

d. Results of Election. If a majority of the voters in the special election vote in favor of recalling the officeholder in question, upon certification of the results of the election by the Board of Elections to the Council, said office shall thereupon be declared vacant by the Council, and shall be filled by the Council in the manner prescribed by this Charter, provided, however, that if the total number of votes cast in the special election does not equal at least twenty-five percent (25%) of the total number of votes cast in the last municipal general election, then the results of the election shall be considered as of no effect.

New Carrollton Charter Amendment No. 71-8

A Charter Amendment of the City of New Carrollton, Prince George's County, State of Maryland, amending Section 1 to substitute the term "City" for "Town"; amending Section 18, entitled "Settlement of Claims," to renumber it as Section 17 and substituting the term "City" for the phrase "Mayor and Council"; amending Section 26, entitled "Legislative Intent," to renumber it as Section 23; and amending the Charter by adding a new Section 22, entitled "Code of Ethics" requiring the Council to adopt a code of ethics applying to persons in the service of the City.

SECTION 1. INCORPORATED; GENERAL POWERS.

The citizens residing and/or owning real property within the area as herein defined, in Prince George's County, are hereby made a body corporate, by the name and style of the "City of New Carrollton," and by that name shall have perpetual succession, may sue and be sued, have and use a common seal, execute contracts, purchase and hold real, personal and mixed property for municipal purposes, sell and dispose of *the same* for the benefit of said **[Town,] City**, and be vested with the power of eminent domain to condemn and convert property of the **[Town] City** for the purpose of widening or constructing streets, widening or constructing sidewalks, for the establishment of public parks and playgrounds, for the establishment of public parking grounds, for the construction of drainage projects, and for the construction of any public street, alley or way, in the manner and procedure as is, or shall be provided by the laws of this State for State and County purposes.

SECTION **[18.] 17. SETTLEMENT OF CLAIMS.**

The **[Mayor and] Council [of New Carrollton** is hereby authorized and empowered to] *may* settle in its discretion, claims and suits, either at law or in equity, or whether such claim may be based upon a suit already instituted or not, whenever the cause of action or claim arises out of the negligence or wrongful act, whether of commission or omission, of any officer or employee of the **[Mayor and Council,] City** for whose negligence or acts the **[Mayor and Council,] City**, if a private individual, would be prima facie liable to respond to damages, irrespective of whether such negligence occurred or such acts were done in the performance of a municipal or a governmental function of the **[said Mayor and Council; provided that, in] City**. In the settlement of any claim under the provisions of this section, the **[Mayor and Council] City** shall not pay to any claimant an amount in excess of Five Hundred **[((\$500.00)] Dollars (\$500)**, and any settlement so authorized may be paid out of any money which the **[Mayor and Council] City** may have in its general funds. **[; provided further, however, that nothing] Nothing** herein contained shall be construed as depriving the **[Mayor and Council] City** of any defense it may have to any suit whether at law or in equity, which may be insti-