

COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND

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

Resolution No.: 149

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:

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.

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

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

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

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

16 (34) The Council shall fill the vacancy within thirty (30) calendar days following the
17 receipt of the list or expiration of twenty-one (21) calendar days following the vacancy if
18 the Central Committee shall fail to submit a list of at least three (3) qualified persons.

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

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

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

31 (ed) If two or more vacancies occur in the Council simultaneously, the Governor of the State of
32 Maryland, within thirty calendar days, shall appoint persons to fill the vacancies. If the
33 appointees are to succeed members of political parties, the Governor shall appoint persons from

34 a list of at least three (3) names for each vacancy submitted to him by the Talbot County Central
35 Committee of the party or parties to which the former Councilmen belonged; provided that in
36 each case the list shall be received by the Governor not more than twenty-one (21) days after the
37 occurrence of said vacancy. In the event that said list or lists are not received as provided, the
38 Governor may appoint any qualified person or persons from the party of the former councilman
39 or councilmen. The Governor shall have thirty (30) days from the date of receipt of the list, or
40 the expiration of the time provided to submit said list to make the appointments.
41 ~~(d) An appointee shall serve for the unexpired term of his predecessor. Any person appointed to~~
42 ~~fill a vacancy shall meet the same qualifications as the previous Councilman. Any person~~
43 ~~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 -