

**COUNTY COUNCIL OF CECIL COUNTY, MARYLAND
LEGISLATIVE SESSION 2021-02**

BILL NO. 2021-01

Title of Bill: County Council - Qualifications

Synopsis: An Act to amend Chapter 21 (County Council) to add a new section to be titled "Qualifications" to reflect the approved Charter Amendment that non-elected board members, committee members and employees, who receive county funds, not under the direct supervision or substantially controlled by the County Executive or County Council, may be qualified as candidates for County Council; which was approved as Local Question A by Cecil County qualified voters at the General Election on November 3, 2020.

Introduced by: Council President on behalf of Council Members

Introduced and order posted on: January 19, 2021

Public hearing scheduled on: February 16, 2021 at 7:00 p.m.

Consideration scheduled on: March 2, 2021

By: _____
Council Manager

PUBLIC HEARING

Notice of time and place of public hearing and title of Bill having been posted by (date) at the County Administration Building, 200 Chesapeake Blvd., Elkton, and having been published according to the Charter on (date), a public hearing was held on (date) and concluded on (date).

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

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

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

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

22 **WHEREAS**, in accordance with Article 6, Section 602 of the Cecil County Charter and Article XI-A,
23 §5 of the Maryland Constitution, if at the election the majority of the votes cast for the amendment shall
24 be in favor thereof, the amendment shall be adopted and become a part of the charter of the County
25 from and after the thirtieth day after said election; and

26 **WHEREAS**, the County Council approved Resolution No. 36-2020 As Amended- Expedited
27 Legislation – Charter Amendment – Qualifications – County Council, on June 28, 2020; and

28 **WHEREAS**, Resolution No. 36-2020 was certified as a local question A and submitted to the
29 qualified voters of Cecil County, Maryland, on the General Election held on November 3, 2020; and

30 **WHEREAS**, Local Question A. County Council – Qualifications, was approved by the voters of Cecil
31 County, Maryland, and certified by the Board of Election of Cecil County; and

32 **WHEREAS**, Local Question A. County Council – Qualifications, amends the Charter of Cecil County,
33 as follows:

34 “Article 2. County Council

35 Section 205: Qualifications

36 (a) Each council member shall be a citizen of the United States and, for at least one year immediately
37 preceding election or appointment, a resident and registered voter of the County. Each council member
38 shall be a resident of the residency district from which the council member is elected or appointed for at
39 least six months immediately preceding election or appointment.

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

41 (1) Hold any other elected public office;

42 (2) Hold any other office of profit created by the Maryland Constitution or Laws of the State,
43 pursuant to Article 35 of the Maryland Declaration of Rights; or

44 (3) Be employed by a department or agency of the County government, which is directly
45 supervised or substantially controlled by the Executive or Council.

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

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

52 **NOW THEREFORE, BE IT HEREBY ENACTED BY THE COUNTY COUNCIL OF CECIL COUNTY,**

53 **MARYLAND**, that a new section of Chapter 21 (County Council), of the Code of Cecil County to be titled
54 Section 21-4 “Qualifications” is hereby enacted to read as follows:

55 **“CHAPTER 21. COUNTY COUNCIL**

56 **SECTION 21-4. QUALIFICATIONS**

57 **(a) EACH COUNCIL MEMBER SHALL BE A CITIZEN OF THE UNITED STATES AND, FOR AT LEAST ONE YEAR**
58 **IMMEDIATELY PRECEDING ELECTION OR APPOINTMENT, A RESIDENT AND REGISTERED VOTER OF THE**
59 **COUNTY. EACH COUNCIL MEMBER SHALL BE A RESIDENT OF THE RESIDENCY DISTRICT FROM WHICH**

60 THE COUNCIL MEMBER IS ELECTED OR APPOINTED FOR AT LEAST SIX MONTHS IMMEDIATELY
61 PRECEDING ELECTION OR APPOINTMENT.

62 (b) WHILE SERVING AS A COUNCIL MEMBER, NO COUNCIL MEMBER MAY:

63 (1) HOLD ANY OTHER ELECTED PUBLIC OFFICE

64 (2) HOLD ANY OTHER OFFICE OF PROFIT CREATED BY THE MARYLAND CONSTITUTION OR
65 LAWS OF THE STATE, PURSUANT TO ARTICLE 35 OF THE MARYLAND DECLARATION OF RIGHTS,
66 OR

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

69 (c) A RETIRED, FORMER COUNTY EMPLOYEE RECEIVING A PENSION SHALL NOT BE CONSIDERED TO BE
70 SERVING IN A PUBLIC BODY FOR PURPOSES OF THIS SECTION AND SHALL BE ELIGIBLE TO BE A COUNCIL
71 MEMBER IF ALL THE OTHER PROVISIONS OF THIS SECTION ARE SATISFIED.

72 (d) NON-ELECTED BOARD MEMBERS, COMMITTEE MEMBERS, AND EMPLOYEES OF THE STATE, COUNTY
73 AND MUNICIPAL AGENCIES, WHICH ARE NOT DIRECTLY SUPERVISED OR SUBSTANTIALLY CONTROLLED
74 BY THE EXECUTIVE OR COUNCIL, SHALL BE ELIGIBLE TO BE A COUNCIL MEMBER IF ALL THE OTHER
75 PROVISIONS OF THIS SECTION ARE SATISFIED.”

76 AND IT IS FURTHER ENACTED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND, that this
77 Bill shall take effect 60 calendar days from the date that it becomes law.

CERTIFICATION

I, HEREBY CERTIFY that the above Bill was posted for the public on the public bulletin board with the date, time and location of the public hearing meeting, copies were made available for the public, a copy was distributed to the press, and copy was made available on the Cecil County website.

BY Council Manager