

THE TOWN OF MOUNT AIRY, MARYLAND

**CHARTER AMENDMENT
RESOLUTION NO. 2024-1**

**A RESOLUTION TO AMEND ARTICLE II
OF THE TOWN CHARTER ENTITLED "COUNCIL",
SECTION C2-6 ENTITLED "PRESIDENT OF COUNCIL"
AND TO AMEND ARTICLE XII OF
THE TOWN CHARTER ENTITLED "GENERAL PROVISIONS",
SECTION C12-3 ENTITLED "VACANCIES"
FOR THE PURPOSE OF PROVIDING THAT WHILE
SERVING AS ACTING MAYOR DUE TO
TEMPORARY ABSENCE OR DISABILITY OF THE MAYOR,
OR VACANCY IN THE OFFICE OF MAYOR,
THE PRESIDENT OF THE COUNCIL
SHALL NOT HAVE A VOTE ON THE COUNCIL**

WHEREAS, pursuant to Article XI-E of the Constitution of Maryland Article of the Md. Code Ann. as currently in effect and Md. Code Ann., Local Gov't. Article §4-301 *et seq.* as currently in effect, and the Town Charter, Section C12-7, the Town Council of Mount Airy, the legislative body of the Town, has the authority to amend the Charter of the Town, in accordance with the procedures set forth therein; and

WHEREAS, the Town Charter provides that in the event of temporary absence or disability of the Mayor, or a vacancy in the office of Mayor, the President of the Council shall serve as Acting Mayor, and still retains a vote on matters before the Council; and

WHEREAS, as a result, a Council President, while serving as Acting Mayor, can both have a vote on legislative matters, and at the same time have the power to approve or veto legislative acts, which the Council deems to be an undesirable result and can potentially lead to conflicts of interest; and

WHEREAS, the purpose of this proposed Charter Amendment is to provide that while serving as Acting Mayor, the President shall not have a vote on the Town Council; and

WHEREAS, a public hearing was held on this proposed Charter Amendment on February 5, 2024 as required by Md. Code Ann., Local Gov't. Article §4-304(a)(2), before this Charter Amendment Resolution was considered for adoption; and

WHEREAS, the Town Council, having determined that the proposed changes are in the best interests of the Town and its citizens, hereby enacts those changes to the Town Charter; and

WHEREAS, a complete and exact copy of this Charter Amendment Resolution shall be posted in the Town Hall building or other public place for forty (40) days following its adoption by the Council and a fair summary of the Charter amendment shall be published in a newspaper

of general circulation in the Town at least four (4) times, at weekly intervals, within the forty (40) days following adoption of this Charter Amendment Resolution; and

WHEREAS, promptly after this Charter Amendment Resolution becomes effective, either as herein provided or following referendum, the Mayor of the Town shall send or cause to be sent to the Maryland Department of Legislative Services in accordance with Md. Code Ann., Local Gov't. Article §§4-308 and 4-109, the following information concerning this Charter Amendment Resolution: (i) the complete text of the Charter amendment; (ii) the date of referendum election, if any, held with respect thereto; (iii) the number of votes cast for and against this Charter Amendment Resolution by the Council or in a referendum; and (iv) the effective date of the Charter amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF MOUNT AIRY:

Section 1. That Article II of the Town Charter entitled "Council", Section C2-6 entitled "President of Council" be and is hereby repealed and reenacted with amendments as follows:

**Article II
Council**

* * *

§ C2-6. President of Council.

The Council shall elect one of its members to serve as President of the Council. The President of the Council may vote on all issues coming before the Council, except while serving as Acting Mayor. ~~[and] The President~~ shall serve as Acting Mayor in case of the temporary absence or disability of the Mayor or vacancy in the office of Mayor, during which time the President shall have all the powers of the Mayor as set forth in this Charter. The President shall ~~[retain his]~~ have no vote on the Council while serving as Acting Mayor.

Section 2. That Article XII of the Town Charter entitled "General Provisions", Section C12-3 entitled "Vacancies" be and is hereby repealed and reenacted with amendments as follows:

**Article XII
General Provisions**

* * *

§ C12-3. Vacancies.

In case of a vacancy on the Council or in the Office of Mayor for any reason:

A. If the term for the vacant seat has 425 days or less remaining at the time of vacancy; then:

- (1) In the case of a vacancy on the Council, the Council shall elect some qualified person to fill such vacancy for the unexpired term. All vacancies in the Council shall be filled by the favorable votes of a majority of the remaining members of the Council. The result of any such vote shall be recorded by the Council Secretary or Town Clerk in the minutes of the Council.
 - (2) In the case of a vacancy in the Office of Mayor, the person serving as the President of the Council shall serve also as Acting Mayor for the unexpired term and for so long as he or she holds the position of President of the Council, pursuant to Article 2, Section C2-6 of this Charter. [~~While serving as Mayor, the President of the Council may continue to vote on all issues coming before the Council.~~]
- B. If the term for the vacant seat on the Council or in the Office of Mayor has more than 425 days remaining in the term at the time of vacancy, then the person serving as the President of the Council shall also serve as Acting Mayor until a new Mayor is elected by special election as set forth below, and sworn into office, and for so long as he or she holds the position of President of the Council, pursuant to Article 2, Section C2-6 of this Charter. A special election shall be held between 60 and 90 days after the seat is vacated, on a date to be chosen by the Supervisors of Elections. The nominations shall be made on or before a date to be selected by the Supervisors of Elections, which must be at least 14 days after the seat is vacated and 30 days before the election. The person elected shall take office one week after the last of the following to occur:
- (1) The results of the special election are certified by the Board of Supervisors of Elections;
 - (2) The public announcement of the results of any recount by the Board of Supervisors of Elections;
 - (3) The decision by the Board of Supervisors of Elections of any election contest; or
 - (4) The decision by the Circuit Court of Carroll County on appeal of the decision of the Board of Supervisors of Elections of any election contest.

Section 3. That cross references in the Charter to sections of the Charter that have been renumbered in this Amendment be and are hereby amended to conform to this Amendment.

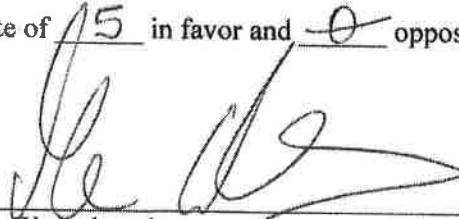
Section 4. That any provision of the Town Charter inconsistent with these amendments be and are hereby repealed.

BE IT RESOLVED BY THE AUTHORITY AFORESAID, that this Charter Amendment Resolution shall take effect on the 26th day of March, 2024, fifty (50) days after adoption of this Charter Amendment Resolution by the Council unless petitioned to referendum in accordance with Md. Code Ann., Local Gov't. Article §§4-304(d) and 4-307 within 40 days following its adoption (March 16, 2024).

Approved this 5th day of February, 2024 by a vote of 15 in favor and 0 opposed.

ATTEST:


Lynne Galletti, Secretary

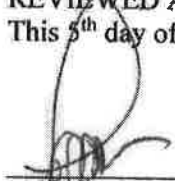

Tim Washabaugh,
President of the Town Council

ATTEST:


Lynne Galletti, Secretary


Larry Hushour, Mayor

REVIEWED AND APPROVED AS TO LEGAL FORM AND SUFFICIENCY.
This 5th day of February, 2024.


Thomas V. McCarron, Town Attorney

Note: Matter underlined is new material to be added to existing law. Matter in [brackets] and ~~strikethrough~~ is proposed to be deleted from existing law.