

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

June 1, 2009

RESPONSIBLE STAFF:

Fred Felton
Assistant City Manager

CALL TO PODIUM:

Fred Felton
Assistant City Manager

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing
	Historic District
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
X	Other: From Staff

PUBLIC HEARING HISTORY:



(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

TITLE:
Council Guidance on Scheduling a Public Hearing on Proposed Changes to Section 32 of the City Charter

SUPPORTING BACKGROUND:
Staff will be seeking guidance on the attached memorandum dated May 18, 2009.
Attachments:
1. Memorandum dated May 18, 2009
2. Draft Amendment to Section 32 of the City Charter

DESIRED OUTCOME:
Provide guidance to staff.

Memorandum To: Mayor and City Council
FROM: Frederick J. Felton, Assistant City Manager 
VIA: Angel L. Jones, City Manager 
SUBJECT: Proposed Charter Amendment to Section 32
DATE: May 18, 2009

On May 19, 2008, the Mayor and City Council appointed the Ad Hoc Elections Review Committee to review and provide recommendations on changes to the City's Elections Ordinance. The majority of the Committee's recommendations were related to campaign finance issues; however, the Committee had one recommendation that requires a Charter Amendment.

Pursuant to Section 32 of the City Charter, the Board of Supervisors of Elections (BOSE) are required to keep the polls open from 7:00 a.m. to 7:00 p.m. unless the Council, by resolution, shall fix longer or shorter hours. The Ad Hoc Committee has recommended that the Charter be amended to give the BOSE the authority to extend the hours the polls are open in the event of extraordinary circumstances on Election Day. The attached Charter Amendment would provide this authority to the BOSE.

Staff recommends that the Council schedule this proposed Charter Amendment for public Hearing on June 15, 2009. I will be seeking guidance on this matter during the June 1, 2009 Mayor and City Council meeting.

FJF/ms
Attachment

RESOLUTION NO. _____

RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF GAITHERSBURG, MARYLAND, TO AMEND
SECTION 32 OF THE CITY CHARTER ENTITLED
“ELECTION PLACES; BALLOTS OR VOTING MACHINES;
HOURS OF POLLS”

WHEREAS, Section 32 of the Charter of the City of Gaithersburg requires that the Board of Supervisors of Elections shall keep the polls open in City elections from 7:00 a.m. to 7:00 p.m. unless the City Council, by resolution, shall fix longer or shorter hours; and

WHEREAS, the Ad Hoc Elections Ordinance Review Committee has recommended that the City Council amend the Charter to give the Board of Supervisors of Elections the ability to extend the hours of the polls on Election Day if extraordinary circumstances warrant an extension; and

WHEREAS, the Mayor and City Council has determined that circumstances could arise on a City Election Day that would warrant an extension of the hours that a polling place is open:

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Gaithersburg, in public meeting assembled, that Section 32 of the City Charter is hereby amended as follows:

Section 1 – That Section 32 of the Charter of the City of Gaithersburg be, and the same is, repealed and reenacted with amendments as follows:

It shall be the duty of the board of supervisors of elections to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and ballots or voting machines. The ballots or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of this Charter, arranged in alphabetical order by office with no party designation of any kind. The board of supervisors of elections shall keep the polls open from 7:00 a.m. to 7:00 p.m. unless the council, by resolution, shall fix longer or shorter hours. In the event of extraordinary circumstances on Election Day, the board of supervisors of elections shall have the authority to extend the hours the polls are open at one or more voting location.

Section 2 – BE IT FURTHER RESOLVED that the date of the adoption of this resolution is _____, 2009, and that the amendment to the Charter of the City of Gaithersburg, as herein adopted, shall be and become effective on _____, 2009,

unless on or before said date a proper petition for referendum of this resolution shall be filed as permitted by law.

Section 3 – BE IT FURTHER RESOLVED that a complete and exact copy of this resolution shall be posted at City Hall, 31 South Summit Avenue, Gaithersburg, Maryland 20877, until _____, 2009, and a fair summary of the proposed Charter amendment contained in this resolution shall be published in a newspaper of general circulation in the City of Gaithersburg not fewer than four (4) times at weekly intervals before _____, 2009.

Section 4 – 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 City shall send or cause to be sent to the Department of Legislative Reference the following information concerning this Charter resolution: (1) the complete text of this resolution; (2) the date of enactment of the Charter amendment; (3) the date of the referendum election, if any; (4) the number of votes cast for or against this resolution whether by the City Council or in a referendum; and (5) the effective date of the Charter amendment contained herein.

ADOPTED by the City Council this day ___ of _____, 2009.

SIDNEY A. KATZ, MAYOR and
President of the Council

THIS IS TO CERTIFY that the foregoing Resolution was adopted by the City Council in a public meeting assembled on the ___ day of _____, 2009. This Resolution will become effective on the ___ day of _____, 2009.

Angel L. Jones, City Manager

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
Single strikethrough	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by Amendment.</i>
Double boldface strikethrough	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>