

TOWN OF RISING SUN  
RESOLUTION 2013-05  
CHARTER AMENDMENT

ELECTED POSITIONS; QUALIFICATIONS, NOMINATIONS AND TERMS  
OF OFFICE

**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 clear and specific language regarding the qualifications for the position of Mayor and Board of Commissioners; the process of declaring candidacy and the timely notification of the community of application deadlines and filings.

**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 clearly define the qualifications associated with serving in the elected capacity of Mayor or Board of Commissioner; and to spell out the process for declaring candidacy and terms of office.

**SECTION 2. BE IT RESOLVED** by the Mayor and Commissioners of the Town of Rising Sun, Maryland that Section C-5 of the Charter of the Town of Rising Sun, Maryland, titled Mayor and Board of Commissioners; Qualifications, Nominations, Election and Term of Office is hereby amended by amending and reenacting Section C-5 in its entirety to read, as follows:

Section C-5    ~~Mayor and Board of Commissioners~~Elected Positions; Qualifications, Nominations, ~~Election~~ and Terms of Office.

All legislative powers of the Town are vested in a council consisting of the Mayor and four (4) Commissioners who shall be elected as hereinafter provided.

(a) Qualifications. 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 said 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. Council members must maintain principal residence in the Town during his/her term of office. If there is a change in principal residence from the Town, the term of the elected office shall be immediately terminated and the vacancy shall be filled as provided in Section C-8 below.

(b) Nomination. Any citizen of the Town, being otherwise qualified as indicated herein, desiring to be a candidate for the office of Mayor or for the office of Commissioner, ~~may by letter addressed to the Commissioners of Rising Sun expressing their intention to be a candidate for a specified office and request that their name be placed on the official ballot at the next election.~~ must file in person and submit the necessary disclosure forms under the Town's ethics code and complete a written certificate of candidacy for nomination form, as provided by the election clerk, no less than thirty (30) days prior to the scheduled election. The election clerk shall post a notice of the filing deadline at least 7 days in advance of the final day for filing, in a newspaper of general circulation, at the Town Hall and



on the Town's website. The hours for filing on the final date are 8:30 am till 6:00 PM. If candidacy is verified the candidates name will appear on the ballot as submitted on the certificate. The use of nicknames, titles, degrees, or other professional designations on the certificate of candidacy is prohibited. Candidates may withdraw from election prior to the filing deadline only.

~~All written nominations or letters of intent must be in the hands of the Secretary to the Commissioners by 4:30 P.M. of the day of the Annual Meeting. Or any duly qualified citizen of the Town may be nominated for either of the said offices from the floor at the annual Town meeting to be held on the last Tuesday of May of each year. Should a citizen holding the office of Commissioner~~one elected office such as Commissioner or Mayor, decide to become a candidate for the office of ~~Mayor~~another elected office such as Commissioner or Mayor, they must resign their current position ~~as Commissioner~~ prior to becoming a candidate for ~~Mayor~~one of the other position.

(eC) Election and term of office. The members of the Board of Commissioners shall be elected to serve two year terms with the elections staggered so that approximately one-half of the board is elected every two years. All members of the Board shall serve until their successors are duly sworn in. ~~On the second Monday in June in 1994, the voters of the Town shall elect two Commissioners each of who shall serve a term of three years and every two years thereafter. On the second Monday in June 1996 and every two years hence, the voters of the Town shall elect a Mayor and two Commissioners who shall serve for a term of two years.~~

[Note: Additions are underlined and in italics, deletions are struck through, double underline indicates underline added for emphasis, not a change in language or deletions.]

**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 (50<sup>th</sup>) day after the date of adoption, unless on or before the fortieth (40<sup>th</sup>) 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;

**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 26th day of February, 2013.

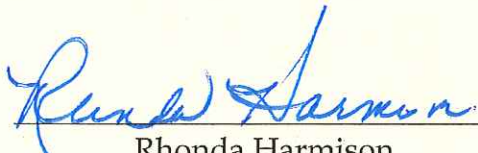
**PASSED AND ADOPTED** by The Commissioners of Rising Sun, Maryland on this 26th day of February, 2013.

**AYES:** Commissioner Berkowich, Commissioner Marion, Commissioner Naughton, Commissioner Osborne

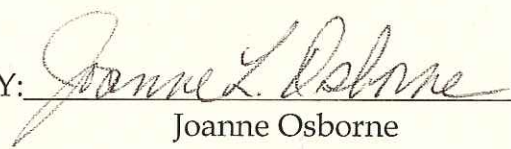
**ATTEST:**

THE MAYOR AND COMMISSIONERS  
OF THE TOWN OF RISING SUN

BY:

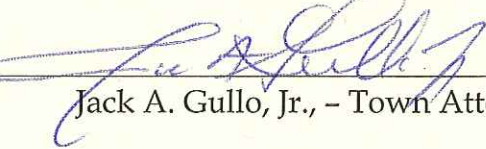
  
Rhonda Harmison,  
Town Clerk

BY:

  
Joanne Osborne  
Vice Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
THIS 25 DAY OF FEBRUARY, 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 27th day of February, 2013.



Rhonda Harmison,  
Town Clerk