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RESOLUTION NO. _____

A RESOLUTION BY THE COMMISSIONERS OF VIENNA TO AMEND SECTION 22-3. ELECTION OF COMMISSIONERS OF THE CHARTER OF THE TOWN OF VIENNA CONCERNING THE GENERAL PROCEDURES FOR THE ELECTION OF COMMISSIONERS.

WHEREAS, The Commissioners of Vienna have the authority as granted in Article XI-E of the Maryland Declaration of Rights, §§ 4-301 *et seq.* of the Local Government Article of the Annotated Code of Maryland, and Section 22-11 of the Town of Vienna Charter to initiate a charter change; and

WHEREAS, The Commissioners of Vienna desire to make changes to its Charter concerning the subject of procedures concerning the election of Commissioners.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF VIENNA by virtue of the authority granted in Article XI-E of the Maryland Declaration of Rights, §§ 4-301 *et seq.* of the Local Government Article of the Code of Maryland and Section 22-11 of the Town of Vienna Charter as follows:

Section 1. It is proposed and recommended that Section 22-3. Election of commissioners. be amended as outlined below (the language contained in boldface brackets is deleted language and the language which is underscored and italicized is added language):

Section 22-3. Election of [commissioners] *Commissioners.*

22-3-1 *General.*

A. The citizens of Vienna of eighteen years and upwards who have resided in Vienna for and during the preceding [thirty] *ninety* days shall, on the first Monday in May of *an election year [each year]*, elect the town's [commissioners] *Commissioners.* Each voter shall have one vote for each vacancy.

B. [In even-numbered years,] *Beginning with the 2024 election and continuing every four years thereafter,* two Commissioners *connected to the immediately preceding even-numbered year terms* will be elected *to serve new four-year terms.* [In odd-numbered years,] *Beginning with the 2025 election and continuing every four years thereafter,* one person will be elected as Commissioner and that person shall also serve as Mayor *for a new four-year term* and be obligated and entitled in this capacity as the body of this charter sets forth. Refusal to serve as Mayor by any person elected Commissioner in an odd-numbered year shall constitute a vacancy as set forth hereafter in [22-3-1 "F"] *22-3-2 Election procedure. I.* A vacancy in the post of Mayor occurring after 60 days of the Mayor's election and more than 90 days before the next election in an odd-numbered year shall be filled through a special election conducted at the direction of the remaining Commissioners. During the period between the vacancy and the special election, the remaining Commissioners shall choose one of their number to serve as Interim Mayor. No Commissioner elected in an even-numbered year shall be eligible to run for office in a special election unless that Commissioner's term has expired. *A person shall not be eligible to serve as Mayor until serving one full term (four years) as a Commissioner. [(1997-1)] (Res. 2023 , Date)*

Section 2. With this proposed Charter amendment detailed in **Section 1.** Above, Section 22-3.

48 Election of Commissioners. 22-3-1 *General*. would read as follows:

49 Section 22-3. Election of Commissioners.

50
51 *22-3-1 General.*

52
53 A. The citizens of Vienna of eighteen years and upwards who have resided in
54 Vienna for and during the preceding ninety days shall, on the first Monday in May of an
55 election year, elect the town's Commissioners. Each voter shall have one vote for each
56 vacancy.

57
58 B. Beginning with the 2024 election and continuing every four years thereafter,
59 two Commissioners connected to the immediately preceding even-numbered year terms
60 will be elected to serve new four-year terms. Beginning with the 2025 election and
61 continuing every four years thereafter, one person will be elected as Commissioner and
62 that person shall also serve as Mayor for a new four-year term and be obligated and entitled
63 in this capacity as the body of this charter sets forth. Refusal to serve as Mayor by any
64 person elected Commissioner in an odd-numbered year shall constitute a vacancy as set
65 forth hereafter in 22-3-2 *Election procedure*. I. A vacancy in the post of Mayor occurring
66 after 60 days of the Mayor's election and more than 90 days before the next election in an
67 odd-numbered year shall be filled through a special election conducted at the direction of
68 the remaining Commissioners. During the period between the vacancy and the special
69 election, the remaining Commissioners shall choose one of their number to serve as Interim
70 Mayor. No Commissioner elected in an even-numbered year shall be eligible to run for
71 office in a special election unless that Commissioner's term has expired. A person shall not
72 be eligible to serve as Mayor until serving one full term (four years) as a Commissioner.
73 (Res. 2023-___, Date)

74
75 **AND, BE IT FURTHER RESOLVED BY THE COMMISSIONERS OF VIENNA:**

76 Section 3. Pursuant to MD Code, Local Government, § 4-304, a public hearing on this Resolution,
77 providing for the amendment of the Town of Vienna's Charter as set forth herein, shall be and hereby is
78 scheduled for Monday, _____, 2023 at 7:00 p.m.

79 Section 4. Pursuant to the Town of Vienna's Charter Section 22-11 and MD Code, Local
80 Government, § 4-304, the Town shall post a complete and exact copy of this Charter Amendment at the
81 Town Office for at least forty (40) days after the passage of this Resolution and advertise a fair summary
82 of this Resolution in a newspaper of general circulation in the Town at least four times at weekly intervals
83 and within forty days after the Resolution has been adopted.

84 Section 5. The title of this Resolution shall be deemed a fair summary of the amendments provided
85 for herein for publication and all other purposes.

86 **AND, BE IT FURTHER RESOLVED BY THE COMMISSIONERS OF VIENNA:**

87 Section 6. This Resolution shall take effect on the fiftieth (50th) day after the Resolution is adopted,
88 subject to the right of referendum.

89
90 **AND, BE IT FURTHER RESOLVED BY THE COMMISSIONERS OF VIENNA:**

91 Section 7. It is the intention of the Commissioners of Vienna that each provision of this Resolution

92 shall be deemed independent of all other provisions herein.

93 **Section 8.** It is further the intention of the Commissioners of Vienna that if any section, paragraph,
94 subsection, clause, or provision of this Resolution shall be adjudged invalid, unconstitutional, or otherwise
95 unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section,
96 paragraph, subsection, clause, or provision so adjudged and all other provisions of this Resolution shall
97 remain and shall be deemed valid and enforceable

98 **Section 9.** The Recitals set forth hereinabove are incorporated into this section of this Resolution
99 as if such recitals were specifically set forth at length in this Section 9.

100 **THIS RESOLUTION** was introduced, read, and passed at the regular meeting of the
101 Commissioners of Vienna held on the 22nd day of May, 2023.
102

103
104 _____
105 Cynthia McFarlane,
106 Town Clerk

Pamela R. Travers,
Commissioner/Mayor

107
108 _____
109 Gregory M. Cusick,
110 Commissioner

Gregory M. Cusick,
Commissioner

111
112 _____
113 Franklin Jewell Fluharty,
Commissioner

Franklin Jewell Fluharty,
Commissioner