

**RESOLUTION NO. 2023-05**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF FEDERALSBURG  
AMENDING ARTICLE III OF THE FEDERALSBURG TOWN CHARTER  
TO REDUCE THE RESIDENCY DURATION REQUIRED TO QUALIFY  
AS A CANDIDATE FOR ELECTION FROM THREE YEARS TO ONE  
YEAR AND TO CHANGE THE FIRST MEETING OF THE MAYOR AND  
COUNCIL FROM OCTOBER TO DECEMBER FOLLOWING AN  
ELECTION**

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 requiring a residency requirement of three years to qualify as a Mayor or Council member candidate precludes citizens that reside in the Town from participating as candidates; and

WHEREAS, the Mayor and Council have determined that moving the election from September to November should improve voter turnout; and

WHEREAS, changing the election from September to November requires a change of the first meeting of the newly elected Mayor and Council from October to December; 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 III of the Charter for the Town of Federalsburg to reduce the residency requirements for candidates from three years to one year and to hold the first meeting of the newly elected Mayor and Council on the first Monday in December.

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

Section 1. Article III, Section C3-1 of the Charter for the Town of Federalsburg is hereby amended as follows:

**ARTICLE III  
Mayor and Council**

. . . .

**§ C3-1. Mayor.**

No person shall be elected as Mayor of said town unless he/she shall have been a resident of said town for at least *one year* ~~three years~~ prior to his/her election, and in the event that he/she shall remove from the corporate limits of said town, then the said office of Mayor shall forthwith become vacant, and his/her successor shall be duly appointed as is provided in this Article. The Mayor shall receive the annual salary to be established from time to time by Resolution of the Mayor and Council duly adopted pursuant to the requirements of § C3-6 of this charter, and subject to the restriction that no increase may take effect during the term of office when such resolution is passed. The Mayor's salary shall be paid semiannually, during the first pay period in October and the first pay period in April, with the first pay period to begin the October following the election. *Beginning in 2028, the Mayor's salary shall be paid semiannually during the first pay period in December and the first pay period in April, with the first pay period to begin in December following the election.* No other distributions, partial or otherwise, are authorized.

Section 2. Article III, Section C3-3 of the Charter for the Town of Federalsburg is hereby amended as follows:

**ARTICLE III  
Mayor and Council**

. . . .

**§ C3-3. Council members.**

No person shall be elected as a Council member of said town unless he/she shall have been a resident of said town for at least *one year* ~~three years~~ prior to his/her election, and in the event that he/she shall remove from the corporate limits of said town, then the said office of Council member shall forthwith become vacant and his/her successor shall be duly appointed as is provided by this Article. *No person shall be elected as a Council member to serve a particular legislative district unless he/she shall have been a resident of that district for at least one year prior to his/her election, and in the event that he/she removes from the legislative district that they serve, then the said office of Council member shall become vacant and his/her successor shall be duly appointed as provided by this Article.*

The Council member shall receive an annual salary to be established from time to time by resolution of the Mayor and Council duly adopted pursuant to the requirements of § C3-6 of this charter, and subject to the restriction that no increase may take effect during the current term of office, when such a resolution is passed. The Council members' salary shall be paid semiannually, during the first pay period in October and the first pay period in April, with the first pay period to begin the

*December* October following the election. *Beginning in 2028, the Councilmember's salary shall be paid semiannually during the first pay period in December and the first pay period in April, with the first pay period to begin in December following the election.* No other distributions, partial or otherwise, are authorized.

Section 3. Article III, Section C3-6 of the Charter for the Town of Federalsburg is hereby amended as follows:

**ARTICLE III**  
**Mayor and Council**

. . . .

**§ C3-6. Meetings of Mayor and Council.**

The Mayor and Council shall meet the first Monday of October following their election, *except in 2028 and every two years thereafter, the Mayor and Council shall meet the fourth Monday of November*, and shall hold office for their aforesaid terms of office from said date, and shall hold regular meetings on the first Monday of each and every month thereafter which shall be open to the public (except for lawful closed sessions), and may meet as often thereafter as may be necessary to the proper discharge of their official duties. The Mayor shall be the President of the Council and preside at its meetings, and shall have all the privileges of a Council member in debate and vote. He/She shall have no power to veto any measure, but every resolution or ordinance passed by the Council must be signed by the Mayor or by three Council members and be recorded before the same shall be enforced. The Council may elect one of their members as President pro tempore, who shall in the absence or inability of the Mayor preside at the sessions, who for the time being shall be acting Mayor and have all the authority in law of the Mayor. Special meetings of the Council may be at any time convened by the Mayor or at the request of three members of that body. The Mayor of the Town of Federalsburg shall be the executive officer thereof, clothed with all the powers necessary to secure the enforcement of all ordinances of said town under this Charter. At all meetings of the Mayor and Council the Mayor and two Council members, or in the absence of the Mayor three Council members, present and voting shall constitute a quorum for the transaction of business, and three affirmative votes shall be necessary for the passage of an ordinance, law or resolution at all times. Upon every vote the ayes and nays shall be called and recorded.

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

Section 5. The Mayor and Council of Federalsburg held a public hearing on this Resolution on April 3, 2023 at 6:00 p.m.

Section 6. 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 7. 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.

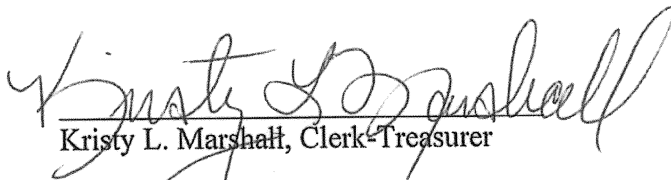
Yea/Nay

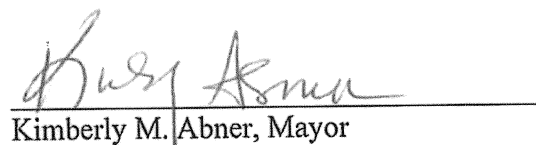
Kimberly M. Abner, Mayor  
Robert Willoughby, Councilmember  
Edward Windsor, Councilmember  
Debra V. Sewell, Councilmember  
D. Scott Phillips, Councilmember

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