

TOWN OF SMITHSBURG, MARYLAND

RESOLUTION 2019-05

**A RESOLUTION TO AMEND THE CHARTER OF THE TOWN OF SMITHSBURG
TO AMEND THE PROCESS FOR FILLING
A VACANCY IN THE OFFICE OF MAYOR**

RECITALS

WHEREAS, the Charter of the Town of Smithsburg, Section 31-37 establishes that a vacancy in the office of mayor shall be filled by the favorable votes of a majority of the remaining members of the council; and

WHEREAS, the Mayor and Council of the Town of Smithsburg desire to establish a procedure with greater consistency and stability, wherein the vice-president of the council shall automatically fill a vacancy in the office of 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 wherein the vice-president of the council shall automatically fill a vacancy in the office of 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 31-37 thereof, entitled *Vacancies*, be and is hereby amended by revising section 31-37, to read as follows:**

In case of a vacancy on the council for any reason, the council shall elect some qualified person to fill such a vacancy for the unexpired term. IN CASE OF A VACANCY IN THE OFFICE OF MAYOR FOR ANY REASON, THE VICE-PRESIDENT OF THE COUNCIL SHALL FILL THE VACANCY FOR THE REMAINDER OF THE UNEXPIRED TERM. ANY VACANCY ON THE COUNCIL SHALL BE FILLED BY THE FAVORABLE VOTES OF A MAJORITY OF THE REMAINING MEMBERS OF THE COUNCIL. ((In the case of a vacancy in the office of mayor for any reason, the council shall elect some qualified person to fill the vacancy for the remainder of the unexpired term. Any vacancies on the council or in the office of mayor shall be filled by the favorable votes of a majority of the remaining members of the council.)) The results of any such vote shall be recorded in the minutes of the council.

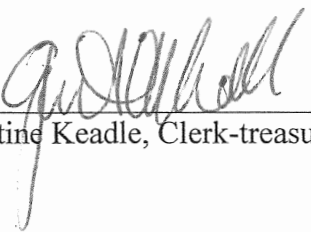
BE IT FURTHER RESOLVED that any provision of the municipal Charter that is inconsistent with the amendment herein, be and is hereby repealed to the extent of the inconsistency.

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.

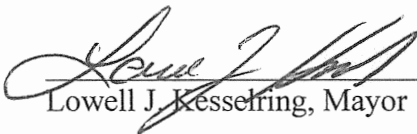
BE IT FURTHER RESOLVED that pursuant to Maryland Law this Resolution to amend the Charter of the Town of Smithsburg shall become effective on the fiftieth (50th) day after its adoption.

WITNESS AND ATTEST
AS TO CORPORATE SEAL

MAYOR AND COUNCIL OF THE
TOWN OF SMITHSBURG, MARYLAND



Justine Keadle, Clerk-treasurer



Lowell J. Kesseling, Mayor

Date of Introduction: 10/11, 2019
Date of Adoption: 10/11, 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