

**COUNTY COUNCIL**  
**OF**  
**TALBOT COUNTY, MARYLAND**

2008 Legislative Session, Legislative Day No. : February 26, 2008

Resolution No.: 149\* **WITH DRAFT AMENDMENTS  
AS SHOWN**

Introduced by: Mr. Foster and Mr. Harrison

**A RESOLUTION TO PLACE A QUESTION ON THE BALLOT AT THE 2008 GENERAL ELECTION CONCERNING A PROPOSED AMENDMENT TO SECTION 208 OF THE TALBOT COUNTY CHARTER, TO CHANGE THE PROCESS TO FILL A COUNCIL VACANCY, TO PROVIDE CHANGES TO THE APPOINTMENT PROCESS AND SPECIAL ELECTION PROCESS WHEN APPOINTMENT IS NOT PROVIDED WITHIN TIME PROVIDED AND TO LIMIT THE SERVICE OF THE NEW COUNCIL MEMBER TO THE NEXT REGULARLY SCHEDULED GENERAL ELECTION**

By the Council, February 26, 2008

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, March 25, 2008 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By order, \_\_\_\_\_  
Susan W. Moran, Secretary

**A RESOLUTION TO PLACE A QUESTION ON THE BALLOT AT THE 2008 GENERAL ELECTION CONCERNING A PROPOSED AMENDMENT TO SECTION 208 OF THE TALBOT COUNTY CHARTER, TO CHANGE THE PROCESS TO FILL A COUNCIL VACANCY, TO PROVIDE CHANGES TO THE APPOINTMENT PROCESS AND SPECIAL ELECTION PROCESS WHEN APPOINTMENT IS NOT PROVIDED WITHIN TIME PROVIDED AND TO LIMIT THE SERVICE OF THE NEW COUNCIL MEMBER TO THE NEXT REGULARLY SCHEDULED GENERAL ELECTION**

WHEREAS, Section 805 of the Charter for Talbot County provides for voter approval of proposed amendments to the Charter; and,

WHEREAS, Art. XI-A Section 5, Maryland Constitution provides that amendments to the Charter may be proposed by a resolution of the County Council, now, therefore,

SECTION ONE: BE IT RESOLVED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that the question to adopt the following Charter Amendment appear on the ballot at the next general election occurring after adoption of this Resolution in accordance with Section 805 of the Charter of Talbot County:

SECTION TWO: Section 208 of the Talbot County Charter be amended as follows:

**KEY**

**Boldface** .....Heading or defined term.

Underlining .....Added to existing charter by original resolution.

~~Strikethrough~~.....Deleted from existing charter by original resolution.

**Double underlining** .....Added to resolution by amendment.

~~**Double strikethrough**~~ .....Deleted from existing charter or resolution by amendment.

\* \* \* .....Existing charter or bill unaffected.

\* \* \*

## Section 208 Vacancies in the Council

1 (a) A vacancy in the Council exists upon the death or resignation of a Councilman, or upon  
2 forfeiture of office by a Councilman- and delivery of notification of the vacancy to the Secretary  
3 of the Council.

4 (b) ~~If a vacancy occurs, a majority of the remaining members of the Council, within thirty~~  
5 ~~calendar days, shall appoint a person to fill the vacancy.~~ A vacancy shall be filled by a majority  
6 of the remaining members of the Council in the following manner:

7 (1) If the appointee is to succeed a member of a political party, he shall be selected from  
8 a list of at least three (3) qualified names submitted to the Council by the Talbot County  
9 Central Committee of the party to which the former Councilman belonged. The Central  
10 Committee shall submit the list to the Council within twenty-one (21) calendar days after  
11 the vacancy occurs.

12 (2) If the Central Committee shall not deliver a list of at least three (3) qualified names  
13 within twenty-one (21) calendar days, the ~~County~~ Council shall appoint any qualified  
14 person of the party to which the former Councilman belonged.

15 (23) If the appointee is not to succeed a member of a political party, the ~~remaining~~  
16 members of the Council shall appoint a qualified person to fill the vacancy.

17 (34) The Council shall fill the vacancy within thirty (30) calendar days following: (1) the  
18 receipt of the list, ~~or~~(2) expiration of the time for delivery of the list, or (3) thirty (30)  
19 days of the vacancy if the appointee is not to succeed a member of a political party. ~~or~~  
20 twenty-one (21) calendar days following the vacancy if the Central Committee shall fail  
21 to submit a list of at least three (3) qualified persons.

22 (c) The Council shall provide by law for the conduct of a special election to be held to fill any  
23 vacancy which may exist if the Council shall fail to fill said vacancy by appointment as provided  
24 in Section (b) hereof, or if the Governor shall fail to fill said vacancy as provided in Section (e)  
25 hereof. The person elected shall serve the remainder of the term of the former Councilman.

26 (d) (1) Any person appointed pursuant to Section (b) hereof more than sixty (60) days prior to  
27 the filing deadline for the primary of an election for President of the United States shall serve  
28 until the first Monday in December following the general election for said President, and a  
29 special election shall be held contemporaneous with the primary and general of said presidential  
30 election to fill the balance of said term at which any qualified candidate from any political party  
31 may file.

32 (2) Any person appointed thereafter shall serve the balance of the term of the former  
33 Councilman.

34 (e) If the Council shall not fill the vacancy within thirty (30) calendar days following: (1) the  
35 receipt of the list, or (2) expiration of the time for delivery of the list the time provided in  
36 subparagraph (b) (4) above, or if two or more vacancies occur in the Council simultaneously, the  
37 Governor of the State of Maryland, within thirty calendar days, shall appoint persons to fill the  
38 vacancies. If the appointees are not to succeed members of a political party the Governor shall  
39 make the appointment within thirty (30) days of the occurrence of two or more vacancies, or  
40 upon expiration of the time provided in subparagraph (b) (4) for the Council to act. If the  
41 appointees are to succeed members of political parties, the Governor shall appoint persons from  
42 a list of at least three (3) ~~names~~ qualified persons for each vacancy submitted to him by the  
43 Talbot County Central Committee of the party or parties to which the former Councilmen  
44 belonged, provided that in each case the list shall be received by the Governor not more than

45 ~~twenty-one (21) days after the occurrence of said vacancy~~(1) two or more simultaneous  
46 vacancies, or, (2) expiration of the time within which the Council is required to make the  
47 appointment. ~~In the event that said list or lists are not received as provided, the Governor may~~  
48 ~~appoint any qualified person or persons from the party of the former councilman or councilmen.~~  
49 ~~The Governor shall have thirty (30) days from the date of receipt of the list, or the expiration of~~  
50 ~~the time provided to submit said~~ for delivery of the list, to make the appointments.

51 (f) The unexercised power of any appointing authority to make any appointment under this  
52 Section terminates upon expiration of the time provided for making the appointment.

53 ~~(d) An appointee shall serve for the unexpired term of his predecessor. Any person appointed to~~  
54 ~~fill a vacancy shall meet the same qualifications as the previous Councilman. Any person~~  
55 ~~appointed to fill a vacancy shall make the same qualifications as a previous Councilman.~~

\* \* \*

SECTION THREE: In accordance with Section 805 of the Talbot County Charter, the question to adopt this proposed amendment to the Charter shall be submitted to the voters of the County at the next general election occurring after adoption of this Resolution. If, at the election the majority of votes cast on the question are in favor of this proposed amendment, the amendment stands enacted from and after the thirtieth calendar day following the election.

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PUBLIC HEARING

Having been posted and Notice of time and place of hearing and Title of \_\_\_\_\_ having been published, a public hearing was held on \_\_\_\_\_ at \_\_\_\_\_ p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

BY THE COUNCIL

ENACTED:

By Order \_\_\_\_\_  
Secretary

- Foster -
- Pack -
- Duncan -
- Bartlett -
- Harrison -