

CHARTER AMENDMENT RESOLUTION NO. 02-2024

A CHARTER AMENDMENT RESOLUTION  
OF THE COMMISSIONERS OF THE TOWN OF CHURCH HILL, MARYLAND  
AMENDING ARTICLE II, THE COMMISSION, OF THE CHARTER OF THE TOWN OF  
CHURCH HILL TO ENACT A NEW SECTION, SECTION 205A, FORFEITURE OF  
OFFICE, TO ESTABLISH A PROCEDURE FOR THE REMOVAL OF A COMMISSIONER

WHEREAS, pursuant to Article XI-E, § 3 of the Constitution of Maryland, the Commissioners of the Town of Church Hill (the “Commission”), as the legislative body of the Town of Church Hill (the “Town”), is authorized and empowered to amend the Charter of the Town of Church Hill (the “Charter”); and

WHEREAS, pursuant to Md. Code Ann., Local Gov't §§ 4-302(1) and 4-304, the Commission may initiate a proposed amendment to the Charter by a resolution which, except as otherwise specified in Title 4, Subtitle 3 of the Local Government Article, is adopted in the same manner as other resolutions in the Town by a majority of all the individuals elected to the Commission, as the legislative body of the Town, subject to the right of referendum; and

WHEREAS, the Town Charter does not identify the circumstances under which a commissioner forfeits his or her office; and

WHEREAS, the Commission desires to amend the Town Charter to address the forfeiture of office as herein provided.

Section 1. NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSISONERS OF THE TOWN OF CHURCH HILL, MARYLAND that Article II, The Commission, of the Charter of the Town of Church Hill shall be and hereby is amended to enact a new section, Section 205A, Forfeiture of Office to read as follows:

**SECTION 205A. FORFEITURE OF OFFICE.**

**A. ANY PERSON HOLDING AN ELECTIVE OFFICE UNDER THIS CHARTER, WHO DURING A TERM OF OFFICE IS CONVICTED OF OR ENTERS A PLEA OF NOLO CONTENDERE TO ANY CRIME WHICH IS A FELONY OR WHICH IS A MISDEMEANOR RELATED TO THE OFFICIAL’S PUBLIC DUTIES AND RESPONSIBILITIES AND INVOLVES MORAL TURPITUDE FOR WHICH THE PENALTY MAY BE INCARCERATION IN ANY PENAL INSTITUTION, SHALL BE REMOVED FROM OFFICE PURSUANT TO SECTION 2 OF ARTICLE XV OF THE CONSTITUTION OF MARYLAND.**

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**B. ANY PERSON HOLDING ELECTIVE OFFICE UNDER THIS CHARTER SHALL IMMEDIATELY FORFEIT THE OFFICE IF THE OFFICIAL CEASES TO BE A RESIDENT OF THE TOWN UNDER THE PROVISIONS OF SECTION 202 OF THIS CHARTER.**

**C. IF A COMMISSIONER IS UNABLE TO ATTEND AND PARTICIPATE, IN PERSON, VIRTUALLY OR VIA TELEPHONE, THREE (3) CONSECUTIVE REGULARLY SCHEDULED PUBLIC MEETINGS, OR MORE, WITHOUT BEING PROPERLY EXCUSED BY THE COMMISSION, THE REMAINING MEMBERS MAY BY UNANIMOUS VOTE PASS A RESOLUTION DECLARING THAT POSITION FORFEITED, AND PROCEED TO FILL THE VACANT POSITION AS PROVIDED IN SECTION 208 OF THIS CHARTER. FOR A COMMISSIONER TO BE PROPERLY EXCUSED FROM A MEETING, THE COMMISSIONER SHALL ADVISE THE REMAINING COMMISSIONERS AND THE TOWN ADMINISTRATOR, NOT LESS THAN THREE (3) BUSINESS DAYS PRIOR TO THE REGULARLY SCHEDULED MEETING THAT THEY WILL NOT BE ABLE TO ATTEND THE MEETING AND STATE THE REASON WHY (“NOTICE”). IN THE EVENT OF AN EMERGENCY SITUATION, THE THREE DAYS’ NOTICE MAY BE REDUCED TO FIT THE SITUATION. UPON RECEIPT OF THE NOTICE, THE REMAINING COMMISSIONERS SHALL DETERMINE WHETHER THE PROPOSED ABSENCE SHOULD BE APPROVED AND ADVISE THE REQUESTOR.**

**A RESOLUTION PASSED PURSUANT TO THIS SECTION SHALL BE PRECEDED BY A PUBLIC HEARING WHICH SHALL BE PUBLICLY ANNOUNCED AND SCHEDULED AT A REGULAR MEETING OF THE COMMISSIONERS AND PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE TOWN AND ON THE TOWN WEBSITE AT LEAST TWO WEEKS PRIOR TO THE HEARING DATE.**

Section 2. BE IT FURTHER RESOLVED that all ordinances and resolutions enacted by the Commissioners of the Town of Church Hill prior to the date upon which the Charter adopted by this Resolution takes effect shall thereafter continue in full force and effect, except to the extent that the authority, either express or implied, for any such ordinance or resolution is not granted to the Town of Church Hill by the Charter adopted by this Resolution or by other law, and further except to the extent that any such ordinance or resolution may irreconcilably conflict with any provision of the Charter adopted by this Resolution. To the extent that any section of the Charter is in conflict with the provisions of this Resolution, such section or sections shall be and hereby are repealed to the extent of such conflict.

Section 3. BE IT FURTHER RESOLVED that if any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Resolution, it being the intent of the Commissioners of the Town of Church Hill that this Resolution shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, or portion hereof.

Section 4. BE IT FURTHER RESOLVED that this Charter Amendment Resolution is adopted by the Commissioners of the Town of Church Hill after a duly advertised public hearing, and that a complete and exact copy of this Charter Amendment Resolution shall be posted at Town

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Hall 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 not less than four (4) times at weekly intervals within the forty (40) days following the adoption this Charter Amendment Resolution.

Section 5. 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 Church Hill , upon the fiftieth day after being so ordained or passed, unless there shall be presented to the Town Council of Church Hill, or mailed to it by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, a petition meeting the requirements of Md. Code Ann., Local Gov't Art, § 4-304, or upon the certification of the results of a referendum if such a petition is received and the referendum fails.

Section 6. BE IT FURTHER RESOLVED that the Town Administrator/Clerk shall send to the Department of Legislative Services, within 10 days of the date on which the Charter Amendment 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 Commissioners of the Town of Church Hill, or a referendum election; and (iv) the effective date of the Charter Amendment.

Section 7. BE IT FURTHER RESOLVED that the Town Administrator/Clerk is specifically instructed to carry out the provisions of Sections 4, 5, and 6 hereof, as evidence of compliance herewith, and that the Clerk to the Council shall cause to be affixed to this Charter Amendment Resolution and to the Minutes of the regular meeting of the Commissioners of the Town of Church Hill at which it is adopted an appropriate certificate of publication of the newspaper in which the summary of the Charter Amendment Resolution shall have been published and shall further cause to be completed and executed a Certificate of Effect.

INTRODUCED by the Commissioners of the Town of Church Hill, Maryland at a regular meeting on the \_\_\_\_ day of \_\_\_\_\_, 2024.

ADOPTED by the Commissioners of the Town of Church Hill, Maryland at a regular meeting on the \_\_\_\_ day of \_\_\_\_\_, 2024.

ATTEST:

THE COMMISSIONERS OF THE TOWN  
OF CHURCH HILL

\_\_\_\_\_  
Nancy Lindyberg, Town Administrator

\_\_\_\_\_  
Charles M. Rhodes, Jr., President

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Edward C. Raffetto, Commissioner

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John P. Griffin, Jr., Commissioner

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