

**TOWN OF RISING SUN
RESOLUTION 2011-03**

A RESOLUTION DECLARING THE OFFICE OF MAYOR OF RISING SUN VACANT

WHEREAS, Section C-5(a) of the Charter of the Town of Rising Sun states that to hold office in the Town of Rising Sun the Mayor and Commissioners must have certain qualifications, specifically stated "The Mayor and four Commissioners, shall be citizens of the United States, at least twenty-five (25) years of age at the time of their election to office, qualified voters of the Town and bona fide residents of the Town for at least one year preceding the date of their election and shall be free of any record of criminal violations other than minor traffic violations and other such minor misdemeanors punishable by fine only"; and

WHEREAS, Sandra Didra is the current Mayor of Rising Sun having been duly qualified and elected in June 2010 and officially taking office in July 2010; and

WHEREAS, in September 2010 the Cecil County Grand Jury issued a two count indictment against Sandra Didra: The first count being a violation of 7-104 of the Criminal Law Article of the Maryland Annotated Code (Theft Scheme in excess of \$500.00); and the second count being a violation of 7-113(1) of the Criminal Law Article of the Maryland Annotated Code (Embezzlement). The violation of Section 7-104 is considered a felony with the possibility of imprisonment of up to fifteen years and a fine of \$25,000.00. The violation of Section 7-113 is considered a misdemeanor with the possibility of imprisonment of not less than one year and not more than five years; and

WHEREAS, a trial of this matter was held on March 14, 2011 through March 17, 2011 in the Circuit Court of Cecil County before the Honorable Judge Kahl at the conclusion of which Judge Kahl found Ms. Didra guilty on both Counts listed in the Indictment; and

WHEREAS, Section C-8(a) of the Charter of Rising Sun states that if during the term for which they are elected, any of said Commissioners shall die, resign, move from said Town or for any cause be disqualified or removed from office, a vacancy is created; and

WHEREAS, the Commissioners of Rising Sun believe that public interest demands that public affairs be administered by officials upon whom rest no stigma of criminal violations as public confidence in an elected official is destroyed when the presumption of innocence is dispelled by a guilty verdict. The governing body has a duty to ensure that only individuals who meet the qualifications contained in the Charter are holding positions within the Town's government; and

WHEREAS, notice of this Resolution has been posted at Town Hall and personal notice has been given to Sandra Didra. Further the Commissioners of Rising Sun have held a Public Hearing on this Resolution on March 29, 2011 at 7 p.m. at Janes United Methodist Church, to receive public comment thereon.

NOW THEREFORE BE IT RESOLVED THAT the Board of Commissioners of Rising Sun, pursuant to the provisions of the Charter of Rising Sun, hereby declare the Office of Mayor of Rising Sun vacant; and

BE IT FURTHER RESOLVED THAT this Resolution shall become immediately effective upon its adoption.

NOW THEREFORE, BE IT FURTHER RESOLVED that the Mayor and Commissioners of the Town of Rising Sun passed, approved and adopted this resolution on this 29TH day of MARCH, 2011

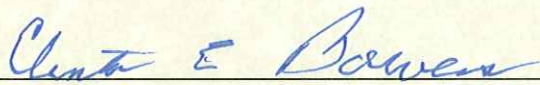
AYES: Bowers, Callahan, Mumey & Pierson.

NAYS: None.

ABSTAINED: None.

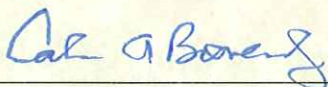
ABSENT: None.

FOR BOARD OF COMMISSIONERS OF RISING SUN



CLINTON E. BOWERS
Acting Mayor

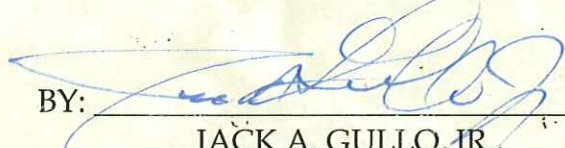
ATTEST:



CALVIN A BONENBERGER JR,
Town Administrator/ Acting Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

THIS 29TH DAY OF MARCH, 2011

BY: 

JACK A. GULLO, JR.,
Town Attorney

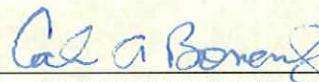
STATE OF MARYLAND)
COUNTY OF CECIL)
TOWN OF RISING SUN)

SS:

CERTIFICATE

I, Calvin A Bonenberger, Town Administrator and Interim Town Clerk for the Town of Rising Sun, Maryland, do hereby certify that the above and foregoing Resolution is a true, perfect and complete copy of the Resolution adopted by the Mayor and Commissioners of the Town of Rising Sun, Maryland, and is identical to the original thereof appearing in the official records of the Town of Rising Sun, Maryland and the same has not, since its adoption, been rescinded or amended in any respect.

IN TESTIMONY WHEREOF, I have hereunto set my hand and have affixed the seal of the Town of Rising Sun as of this 30TH day of March 2011.



CALVIN A BONENBERGER JR,
Town Administrator/ Acting Clerk