

Resolution No. _____
Charter Amendment No. _____
Dated Posted: _____
Effective Date: _____

Resolution of the Mayor and Council of Rockville adopted pursuant to Article XI-E of the Constitution of Maryland, Sections. 4-303 and 4-304 of the Local Government Article of the Annotated Code of Maryland, and the Charter of the City of Rockville to amend Section 5 of Article III, "Vacancies in Office of Mayor and Council," of the Charter of the City of Rockville so as to provide more specific requirements for filling vacancies in the office of Mayor or Councilmember and to clarify certain terminology.

SECTION 1. BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, that Section 5 of Article III, "Vacancies in Office of Mayor and Council," of the Charter of the City of Rockville be amended to read as follows:

ARTICLE III. REGISTRATION, NOMINATIONS AND ELECTIONS

Section 5. - Vacancies in Office of Mayor and Council.

a. In case of a vacancy on the Council by reason of death, resignation, removal from the City, or otherwise, [not] occurring [within the last twelve (12) months of the term] on or before [[November 15]] October 1 in the year immediately prior to the year of a general City election, the vacancy [shall] must be filled by special election as provided by ordinance. In case of a vacancy on the Council [for any of the aforesaid reasons, occurring within the last twelve (12) months of the term] occurring after [[November 15]] October 1 of the year immediately prior to the year of a general City election, the Mayor and Council [shall] must elect, by the favorable votes of a majority of the remaining members of the Mayor and Council, some qualified person to fill such vacancy for the unexpired term. The results of any such vote [shall] must be recorded in the minutes of the Mayor and Council.

b. In case of a vacancy in the office of Mayor [not] occurring on or before [[November 15]] October 1 in the year immediately prior to the year of a general City election [within the last twelve (12) months of the term] by reason of death, resignation, removal from the City, or otherwise, the vacancy [shall] must be filled by special election as provided by ordinance. In case of a vacancy in the office of the Mayor [for any of the aforesaid reasons,] occurring [within the last twelve (12) months of the term] after [[November 15]] October 1 of the year

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immediately prior to the year of a general City election, the Council [shall] **must** elect, by unanimous vote, some qualified person, including an incumbent Councilmember, to fill the vacancy for the remainder of the unexpired term. In the event the Council has not elected a new Mayor, by unanimous vote, within fourteen (14) days of the creation of the vacancy, the Council [shall] **must** appoint a new Mayor, who is qualified for the office, in accordance with the following order of succession:

1. The Councilmember with the highest vote total in the last election; or
2. The Councilmember with the most seniority on the Council, however, if more than one (1) Councilmember shares the most seniority, the Councilmember receiving the highest number of votes in the most recent election shall be deemed to be most senior for the purposes of this provision.

If none of the officials in the foregoing list are willing or able to serve as Mayor, then the members of the Council shall elect some qualified person as Mayor by majority vote for the remainder of the unexpired term.

SECTION 2. AND BE IT FURTHER RESOLVED that the date of the adoption of this Resolution is _____, and that the amendment to the Charter of the Mayor and Council of Rockville hereby proposed by this enactment shall be and become effective on _____, unless a proper petition for a referendum hereon shall be filed as permitted by law. A complete and exact copy of this Resolution shall be posted in City Hall until _____, and a fair summary of this Resolution shall be published in a newspaper of general circulation in the City of Rockville not less than four (4) times, at weekly intervals before _____.

SECTION 3. AND BE IT FURTHER RESOLVED that as soon as the Charter amendment hereby enacted shall become effective, either as herein provided or following a referendum, the Mayor and Council of Rockville shall send separately, by certified mail, return

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receipt requested, bearing a postmark from the United States Postal Service, to the Department of Legislative Reference, the following information concerning the charter amendment: (1) the complete text of the Charter of the Mayor and Council of Rockville as hereby enacted; (2) the date of the referendum election, if any, held with respect thereto; (3) the number of votes cast for and against the question concerning the Charter amendment, whether by the Council of the Mayor and Council of Rockville or in a referendum; and (4) the effective date of the Charter amendment.

SECTION 4. AND BE IT FURTHER RESOLVED that the Mayor of the Mayor and Council of Rockville is hereby specifically enjoined and instructed to carry out the provisions of Sections 2 and 3. As evidence of compliance herewith, the said Mayor shall cause to be affixed to the minutes of this meeting (1) appropriate certificates of publication of the newspaper in which the Title of this Resolution shall have been published and (2) the return receipts of the mailing referred to in Section 3, and shall further complete and execute the Certificate of Effect attached hereto.

Mayor

Councilmember

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ATTEST:

Sara Taylor-Ferrell
City Clerk/Director
of Council Operations

Councilmember

Councilmember

Councilmember