

**CHARTER AMENDMENT RESOLUTION NO. 01-2020**

**A CHARTER AMENDMENT RESOLUTION OF  
THE COMMISSIONERS OF THE TOWN OF CHURCH HILL, MARYLAND  
AMENDING THE CHARTER OF THE TOWN FOR THE PURPOSE OF PERMITTING  
THE TOWN TO RESCHEDULE ELECTIONS DURING A STATE OF EMERGENCY  
AS DECLARED BY THE STATE OF MARYLAND, THE TOWN OF CHURCH HILL.  
OR QUEEN ANNE'S COUNTY WHEN NECESSARY TO ENSURE THE SAFETY OF  
TOWN RESIDENTS AND THE INTEGRITY OF THE ELECTION**

**WHEREAS**, the Charter of the Town of Church Hill, Maryland ("the Town") provides in Section 410 that a Town election will be held on the first Monday in June, in which election the office of one of the three Town Commissioners, whose three-year term will expire on the Monday following the election, shall be filled; and

**WHEREAS**, beginning in December 2019, a novel coronavirus that causes a disease known as COVID-19 began to spread through the world and has now been declared a global pandemic by the World Health Organization ("WHO"); and

**WHEREAS**, a Maryland State of Emergency was declared by Governor Hogan on March 5, 2020; and

**WHEREAS**, the Town Commissioners declared a State of Emergency in the Town on March \_\_\_\_, 2020; and

**WHEREAS**, the virus that causes COVID-19 is easily transmitted through person to person contact, especially in group settings, and it is essential that the spread of the virus be slowed to protect the ability of public and private health care providers to handle the influx of new patients and safeguard public health and safety; and

**WHEREAS**, because of the risk of the rapid spread of the virus, and the need to protect the most vulnerable members of the community, the Governor has closed non-essential business and has urged residents to remain in their homes to the greatest extent possible, except for certain essential activities and where it is necessary to report to work in order to provide essential business and government services; and

**WHEREAS**, the WHO, the U.S. Centers for Disease Control, and State and local officials have all urged persons who must enter public spaces to maintain several feet of space between themselves and other persons in order to minimize the risk of infection; and

**WHEREAS**, the State of Emergency is expected to have an extended duration, the end of which is unknown at this time; and

**WHEREAS**, an election for the offices of Town Commissioner is required by the Charter to be held in June, 2020; and

**WHEREAS**, the State of Emergency and the practice of social distancing may make it difficult or impossible for the Town to safely and efficiently conduct the scheduled elections; and

**WHEREAS**, the Commissioners of the Town of Church Hill deem it to be necessary and appropriate for good government and for the good of the Town of Church Hill to amend the Town Charter in order to permit the postponement of a Town election by the Town Commissioners if circumstances affecting the public health, safety and welfare or the integrity of the Town's elections so require.

**Section 1. NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF THE TOWN OF CHURCH HILL, MARYLAND** on this 6<sup>th</sup> day of April, 2020, that pursuant to the authority of Article XI-E, § 4 of the Constitution of the State of Maryland and Md. Code Ann., Local Gov't Article, §§ 4-301 through 4-314, Article II, "The Commission" Section 201, "Number, selection, term", of the Charter of the Town of Church Hill, Maryland shall be and is hereby amended to read as follows:

Section 201. Number, selection, term.

All legislative powers of the Town are vested in a Commission (sometimes hereinafter referred to as the "Town") consisting of three (3) Commissioners who are elected for staggered terms as hereinafter provided. The regular term of the Commissioners is three (3) years or until the succeeding Commissioners take office. The regular term of a Commissioner shall expire on the second Monday in June following the election and qualification of a successor, **UNLESS AN ELECTION IS DELAYED PURSUANT TO SECTION 410, SUBSECTION (C) OF THIS CHARTER, IN WHICH CASE THE TERM OF ANY COMMISSIONER WHOSE OFFICE IS THE SUBJECT OF THE DELAYED ELECTION SHALL EXPIRE UPON THE ADMINISTRATION OF THE OATH OF OFFICE TO THE SUCCESSFUL CANDIDATE IN THE DELAYED ELECTION ON THE MONDAY FOLLOWING SUCH ELECTION.** Each Commissioner holding office at the time this Charter becomes effective will continue to hold office for the term for which the Commissioner was elected and until a successor takes office under the provisions of this Charter.

**Section 2. BE IT FURTHER RESOLVED BY THE COMMISSIONERS OF THE TOWN OF CHURCH HILL, MARYLAND** on this 6<sup>th</sup> day of April, 2020, that pursuant to the authority of Article XI-E, § 4 of the Constitution of the State of Maryland and Md. Code Ann., Local Gov't Article, §§ 4-301 through 4-314, Article IV, "Nominations and Elections" Section 410, "Election of Commissioners", of the Charter of the Town of Church Hill, Maryland shall be and is hereby amended to read as follows:

Section 410. Election of Commissioners.

\* \* \*

**(C) WHEN A STATE OF EMERGENCY HAS BEEN DECLARED BY THE STATE OF MARYLAND, THE TOWN, OR QUEEN ANNE'S COUNTY, PURSUANT TO MD. CODE ANN., PUBLIC SAFETY ARTICLE, TITLE 14, OR PURSUANT TO OTHER APPLICABLE PROVISION OF STATE OR**

LOCAL LAW, AND IN THE JUDGMENT OF THE TOWN COMMISSIONERS THE CONDITIONS GIVING RISE TO THE EMERGENCY PREVENT THE SAFE, ORDERLY AND EFFICIENT CONDUCT OF AN ELECTION SCHEDULED PURSUANT TO SUBSECTION (A) OR (B) OF THIS SECTION, THE TOWN COMMISSIONERS MAY, BY RESOLUTION, POSTPONE SUCH ELECTION UNTIL SUCH TIME AS THE EMERGENCY CONDITIONS HAVE ABATED OR THE ELECTION MAY OTHERWISE BE CONDUCTED IN A SAFE, ORDERLY AND EFFICIENT MANNER.

**Section 3. BE IT FURTHER RESOLVED** by the Commissioners of the Town of Church Hill 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.

**Section 4. BE IT FURTHER RESOLVED** by the Commissioners of the Town of Church Hill that this Resolution amending the Charter of the Town of Church Hill shall not alter ownership, title or control of any property in which the municipal corporation had an interest prior to the effective date of the Charter adopted by this Resolution; nor shall the adoption of this Resolution amending the Charter for the municipal corporation affect any liabilities, debts or other obligations entered into or incurred by or on behalf of the Town of Church Hill prior to the effective date of the Charter and all such liabilities, debts and other obligations shall continue to be fulfilled and satisfied by the municipal corporation; nor shall the adoption of this Resolution amending the Charter for the Town of Church Hill affect the term of office or incumbency of any Commissioners or any appointed member of any department, office, board, commission, committee, agency or other unit of the Town, and the continuity of every department, office, board, commission, committee, agency or other unit of the Town government is retained, it being the intent of the Commissioners in the adoption of this Resolution that the affairs of the municipal corporation be continued without interruption and without substantial changes in the form or manner of government under the amended Charter.

**Section 5. BE IT FURTHER RESOLVED** by the Commissioners of the Town of Church Hill that if any provision of this Resolution or the Charter adopted by this Resolution, or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provision or any other application of this Resolution or of the Charter which can be given effect without the invalid provision or application, and to this end, all the provisions of this Resolution and of the Charter are declared to be severable.

**Section 6. BE IT FURTHER RESOLVED** by the Commissioners of the Town of Church Hill that this Charter Amendment Resolution is adopted this 4<sup>th</sup> day of May, 2020, and that upon adoption by the Town Commissioners of the Town of Church Hill, Maryland a complete and exact copy of this Charter Amendment Resolution shall be posted in the Town Municipal Building 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

weekly intervals within the forty (40) days following the adoption this Charter Amendment Resolution.

**Section 7. BE IT FURTHER RESOLVED** that the Amendments 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 on or before the fortieth day after being so adopted and passed a referendum petition meeting the requirements of State law shall be presented to the Town Commissioners of the Town of Church Hill, Maryland or mailed to it by certified mail, return receipt requested, bearing a postmark from the United States Postal Service.

**Section 8. BE IT FURTHER RESOLVED** that when the Charter Amendment hereby initiated becomes effective, as provided herein, or following a referendum election, the Town Administrator shall send separately, by certified mail, return receipt requested, to the Secretary of the State of Maryland and to the Department of Legislative Services, 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 Town Commissioners of the Town of Church Hill, Maryland or a referendum election; and (iv) the effective date of the Charter Amendment.

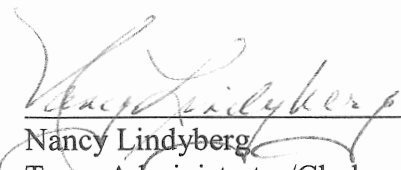
**Section 9. BE IT FURTHER RESOLVED** that the Town Administrator of the Town of Church Hill is specifically instructed to carry out the provisions of Sections 6 and 8 hereof, as evidence of compliance herewith, the Town Administrator shall cause to be affixed to this Charter Amendment Resolution and to the Minutes of the Town Commissioner Meeting in which it is adopted (i) an appropriate certificate of publication of the newspaper in which the summary of the Charter Amendment Resolution shall have been published and (ii) return receipts of the mailing referred to in Section 8, and shall further complete and execute the Certificate of Effect attached hereto.

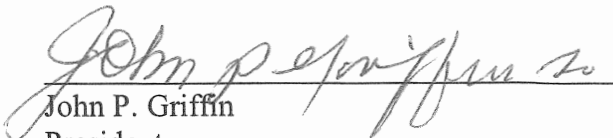
**INTRODUCED** by the Commissioners of the Town of Church Hill, Maryland at a regular meeting on the 6<sup>th</sup> day of April, 2020.

**PASSED** by the Commissioners of the Town of Church Hill, Maryland at a regular meeting on the 4<sup>th</sup> day of May, 2020.

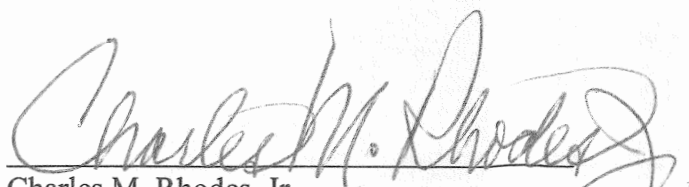
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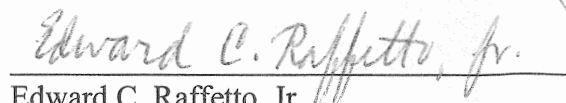
BOARD OF TOWN COMMISSIONERS  
OF CHURCH HILL, MARYLAND

  
Nancy Lindyberg  
Town Administrator/Clerk

  
John P. Griffin  
President

June 23, 2020  
Effective Date

  
Charles M. Rhodes, Jr.  
Commissioner

  
Edward C. Raffetto, Jr.  
Commissioner

**NOTICE OF TOWN OF CHURCH HILL,  
MARYLAND CHARTER AMENDMENT**

Notice is hereby given that the Commissioners of the Town of Church Hill, Md. adopted Charter Amendment Resolution No. 01-2020 on May 4, 2020. Charter Amendment Resolution No. 01-2020 amends the Charter of the Town Of Church Hill, Maryland, Section IV "Nominations and Elections" and to add 410B "Rescheduling Elections" to provide for the rescheduling of elections during a State of Emergency as declared by the State of Maryland, the Town of Church Hill or Queen Anne's County when necessary to endure the safety of Town residents and the integrity of the election.

The Charter Amendment shall become effective on the 50th day after its adoption unless on or before the 40th day after its adoption a petition for referendum meeting the requirements of State law is presented to the Town.

An exact copy of the Charter Amendment Resolution is available for review on the Town's website [www.townofchurchhillmd.com](http://www.townofchurchhillmd.com).

By Order of the Board of Supervisors of Elections for Church Hill

2904988 RO

5/8,5/15,5/22,5/29/2020

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