

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

June 15, 2009

CALL TO PODIUM:

Fred Felton
Assistant City Manager

RESPONSIBLE STAFF:

Fred Felton
Assistant City Manager

AGENDA ITEM:

(please check one)

<input type="checkbox"/>	Presentation
<input type="checkbox"/>	Proclamation/Certificate
<input type="checkbox"/>	Appointment
<input checked="" type="checkbox"/>	Public Hearing
<input type="checkbox"/>	Historic District
<input type="checkbox"/>	Consent Item
<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Resolution
<input type="checkbox"/>	Policy Discussion
<input type="checkbox"/>	Work Session Discussion Item
<input type="checkbox"/>	Other:

PUBLIC HEARING HISTORY:

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

Introduced	
Advertised	05/29/09
Hearing Date	06/15/09
Record Held Open	06/25/09
Policy Discussion	07/06/09

TITLE:
Resolution of the Mayor and City Council to Amend Section 32 of the City Charter "Election Places, Ballots, Machines, Hours of Polls"

SUPPORTING BACKGROUND:
<p>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.</p> <p>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.</p> <p>On April 27, 2009, the Ad Hoc Committee presented its recommendations to the Mayor and City Council. On June 1, 2009, the Mayor and City Council directed staff to schedule the Charter Amendment for public hearing.</p>

DESIRED OUTCOME:
<p>Conduct public hearing. Staff recommends that the City Council vote to hold the record open until 5:00 PM on June 25, 2009, with final action anticipated on July 6, 2009.</p>

The Gazette

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RECEIVED

JUN - 2 2009

5/28/09

This is to certify that the annexed advertisement of PUB HEARING: AMEND SECTION 32: 06.15.09 was published in a paper of record known as The Gazette of Politics and Business, a weekly subscription newspaper published in Montgomery and Frederick Counties, Maryland. The ad appeared once a week for 1 week(s), before 5/30/09.

Copy of Ad Attached
Ad Order Number: 52927

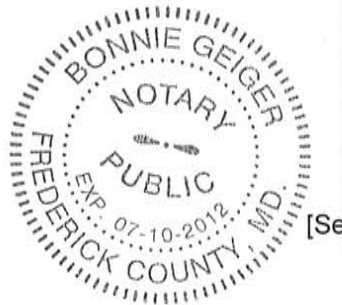
Publication Dates
5/29/09

Gazette Legal Advertising Department

Bonnie Geiger

Notary

My Commission Expires:



NOTICE OF PUBLIC HEARING

The Mayor and City Council of the City of Gaithersburg will hold a public hearing on:

**MONDAY, JUNE 15, 2009
7:30 P.M.**

or as soon thereafter as it can be heard in the Council Chambers at City Hall, 31 South Summit Avenue, Gaithersburg, Maryland on the following:

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

Further information may be obtained from the City Managers Office, 31 South Summit Avenue between the hours of 8 a.m. and 5 p.m., Monday through Friday.

Angel L. Jones
City Manager

MC 52927

(5-29-09)

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>