

**TOWN OF SMITHSBURG, MARYLAND**

**RESOLUTION 2019-04**

**A RESOLUTION TO AMEND THE CHARTER OF THE TOWN OF SMITHSBURG TO ESTABLISH THAT THE VICE PRESIDENT OF THE COUNCIL SHALL SERVE AS MAYOR IN THE EVENT OF THE MAYOR'S TEMPORARY ABSENCE, LONGTERM ABSENCE, OR PERMANENT INCAPACITY**

**RECITALS**

**WHEREAS**, the Charter of the Town of Smithsburg, Section 31-8 establishes that the Council shall elect a vice president from among its members, and that the vice president shall act as mayor during the absence or temporary incapacity of the mayor; and

**WHEREAS**, the Mayor and Council of the Town of Smithsburg desire to establish a procedure for appointing the vice president to serve as mayor in the event of a permanent absence or incapacity of the mayor; and

**WHEREAS**, the Mayor and Council have determined that it is in the best interests of the citizens of the Town to establish a procedure for appointing the vice president to serve as mayor in the event of a permanent absence or incapacity of the mayor;

**NOW THEREFORE**, be it resolved by the Mayor and Council of the Town of Smithsburg, pursuant to Article XI-E of the Maryland Constitution, and Section 4-301 *et seq.* of the Local Government Article of the Maryland Code, that the Charter of the Town of Smithsburg be and the same is hereby amended as follows:

- 1. The Charter of the Town of Smithsburg, Section 31-8 thereof, entitled *President and vice-president of council*, be and is hereby amended by revising section 31-8, to read as follows:**

**The mayor shall serve as president of the council. The mayor may take part in all discussions. The mayor shall have the right to vote in a case of a tie vote by the council. The council shall elect a vice-president of the council from among its members. THE VICE PRESIDENT OF THE COUNCIL SHALL ACT AS MAYOR IN THE EVENT OF A TEMPORARY, LONGTERM, OR PERMANENT ABSENCE OR INCAPACITY OF THE MAYOR AND SHALL PERFORM ALL DUTIES OF THE MAYOR AS SET FORTH IN THE CHARTER. ((The vice-president of the council shall act as mayor during the absence or temporary incapacity of the mayor and shall serve as president of the council in the absence of the president of the council.))**

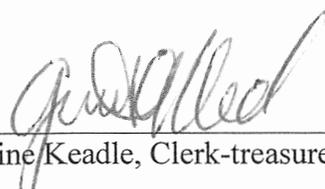
**BE IT FURTHER RESOLVED** that any provision of the municipal Charter that is inconsistent with the amendment herein, be and is hereby repealed to the extent of the inconsistency.

**BE IT FURTHER RESOLVED** that the Mayor shall give notice of the adoption of this Resolution proposing to amend the Municipal Charter pursuant to Section 4-304(b) of the Local Government Article of the Maryland Code.

**BE IT FURTHER RESOLVED** that pursuant to Maryland Law this Resolution to amend the Charter of the Town of Smithsburg shall become effective on the fiftieth (50<sup>th</sup>) day after its adoption.

WITNESS AND ATTEST  
AS TO CORPORATE SEAL

MAYOR AND COUNCIL OF THE  
TOWN OF SMITHSBURG, MARYLAND

  
\_\_\_\_\_  
Justine Keadle, Clerk-treasurer

  
\_\_\_\_\_  
Lowell J. Kesselring, Mayor

Date of Introduction: 10/1, 2019  
Date of Adoption: 10/1, 2019  
Effective Date: 11/20, 2019

PREPARED BY:  
SALVATORE & MORTON, LLC  
TOWN ATTORNEYS

**CAPITAL LETTERS = addition to Charter**  
**((double parentheses)) = provision to be repealed from Charter**