

**MAYOR AND TOWN COUNCIL  
TOWN OF FOREST HEIGHTS**

**RESOLUTION ??-07**

**ESTABLISH CHARTER AMENDMENT CITIZEN PETITION QUESTIONS  
& ADVISORY QUESTIONS FOR PLACEMENT ON THE BALLOT  
AT THE NEXT FOREST HEIGHTS TOWN ELECTION**

**INTRODUCED BY: Councilman George Wiggers**

**ENACTED:** January 19, 2007

**WHEREAS**, many citizens of Forest Heights have indicated they want to participate in revisions to the Town Charter affecting the structure of the Town government; and

**WHEREAS**, amending a municipal Charter in the State of Maryland is governed by Article 23A § 12 and 13 of the Maryland Code; and

**WHEREAS**, Article 23A provides only two methods for amending municipal charters, namely initiating amendments by Council resolution, or by Citizen petition signed by at least 20 percent of the Town's registered votes; and

**WHEREAS**, Article 23A does not provide for the Council to place charter amendments on an election ballot for citizen approval and enactment; and

**WHEREAS** Judge Schiff of the Prince George's County Circuit Court has ordered that a number of the Citizens petitions be placed on the ballot for an up or down vote; and

**NOW THEREFORE BE IT RESOLVED** that at the next Town election the following UP OR DOWN questions and ADVISORY questions shall be placed on the ballot. The Up or Down questions will be inserted into the Charter (or a section deleted as called for in the petitions) if the number of **Yes** votes exceeds the number of **No** votes. The Council intends to consider the results of the citizen votes on the Advisory questions in the introduction and possible passage of additional charter amendment resolutions to be initiated by the Town Council under Article 23A § 12 and 13.

## QUESTIONS FOR AN UP OR DOWN VOTE

### **Question #1: Change the authority of the Mayor regarding appointments**

Amend Section 33-18.(b) Appointments of the Town Charter by striking out the current wording that was inserted by Charter Amendment on November 16, 2005 as indicated by italic type below:

*Appointments. The Mayor, with the approval of the Council, shall appoint the heads of all offices, departments, and agencies of the Town government as established by this Charter or by ordinance. All paid appointees in the employ of the Town of Forest Heights including the Town Treasurer, Town Clerk, the Chief of Police and other department heads whose appointment(s) are secured by the approval of the Town Council of Forest Heights, shall retain their appointment and employment with the Town of Forest Heights until at least a majority of the Town Council of Forest Heights approve, through formal voting, said appointee's termination after having convened a hearing, before the Town Council, of the charges warranting said appointee's dismissal. Recommendation to terminate any appointment rests solely and exclusively with the Mayor of the Town of Forest Heights. All subordinate officers and employees of the offices, departments, and agencies of the Town government shall be appointed and/or removed by the respective department or agency head with the approval of the Mayor and Town Council, in accordance with rules and regulations in any merit system which may be adopted by the Council. In the absence of a department head, promotion or removal of subordinate officers and employees shall be made by the Mayor with the written approval of majority of the Town Council and in accordance with any budget and merit system which may be adopted by the Council.*

and inserting the words that existed in an equivalent section of the Charter prior to November 16, 2005 as indicated in the following bold type:

**The Mayor, with approval of the Council, shall appoint the heads of all offices, departments, and agencies of the Town government as established by this Charter or by ordinance. All office, department and agency heads shall serve at the pleasure of the Mayor. All subordinate officers and employees of the offices, departments, and agencies of the Town government shall be appointed and removed by the Mayor, in accordance with rules and regulations in any merit system which may be adopted by the Council.**

**YES or NO**

---

**Question #2: Restore the supervisory authority of the Mayor over the Treasurer**

Amend Section 33-18.(d) Finances; budget; of the Town Charter by striking out the current wording that was inserted by Charter Amendment on November 16, 2005 as indicated by italic type below:

*Finances; budget. The Mayor shall prepare or have prepared annually a budget and submit it to the Council.*

and inserting the words that existed in an equivalent section of the Charter prior to November 16, 2005 as indicated in the following bold type:

**Finances; budget. The Mayor shall have complete supervision over the financial administration of the Town government. He shall prepare or have prepared annually a budget and submit it to the Council. He shall supervise the administration of the budget as adopted by the Council. He shall supervise the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded.**

**YES or NO**

---

**Question #3: Restore the Mayor as Direct Supervisor of the Treasurer**

Amend Section 33-40. Treasurer, appointment; compensation and supervision by striking out the current wording that was inserted by Charter Amendment on November 16, 2005 as indicated by italic type below:

*There shall be a Treasurer appointed by the Mayor with the approval of the Council. He shall serve at the pleasure of the Council. His compensation shall be determined by the Council. The Treasurer shall be the financial officer of the Town. The financial powers of the Town, except as otherwise provided by this Charter, shall be exercised by the Treasurer under the direct supervision of the Council.*

and inserting the words that existed in the Charter prior to November 16, 2005 as indicated in the following bold type:

**There shall be a Treasurer appointed by the Mayor with the approval of the Council. He shall serve at the pleasure of the Council. His compensation shall be determined by the Council. The Treasurer shall be the financial officer of the Town. The financial powers of the Town, except as otherwise provided by this Charter, shall be exercised by the Treasurer under the direct supervision of the Mayor.**

**YES or NO**

---

**Question #4: Restore the Treasurer’s Authority**

Amend Section 33-41 - Same; powers and duties of the Charter to restore wording that was amended by Charter Amendment on November 16, 2005 as indicated by italic type below:

*The Treasurer shall have authority and shall be required to;*

and inserting the words that existed in the Charter prior to November 16, 2005 as indicated in the following **bold** type:

**Under the supervision of the Mayor, the Treasurer shall have authority and shall be required to;**

**YES or NO**

---

**Question #5 Restore the Mayor as Countersigner on Town Checks**

Amend Section 33-50 regarding the signing of checks by deleting current wording that was inserted by Charter Amendment on November 16, 2005 as indicated by italic type below:

*All checks issued in payment of salaries or other municipal obligations shall be issued and signed by the Treasurer, the Council President, and one other councilperson and in the absence of the council President, one other councilmember. In the absence or unavailability of the Treasurer, the Town Clerk shall be responsible for signing all checks in payment of salaries or other municipal obligations.*

and inserting the words that existed in the Charter prior to November 16, 2005 as indicated in the following **bold** type:

**All checks issued in payment of salaries or other municipal obligations shall be issued and signed by the Treasurer and shall be countersigned by the Mayor.**

**YES or NO**

---

**Question #6 Repeal the Code of Conduct Section of the Town Charter**

**To Strike Section 33-93 Section 33-93. Code of Conduct.**

Amend the Town Charter by repealing Section 33-93 regarding suspending elected officials from office by deleting current wording that was inserted by Charter Amendment on November 16, 2005 as indicated by italic type below

*Public officials, appointed or elected, are expected to display a high level of professionalism and integrity in their service to the Town of Forest Heights. Accordingly, any public official in the Town of Forest Heights, appointed or elected, shall be subject to the following provisions: (a) Charter Violations. Any violations of the Charter of the Town of Forest Heights, as determined by a 2/3 majority Council vote, shall be grounds for immediate suspension from office for a period of not more than 180 days. Suspension from office shall only be effected with a 2/3 majority Council vote. In the case of the Mayor being suspended, the Council shall carry out the duties of the Mayor until said suspension expires. (b) Pending Criminal Charges. Any Town Official facing pending criminal charges may be subject to suspension of duties pending the outcome of the criminal charges against him. Suspension from office shall only be effected with a 2/3 majority Council vote. In the case of the Mayor being suspended, the Council shall carry out the duties of the Mayor until said suspension expires. The terms of suspension shall be clearly delineated by resolution. (c) Conviction of a Crime. Any Town Official convicted of a crime may be subject to expulsion from office. Expulsion from office shall only be effected with a 2/3 majority Council vote. The terms of the expulsion shall be clearly delineated by resolution. Any public office made vacant through expulsion shall be filled in accordance with the applicable provisions of this Charter.*

**YES or NO**

---

**Question #7 Repeal the definitions of Mayor and Council and Councilmen**

Amend the Town Charter by repealing Section 33-92 regarding suspending elected officials from office by deleting current wording that was inserted by Charter Amendment on November 16, 2005 as indicated by italic type below

*(a) Any reference of "Mayor and Council" in this Charter shall be construed to explicitly and emphatically refer to the Town Council as a body. This term in no wise shall be construed to grant veto power to the Mayor.*

*(b) The term "Mayor and Council", "Council", "Town", and "Mayor and town Council", shall be used interchangeably throughout this charter and shall be construed as meaning the entire legislative body of the Town of Forest Heights.*

*(c)The terms "Councilmen" and "Councilpersons" are considered synonymous when used throughout this Charter.*

**YES or NO**

---

**Question #8 Remove the Council supervision of the Town Clerk and Treasurer**

Amend the Town Charter by repealing Section 33-64 regarding supervision of the Town Clerk and Treasurer by the Town Council by deleting current wording that was inserted by Charter Amendment on November 16, 2005 as indicated by italic type below

*The Mayor, with the approval of the Council, shall appoint a Town Clerk. The Town Clerk shall attend the meetings of the Council and shall keep a full and accurate record of the proceedings of the Council. He shall be custodian of the official records (other than the records of the Treasurer and the Board of Registrations and Elections) of the Town and shall perform such other duties as may be required by the Mayor and Council. The Town Clerk may act as the Treasurer for no more than ninety days the term of which may be extended by a majority vote of the Council. The Town Clerk shall prepare and submit a weekly report concerning town affairs to the Council. The Town Clerk shall be supervised by a Councilperson selected by a majority of the Council. The Town Clerk shall be bonded.*

and inserting the words that existed in the Charter prior to November 16, 2005 as indicated in the following **bold** type:

**The Mayor, with the approval of the Council, shall appoint a Town Clerk. The Town Clerk shall attend the meetings of the Council and shall keep a full and accurate record of the proceedings of the Council. He shall be custodian of the official records (other than the records of the Treasurer and the Board of Registrations and Elections) of the Town and shall perform such other duties as may be required by the Mayor and Council. The Town Clerk may be the same person as the Treasurer.**

**YES or NO**

---

**ADVISORY QUESTIONS FOR COUNCIL CONSIDERATION**

**Question #1: Term of Office of the Mayor**

The term of office for Mayor should be increased from the current two years to four years.

**YES or NO**

---

**Question #2: Term of Office of Council members.**

The term of office for Council members should be increased from the current two years to four years.

**YES or NO**

---

**Question #3 Remove the Mayor as a member of the Council and elect a Councilman at-large.**

Amend the Town Charter by removing the Mayor as a member and Chair of the Town Council, and elect a Councilman at-large to provide for a tie-breaking vote on the Town Council.

**YES or NO**

---

**Question #4 Authorize the Council President to act as Mayor.**

Amend the Town Charter by specifically authorizing the Council President to assume all the duties and responsibilities of the Mayor's office for a limited period until a new mayor is elected either by the Council or in a special election.

**YES or NO**

---

**Question #5 Require the filling of vacant Mayor and Council seats.**

Amend the Town Charter by specifically requiring vacant Mayor and Council seats to be filled within a specified time period, or be submitted to a special election.

**YES or NO**

---

**Question #6 Add an Impeachment of Elected Officials Section to the Charter**

Currently the Charter provides for suspension of an elected official, but the official can only be permanently removed from office upon conviction of a crime, charter amendment ,or by citizen petition. A proposed charter amendment authorizing impeachment would add additional reasons for removing an elected official from office, including malfeasance, misfeasance, or nonfeasance in office, violating an express charter prohibition, failure to attend three consecutive Council meetings unless excused by the Council, or otherwise fails to meet the qualifications for office. The proposed charter amendment would establish a formal procedure for specifying charges, Council voting procedures, gathering of facts, involvement of the Town Attorney, and finally, if convicted, expulsion from office.

**YES or NO**

---

**AND BE IT FURTHER RESOLVED** that this resolution shall take effect immediately upon its passage.

**PASSED THIS DAY OF** January 19, 2007.

\_\_\_\_\_  
Larry Stoner, Acting Mayor & Councilman  
Ward III

\_\_\_\_\_  
Andrea McCutcheon, Acting Council  
President & Councilwoman Ward II

\_\_\_\_\_  
Clifton Atkinson, Councilman Ward II

\_\_\_\_\_  
Worthington Ross, Councilman Ward III

\_\_\_\_\_  
Carmelita Lynn Smith-Barnes,  
Councilwoman Ward I

\_\_\_\_\_  
George F. Wiggers, Councilman Ward I

Attest:

\_\_\_\_\_  
Bonita Anderson, Town Clerk