

## **ARTICLE II - City Council**

### **§ C2-1. Establishment; composition. [Amended 2-19-15 by HR 2015-02]**

The government of said City shall be vested in a Mayor and ten (10) Councilmembers, to be elected as hereinafter provided for, who shall compose the City Council.

### **§ C2-2. Election; term of office; qualifications. [Amended 2-19-15 by HR 2015-02]**

A. Election; tenure. The Mayor shall be elected from the City at large and shall be elected for a term of four (4) years. One (1) Councilmember shall be elected from each ward of the City concurrent with the election of the Mayor, and one (1) Councilmember shall be elected from each ward of the City two (2) years thereafter. Each Councilmember shall be elected for a term of four (4) years, except in case of an election to fill a vacancy in that office, in which case the election shall be until the next regular City election. The Mayor and Councilmembers shall hold their respective offices for the several terms aforesaid and until their successors shall have been duly elected and qualified, unless otherwise terminated by operation of law. The Mayor and all Councilmembers shall retain throughout their respective terms of office all the qualifications necessary for their election, and their failure to retain all such qualifications shall ipso facto cause a forfeiture of their respective offices. [Amended 5-15-78 by HR No. 2-78]

B. Qualifications. No persons shall be eligible as Mayor or Councilmembers except those who, upon the day of election, shall be citizens of the United States, at least eighteen (18) years of age, registered voters of the City of Hyattsville, actual bona fide residents of the City of Hyattsville and, in the case of Councilmembers, residents of the ward from which they shall be elected. [Amended 5-1-72]

C. Restrictions. Neither the Mayor nor any of the Councilmembers shall hold any other office with the City during their respective terms of office, neither shall they nor any other officer of the City, either directly or indirectly through the medium or agency of other persons, enter into any contract or contracts with the City. [Amended 12-19-93 by HR No. 12-83]

D. Required attendance to serve. The Mayor and/or a member of Council may be removed from office as a result of extended absenteeism, which is defined as missing in excess of fifty percent (50%) of each of the Council regular and special legislative meetings and meetings as committees of the whole in any calendar year. The Mayor or five (5) Councilmembers shall have the authority to convene a public hearing on the issue of the extended absenteeism of the Mayor and/or member of Council. [Amended 2-3-03, HR No. 2003-07]

E. Removal from office. After a public hearing on the issue of the extended absenteeism of the Mayor and/or member of Council, the Mayor and/or member Council may be removed from office as a result of such extended absenteeism by an affirmative vote of two-thirds (2/3) of the members of the Council. [Amended 2-3-03, HR No. 2003-07]

### **§ C2-3. Organization; vacancies; powers and duties of Mayor; meetings; quorum. [Amended 5-15-78 by HR No. 3-78, Amended 9-23-92 by HR No. 3-92, Amended 12-7-98 by HR 98-07, Amended 2-19-15 by HR 2015-02]**

A. The Council shall meet on the third Monday in May of each election year herein provided for, when those members just elected shall qualify by taking the oath required by the provisions of § C12-1 of this Charter, and the Council shall proceed to organize by electing two (2) of their number President and Vice President of the Council.

B. (1) If a vacancy is created in the office of Mayor or any Councilmember by reason of death, refusal or inability to act, disqualification, resignation or removal beyond the corporate limits of the City, then the remaining Councilmembers shall notify the Board of Supervisors of Elections to proceed to fill such vacancy by special election which must be held within seventy-five (75) days of the date the vacancy is created, for the balance of the term of the Mayor or that of a Councilmember. [Amended 12-7-98 by HR 98-07]

C. A special election shall not be required, and the vacancy shall remain, if the election is to occur within one hundred fifty (150) days of any regularly scheduled election. [Amended 12-7-98 by HR 98-07]

D. In the event that the special election is scheduled for a date when voting machines or other equipment necessary to conduct the election are not available the election may be postponed for no more than thirty (30) days. [Amended 12-7-98 by HR 98-07]

E. In the event of a vacancy in the Mayor's position, the President of the Council shall serve as Mayor until such time as a new Mayor is elected. [Amended 12-7-98 by HR 98-07]

F. The Mayor shall preside at all meetings of the Council and shall have all the privileges of a Councilmember in debate and vote. The President of the Council shall, in the absence of the Mayor, preside at all meetings. The Vice President shall, in the absence of the Mayor and President, preside at all meetings.

G. The City Council shall hold two (2) regular monthly meetings on the first and third Mondays of each month at 8:00 p.m.; except during the months of June and August, when there shall be one (1) meeting on the first Monday of the month, and the months of July and September, when there shall be one (1) meeting on the third Monday of the month, unless any of said days is a legal holiday or a quorum should not be present. In such an event, the regular meetings shall be held on the next business day when a quorum can be obtained or at such time as the Mayor may designate, not more than one (1) week from the date that said meeting should have been held. [Amended 9-23-92 by HR No. 3-92]

H. The regular meetings shall be open for the transaction of any business that may come before the City Council for action, subject to such rules and regulations as the City Council may determine.

I. Special meetings of the City Council may be convened by the Mayor or at the request of five (5) members of the Council. Special meetings shall be confined to the business set out in the call for such meetings unless there is unanimous consent of all Councilmembers present to the consideration of other matters.

J. The Mayor shall be the executive officer of the City with all the power necessary to secure the enforcement of all City ordinances, resolutions and laws under this Charter.

K. Except as provided in Subsection B, at all meetings of the City Council the Mayor and five (5) Councilmembers or, in the absence of the Mayor, six (6) Councilmembers present shall constitute a quorum for the transaction of business. At least six (6) affirmative votes shall be necessary for the passage of all ordinances, resolutions or laws; and they shall take effect from the date of their passage unless otherwise provided therein.

**§ C2-4. Meetings open to public. [Amended 9-22-92 by HR No. 4-92]**

All meetings of the Council shall be open to the public, except as otherwise authorized to be closed pursuant to state law, and residents of the City shall have a reasonable opportunity to be heard at all regular open meetings in regard to any municipal question.

**§ C2-5. Compensation of Mayor. [Amended 1-21-92, HR No. 4-91]**

The Mayor shall receive an annual salary as set, from time to time, by an ordinance passed by the Council in the regular course of business; provided, however, that the compensation of the Mayor be determined pursuant to the provisions of § C2-6.1.

**§ C2-6. Compensation of Councilmembers. [Amended 1-21-92, HR No. 4-91]**

Each Councilmember shall receive an annual salary which shall be equal for all Councilmembers and shall be as specified, from time to time, by an ordinance passed by the Council in the regular course of business; provided, however, that the compensation of the Councilmember be determined pursuant to the provisions of § C2-6.1.

**§ C2-6.1. Compensation Review Committee. [Amended 3-3-08 by HR 2008-07, Amended 2-19-15 by HR 2015-02]**

Every four (4) years, at least one hundred and eighty (180) days prior to a mayoral election, the Mayor shall appoint, with Council approval, a seven person committee whose membership shall be comprised of at least one member from each Ward of the City, to review and make recommendations for the compensation of both the Mayor to be elected in the next municipal election and all City Council members serving during that upcoming four year term. The Compensation Review Committee shall make its recommendation as to any compensation increase, decrease or lack of change, in the existing compensation to the Mayor and City Council at least ninety (90) days prior to the election. The Mayor and Council shall have no power to alter or amend the Commission's recommendation, but shall either accept or reject it, by motion, resolution or ordinance.

[Amended 1-21-92, HR No. 5-91, 3-3-08 by HR 2008-07]

**§ C2-7. Judgment of qualifications.**

The Council shall be the judge of the election and qualification of its members.

**§ C2-8. Rules of procedure.**

The Council shall determine its own rules and order of business. It shall keep a journal of its proceedings and enter therein the yeas and nays upon final action on any question, resolution or ordinance or at any other time if required by any one (1) member. The journal shall be open to public inspection during normal business hours at the City Office.

**§ C2-9. Passage, publication and effective date of legislation; emergency legislation. [Amended 1-5-04 by HR 2003-20]**

No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the Council held not less than six (6) nor more than sixty (60) days after the meeting at which an ordinance was introduced, it shall be passed or passed as amended or rejected or its consideration deferred to some specified future date. In cases of emergency, the above requirement may be suspended by the affirmative votes of a majority of the members of the Council. Every

ordinance shall become effective on the date the ordinance specifies which date shall be no less than twenty (20) calendar days following passage. An emergency ordinance shall become effective on the date specified in the ordinance without regard to the twenty (20) calendar day period specified above. A fair summary of each ordinance shall be published twice in a newspaper having general circulation in the City.

**§ C2-10(A). Procedure for referendum. [Amended 2-3-03, HR No. 2003-03]**

If, before the expiration of thirty (30) business days following passage of any ordinance, a petition is filed with the Clerk containing the signatures of not less than twenty percent (20%) of the qualified voters of the City and requesting that the ordinance or any part thereof be submitted to a vote of the qualified voters of the City for their approval or disapproval, the Council shall have the ordinance or the part thereof requested for referendum submitted to a vote of the qualified voters of the City at the next regular City election or, in the Council's discretion, at a special election occurring before the next regular election. No ordinance or the part thereof requested for referendum shall become effective following the receipt of such petition until and unless approved at the election by a majority of the qualified voters voting on the question. An emergency ordinance or the part thereof requested for referendum shall continue in effect for sixty (60) days following receipt of such petition. If the question of approval or disapproval of any emergency ordinance or any part thereof has not been submitted to the qualified voters within sixty (60) days following receipt of the petition, then the operation of the ordinance or the part thereof requested for referendum shall be suspended until approved by a majority of the qualified voters voting on the question at any election. Any ordinance or part thereof disapproved by the voters shall stand repealed. The provisions of this section shall not apply to any ordinance or part thereof passed under the authority of § C3-2A of this Charter levying property taxes for the payment of indebtedness, but the provisions of this section shall apply to any ordinance or any part thereof levying special assessment charges under the provisions of this Charter. The provisions of this section shall be self-executing, but the Council may adopt ordinances in furtherance of these provisions and not in conflict with them.

**§ C2-10(B). Procedure for voter ballot initiative. [Amended 2-3-03, HR No. 2003-04]**

(1) Request for a voter ballot initiative. A qualified voter of the City may submit to the Clerk of the City, along with a two hundred dollar (\$200.00) filing fee, a proposed voter ballot initiative containing a request for a Charter change or a proposed ordinance, other than for a Charter change or ordinance addressing §C3-2a(2) or §3C-2a(4) or §C3-2a(17) of this Charter or Charter changes or ordinances passed under the authority of §C3-2a(2) or §3C-2a(4) or §C3-2a(17) of this Charter. The Clerk shall submit a copy of the proposed voter ballot initiative to the Council and the City Attorney for the City. If the Council determines that there is a reasonable probability the proposed voter ballot initiative will eventually be submitted to the voters of the City, the Council will direct the City Attorney for the City to draft and/or approve the text of the proposed voter ballot initiative as specified and in conformance with the provisions of the Charter and other applicable law. The proponent may also seek the assistance of their own private counsel to assist in the drafting of the text of the proposed voter ballot initiative to be included in the petition. When drafted and/or approved, the City Attorney for the City shall submit a copy of the text of the proposed voter ballot initiative to the proponent and the City Council. The proponent of the proposed voter ballot initiative shall insert the City Attorney drafted and/or approved text of the proposed voter ballot initiative in the petition which the proponent intends to circulate among the qualified voters of the City. All petitions for proposed voter ballot initiatives must

comply with the provisions of this section regardless of whether the same or similar proposed voter ballot initiative(s) were previously filed with the Clerk.

(2) Submission of petition. If, before one hundred and twenty (120) calendar days prior to a regular City election, a petition is filed with the Clerk containing the signatures of not less than twenty percent (20%) of the qualified voters of the City, requesting and favoring that a Charter change or proposed ordinance be submitted to a vote of the qualified voters of the City for their approval or disapproval, and the petition complies with the requirements of this section, the Council shall have the ordinance requested by voter initiative submitted to a vote of the qualified voters of the City at the next regular election. The exact wording of the petition shall be placed on the ballots or voting machines when the initiative is submitted to the voters of the City. No Charter change or ordinance requested by voter initiative shall become effective following the receipt of such petition until and unless approved at a regular election by a majority of the qualified voters voting on the initiative. Any Charter change or ordinance disapproved by the voters shall have no force or effect.

(3) Council enactment. If the Council shall approve of the Charter change or ordinance provided for in the petition, the Council shall have the right by resolution to pass the ordinance proposed in the initiative petition and to proceed thereafter in the same manner as if the resolution had been initiated by such legislative body.

(4) Petition requirements. Each person signing a petition shall indicate thereon his or her name, residence address and ward, whether such person is in favor or against the proposed resolution or ordinance, and the date on which the petition was executed. Each person signing the petition may also print his or her name and address, but failing to print a name and/or address shall not disqualify a corresponding signature. No signature may be obtained more than one (1) year prior to the date the petition is filed with the Clerk. A petition may consist of several pages, but each page shall contain the complete text and exact wording of the resolution or ordinance petitioned upon. There shall be at the bottom of each page of signatures filed with a petition an affidavit of the person procuring the signatures on such page that to the person's best knowledge and belief every signature on it is genuine and bona fide and that the signers are qualified voters of the City. Upon receiving the petition, the Clerk is directed to verify that it has been signed by the required number of qualified voters and complies with the provisions of this section. The Clerk shall consider the petition as of no effect if it is signed by fewer than twenty percent (20%) of the qualified voters of the City. A minor variation in the signature of a petitioner between his or her signature on a petition and that on the City voter registration records shall not serve to invalidate his or her signature. The invalidation of one signature on a petition shall not serve to invalidate any others.

**§ C2-10(C). Procedure for Council-directed referendum. [Amended 2-3-03, HR No. 2003-05]**

By passage of a resolution approved by a minimum of two-thirds (2/3) of the Council members, the Council may direct that a referendum be submitted to a vote of the qualified voters of the City on the question(s) set forth in such resolution at the next regular election or, in the Council's discretion, at a special election occurring before the next regular election. The Council may not direct that a referendum be submitted on questions concerning the code. Any resolution containing a Council-directed referendum shall be passed by the Council at least one hundred and twenty (120) calendar days prior to the election date the referendum is to be submitted to a vote of the qualified voters of the City. The resolution shall specify whether the referendum shall

be advisory or binding in nature, and shall specify the exact wording of the referendum to be submitted to the qualified voters of the City. If the Council specifies the referendum as advisory, the results of such referendum shall be advisory only, and shall not be binding upon the Council. If the Council specifies the referendum as binding, the results of such referendum shall be binding upon the Council. The exact wording of such referendum contained in the resolution shall be placed on the ballots or voting machines when the referendum is submitted to the qualified voters of the City. The provisions of this section shall not apply to any ordinance or part thereof passed under the authority of §C3-2a of this Charter levying property taxes for the payment of indebtedness, but the provisions of this section shall apply to any ordinance or any part thereof levying special assessment charges under the provisions of this Charter. The provisions of this section shall be self-executing, but the Council may adopt ordinances in furtherance of these provisions and not in conflict with them.

**§ C2-10(D). Procedure for recall referendum. [Amended 2-3-03, HR No. 2003-06]**

(1) Request for a recall referendum. A qualified voter of the City may request a recall referendum, by presenting to the Mayor and Council, at a regular meeting of the Council, a petition requesting the removal of the Mayor or a member of Council from the office which he or she holds, and containing the favorable signatures of at least forty percent (40%) of the qualified voters of the City, in the case of a petition regarding the removal of the Mayor from office; or the favorable signature of at least forty percent (40%) of the qualified voters of the ward of the City of such Council Member, in the case of a petition regarding the removal of a member of Council from office. The Council shall submit the petition to the Clerk of the City for verification of its compliance with this section. The Clerk shall return said petition with its written findings regarding the petition's compliance to the Council within five (5) business days; and at the next regular meeting, if the petition complies with the requirements of this section, the Council shall by resolution schedule a special election to submit the recall referendum to a vote of the qualified voters of the City or the ward, as the case may be, for their approval or disapproval. The special election shall be scheduled within forty-five (45) days from the date of the Clerk's verification of the petition, except if the date of the Clerk's verification is within one hundred fifty (150) days of a regularly scheduled election, then it shall be submitted for a vote at such regular election. The question to appear on the ballot shall include the name of the Mayor or member of Council, as the case may be, the office which he or she holds, and shall request a "yes" or a "no" vote as to his/her removal from that office. No petition for recall referendum shall become effective following the receipt of such petition until and unless approved by a majority of the qualified voters voting on the recall referendum. Any recall referendum disapproved by the voters shall have no force and effect. The provisions of this section shall be self-executing, but the Council may adopt ordinances in furtherance of these provisions and not in conflict with them.

(2) Petition requirements. The petition shall contain the name of only one (1) official, either the Mayor or a member of Council and the office which he or she holds. Each person signing a petition shall indicate thereon his or her name, residence address, and ward, and whether such person is in favor or against removing such official from that office. Each person signing the petition may also print his or her name and address, but failing to print a name and/or address shall not disqualify a corresponding signature. No signature may be obtained more than one (1) year prior to the date of the petition is presented to the Mayor and Council. A petition may consist of several pages, but each page shall contain the complete text and exact wording of the

resolution petitioned upon. There shall be at the bottom of each page of signatures filed with a petition an affidavit of the person procuring the signatures on such page that to the person's best knowledge and belief every signature on it is genuine and bona fide and that the signers are qualified voters of the City. Upon receiving the petition, the Clerk is directed to verify that it has been signed by the required number of qualified voters, and complies with the provisions of the section. The Clerk shall consider the petition as of no effect if it is signed by fewer than forty percent (40%) of the qualified voters of the City, in the case of a petition regarding the removal of the Mayor from office, or by at least forty percent (40%) of the qualified voters of the ward of the City of such Councilman, in the case of a petition regarding the removal of member of Council from office. A minor variation in the signature of a petitioner between his or her signature on a petition and that on the City voter registration records shall not serve to invalidate his or her signature. The invalidation of one signature on a petition shall not serve to invalidate any others.

**§ C2-11. Filing of ordinances.**

Ordinances shall be permanently filed by the Clerk and shall be kept available for public inspection during normal business hours at the City Office.