

**MAYOR AND COUNCIL  
THE TOWN OF FOREST HEIGHTS  
CHARTER AMENDMENT RESOLUTION NUMBER 01 - 21**

**A CHARTER AMENDMENT RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS, MARYLAND AMENDING SECTION 33-3 (NUMBER; SELECTION, TERM) AND SECTION 33-15 (NUMBER; SELECTION, TERM) OF THE CHARTER OF THE TOWN OF FOREST HEIGHTS, MARYLAND TO ALLOW CERTAIN ELECTED OFFICIALS TO FINISH THEIR FINAL TERM OF ELECTIVE OFFICE DESPITE HAVING LESS THAN ONE-YEAR MORE THAN A TOTAL OF 12-YEARS OF CONTINUOUS SERVICE AND GENERALLY RELATING TO TERM LIMITATIONS FOR ELECTIVE OFFICE WITHIN THE TOWN GOVERNMENT.**

**INTRODUCED BY:** Mayor Habeeb-Ullah Muhammad

**WHEREAS,** the Town Council is authorized by Article XI-E, § 4 of the Constitution of the State of Maryland and Subtitle 3 of Title 4 of the LG Article of the Annotated Code of Maryland, to amend the Town Charter by a resolution of the legislative body of the municipal corporation; and

**WHEREAS,** the General Assembly of Maryland passed House Bill 615 during the 2018 session effective July 1, 2018 requiring the legislative body of a municipality to hold a public hearing and give at least 21-days' notice by posting the notice in a public place before adopting a resolution initiated by the legislative body that proposes an amendment to the municipal charter; and

**WHEREAS,** the Council amended Sections 33-3 and 33-15 *et al.* of the Town Charter on January 22, 2011 pursuant to Charter Amendment Resolution 01-11 that became effective 50-days later establishing term limits for elective office by adding a clause at the end of the first sentence of each section applicable to the Councilpersons and the Mayor stating "...but in no case shall a person elected to the office of mayor [or council] or any other elective office under this charter serve more than twelve (12) consecutive years in elective office;" and

**WHEREAS,** the Mayor and Council find that regarding the above-referenced amendment there may be unusual cases where an elected official instead of beginning one's continuous service by means of a general election, said official could be chosen to fill a vacancy in office pursuant to a special election or by appointment of the governing body, depending on the amount of time left in the predecessor's term of office at the time the vacancy occurred, thereby causing the initial service during the first term of office to be less than a full two-year term, which would thereafter permit such elected officials to seek a final term of office having less than 12-years of continuous service but not enough time to complete the last elected term before the running of 12-year limitation period; and

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**WHEREAS**, the Mayor and Council further find that it is in the best interest of the Town to amend the Town Charter to allow elected officials faced with the above-described circumstances to avoid further vacancies and complete their last remaining terms of office for which they were duly elected despite exceeding the 12-year municipal term limitation by less than one year as otherwise prohibited by the Charter.

**Section 1. NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS** on this \_\_\_ day of February 2021, that Section 33-3 (Number; selection, term) and Section 33-15 (Selection, term) of the Charter of The Town of Forest Heights, Maryland shall be and is hereby amended to read as follows:

\* \* \*

**THE COUNCIL**

**Section 33-3. Number; selection, term.**

All legislative powers of the Town shall be vested in a Council consisting of the Mayor and six Councilmen who shall be elected as hereinafter provided and who, unless otherwise stated herein, shall hold office for a term of two years or until the succeeding Council takes office, but in no case shall a person elected OR APPOINTED to Council or any other elective office under this Charter serve more than twelve (12) consecutive years in elective office, EXCEPT TO FINISH THE REMAINDER OF A FINAL TERM IN THOSE CASES WHERE THE PERSON WAS INITIALLY ELECTED OR APPOINTED TO FILL A VACANCY IN OFFICE FOR A PARTIALLY REMAINING TERM OF OFFICE. The regular term of Councilmen shall expire on the first Wednesday following the election and qualification and installation of their successors. Except as otherwise stated herein, Councilmen holding office on March 22, 2012, shall continue to hold office for the term for which they were elected and until the succeeding Council takes office under the provisions of this Charter. Any Councilman serving a term of office that expires pursuant to this Charter nonconcurrently with the Mayor's term of office and who files a certificate of nomination with the Town Clerk pursuant to Section 33-31 of this Charter wishing to be elected to serve as Mayor after the next election, whether he be found qualified for said office or not, or otherwise is elected thereto, shall on the tenth (10) day after said filing, unless said certificate of nomination is otherwise expressly withdrawn in writing by said candidate delivered to the Town Clerk, by operation of law, irrevocably forfeit his remaining term of office as Councilman or otherwise shorten the term of his office to one (1) year to become effective immediately following the forthcoming election, and qualification and installation of his successor pursuant to this Charter. In such cases whereby two (2) Council seats in a given ward become open for election pursuant to this section the person with the most votes will take the 2-year seat and the runner-up will fill the vacancy with the 1 year remaining.

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CAPITALS	:	Indicate matter added to existing law	Page 2 of 5
[[Brackets]]	:	Indicate matter deleted from existing law	
Asterisks * * *	:	Indicate that text is retained from existing law but omitted herein.	

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**THE MAYOR**

**Section 33-15. Selection and term.**

The Mayor shall be elected as hereinafter provided and shall hold office for a term of two years or until his successor is elected and qualified, but in no case shall a person elected to the office of Mayor or any other elective office under this Charter serve more than twelve (12) consecutive years in elective office EXCEPT TO FINISH THE REMAINDER OF A FINAL TERM IN THOSE CASES WHERE THE PERSON WAS INITIALLY ELECTED OR APPOINTED TO FILL A VACANCY IN OFFICE FOR A PARTIALLY REMAINING TERM OF OFFICE. The newly elected Mayor shall take office on the first Wednesday following his election.

\* \* \*

**Section 2. BE IT FURTHER RESOLVED** that this Charter Amendment Resolution is adopted on the aforementioned date, and that upon adoption by the Mayor and Council of The Town of Forest Heights, Maryland, a complete and exact copy of this Charter Amendment Resolution shall be posted in the Town Office for a period of at least forty (40) days following the date of its adoption. Additionally, a fair summary of the proposed Amendment shall be published in a newspaper of general circulation in The Town of Forest Heights not less than four (4) times at weekly intervals within the forty (40) days following the adoption this Charter Amendment Resolution.

**Section 3. BE IT FURTHER RESOLVED** that the Amendment initiated in this Charter Amendment Resolution shall take effect and shall become and be considered the Charter of The Town of Forest Heights, upon the fiftieth day after being so ordained or passed unless on or before the fortieth day after being so adopted and passed a referendum petition meeting the requirements of State law shall be presented to the Mayor and Council of The Town of Forest Heights, Maryland or mailed to it by certified mail, return receipt requested, bearing a postmark from the United States Postal Service.

**Section 4. BE IT FURTHER RESOLVED** that when the Charter Amendment hereby initiated becomes effective, as provided herein, or following a referendum election, the Town Clerk shall send separately, by certified mail, return receipt requested, to the Department of Legislative Services within 10 days after the charter resolution becomes effective, the following information concerning the Charter Amendment: (i) the complete text of this Charter Amendment Resolution; (ii) the date of the referendum election, if any held with respect thereto; (iii) the number of votes cast for and against this Charter Amendment Resolution by the Mayor and Council of The Town of Forest Heights, Maryland or a referendum election; and (iv) the effective date of the Charter Amendment.

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**Section 5. BE IT FURTHER RESOLVED** that the Town Clerk of The Town of Forest Heights is specifically instructed to carry out the provisions of Sections 2, 3, and 4 hereof, as evidence of compliance herewith, the Town Clerk shall cause to be affixed to this Charter Amendment Resolution and to the Minutes of the Mayor and Council Meeting in which it is adopted (i) an appropriate certificate of publication of the newspaper in which the summary of the Charter Amendment Resolution shall have been published and (ii) return receipts of the mailing referred to in Section 4, and shall further complete and execute the Certificate of Effect attached hereto.

**PASSED** by the Mayor and Council of The Town of Forest Heights, Maryland at a regular or special meeting on the \_\_\_ day of February 2021.

ATTEST:

THE TOWN OF FOREST HEIGHTS,  
MARYLAND

\_\_\_\_\_  
Sherletta Hawkins, Town Clerk

\_\_\_\_\_  
Habeeb-Ullah Muhammad, Mayor

\_\_\_\_\_  
Calvin Washington, Council President

**CERTIFICATE OF EFFECT**

**I, HEREBY CERTIFY THAT THE FOREGOING CHARTER AMENDMENT RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS DESIGNATED CHARTER AMENDMENT RESOLUTION NO. 01 - 21, WAS DULY INTRODUCED, READ, AND WAS ADOPTED BY THE MAYOR AND COUNCIL AT A DULY ANNOUNCED PUBLIC MEETING AND THEREAFTER POSTED AND ADVERTISED FOR FOUR SUCCESSIVE WEEKS, IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THE ANNOTATED CODE OF MARYLAND AND CHARTER OF THE TOWN OF FOREST HEIGHTS.**

ATTEST: \_\_\_\_\_

\_\_\_\_\_  
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Sherletta Hawkins, Town Clerk  
Town of Forest Heights, Maryland

CHARTER AMENDMENT RESOLUTION (“CAR”) SCHEDULE

DATE OF 21-DAY PUBLIC HEARING NOTICE \_\_\_\_\_  
DATE OF CAR INTRODUCTION/PASSED \_\_\_\_\_  
40-DAY POSTING END DATE: \_\_\_\_\_  
FAIR SUMMARY NEWSPAPER \_\_\_\_\_  
WEEKLY PUBLICATION DATES (x 4): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
EFFECTIVE (50<sup>TH</sup> DAY) DATE: \_\_\_\_\_