



Legislation Text

File #: CA-2-18, Version: 1

Aldermanic Titles - Charter Updates - For the purpose of including gender specific designations for certain members of the City Council in the Annapolis City Charter.

**CITY COUNCIL OF THE
City of Annapolis**

Charter Amendment 2-18

Introduced by: Alderwomen Finlayson, Pindell Charles and Tierney

**Referred to
Rules and City Government Committee**

A CHARTER AMENDMENT Resolution concerning

Aldermanic Titles - Charter Updates

FOR the purpose of including gender specific designations for certain members of the City Council in the Annapolis City Charter.

BY amending the following portions of the Annapolis City Charter:

- Article I,
 - Section 1
 - Section 4
- Article II,
 - Section 2
 - Section 3
 - Section 4
 - Section 5
 - Section 7
- Article III,
 - Section 3
 - Section 7
- Article IV,
 - Section 1
 - Section 2
 - Section 2A

Section 4
Article V,
Section 2
Article VIII,
Section 2.

SECTION I: BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL that the Charter of the City of Annapolis shall be amended to read as follows:

THE CHARTER

Article I - GENERAL PROVISIONS

Sec. 1. - Constitution as municipal body.

The mayor and aldermen/alderwomen of the City of Annapolis constitutes a municipal body corporate and politic. The city has all the rights and powers of municipal self-government and home rule as are now or hereafter may be provided or necessarily implied by this Charter and the Constitution and laws of the State of Maryland.

Sec. 4. - Name.

The name and style of the municipal corporation is "City of Annapolis" and may also be referred to in this Charter and in the laws of the city as either "Annapolis" or the "city." The municipal corporation shall be designated solely by the name of "City of Annapolis" in all actions and proceedings touching the rights, powers, property, assets, liabilities and duties of the corporation in general or any of its agencies or officials in particular. The words "mayor, counselor, ~~and~~ aldermen and alderwomen of the City of Annapolis" and "Mayor and Aldermen/Alderwomen of the City of Annapolis" shall be read and mean "City of Annapolis" wherever they appear.

Article II - ELECTION OF MAYOR AND ALDERMEN/ALDERWOMEN

Sec. 2. - General election dates.

The citizens and residents of the City of Annapolis qualified to vote for members of the General Assembly of Maryland, and otherwise qualified by the registration and election laws for such cases made and provided, shall elect by ballot, every four (4) years, beginning in 1985, on the first Tuesday after the first Monday in November, a mayor; and the qualified voters, in each ward shall at the same time elect by ballot one (1) resident of the ward as alderman/alderwoman.

Sec. 3. - Terms; qualifications for office.

- (a) The mayor and aldermen/alderwomen shall each serve terms of four (4) years, or until their successors are elected and qualified. The beginning and ending of each term is as prescribed in Article II, Section 5 of this Charter.

- (b) The mayor must be a registered voter in the city for at least two (2) years immediately preceding the date of the general election. A person may not hold office as mayor for more than two (2) full consecutive terms to which elected in the manner provided by Article II, Section 5 of this Charter.
- (c) Aldermen/Alderwomen, except those first elected from areas annexed to the city, shall be registered voters in the city for at least one (1) year immediately preceding their election and a registered voter in the ward from which they are elected for at least six (6) months and must have resided in that ward for at least six (6) months immediately preceding the date of the general election.

Sec. 4. - Salaries; review commission.

- (a) The mayor and each alderman/alderwoman shall receive a salary as established by ordinance of the city council in accordance with the procedures established in subsection (b) below. The mayor and aldermen/alderwomen shall be allowed such amounts for expenses as established by ordinance.
- (b) (1) Not later than one (1) year prior to the date of any general municipal election for the election of mayor and aldermen/alderwomen, the city council shall appoint a commission consisting of not less than three (3) nor more than seven (7) residents of the city to review the compensation and allowances to be paid to the mayor and aldermen/alderwomen during the ensuing terms of office.
(2) The commission, by resolution, shall submit its recommendations for compensation and allowances to the city council not later than nine (9) months prior to the date of the next general municipal election. The commission may recommend an increase or decrease in the compensation paid to the mayor and aldermen/alderwomen.
- (3) Upon receiving the resolution of the commission, the city council shall conduct a public hearing regarding the commission's recommendation. Thereafter, the city council may reduce or reject the commission's recommendation, but it may not increase any item in the resolution. The recommendations contained in the resolution, and any permitted changes to such recommendations, shall not become effective unless adopted by ordinance enacted at least three (3) months prior to the elections of the next succeeding mayor and aldermen/alderwomen, and shall take effect only for the next succeeding terms of office of the mayor and aldermen/alderwomen.
- (4) The salaries specified at the time a mayor and aldermen/alderwomen take office may not be changed during that period for which the mayor and aldermen/alderwomen were elected.

Sec. 5. - Primary election dates; municipal election dates; term dates.

Nomination for a mayor and for one (1) alderman/alderwoman from each ward in the city shall be made by direct vote of the respective political parties at primary elections to be held in the city for the several candidates for mayor and, in each ward of the city, for the several candidates for aldermen/alderwomen, on the third Tuesday of September in each year in which municipal elections in the city are to be held. Municipal elections shall be held on the first Tuesday after the first Monday in November in every fourth year, beginning with the year 1985. However, in the event an election will occur on the same day as the public observance of a religious holiday, or in case of severe weather, the board of supervisors of elections shall have the authority to reschedule the election to a day within one (1) week of the day prescribed by this section. The mayor and aldermen/alderwomen elected at each municipal election shall qualify in the manner prescribed by Article II, Section 3 of this Charter, and shall take office on the first Monday in December of the year in which they are elected and shall hold office until the first Monday in December in the fourth year following, or until their successors are elected and qualify.

Sec. 7. - Vacancies.

- (a) The following procedure for the filling of vacancies shall apply whenever a vacancy shall occur with less than fifteen (15) months remaining until the next general election at which members of the city council shall be elected.
- (1) In case of the death, resignation, refusal to serve, disqualification of the mayor or of any alderman /alderwoman, or removal out of the city by the mayor, or out of the ward, by any alderman /alderwoman, the mayor or acting mayor shall give written notice of the vacancy, within five (5) business days, to the chairman of the city central committee of the political party to which the person vacating was registered with the board of supervisors of elections at the time of election.
 - (2) Not more than five (5) business days after being notified by the mayor or acting mayor, the central committee shall announce the time and place of a public hearing to be held for the purpose of selecting candidates to fill the vacancy. Such announcement shall consist of, but not be limited to, a prominent notice in a local daily newspaper. The hearing shall be held not less than ten (10) business days, nor more than fifteen (15) business days, from the date the announcement first appears in the newspaper.
 - (3) Not less than five (5) business days before the hearing date, the central committee shall announce the qualified candidates of its political affiliation to be considered at the hearing. If any otherwise qualified person is not selected by the central committee, that person shall be considered at the hearing upon presentation of a petition, in the case of a vacancy in the office of alderman/alderwoman, signed by at least fifty (50) registered voters of the appropriate political party who live in the affected ward. If the vacancy is in the office of mayor, the petition shall bear the signatures of at least two hundred fifty (250) registered voters of the appropriate political party, with not less than thirty (30) signatures being those of registered voters from each of the city's wards.
 - (4) At the hearing, each qualified candidate shall have an opportunity to address the central committee. After all candidates have been heard, the central committee shall select one (1) candidate and the chairman of the committee shall notify the mayor or acting mayor, in writing, of the choice, not more than three (3) business days after the hearing.
 - (5) At the next regularly scheduled meeting of the city council, or at a special session convened before then by the mayor or acting mayor for the purpose of filling the vacancy, the selected candidate shall be sworn in and seated immediately.
 - (6) If the person vacating office was not registered in a political party at the time of election, the city council shall follow as closely as possible the candidate selection and election procedure above prescribed for a central committee to follow, but without regard to the political affiliation of any candidate.
- (b) The following procedure for the filling of vacancies shall apply whenever a vacancy shall occur with fifteen (15) months or more remaining until the next general election at which members of the city council shall be elected.
- (1) In case of the death, resignation, refusal to serve, disqualification of the mayor or of any alderman /alderwoman, or removal out of the city by the mayor, or out of the ward by any alderman /alderwoman, the mayor or acting mayor shall issue a proclamation directing that a special primary election and a special general election be held to fill the vacancy. The mayor or acting mayor shall issue this proclamation within five (5) days after the vacancy occurs.
 - (2) The proclamation shall specify the date for the special primary election and special general election, provided that the special primary election shall be held on any weekday other than a state or religious holiday which is at least twenty-three (23) days but no longer than thirty (30) days from the date of the

proclamation and that the special general election shall be held on any weekday other than a state or religious holiday which is at least twenty-one (21) days but not longer than thirty (30) days from the date of the special primary election.

- (3) Except as otherwise specifically provided herein, and except where such construction would be unreasonable, the provisions of this Charter and of Title 4 of the Code of the City of Annapolis shall be applicable to the special elections provided for herein and the city shall annually budget an amount for that purpose.
- (4) Certificates of candidacy shall be filed with the office of the board of supervisors of elections not later than 9:00 p.m. on the Monday which is three (3) weeks before the day on which the special primary election is scheduled to be conducted. If the filing date occurs on a legal holiday, the certificates shall be filed not later than 9:00 p.m. on the next regular business day which is not a legal holiday.
- (5) The candidate who has been declared elected by the board of supervisors of elections shall be sworn in and seated at the next regular or special meeting of the city council following the special general election.

Article III - POWERS

Sec. 3. - Annexation of territory.

- (a) Annexation of territory by the City of Annapolis shall be undertaken in accordance with the Constitution and laws of the State of Maryland. The city council may adopt by ordinance standards governing the form and consideration of petitions for annexation submitted to the city.
- (b) Whenever any area is annexed to the City of Annapolis, the City of Annapolis may then exercise in such area all governmental and municipal powers vested in the city to the same extent and in the same manner as such powers are then exercised in the city and, upon such annexation becoming effective, all laws and ordinances then and thereafter in effect with respect to the City of Annapolis, shall apply to the annexed territory; provided, however, that, prior to any referendum on any such annexation, the city council may adopt an ordinance or ordinances making special provisions for limited periods of time, not exceeding ten (10) years, with respect to the levy of municipal taxes and assessments and the rendition of municipal services in any such annexed area. The city may also enter into appropriate agreements with any other political subdivision, agency or department of the State of Maryland or of the United States for the transfer to the city, with or without consideration, of any public property in the area or areas to be annexed and for the assumption by the city of the payment of any public indebtedness for which any such area or areas are primarily liable.
- (c) (1) Prior to any referendum on a proposed annexation, and upon condition that the annexation is approved, the city council shall provide by ordinance for the inclusion of the area or areas to be annexed in any of the existing wards of the city or for the establishment of said area or areas as a new ward or wards, or for the change in the lines of the existing wards so as to form larger wards of the same number, in some or all of which the annexed area or areas shall be a part or parts.
(2) Each new ward so formed shall be represented by one (1) alderman/alderwoman of the same status as the present aldermen/alderwomen of the City of Annapolis, who shall be elected at the same election at which the questions of annexation is referred, and any such alderman/alderwoman or aldermen/alderwomen so elected shall hold office until the expiration of the terms of the aldermen/alderwomen of the City of Annapolis in office at the time of such election. A person may not be elected an alderman/alderwoman for any new ward of the city so established unless having resided in the area included in the new ward for a period of at least one (1) year immediately preceding his election and unless also having been a qualified voter of Anne Arundel County, registered in the area for at least one (1) year immediately

preceding the election. A person so elected as an alderman/alderwoman may not qualify and take office unless the proposed annexation of the area in which the person resides is approved in the manner prescribed by law.

- (d) Following an annexation, the city council shall enact, in the manner prescribed by law, appropriate ordinances and amendments of this Charter, changing the boundaries of the city and increasing the number of the wards of the city, if any such increase was provided by ordinance as above provided.

Sec. 7. - Acquisition, sale of real property.

- (a) The city may acquire by gift, grant, purchase or condemnation, any land, with any improvements thereon, either within or without the limits of the city, for parks, playgrounds or any other municipal purpose or use. The city council may also enact ordinances relating to the use of such property.
- (b) The city may sell any such land, or any parcel of land, including the improvements thereon, whether or not held in a governmental capacity, no longer needed by the city for any public use. The sale of property no longer needed for public use shall not be made until the sale is first approved by an ordinance. Every sale shall be made at public auction unless a private sale is expressly authorized in the ordinance. The conveyance of the property shall be evidenced by a deed executed on behalf of the city by the mayor and a majority of the aldermen/alderwomen, and the deed shall make express reference to the ordinance approving the sale by number and date of passage. The power conferred by this subsection applies to all property acquired by the city by gift, grant, purchase or condemnation, as well as all property acquired by and vested in the City of tax sales or otherwise. A finding in the ordinance approving a sale that the property so sold is no longer needed for public use is conclusive.

Article IV - THE CITY COUNCIL

Sec. 1. - Composition.

The city council shall be composed of the mayor and aldermen/alderwomen.

Sec. 2. - General powers and duties.

- (a) The city council shall be the legislative body of the City of Annapolis vested with the power to enact laws. The city council shall have the authority to enact all laws necessary or convenient for the exercise of the powers granted to the City of Annapolis for the proper functioning of the government of the city and for enforcement of these laws. Except as otherwise provided by the city council, all laws adopted by the council shall take effect upon the date of adoption.
- (b) The powers and duties of the city council include the power and duty to conduct oversight of the expenditure of public money and the delivery of municipal services.
- (c) The city council shall sit as the planning and zoning authority of the city, except for those functions delegated to the board of appeals, the planning commission or to the planning and zoning director.
- (d) The city council shall perform such other functions as specified in this Charter or by ordinance, or as conferred upon local governing bodies by the laws of the State of Maryland.

Sec. 2A. - Limitation on conduct of aldermen/alderwomen.

Aldermen/alderwomen may not direct the work of a director or employee of a department. An alderman/alderwoman who violates this prohibition is guilty of misconduct in office and is subject to expulsion from

office. This prohibition does not preclude an alderman/alderwoman from submitting an inquiry or request to a department director or employee of a department. Further, the aldermen/alderwomen shall have such administrative and professional staff and consulting services as may be provided for in the annual budget.

Sec. 4. - Meetings.

- (a) The city council shall meet regularly on the second Monday of each month except during the month of August and during the month of November in the year of a municipal general election.
- (b) The mayor may convene special meetings of the city council at such times as he believes that the interests of the city so require.
- (c) Upon the written request of five (5) aldermen/alderwomen that the city council be called into emergency session, the mayor shall summon them to convene. At the emergency session the city council shall consider only such action as is specified in the request for the emergency session.
- (d) A majority of the city council shall constitute a quorum to conduct business, but a smaller number may adjourn from day to day.

Article V - MAYOR

Sec. 3. - Acting mayor.

The mayor may, during his temporary disability or absence from the City, designate in writing an alderman/alderwoman to serve as acting mayor and to perform the duties of the office. In the event that the mayor is temporarily disabled or absent from the City and fails to designate an acting mayor as above provided, the City Manager shall serve as acting mayor until such time as the city council, at the call of any member, may meet and, by a majority vote, designate an alderman/alderwoman to serve as acting mayor. An acting mayor has the same rights, duties, powers and obligations as the mayor.

Article VIII - PERSONNEL

Sec. 2. - Same-Excluded positions.

All officials and employees of the city shall be included in the civil service except:

- (1) The mayor.
- (2) The aldermen/alderwomen.
- (3) The department directors and the health officer.
- (4) All persons employed by contract.
- (5) All persons performing part time, temporary or seasonal work.
- (6) All persons whose positions are funded by a source other than the city unless otherwise included for a period of time fixed by resolutions of the city council.
- (7) Members of boards, commissions and committees.
- (8) The city administrator.
- (9) All exempt service positions as established from time to time in Chapter 3.08 of the Annapolis City Code.

SECTION II: AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that a notice of public hearing was published on the proposed charter amendment, at least 21 days in advance of the

public hearing that was held on January 14, 2019.

SECTION III: AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that the date of adoption of this Resolution is February 25, 2019, and the amendments of the Charter of the City of Annapolis, hereby enacted shall become effective on April 16, 2019, unless a proper petition for referendum hereon shall be filed as permitted by law within 40 days of adoption, provided a complete and exact copy of this Resolution shall be continuously posted on the bulletin board in the City Hall until April 6, 2019, and provided further that a copy of the title of this Resolution shall be published in "The Capital," a newspaper of general circulation in the City of Annapolis, or in any other newspaper of such general circulation, once in each of the weeks on, March 11, 2019, March 18, 2019, March 25, 2019, and April 1, 2019.

SECTION IV: AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that the Mayor is hereby specifically commanded to carry out the provisions of Section II hereof, and, as evidence of such compliance, the Mayor shall cause to be maintained appropriate certificates of publication of the newspaper or newspapers in which the title of the Resolution shall have been published and if a favorable referendum is held on the Charter change, shall declare the Charter change hereby enacted to be effective on April 16, 2019, by affixing his signature hereto in the space provided on the effective date of change.

SECTION V: AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that as soon as the Charter Amendment hereby enacted shall become effective, either as provided herein or following a referendum, the Mayor shall send to the Maryland Department of Legislative Services a copy of this Resolution showing the number of Aldermen and Alderwomen voting for and against it and a report on the votes cast for or against the amendment hereby enacted at any referendum thereon and the date of such referendum.

The above Charter Amendment was enacted by the foregoing Resolution which was passed at a Meeting of the Annapolis City Council on February 25, 2019; 9 voting in the affirmative, 0 voting in the negative, 0 abstaining and 0 absent and the said Resolution becomes effective in accordance with law on the 16th day of April, 2019.

EXPLANATION

Underlining indicates matter added to existing law.
[~~Strikethrough~~] indicates matter stricken from existing law.
Double Underlining indicates amendments.