

**COUNTY COUNCIL OF CECIL COUNTY, MARYLAND
LEGISLATIVE SESSION DAY 2020-13**

RESOLUTION NO. 36-2020 As Amended

Title of Resolution: Expedited Legislation - Charter Amendment – Qualifications – County Council

Synopsis: A Resolution amending Article 2, County Council, Section 205, Qualifications, of the Cecil County Charter to provide that the qualification for County Council Members be expanded to allow non-elected board members, committee members and employees of State, County, and Municipal agencies ~~current employees of public agencies, boards, commissions or other public bodies~~, which receive county funds, not under the direct supervision or substantially controlled by the County Executive or County Council, to be qualified as candidates for County Council. To require submission of this amendment to the legally qualified voters of Cecil County for their adoption or rejection in accordance with Section 602 of the Charter of Cecil County. This legislation is requested to be expedited in order to meet the deadline of July 31, 2020 for submission to the State Board of Election.

Introduced by: Council President on behalf of the County Council

Introduced and ordered posted on: June 30, 2020

Public hearing scheduled on: July 28, 2020 at 7:00 p.m.

Scheduled for consideration on: July 28, 2020

By: 
Council Manager

Notice and title of Resolution having been posted on June 30, 2020 at the County Administration Building, 200 Chesapeake Blvd., Elkton and having been published according to the Charter on July 15, 2020 and July 22, 2020, a public hearing was held on July 28, 2020, and concluded on July 28, 2020.

By: 
Council Manager

Explanation: CAPITAL LETTERS INDICATE LANGUAGE ADDED TO EXISTING DOCUMENT
~~Strike through~~ indicates language deleted from existing document
Underlining indicates language added to document by amendment.
~~Double Strike through~~ indicates language stricken from document by amendment

1 **WHEREAS**, pursuant to Article 6, Section 602 of the Cecil County Charter, the Charter
2 may be amended by the procedures provided in Article XI-A of the Maryland Constitution; and

3 **WHEREAS**, pursuant to Article XI-A, §5 of the Maryland Constitution, amendments to
4 any charter adopted by any County of this State under the provisions of this Article may be
5 proposed by a resolution of the Council of the County, or by a petition signed by not less than
6 20% of the registered voters of the City or County, provided, however, that in any case 10,000
7 signatures shall be sufficient to complete a petition; and

8 **WHEREAS**, pursuant to Md. Code Ann., §7-103(a)(iii) and §7-103(c)(3)(i) of the Election
9 Law Article, the Attorney, designated to represent the county legislative body, shall prepare
10 and certify, and submit to the State Board of Election, not later than July 31, 2020, the following
11 information as required under §7-103(b) of the Election Law Article for each question to be
12 voted on in the County: (1) a question number or letter as by the Election Board; (2) a brief
13 designation of the type or source of the question; (3) a brief descriptive title in boldface type;
14 (4) a condensed statement of the purpose of the question; and (5) the voting choices that the
15 voter has; and

16 **WHEREAS**, pursuant to Article 6, Section 602 of the Cecil County Charter and
17 Article XI-A, §5 of the Maryland Constitution, the amendments shall be published by the
18 President of the County Council once a week for five successive weeks prior to the election in at
19 least one newspaper published in said County; and

20 **WHEREAS**, pursuant to Article 6, Section 602 of the Cecil County Charter and
21 Article XI-A, §5 of the Maryland Constitution, an amendment so proposed shall be submitted to
22 the voters of the County at the next general or congressional election occurring after the
23 passage of the resolution; and

24 **WHEREAS**, in accordance with Article 6, Section 602 of the Cecil County Charter and
25 Article XI-A, §5 of the Maryland Constitution, if at the election the majority of the votes cast for
26 the amendment shall be in favor thereof, the amendment shall be adopted and become a part
27 of the charter of the County from and after the thirtieth day after said election; and

28 **WHEREAS**, Article 2, County Council, Section 205, Qualifications, of the Cecil County
29 Charter currently provides that, “(a) each council member shall be a citizen of the United States

30 and, for at least one year immediately preceding election or appointment, a resident and
31 registered voter of the County. Each council member shall be a resident of the residency
32 district from which the council member is elected or appointed for at least six months
33 immediately preceding election or appointment. (b) While serving as a council member, no
34 council member may: (1) Hold any other elected public office; (2) Be employed in an appointed
35 office or any non-elected position in any public agency, department, board, commission, or
36 other public body that receives funds through the Budget or is involved in the public business of
37 the County; or (3) Receive compensation for serving in an appointed office or any non-elected
38 position in any public agency, department, board, commission, or other public body that
39 receives funds through the Budget or is involved in the public business of the County. (c) A
40 retired, former county employee receiving a pension shall not be considered to be serving in a
41 public body for purposes of this section and shall be eligible to be a council member if all the
42 other provisions of this section are satisfied”; and

43 **WHEREAS**, in accordance with Article 6, Section 602 of the Cecil County Charter and
44 Article XI-A, §5 of the Maryland Constitution, this Resolution proposes the following
45 amendment to Article 2, County Council, Section 205, Qualifications, of the Cecil County
46 Charter:

47 “(a) Each council member shall be a citizen of the United States and, for at least one year
48 immediately preceding election or appointment, a resident and registered voter of the County.
49 Each council member shall be a resident of the residency district from which the council
50 member is elected or appointed for at least six months immediately preceding election or
51 appointment.

52 (b) While serving as a council member, no council member may:

- 53 (1) Hold any other elected public office;
- 54 (2) **HOLD ANY OTHER OFFICE OF PROFIT CREATED BY THE MARYLAND**
55 **CONSTITUTION OR LAWS OF THE STATE, PURSUANT TO ARTICLE 35 OF THE**
56 **MARYLAND DECLARATION OF RIGHTS; OR**

57 ~~Be employed in an appointed office or any non-elected position in any public agency,~~
58 ~~department, board, commission, or other public body that receives funds through the~~
59 ~~Budget or is involved in the public business of the County; or~~

60 (3) **BE EMPLOYED BY A DEPARTMENT OR AGENCY OF THE COUNTY GOVERNMENT,**
61 **WHICH IS DIRECTLY SUPERVISED OR SUBSTANTIALLY CONTROLLED BY THE EXECUTIVE**
62 **OR COUNCIL.**

63 ~~Receive compensation for serving in an appointed office or any non-elected position in~~
64 ~~any public agency, department, board, commission, or other public body that receives~~
65 ~~funds through the Budget or is involved in the public business of the County.~~

66 (c) A retired, former county employee receiving a pension shall not be considered to be serving
67 in a public body for purposes of this section and shall be eligible to be a council member if all
68 the other provisions of this section are satisfied.”

69 **(d) Non-elected Board Members, Committee Members, and Employees of the State, County**
70 **and Municipal agencies, which are not directly supervised or substantially controlled by the**
71 **Executive or Council, shall be eligible to be a council member if all the other provisions of this**
72 **section are satisfied.**

73 **NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COUNTY COUNCIL OF CECIL**
74 **COUNTY, MARYLAND,** that the following amendment to Article 2, County Council, Section 205,
75 Qualifications, of the Cecil County Charter, shall be submitted to the voters of the County at the
76 next general or congressional election in accordance with Article 6, Section 602 of the Cecil
77 County Charter and Article XI-A, §5 of the Maryland Constitution:

78 “(a) Each council member shall be a citizen of the United States and, for at least one year
79 immediately preceding election or appointment, a resident and registered voter of the County.
80 Each council member shall be a resident of the residency district from which the council
81 member is elected or appointed for at least six months immediately preceding election or
82 appointment.

83 (b) While serving as a council member, no council member may:

84 (1) Hold any other elected public office;

85 (2) **HOLD ANY OTHER OFFICE OF PROFIT CREATED BY THE MARYLAND**
86 **CONSTITUTION OR LAWS OF THE STATE, PURSUANT TO ARTICLE 35 OF THE**
87 **MARYLAND DECLARATION OF RIGHT; OR**

88 ~~Be employed in an appointed office or any non-elected position in any public agency,~~
89 ~~department, board, commission, or other public body that receives funds through the~~
90 ~~Budget or is involved in the public business of the County; or~~

91 (3) **BE EMPLOYED BY A DEPARTMENT OR AGENCY OF THE COUNTY GOVERNMENT,**
92 **WHICH IS DIRECTLY SUPERVISED OR SUBSTANTIALLY CONTROLLED BY THE EXECUTIVE**
93 **OR COUNCIL.**

94 ~~Receive compensation for serving in an appointed office or any non-elected position in~~
95 ~~any public agency, department, board, commission, or other public body that receives~~
96 ~~funds through the Budget or is involved in the public business of the County.~~

97 (c) A retired, former county employee receiving a pension shall not be considered to be serving
98 in a public body for purposes of this section and shall be eligible to be a council member if all
99 the other provisions of this section are satisfied.

100 **(d) Non-elected Board Members, Committee Members, and Employees of the State, County**
101 **and Municipal agencies, which are not directly supervised or substantially controlled by the**
102 **Executive or Council, shall be eligible to be a council member if all the other provisions of this**
103 **section are satisfied.**

104 **AND BE IT HEREBY FURTHER RESOLVED BY THE COUNTY COUNCIL OF CECIL COUNTY,**
105 **MARYLAND,** that, pursuant to Md. Code Ann., §7-103(a)(iii) and §7-103(c)(3)(i) of the Election
106 Law Article, the Attorney, designated to represent the county legislative body, shall prepare,
107 certify, and submit to the State Board of Election, not later than July 31, 2020, the following
108 information as required under §7-103(b) of the Election Law Article: (1) a question number or
109 letter as by the Election Board; (2) a brief designation of the type or source of the question; (3)
110 a brief descriptive title in boldface type; (4) a condensed statement of the purpose of the
111 question; and (5) the voting choices that the voter has.

112 **AND BE IT HEREBY FURTHER RESOLVED BY THE COUNTY COUNCIL OF CECIL COUNTY,**
113 **MARYLAND,** that pursuant to Article 6, Section 602 of the Cecil County Charter and Article XI-A,


114 §5 of the Maryland Constitution, the amendments shall be published by the President of the
115 County Council once a week for five successive weeks prior to the election in at least one
116 newspaper published in said County.

117 **AND BE IT HEREBY FURTHER RESOLVED BY THE COUNTY COUNCIL OF CECIL COUNTY,**
118 **MARYLAND,** that pursuant to Article 6, Section 602 of the Cecil County Charter and Article XI-A,
119 §5 of the Maryland Constitution, the aforementioned proposed amendment shall be submitted
120 to the voters of the County at the next general or congressional election occurring after the
121 passage of this Resolution.

122 **AND BE IT HEREBY FURTHER RESOLVED BY THE COUNTY COUNCIL OF CECIL COUNTY,**
123 **MARYLAND,** that in accordance with Article 6, Section 602 of the Cecil County Charter and
124 Article XI-A, §5 of the Maryland Constitution, if at the election the majority of the votes cast for
125 the aforementioned proposed amendment shall be in favor thereof, then the proposed
126 amendment shall be adopted and become a part of the Charter of Cecil County from and after
127 the thirtieth day after said election.

INTRODUCED: June 30, 2020

ADOPTED: June 28, 2020

 7-31-20

President of the Council

ATTEST:


Council Manager