

**RESOLUTION 2024-1  
CHARTER AMENDMENT**

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF SMITHSBURG,  
MARYLAND, TO AMEND TO THE CORPORATE CHARTER §31-9 QUORUM**

**RESOLUTION** of the Mayor and Council of the Town of Smithsburg, Maryland, adopted pursuant to Article XI-E, Section 4, of the Constitution of the State of Maryland, entitled, "MUNICIPAL CORPORATION, PROCEDURES FOR ADOPTION, AMENDMENT OR REPEAL OF CHARTERS", and pursuant to §4-304 entitled "Initiation of charter amendment by legislative body," to amend §31-9 to the Corporate Charter of the Town of Smithsburg as adopted entitled *Quorum*.

**WHEREAS**, the Mayor and Council of the Town of Smithsburg deem it in the best interest of the Town of Smithsburg and the community to amend said Charter.

**NOW, THEREFORE**, be it **RESOLVED** by the Mayor and Council of the Town of Smithsburg, Maryland, that §31-9 entitled *Quorum* be and is hereby repealed in its current form; and be it further

**RESOLVED**, that §31-9 be amended in its entirety to read as follows:

**§31-9. *Quorum*.**

*A quorum for the transaction of business by the Council shall be four members of any combination of the members of the Council as defined in §31-3 of this Charter (i.e., five (5) Council members and the Mayor). Subject to the limitations placed upon and the rights bestowed upon the Mayor pertaining to his/her right to vote as set forth in §31-8 and/or other specific requirements set forth elsewhere in this Charter, all ordinances, resolutions or any other action shall be approved, disapproved or taken by the Council with at least three (3) favorable votes of the quorum present at the time of the action.*

And be it further **RESOLVED** that the exact text of the proposed Charter Amendment prepared so that each provision is shown as the provision would read when amended or enacted is attached hereto as **Exhibit "A"** and is incorporated herein by reference; and be it further

**RESOLVED**, that pursuant to the *Annotated Code of Maryland, Local Government Article, §4-303(d)* the proposed Amendment specifically repeals and/or is intended to repeal any provision in the *Charter for the Town of Smithsburg* that is inconsistent with the Amended provision; and be it further

**RESOLVED**, that notice is further given that the Amendment proposed by the Legislative Body of the Town of Smithsburg Maryland, that the Municipal Charter according to this Amendment, shall be effective and observed as such, in all respects set forth


above on the fiftieth (50<sup>th</sup>) day after passage, as set forth above, unless on or before the fortieth (40<sup>th</sup>) day after passage there shall be presented to the Mayor and Council (Legislative Body) or mailed to it by registered mail, a petition for referendum in accordance with the applicable provisions of the Local Government Article.

(Note: Double [ ]'s indicate deletion unless the entire section is repealed. *Italics* indicates additional/new text.)

WITNESS AND ATTEST  
AS TO CORPORATE SEAL  
MARYLAND

MAYOR AND COUNCIL OF THE  
TOWN OF SMITHSBURG,

  
\_\_\_\_\_  
Jenni House, Clerk/Treasurer

  
\_\_\_\_\_  
Donald Souders, Mayor

Date of Introduction: 01/16/2024  
Date of Passage: 01/16/2024  
Effective Date: 03/06/2024

Record and Return to:

Ms. Jenni House, Clerk-Treasurer  
Town of Smithsburg  
21 W. Water Street  
Smithsburg, MD 21783

Resolution.Charter.Amendment.Quorum.01.11.2024

**EXHIBIT "A"****§31-9. Quorum.**

A quorum for the transaction of business by the Council shall be four members of any combination of the members of the Council as defined in §31-3 of this Charter (i.e., five (5) Council members and the Mayor). Subject to the limitations placed upon and the rights bestowed upon the Mayor pertaining to his/her right to vote as set forth in §31-8 and/or other specific requirements set forth elsewhere in this Charter, all ordinances, resolutions or any other action shall be approved, disapproved or taken by the Council with at least three (3) favorable votes of the quorum present at the time of the action.