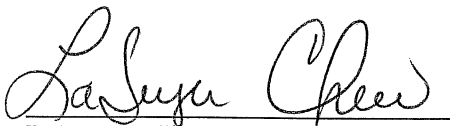
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Shawn M. Maldon  
Mayor  
Charter Amendment Resolution 2021-02  
10/27/2020



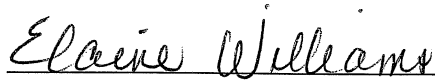
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Rhonda Akers, Councilmember  
Charter Amendment Resolution 2021-02  
Acknowledged Reading and  
**Vote - Yes** as a Charter Amendment 10/05/2020  
**Vote - Yes at Public Hearing 10/27/2020**



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LaTonya Chew, Councilmember  
Charter Amendment Resolution 2021-02  
Acknowledged Reading and  
**Vote - Yes** as a Charter Amendment on 10/05/2020  
**Vote - Yes at Public Hearing 10/27/2020**



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Elaine Williams, Councilmember  
Councilmember  
Charter Amendment Resolution 2021-02  
Acknowledged Reading and  
**Vote - Yes** as a Charter Amendment on 10/05/2020  
**Vote - Yes at Public Hearing 10/27/2020**

ATTEST:



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Darrell Miller  
Acting Town Administrator  
Charter Amendment Resolution 2021-02  
10/27/2020

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Renita A. Cason  
Mayor Pro Tempore/Councilmember  
Charter Amendment Resolution 2021-02  
**Vote - No** as a Charter Amendment on 10/05/2020  
**Vote - No at Public Hearing 10/27/2020**



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Caroline Brown, Councilmember  
Charter Amendment Resolution 2021-02  
Acknowledged Reading and  
**Vote - Yes** as a Charter Amendment 10/05/2020  
**Vote - Yes at Public Hearing 10/27/2020**

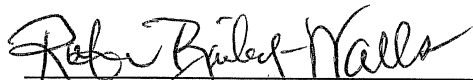
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Faith T. Ford, Councilmember  
Charter Amendment Resolution 2021-02  
**Vote - Vote - No** as a Charter Amendment on  
**No** as a Charter Amendment on 10/05/2020  
**Vote - No at Public Hearing 10/27/2020**

**CERTIFICATE OF EFFECT**

**I, HEREBY CERTIFY THAT THE FOREGOING CHARTER AMENDMENT RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF CAPITOL HEIGHTS DESIGNATED CHARTER AMENDMENT RESOLUTION NO. 2021-02, WAS DULY INTRODUCED, READ, AND WAS ADOPTED BY THE MAYOR AND COUNCIL AT A DULY ANNOUNCED PUBLIC MEETING AND THEREAFTER POSTED AND ADVERTISED FOR FOUR SUCCESSIVE WEEKS, IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THE ANNOTATED CODE OF MARYLAND AND CHARTER OF THE TOWN OF CAPITOL HEIGHTS.**

ATTEST:



Robin Bailey Walls, Town Clerk  
The Town of Capitol Heights, Maryland  
Charter Amendment Resolution 2021-02  
10/27/2020

DATE HEARING NOTICE POSTED:	<u>10/06/2020</u>
DATE OF HEARING:	<u>10/27/2020</u>
DATE OF INTRODUCTION:	<u>09/08/2020</u>
DATE PASSED/POSTED	<u>10/27/2020</u>
40-DAY POSTING END DATE	<u>12/05/2020</u>

FAIR SUMMARY NEWSPAPER (x 4)	
WEEKLY PUBLICATION DATES	<u>11/05/2020</u>
	<u>11/12/2020</u>
	<u>11/18/2020</u>
	<u>11/25/2020</u>

EFFECTIVE (50 <sup>TH</sup> DAY) DATE:	<u>12/16/2020</u>
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