

**RESOLUTION 2025-01
CHARTER AMENDMENT**

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF SMITHSBURG,
MARYLAND, TO AMEND THE CORPORATE CHARTER §31-37. Vacancies**

RESOLUTION of the Mayor and Council of the Town of Smithsburg, Maryland, adopted pursuant to Article XI-E, Section 4, of the Constitution of the State of Maryland, entitled, “MUNICIPAL CORPORATION, PROCEDURES FOR ADOPTION, AMENDMENT OR REPEAL OF CHARTERS”, and pursuant to §4-304 entitled “Initiation of charter amendment by legislative body,” to amend §31-37 to the Corporate Charter of the Town of Smithsburg as adopted entitled *Vacancies*.

WHEREAS, the Mayor and Council of the Town of Smithsburg deem it in the best interest of the Town of Smithsburg and the community to amend said Charter.

NOW, THEREFORE, be it **RESOLVED** by the Mayor and Council of the Town of Smithsburg, Maryland, that §31-37 entitled *Vacancies* be and is hereby repealed in its current form; and be it further

RESOLVED, that §31-37 be and is amended and re-enacted in its entirety to read as follows:

Section 31-37. Vacancies.

- A. Within thirty (30) days from a vacancy on the council created by resignation, removal, death or incapacity, including the Mayor, the remaining members of the council shall elect some qualified person to fill such vacancy until the next general election. If two or more years remain on the unexpired term, said position shall be included on the ballot at the next general election for a two year term. In said event, the election for that position shall only be for a shortened term of two (2) years to insure that the staggered terms defined elsewhere in this Charter shall not be altered or interrupted.*
- B. In the event of a vacancy on the council, including the office of Mayor, in a position with less than two years remaining on the unexpired term, the remaining council, within thirty (30) days of said vacancy, shall elect some qualified person to fill such vacancy until the next general election.*
- C. In the event of a vacancy being created, i.e. the vice president or one of the remaining council persons being elected Mayor, by virtue of the election process specified herein, the procedures specified and terms identified herein shall control the election of a qualified person to fill said position for the applicable term.*
- D. Any vacancy on the council shall be filled by the favorable votes of a majority of the remaining members of the council. The Mayor shall have the right to vote for the purpose*

of electing a replacement on the Council. The results of any such vote shall be recorded in the minutes of the council.

- E. In the event the council, for any reason, is unable to elect a successor to fill a vacancy, including the office of Mayor, as specified in A through D above, the Board of Election Supervisors shall, pursuant to Section 31-34 and other relevant portions of this Charter, conduct a special election to elect some qualified person to fill such vacancy for the remainder of the unexpired term and until the next general election. However, if any vacancy occurs within 61 days of the next general election pertaining to that vacant position, the position shall remain vacant until that general election. If the vacancy is the office of mayor and the vacancy occurs within 61 days of the next general election for mayor, the position shall remain vacant, and the vice president of the council shall serve as mayor subject to and in accordance with Section 31-8.*
- F. All special Town elections shall be conducted by the Board of Supervisors of Elections in the same manner and with the same personnel, as far as practicable, as regular Town elections. In the event a special election is required to fill a vacancy, the special election to fill the vacancy shall be held not less than thirty (60) days and not more than forty-five (45) days after the vacancy is created. The vote of a special election to fill a vacancy shall be counted the same as provided under Section 31-38 of this Charter.*
- G. Any person who is qualified to fill the vacant position who desires to register as a candidate in the special election shall file a Certificate of Candidacy on or before the latter of the fifteenth (15th) day preceding the special election or the first business day after the specified deadline if it falls on a weekend day or legal holiday.*
- H. The term to fill a vacancy through a Special Election as specified herein, shall not be shortened, extended or altered but shall be, all cases, for the unexpired term of the vacant position.*
- I. Whether through election by the council or by special election, the newly elected person shall take office on the first Tuesday of the month following the special election.*

And be it further **RESOLVED** that the exact text of the proposed Charter Amendment prepared so that each provision is shown as the provision would read when amended or enacted is attached hereto as **Exhibit "A"** and is incorporated herein by reference; and be it further

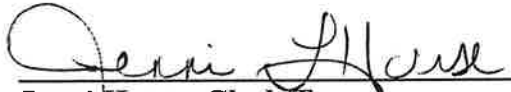
RESOLVED, that pursuant to the *Annotated Code of Maryland, Local Government Article, §4-303(d)* the proposed Amendment specifically repeals and/or is intended to repeal and/or amend any provision in the *Charter for the Town of Smithsburg* that is inconsistent with the Amended provision; and be it is further

RESOLVED, that notice is further given that the Amendment proposed by the

Legislative Body of the Town of Smithsburg Maryland, that the Municipal Charter according to this Amendment, shall be effective and observed as such, in all respects set forth above on the fiftieth (50th) day after passage, as set forth above, unless on or before the fortieth (40th) day after passage there shall be presented to the Mayor and Council (Legislative Body) or mailed to it by registered mail, a petition for referendum in accordance with the applicable provisions of the Local Government Article.

(Note: Double [[]'s indicate deletion unless the entire section is repealed. *Italics* indicates additional/new text.)

**WITNESS AND ATTEST
AS TO CORPORATE SEAL
MARYLAND**


Jenni House, Clerk/Treasurer

**MAYOR AND COUNCIL OF THE
TOWN OF SMITHSBURG,**


Donald Souders, Mayor

Date of Introduction: 3/04/2025
Date of Passage: 4/01/2025
Effective Date: 5/21/2025

Record and return to:

Ms. Jenni House, Clerk-Treasurer
Town of Smithsburg
21 W. Water Street
Smithsburg, MD 21783

EXHIBIT "A"

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- C. In the event of a vacancy being created, i.e. the vice president or one of the remaining council persons being elected Mayor, by virtue of the election process specified herein, the procedures specified and terms identified herein shall control the election of a qualified person to fill said position for the applicable term.
- D. Any vacancy on the council shall be filled by the favorable votes of a majority of the remaining members of the council. The Mayor shall have the right to vote for the purpose of electing a replacement on the Council. The results of any such vote shall be recorded in the minutes of the council.
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