

RESOLUTION NO. 2023-04

**A RESOLUTION OF THE MAYOR AND COUNCIL OF FEDERALSBURG
AMENDING ARTICLE II OF THE FEDERALSBURG TOWN CHARTER
TO CHANGE THE DATE OF THE 2027 ELECTION FROM SEPTEMBER
2027 TO NOVEMBER 2028 AND THE 2029 ELECTION FROM
SEPTEMBER TO NOVEMBER 2030, EXTENDING THE TERMS OF THE
COUNCIL MEMBERS ELECTED IN 2023 AND 2025 FROM FOUR YEARS
TO FIVE YEARS, AND TO ESTABLISH LEGISLATIVE DISTRICTS, AND
EXTEND THE TERM OF MAYOR FROM TWO YEARS TO FOUR YEARS**

WHEREAS, Md. Code Ann. Local Gov't Article § 4-304 and Article XI-E of the Constitution of Maryland confer upon the Mayor and Council of Federalsburg the authority to initiate proposed amendments the Charter for the Town of Federalsburg; and

WHEREAS, Local Gov't Article § 5-202 authorizes the Mayor and Council to adopt those Charter resolutions as they may deem necessary in order to assure the good government of the Town, to protect and preserve the Town's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort, and convenience of the citizens of the Town; and

WHEREAS, the Mayor and Council have spent the last six (6) months thoroughly reviewing the Charter with respect to registration of voters, nomination of candidates, and elections; and

WHEREAS, the Mayor and Council have determined that the Town may recognize a larger voter turnout if the Town election is aligned with the Maryland General Election on the first Tuesday after the first Monday in November; and

WHEREAS, the Mayor and Council have determined that establishing two legislative districts, District 1 and District 2, with two Councilmembers serving each district, provides benefits that an all at-large system do not provide; and

WHEREAS, the Mayor and Council have determined that it is desirable for the Mayor to serve a four year term to provide the Mayor sufficient time to establish and obtain short-term and long-term objectives; and

WHEREAS, the Mayor and Council of Federalsburg have determined that it is desirable and in the best interest of the town to amend Article II of the Charter for the Town of Federalsburg to hold the elections on the Tuesday after the first Monday in November and on the first Tuesday after the first Monday in November every two years thereafter on even years, establish two legislative districts with two Councilmembers in each district, and extend the term of Mayor from two years to four years.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF
FEDERALSBURG AS FOLLOWS:

Section 1. Article II, Section C2-1 of the Charter for the Town of Federalburg is hereby
amended as follows:

ARTICLE II
Elections

. . . .

Section C2-1. Elections.

(a) Date; time; terms. *On the fourth Tuesday in September 2023 an election shall be held between the hours of 7:00 a.m. and 7:00 p.m. under this Charter, for the election of the Mayor and two (2) Councilmembers each from a different district. On the fourth Tuesday in September 2025 an election shall be held between the hours of 7:00 a.m. and 7:00 p.m. under this Charter for the election of two (2) Councilmembers each from a different district.*

On the Tuesday after the first Monday in November, 2028, and upon the Tuesday after the first Monday in November every two (2) years thereafter, [On the fourth Monday in April, 1965, and upon the fourth Monday in April every two years thereafter,] an election shall be held between the hours of 7:00 a.m. and 7:00 p.m.

[under this Charter, for the election of the Mayor and Council of Federalburg, and after notice] Notice of an election shall be printed in some newspaper of general circulation, published in Caroline County, or posted in three conspicuous places in the Town of Federalburg for at least 10 days before the election. At an this election, the two candidates one candidate for Council member from each district receiving the highest number of votes shall be elected for a four-year term as Council member. The candidate for Mayor at a Mayoral this election receiving the highest number of votes shall be elected Mayor of Federalburg for a four (4) two-year term. The term of the Mayor of Federalburg shall hereafter be for four (4) two years. [In the year 2011, the election shall not be held in April, but shall be held on the fourth Tuesday in September. The term of the sitting Mayor and Council members whose terms expire in April, 2011 shall be extended until the fourth Tuesday in September, 2011. On and after the fourth Tuesday in September, 2011, and on the same date every two years thereafter, an election shall be held for Mayor for a two-year term and for two Council members for a four-year term.; and]

The Town shall be divided into two (2) legislative districts for the election of members of the Council. Each legislative district shall contain two (2) Councilmembers who shall be elected by the registered voters of that legislative district only. The legislative districts shall be established on a map adopted by Resolution by a majority of the Mayor and Council.

(i) *Each legislative district shall consist of adjoining territory, be relatively compact in form, and include substantially the same population as other districts. Due regard shall be given to all constitutional standards in creating the legislative districts.*

(ii) *From time to time as based on the latest U.S. Census Bureau data and after public hearing, the Mayor and Council may reestablish boundaries of the legislative districts for elections of the members of the Council.*

The term of the Mayor and two Councilmembers who are elected in September 2023 shall be extended until the fourth Monday in November 2028. The term of the two Councilmembers who are elected in September 2025 shall be extended until the fourth Monday in November 2030.

On the Tuesday after the first Monday in November, 2028, and on the same date every four (4) years thereafter, an election shall be held for Mayor and one (1) District 1 Councilmember and one (1) District 2 Councilmember. On the Tuesday after the first Monday in November, 2030, and on the same date every four years thereafter, an election shall be held for one (1) District 1 Councilmember and one (1) District 2 Councilmember.

(b) Candidacy. Candidates for District 1 Councilmember and District 2 Councilmember must reside in the legislative district in which they are elected to. All persons deciding to become a candidate for Mayor or Council member shall file with the Clerk of Federalsburg no later than 21 days [by the first Friday in September] prior to any election a written statement of such candidacy, accompanied by a petition signed by at least 10 duly qualified voters nominating such candidate, which written statement of candidacy and the voters' nominating petition shall be substantially in the following form:

CANDIDATE FOR NOMINATION FOR

Office.

State of Maryland, Caroline County, to wit:

I, _____, hereby certify that I am now and have been for more than ~~one year~~ three years a resident of the Town of Federalsburg, Caroline County, Maryland, and that I am a qualified voter therein; that I am a candidate for the office of _____, to be voted upon at the town election to be held on the ~~fourth~~ Tuesday of September _____, 20____, and I hereby request my name be printed upon the official ballot at said election as a candidate for said office.

(signed) _____

Subscribed and sworn to before me this ____ day of _____, 20__

Notary Public

To the Clerk of Federalsburg:

We, the undersigned, citizens of the Town of Federalsburg, Caroline County, Maryland, and being duly qualified voters of said town, do hereby certify, that we do nominate _____, who has been a resident of the Town of Federalsburg, Caroline County, for more than *one* ~~three~~ years, for the office of _____.

We do further certify that we and each of us shall vote for the said person nominated hereby.

Witness our hands this _____ day of _____, 20__

(Signatures of ten petitioning voters.)

(c) (b) Election. Immediately upon the expiration of the time of filing of petitions by the respective candidates, the Clerk of Federalsburg shall cause to be published in one or more newspapers published in Caroline County or posted in three conspicuous places in the Town of Federalsburg, the names of all the candidates as they are to appear upon the official ballot.

Section 2. This Resolution shall be posted and published in accordance with the requirements set forth in Md. Code Ann. Local Government Article § 4-304.

Section 3. The Mayor and Council of Federalsburg held a public hearing on this Resolution on April 3, 2023 at 6:00 p.m.

Section 4. This Resolution shall become effective 40 days after final enactment unless a petition for referendum has been filed prior thereto in accordance with Section 4-304 of the Local Government Article of the Code of Maryland. This Resolution shall be deemed "finally enacted" on the date on which the Mayor and Council of Federalsburg indicate their approval of this Resolution by affixing their signatures hereto.

Section 5. As soon as this Resolution becomes effective, the Town Clerk shall cause to be delivered to the Department of Legislative Reference all the information regarding the Charter Amendment, this Resolution, and any referendum held thereon as may be required by the Local Government Article of the Annotated Code of Maryland.

BE IT FURTHER RESOLVED, this 3 day of April, 2023.

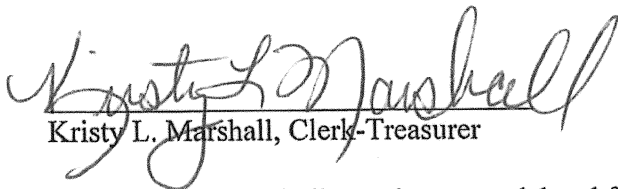
Yea/Nay

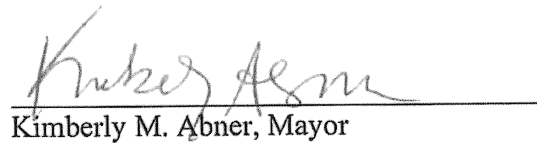
Kimberly M. Abner, Mayor
Robert Willoughby, Councilmember
Edward Windsor, Councilmember
Debra V. Sewell, Councilmember
D. Scott Phillips, Councilmember

Y
Y
Y
Y
Y

ATTEST:

MAYOR & COUNCIL OF FEDERALSBURG


Kristy L. Marshall, Clerk-Treasurer


Kimberly M. Abner, Mayor

Language ~~stricken~~ indicates language deleted from the Charter for the Town of Federalsburg.
Language in ***bold and italicized*** indicates language added to the Charter for the Town of Federalsburg.

Introduced: 3/6/23
Public Hearing: 4/3/23
Adopted: 4/3/23
Effective Date: 5/23/23