

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

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

Resolution No.: 149\* AS AMENDED

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:

<b>KEY</b>	
Boldface .....	Heading or defined term.
<u>Underlining</u> .....	Added to existing draft.
<del>Strikethrough</del> .....	Deleted from existing draft.

\* \* \*

**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) A vacancy shall be filled by a majority of the remaining members of the Council in the  
5 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 persons 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 persons  
12 within twenty-one (21) calendar days, the Council shall appoint any qualified person of  
13 the party to which the former Councilman belonged.

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

16 (4) The Council shall fill the vacancy within thirty (30) calendar days following: (i) the  
17 receipt of the list, (ii) expiration of the time for delivery of the list, or (iii) the vacancy, if  
18 the appointee is not to succeed a member of a political party.

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

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

27 (d) If the Council shall not fill the vacancy within the time provided in subparagraph (b) (4)  
28 above, or if two or more vacancies occur in the Council simultaneously, the Governor of the  
29 State of Maryland shall appoint persons to fill the vacancies. If an appointee is not to succeed a  
30 member of a political party the Governor shall make the appointment within thirty (30) days of  
31 the occurrence of simultaneous multiple vacancies, or upon expiration of the time provided in  
32 subparagraph (b) (4) for the Council to act. If the appointee is to succeed a member of a political  
33 party, the Governor shall make the appointment from a separate list of at least three (3) qualified  
34 persons for each vacancy submitted to him by the Talbot County Central Committee of the party  
35 to which the former Councilmen belonged provided that in each case the list shall be received by  
36 the Governor not more than twenty-one (21) days after the occurrence of (1) simultaneous  
37 multiple vacancies, or, (2) expiration of the time provided in subparagraph (b) (4) for the Council  
38 to act. In the event that said list or lists are not received as provided, the Governor may appoint  
39 any qualified person or persons from the party of the former councilman or councilmen. The  
40 Governor shall have thirty (30) days from the date of receipt of the list, or expiration of the time  
41 to deliver the list, to make the appointments.

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

44 (f) The Council shall provide by law for the conduct of a special election to be held to fill any  
45 vacancy which may exist if the Governor shall fail to fill said vacancy as provided in Section (d)  
46 hereof. The person elected shall serve the remainder of the term of the former Councilman.

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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.

PUBLIC HEARING

Having been posted and Notice of time and place of hearing and Title of Resolution No. 149 having been published, a public hearing was held 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 THE COUNCIL

ENACTED: **April 8, 2008 \*AS AMENDED\***

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

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