TOWN OF BOONSBORO, MARYLAND

RESOLUTION No. 2020-01

A RESOLUTION TO AMEND THE CHARTER OF THE TOWN OF BOONSBORO REGARDING THE 2020 MUNICIPAL ELECTION IN RESPONSE TO THE COVID-19 PANDEMIC, STATE OF EMERGENCY, AND CATASTROPHIC HEALTH EMERGENCY

RECITALS

WHEREAS, the Governor of the State of Maryland declared a state of emergency and catastrophic health emergency on March 5, 2020 and renewed these declarations on March 17, 2020, to control and prevent the spread of COVID-19 within Maryland, and the state of emergency and catastrophic health emergency still exist; and

WHEREAS, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, is a public health catastrophe and has been confirmed in nearly all Maryland counties, including Washington County; and

WHEREAS, to reduce the spread of COVID-19, the U.S. Centers for Disease Control and Prevention and the Maryland Department of Health recommend social distancing and avoiding gatherings; and

WHEREAS, the currently known and available scientific evidence and best practices support limitations on gatherings and social distancing to prevent exposures and transmissions, and reduce the threat to especially vulnerable populations, including older individuals and those with chronic health conditions; and

WHEREAS, to reduce the threat to human health caused by transmission of COVID-19 in Maryland and in the Town of Boonsboro, and to protect and save lives, it is necessary and reasonable that individuals refrain from congregating; and

WHEREAS, holding a municipal election during a state of emergency and catastrophic health emergency would hinder social distancing, enable the transmission of the novel coronavirus, and pose risks to public health, welfare, and safety; and

WHEREAS, holding a municipal election at polling locations during the state of emergency and catastrophic health emergency would potentially expose government buildings, voters, and municipal officers, employees, and volunteers to COVID-19; and

WHEREAS, municipal elections must be accessible, secure, and safe; and

WHEREAS, COVID-19, the Maryland state of emergency and the catastrophic health emergency, and the State's emergency actions in response have impaired the ability of the Town's

municipal officers, employees, and volunteers to hold an election on the dates and/or by the methods required by the Town Charter and Town Code; and

WHEREAS, on March 30, 2020 the Governor of the State of Maryland issued an Executive Order enabling municipalities to postpone and/or amend the method by which a municipal election must be conducted by enabling municipalities to amend certain charter provisions by suspending certain public hearing requirements and/or timeframe requirements set forth in the Maryland Annotated Code, Local Government Article, Title 4, Subtitle 3; and

WHEREAS, the Charter of the Town of Boonsboro, Section 508 establishes that a municipal election shall be held on the second Tuesday in May during even years; and

WHEREAS, the current state of emergency declared in the State of Maryland, the State catastrophic health emergency, and the State's emergency actions in response make it impossible for the Town to comply with Section 508 of the Town Charter; and

WHEREAS, the Mayor and Council hereby suspend the effect of Title 4, Subtitle 3 of the Local Government Article of the Maryland Annotated Code, specifically §4-304(a)(2), (c), and (d); and

WHEREAS, the Mayor and Council hereby find that suspending the effect of Title 4, Subtitle 3 of the Local Government Article of the Maryland Annotated Code, specifically §4-304(a)(2), (c), and (d) will not endanger the public health, welfare or safety; and

WHEREAS, the Mayor and Council hereby find that suspending the effect of Title 4, Subtitle 3 of the Local Government Article of the Maryland Annotated Code, specifically §4-304(a)(2), (c), and (d) is necessary in order to amend the date on which a municipal election shall be held and also to amend the method, conduct, or voting system of an election in a manner which ensures an accurate vote count and certification of the election results; and

WHEREAS, the Mayor and Council have determined that it is in the best interests of the citizens of the Town to postpone the municipal election from May 12, 2020 until the Tuesday immediately following the State of Maryland 2020 primary election;

NOW THEREFORE, be it resolved by the Mayor and Council of the Town of Boonsboro, pursuant to Article XI-E of the Maryland Constitution, Section 4-301 *et seq.* of the Local Government Article of the Maryland Code, and Executive Order of the Governor of the State of Maryland No. 20-03-30-03 that the Charter of the Town of Boonsboro be and the same is hereby amended as follows:

1. **The Charter of the Town of Boonsboro is hereby amended by adding section 508A, to read as follows:**

THE 2020 MUNICIPAL ELECTION SHALL BE POSTPONED FROM THE DATE ESTABLISHED IN THE CHARTER SECTION 508 UNTIL THE TUESDAY

IMMEDIATELY FOLLOWING THE STATE OF MARYLAND 2020 PRIMARY ELECTION.

BE IT FURTHER RESOLVED that any provision of the municipal Charter that is inconsistent with the amendment herein, be and is hereby repealed to the extent of the inconsistency.

BE IT FURTHER RESOLVED that pursuant to the authority granted to the Town by the Governor of Maryland's Executive Order No. 20-03-30-03 the requirement under the Maryland Code, Local Government Article, Section 4-304(a)(2) to conduct a public hearing is hereby suspended.

BE IT FURTHER RESOLVED that the Mayor shall give notice of the adoption of this Resolution proposing to amend the Municipal Charter pursuant to Section 4-304(b) of the Local Government Article of the Maryland Code.

BE IT FURTHER RESOLVED that pursuant to the authority granted to the Town by the Governor of Maryland's Executive Order No. 20-03-30-03, the Maryland Code, Local Government Article, Section 4-304(c) concerning the effective date of the charter amendment is suspended, and this Resolution to amend the Charter of the Town of Boonsboro shall become effective immediately upon its approval.

BE IT FURTHER RESOLVED that pursuant to the authority granted to the Town by the Governor of Maryland's Executive Order No. 20-03-30-03, the Maryland Code, Local Government Article, Section 4-304(d) concerning the right to petition for a referendum on a proposed charter amendment is suspended.

WITNESS AND ATTEST
AS TO CORPORATE SEAL

Heather Slough, Town Clerk

MAYOR AND COUNCIL OF THE
TOWN OF BOONSBORO, MARYLAND

Howard Long, Mayor

Date of Introduction: April 13, 2020
Date of Adoption: April 13, 2020
Effective Date: April 13, 2020

PREPARED BY:
SALVATORE & MORTON, LLC
TOWN ATTORNEYS

CAPITAL LETTERS = addition to Charter