

CHARTER AMENDMENT RESOLUTION NO. 04-2024

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 AMEND SECTION 208, VACANCIES ON THE COMMISSION, TO
AMEND THE PROCEDURE FOR FILLING A VACANCY IN THE OFFICE OF
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, Town Charter, Section 208, Vacancies on the Commission, creates processes for filling vacancies on the Commission based on the amount of time remaining in the term of the commissioner whose seat is vacated; and

WHEREAS, the Commission desires to amend the Town Charter to provide for one means of filling a vacancy on the Commission regardless of the time left in the unexpired term of the commissioner.

Section 1. NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSISONERS OF THE TOWN OF CHURCH HILL, MARYLAND that Article II, The Commission, Section 208, Vacancies on the Commission, of the Charter of the Town of Church Hill shall be and hereby is amended to read as follows:

Section 208. Vacancies on the Commission.

Vacancies on the Commission shall be filled in the following manner:

(l) Where the unexpired term in the office of Commissioner[,]**IS** vacated for any reason, [**is less than six months,**] the Commission may appoint a qualified person to serve the remainder of the term [. If the unexpired term in the office of Commissioner exceeds six (6) months, the remaining members of the

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Commission]OR may call a Special Election to be conducted within [thirty (30)]SIXTY (60) days OF THE DATE THAT THE COMMISSIONERS CALL FOR THE SPECIAL ELECTION to fill the vacancy for the remainder of the unexpired term[or shall appoint a qualified person to fill the vacancy on a temporary basis until the next regular election of the town. At the next regular election of the town, a qualified person shall be elected to fill the unexpired remainder of the term by the qualified voters of the town, as prescribed in Section 410(b) of this charter.]

(2) Where more than one vacancy on the Commission occurs, a special election to fill the vacancies for the remaining portion of the terms shall be held within forty-five (45) days. The number of candidates equal to the number of vacant seats to be filled on the Commission who receive the highest number of votes in the special election shall be declared elected. The candidate receiving the highest number of votes shall fill the seat having the longest unexpired portion of term remaining; and, the candidate receiving the second highest number of votes shall fill the seat having the second longest unexpired portion of term remaining

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 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

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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

Edward C. Raffetto, Commissioner

John P. Griffin, Jr., Commissioner

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