

CHARTER RESOLUTION
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, AMENDING
ARTICLE V “CHARTER AMENDMENTS”, §C5-1, “PROCEDURE FOR PETITION”
TO REQUIRE CERTAIN INFORMATION TO BE INCLUDED ON REFERENDUM
PETITIONS

A Charter Resolution of the Mayor and Council of the City of College Park, Maryland, adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and Article 23A of the Annotated Code of Maryland (1957 edition, as amended).

WHEREAS, §C5-1 of the City Charter currently sets certain procedures for charter referendum petitions, including requirements for the contents of the petitions; and

WHEREAS, the Mayor and Council have determined that it is appropriate to require that petition forms also include the date of signature and a circulator’s information and affidavit, in order to aid the Supervisors of Election in determining a proper count of qualified voters and to help ensure the reliability of the information included on the petition and to verify when the signature was obtained.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of College Park that:

Section 1. Article V, “Charter Amendments,” §C5-1 “Procedure for petition” be repealed, re-enacted and amended to read as follows:

A. In all instances where a petition is filed with the Mayor and Council to initiate an amendment to the City Charter or for a referendum in cases where an amendment to the City Charter has been initiated by the Mayor and Council, the following procedures shall be followed:

(1) The petitions shall be referred to the Supervisors of Elections, who shall report to the Mayor and Council the total number of persons qualified to vote in [~~a municipal~~] THE CITY general election at the time the petition is received and the total number of such voters determined by

CAPS : Indicate matter added to existing law.

[Brackets] : Indicate matter deleted from law.

Asterisks * * * : Indicate matter remaining unchanged in existing law but not set forth in Ordinance.

them to have signed the petition; provided, however, that in any case where a person signing the petition shall have failed to put his/her printed name, printed residence address, DATE OF SIGNATURE and city election district number thereon, the Supervisors of Elections shall not determine if such person is qualified to vote AND SUCH PERSON SHALL NOT BE COUNTED AS A PERSON QUALIFIED TO VOTE. UNLESS EACH PETITION PAGE INCLUDES THE CIRCULATOR'S PRINTED OR TYPED NAME, RESIDENCE ADDRESS AND TELEPHONE NUMBER, AND A SIGNED CIRCULATOR'S AFFIDAVIT STATING THAT THE CIRCULATOR WAS AT LEAST 18 YEARS OLD WHEN EACH SIGNATURE WAS OBTAINED; THAT THE INFORMATION PROVIDED BY THE CIRCULATOR IS TRUE AND CORRECT; THAT THE CIRCULATOR PERSONALLY OBSERVED EACH SIGNER AS HE/SHE SIGNED THE PAGE; AND THAT TO THE BEST OF THE CIRCULATOR'S KNOWLEDGE AND BELIEF, ALL SIGNATURES ON THE PAGE ARE GENUINE AND ALL SIGNERS ARE QUALIFIED VOTERS FOR THE COLLEGE PARK MUNICIPAL GENERAL ELECTION, THE SUPERVISORS OF ELECTIONS SHALL NOT DETERMINE IF ANY PERSONS LISTED ON THE PAGE ARE QUALIFIED TO VOTE AND ANY PERSON SO LISTED SHALL NOT BE COUNTED AS A PERSON QUALIFIED TO VOTE.

(2) Upon receiving the report of the Supervisors of Elections, the Mayor and Council shall then comply with the applicable provisions of §4-301 *ET SEQ.* OF THE LOCAL GOVERNMENT ARTICLE[~~Article 23A~~] of the Annotated Code of Maryland ~~{(1957 Edition,}~~ (as amended)[, ~~titled "Corporations -- Municipal," subtitle "Charter Amendments."}]~~

B. A petition may consist of several pages. Each petition PAGE shall contain the full title of the Charter amendment or that part of the title of the Charter amendment petitioned upon. THE BACK OF EACH PETITION PAGE SHALL CONTAIN EITHER:

1. THE FULL TEXT OF THE AMENDMENT, OR
2. A FAIR AND ACCURATE SUMMARY OF THE SUBSTANTIVE PROVISIONS OF THE AMENDMENT. IN THIS CASE, THE FULL TEXT OF THE AMENDMENT MUST BE IMMEDIATELY AVAILABLE FROM THE PETITION CIRCULATOR.

Section 2. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Charter Resolution, the City Clerk shall publish this proposed Charter Resolution or a fair summary thereof in a newspaper having a general circulation in the City of College Park together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing is hereby set for _____ p.m. on the _____ day of _____, 2014. All persons interested shall have an opportunity to be heard.

Section 3. BE IT FURTHER RESOLVED that this Charter Resolution is adopted this _____ day of _____, 2014, and that the amendment to the Charter of the City of College Park, hereby proposed by this enactment, shall be and become effective upon the fiftieth (50th) day after its passage by the City unless petitioned to referendum in accordance with §4-304 of the Local Government Article, Annotated Code of Maryland within forty (40) days following its passage. A complete and exact copy of this Charter Resolution shall be posted in the City offices located at 4500 Knox Road, College Park, Maryland for forty (40) days following its passage by the Mayor and Council and a fair summary of the Charter Resolution shall be published in a newspaper having general circulation in the City not less than four (4) times, at weekly intervals, also within the forty (40) day period following its adoption by the City.

Section 4. BE IT FURTHER RESOLVED that, within ten (10) days after the Charter Resolution hereby enacted becomes effective, either as herein provided or following referendum, the City Manager for the City of College Park shall send separately, by mail, bearing a postmark from the United States Postal Service, to the Department of Legislative Services, one copy of the following information concerning the Charter Resolution: (i) the complete text of this Resolution; (ii) the date of referendum election, if any, held with respect thereto; (iii) the number of votes cast for and against this Resolution by the Council of the City of College Park or in the referendum; and (iv) the effective date of the Charter Resolution.

Section 5. BE IT FURTHER RESOLVED that the City Manager of the City of College Park be, and hereby is specifically enjoined and instructed to carry out the provisions of Sections 2 and 3 as evidence of compliance herewith; and said City Manager shall cause to be affixed to the minutes of this meeting (i) an appropriate Certificate of Publication of the newspaper in which the fair summary of the Charter Resolution shall have been published; and (ii) return receipts of the mailing referred to in Section 3 and shall further cause to be completed and executed the Municipal Charter or Annexation Resolution Registration Form.

INTRODUCED by the Mayor and Council of the City of College Park at a regular meeting on the _____ day of _____ 2014.

ADOPTED by the Mayor and Council of the City of College Park at a regular meeting on the _____ day of _____ 2014.

EFFECTIVE the _____ day of _____, 2014.

ATTEST:

CITY OF COLLEGE PARK,

Janeen S. Miller, CMC, City Clerk

By _____
Andrew M. Fellows, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Suellen M. Ferguson, City Attorney