

1           **MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE**

2                           **CHARTER AMENDMENT RESOLUTION NO. 2020-01**

3           **A RESOLUTION OF THE MAYOR AND COMMISSIONERS OF THE TOWN OF**  
4 **PERRYVILLE, MARYLAND, TO AMEND THE CHARTER OF THE TOWN OF**  
5 **PERRYVILLE TO ALTER THE TERMS OF OFFICE FOR THE MAYOR AND**  
6 **COMMISSIONERS; TO EXTEND CERTAIN TERMS OF OFFICE; TO TRANSITION TO**  
7 **THREE YEAR TERMS OF OFFICE FOR THE MAYOR AND COMMISSIONERS; AND**  
8 **GENERALLY RELATING TO CHANGES IN TERMS OF OFFICE FOR THE MAYOR AND**  
9 **COMMISSIONERS.**

10 **BY**    repealing and reenacting, with amendments  
11            Charter of the Town of Perryville  
12            (as published in the Perryville Town Code)  
13            Article III, Town Commissioners  
14            Sections C3-1 and C3-4  
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**EXPLANATION:**

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW  
((Double Parenthesis)) indicate matter deleted from existing law.  
Underlining indicates amendments to bill.  
~~Strike-Out~~ indicates matter stricken from bill by amendment or  
deleted from the law by amendment.  
\*\*\* indicates matter not affected by this Ordinance and omitted

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19 **SECTION 1. BE IT RESOLVED BY THE MAYOR AND COMMISSIONERS OF THE TOWN**  
20 **OF PERRYVILLE** that Sections C3-1 and C3-4 of Article III, Town Commissioners, of the Charter of  
21 the Town of Perryville (as published in the Perryville Town Code), are repealed and reenacted, with  
22 amendments, to read as follows:

23   **ARTICLE III**

24   **Town Commissioners**

25 **§ C3-1. Composition; terms; elections.**

26 A. All legislative powers of the Town shall be vested in the Mayor and Commissioners of the Town of  
27 Perryville, consisting of a Mayor and four (4) Commissioners, who shall be elected as hereinafter  
28 provided and who shall hold office for a term of two (2) years or until their successors are elected and  
29 qualified. Newly elected Commissioners, including the Mayor, having taken their oaths of office as  
30 prescribed herein, shall take office on or before the second Monday following their election.  
31 Commissioners holding office at the time this Charter becomes effective shall continue to hold office

32 for the term for which they were elected and until the succeeding Commissioners take office under the  
33 provisions of this Charter. Effective with the election to be held in May of 1990, a Mayor and two (2)  
34 Commissioners shall be elected so that the Board shall then consist of a Mayor and five (5)  
35 Commissioners. The following year, in May 1991, two (2) additional Commissioners shall be elected  
36 so that the Board shall then consist of a Mayor and four (4) Commissioners. For the purposes of the  
37 Charter and the Code of Perryville, the terms "Mayor and Council," "Mayor and Commissioners,"  
38 "Commissioners" and "Board of Commissioners" shall all be interchangeable and shall all be defined  
39 as the Mayor and Commissioners of the Town of Perryville, as provided for in this Article III.

40 B. Town Commissioners and the Mayor shall be elected at large by a majority vote of all registered  
41 voters of the Town of Perryville casting a ballot in said election.

42 C. NOTWITHSTANDING SUBSECTION A. OF THIS SECTION, COMMENCING WITH THE  
43 ELECTIONS CONDUCTED IN MAY, 2018, AND MAY, 2019, THE MAYOR AND  
44 COMMISSIONERS SHALL BE ELECTED AND SERVE TERMS OF OFFICE AS SET FORTH IN  
45 THIS SUBSECTION C.:

46 (1) THE MAYOR ELECTED TO OFFICE IN MAY, 2018, SHALL CONTINUE TO HOLD  
47 OFFICE UNTIL THE ELECTION TO BE CONDUCTED IN MAY, 2021, OR UNTIL  
48 THE MAYOR'S SUCCESSOR TAKES OFFICE. IN THE ELECTION TO BE  
49 CONDUCTED IN MAY, 2021, A MAYOR SHALL BE ELECTED FOR A TERM OF  
50 THREE (3) YEARS, AND SHALL CONTINUE TO HOLD OFFICE UNTIL THE  
51 MAYOR'S SUCCESSOR TAKES OFFICE.

52 (2) A COMMISSIONER ELECTED TO OFFICE IN MAY, 2019, SHALL CONTINUE TO  
53 HOLD OFFICE UNTIL THE ELECTION TO BE CONDUCTED IN MAY, 2022, OR  
54 UNTIL THE COMMISSIONER'S SUCCESSOR TAKES OFFICE. COMMENCING  
55 WITH THE ELECTION TO BE CONDUCTED IN MAY, 2022, AND EVERY THREE  
56 YEARS THEREAFTER, SUCCESSORS TO THE TWO COMMISSIONERS ELECTED  
57 IN MAY, 2022, SHALL BE ELECTED TO SERVE TERMS OF THREE YEARS EACH,  
58 AND EACH SHALL CONTINUE TO HOLD OFFICE UNTIL THEIR RESPECTIVE  
59 SUCCESSORS TAKE OFFICE.

60 (3) COMMENCING WITH THE ELECTION TO BE CONDUCTED IN MAY, 2020, AND  
61 EVERY THREE YEARS THEREAFTER, SUCCESSORS TO THE TWO  
62 COMMISSIONERS ELECTED IN MAY, 2018, OR WHO FILL VACANCIES IN THE  
63 OFFICE OF COMMISSIONERS WHO WERE ELECTED IN MAY, 2018, SHALL BE  
64 ELECTED TO SERVE TERMS OF THREE YEARS EACH, AND EACH SHALL  
65 CONTINUE TO HOLD OFFICE UNTIL THEIR RESPECTIVE SUCCESSORS TAKE  
66 OFFICE.

67 **§ C3-4. Meetings.**

68 ((The newly elected Commissioners shall meet within)) WITHIN thirty (30) days following election  
69 OF A MAYOR OR COMMISSIONER, THE COMMISSIONERS SHALL MEET for the purpose of  
70 organization, after which the Commissioners shall meet regularly at such times as may be prescribed by  
71 its rules, but not less frequently than once each month. Special meetings may be called by the Town

72 Administrator upon the request of the Mayor or two (2) Commissioners. Any special meeting shall be  
73 preceded by three (3) days' notice to the Mayor and all of the Commissioners except in cases of  
74 emergency involving a potential threat to life, health or property. All meetings of the Mayor and  
75 Commissioners shall be open to the public except in special and appropriate circumstances when  
76 meetings may be closed in accordance with Subtitle 5 of Title 10 of the State Government Article,  
77 Open Meetings Law, of the Annotated Code of Maryland, as amended from time to time. The rules of  
78 the Commissioners shall provide that residents of the Town shall have a reasonable opportunity to be  
79 heard during any open meeting in regard to any municipal question.

80 **SECTION 2: AND BE IT FURTHER RESOLVED BY THE MAYOR AND**  
81 **COMMISSIONERS OF THE TOWN OF PERRYVILLE**, that if any provision of this Resolution,  
82 or the application thereof to any person or circumstance is held invalid for any reason, such invalidity  
83 shall not affect the other provisions or any other application of this Resolution which can be given  
84 effect without the invalid provisions or application, and to this end, all the provisions of this Resolution  
85 are hereby declared to be severable.

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87 **SECTION 3: AND BE IT FURTHER RESOLVED BY THE MAYOR AND**  
88 **COMMISSIONERS OF THE TOWN OF PERRYVILLE** that the date of adoption of this  
89 Resolution is January 7, 2020, and the amendment to the Charter of the Town of Perryville, hereby  
90 enacted shall become effective on February 26, 2020, unless a proper petition for referendum hereon  
91 shall be filed as permitted by law, provided a complete and exact copy of this Resolution shall be  
92 continuously posted on the bulletin board in the Town Hall until February 16, 2020, and provided  
93 further that a copy of the title of this Resolution shall be published in a newspaper of general  
94 circulation in the Town of Perryville, or in any other newspaper of such general circulation, once in  
95 each of the weeks beginning January 15, 2020, January 22, 2020, January 29, 2020, and February 5,  
96 2020.

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98 **SECTION 4: AND BE IT FURTHER RESOLVED BY THE MAYOR AND**  
99 **COMMISSIONERS OF THE TOWN OF PERRYVILLE**, that the Town Administrator is hereby  
100 specifically commanded to carry out the provisions of Section 3 of this Resolution, and, as evidence of  
101 such compliance, the Town Administrator shall cause to be maintained appropriate certificates of  
102 publication of the newspaper or newspapers in which the title of the Resolution shall have been  
103 published and if a favorable referendum is held on the Charter change, the Mayor shall declare the  
104 Charter Amendment hereby enacted to be effective on the date provided by law.

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106 **SECTION 5: AND BE IT FURTHER RESOLVED BY THE MAYOR AND**  
107 **COMMISSIONERS OF THE TOWN OF PERRYVILLE** that as soon as the Charter Amendment  
108 hereby enacted shall become effective, either as provided herein or following a referendum, the Town  
109 Administrator shall send to the Department of Legislative Services of Maryland a copy of this  
110 Resolution showing the number of members of the Council voting for and against it and a report on the  
111 votes cast for or against the Charter Amendment hereby enacted at any referendum thereon and the  
112 date of such referendum.

113  
114 The above Amendment to the Charter of the Town of Perryville was enacted by the foregoing  
115 Resolution which was passed at a Town meeting of the Mayor and Commissioners of the Town of  
116 Perryville on January 7, 2020, 5 members voting in the affirmative,  
117 0 members voting in the negative, 0 members abstaining and

118 \_\_\_\_\_ members absent and the Resolution becomes effective in accordance with law on  
119 the 26th day of February, 2020, if a petition for referendum has not been filed in the time prescribed by  
120 law.

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122 READ AND PASSED THIS 7<sup>th</sup> day of January, 2020.

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124 ATTEST:

MAYOR  
TOWN OF PERRYVILLE:

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126  
127 Jackie Sample  
128 Jackie Sample, Town Clerk

Robert R. Ashby, Jr.  
Robert R. Ashby, Jr., Mayor

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