

**TOWN OF RISING SUN
RESOLUTION 2013-08
CHARTER AMENDMENT**

REMOVAL OF ELECTED OFFICIALS FOR CAUSE

RESOLUTION of the Mayor and Commissioners of the Town of Rising Sun, adopted pursuant to the authority of Section 3 and 4 entitled "Home Rule" of Article XI-E entitled "Municipal Corporations" of the Constitution of Maryland and Section 11 et. seq. under subtitle "Charter Amendments" of Article 23A entitled "Corporations-Municipal" of the Annotated Code of Maryland, to amend the Charter of the Town of Rising Sun, Maryland with a provision to address amendments to the Town Charter to provide for provisions for the removal of elected officials for cause.

SECTION 1. WHEREAS, it is hereby found and determined to be in the best interests of the Town to amend the Charter of the Town to provide for a clear measures to remove any elected official from office for just cause. This measure ensures the ability of the Town to protect itself from liability, exposure and other harmful acts which are not in the best interests of the Town, due to gross misconduct and behavior of an elected official.

SECTION 2. BE IT RESOLVED by the Mayor and Commissioners of the Town of Rising Sun, Maryland that Section C-8 of the Charter of the Town of Rising Sun, Maryland titled Filling vacancy in office of Commissioner or Mayor/ Cause for Removal from Office, is hereby amended by amending and reenacting (C) of this section in its entirety to read, as follows:

(C) ~~Upon approval by the majority of the members of the Board of Commissioners; a member may be removed from office for:~~ *The Mayor and or Commissioners maybe removed from office upon the Board of Commissioners issuing written charges expressing just cause and a public hearing on the matter, as follows:*

1. *By super-majority vote of the Board of Commissioners, an elected official can be removed from office for failure* ~~Failure~~ to attend three (3) consecutive meetings without prior approval of the Board for just cause;

2. ~~Malfeasance of Office~~

~~All investigations for malfeasance of office shall be conducted by the Office of the State's Attorney for Cecil County or his designee.~~

2. *By super-majority vote of the Board of Commissioners, an elected official, after receiving a censure from the Board of Commissioners, may be removed from office for just cause, upon which an immediate vacancy will be declared and filled as described in section (A) above.*

[Note: Additions are underlined and in italics, deletions are struck through.]

SECTION 3. AND BE IT FURTHER RESOLVED by the Mayor and Commissioners of the Town of Rising Sun, Maryland that this amendment to the Charter shall in all respects be effective and observed

as such, upon the fiftieth (50th) day after the date of adoption, unless on or before the fortieth (40th) day thereafter there shall be presented to the Mayor and Commissioners of the Town of Rising Sun, or mailed to it, a Petition for referendum in accordance with the provisions of Section 13(g) of Article 23A of the Annotated Code of Maryland.

SECTION 4. AND BE IT FURTHER RESOLVED by the Mayor and Commissioners of the Town of Rising Sun, Maryland that a complete and exact copy of this Resolution shall be posted in the municipal offices of the Mayor and Commissioners of the Town of Rising Sun, Maryland or some public place for a period of at least forty (40) days following its adoption, and further, that a fair summary of this proposed amendment shall be published in a newspaper of general circulation in the Town of Rising Sun for not less than four (4) times, at weekly intervals, within a period of forty (40) days from the adoption of this Resolution.

SECTION 5. AND BE IT FURTHER RESOLVED by the Mayor and Commissioners of the Town of Rising Sun, Maryland that as soon as the Charter amendment hereby adopted shall become effective, the Clerk of the Town of Rising Sun shall send separately by registered mail to the Department of Legislative Reference the following information concerning the Charter:

- (1) A complete copy of this Resolution;
- (2) The date of the referendum election, if any, held with respect thereto;
- (3) The number of votes cast for or against the Resolution whether by the Commissioners of Rising Sun or in a referendum; and
- (4) The effective date of the Charter.

SECTION 6. AND BE IT FURTHER RESOLVED by the Mayor and Commissioners of the Town of Rising Sun, Maryland that the Clerk of the Town of Rising Sun be and is specifically authorized and instructed to carry out the provisions of Section 4 and 5 hereof, and as evidence of compliance herewith, the clerk shall cause to be affixed to the Minutes of the meeting in which this Charter shall have been adopted:

- (1) Appropriate certification of publication of the newspaper in which the summary of the proposed amendment shall have been published.
- (2) The return receipts of the mailing referred to in Section 5.

READ AND INTRODUCED by The Commissioners of Rising Sun, Maryland, this 23rd day of April, 2013.

PASSED AND ADOPTED by The Commissioners of Rising Sun, Maryland on this 23rd day of April, 2013.

AYES:

NAYS:

ATTEST:

THE MAYOR AND COMMISSIONERS
OF THE TOWN OF RISING SUN

BY: _____

Rhonda Harmison,
Town Clerk

BY: _____

Robert A. Fisher
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
THIS 23 DAY OF APRIL, 2013

BY: _____

Jack A. Gullo, Jr., - Town Attorney

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

SS:

CERTIFICATE

I, Rhonda Harmison, 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 24th day of April, 2013.

Rhonda Harmison,
Town Clerk