

RESOLUTION NO. 2004

A RESOLUTION OF THE COMMISSIONERS OF OXFORD FOR THE PURPOSES OF AMENDING THE OXFORD TOWN CHARTER TO PROVIDE FOR THE POSTPONEMENT OF A TOWN ELECTION IN THE EVENT OF A STATE OF EMERGENCY OR A CATASTROPHIC HEALTH EMERGENCY

WHEREAS, Md. Code Ann. Local Gov't Article § 4-301, *et seq.* confers upon the Commissioners of Oxford the authority to initiate proposed amendments to the Charter for the Town of Oxford; and

WHEREAS, COVID-19 is a severe respiratory disease, resulting in serious illness or death, caused by person-to-person spread of the novel coronavirus, which was not previously found in humans; and

WHEREAS, the Secretary of the US Department of Health and Human Services has declared that COVID-19 creates a public health emergency, is a public health catastrophe, and a public safety emergency; and

WHEREAS, on March 5th, 2020, the Governor of the State of Maryland declared that in an effort to control and prevent the spread of COVID-19 within the State, that a State of Emergency and Catastrophic Health Emergency exists with the entire State of Maryland; and

WHEREAS, on March 13, 2020, a Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak was issued by the President of the United States; and

WHEREAS, on March 16, 2020, the County Council of Talbot County declared that a state of emergency and catastrophic health emergency exists in Talbot County, Maryland; 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 of more than ten (10) people; and

WHEREAS, on March 23, 2020, the Governor of the State of Maryland issued Executive Order Number 20-03-30-01 prohibiting large gatherings and events larger than ten (10) persons and requiring all persons living in the State of Maryland to stay in their homes or places of residence unless otherwise permitted in the Order; and

WHEREAS, a municipal election is not permitted pursuant to Executive Order Number 20-03-30-01; and

WHEREAS, to reduce the threat to human health caused by the spread of COVID-19, and to protect the public health, safety, and welfare, it is necessary and reasonable that individuals in the Town refrain from congregating; and

WHEREAS, the Town election would ordinarily be conducted at a polling location that hinders social distancing, enables the transmission of COVID-19, and poses a risk to the public health, welfare, and safety; and

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

WHEREAS, the Charter for the Town of Oxford currently sets the date of the Town election to be the third Tuesday in the month of June; and

WHEREAS, the Town's Charter currently sets a candidate nomination by the third Monday in May proceeding the election; and

WHEREAS, the Town's Charter currently sets a voter registration no later than four weeks prior to an election; and

WHEREAS, the Town election must be accessible, secure, and safe to the public; and

WHEREAS, the Town does not have the ability to safely and effectively permit voting by a means other than at a polling location; and

WHEREAS, the state of emergency and the catastrophic health emergency is impairing the ability of the Town officials, employees, and volunteers of the Town to hold an election on the date currently required by the Charter; and

WHEREAS, it is in the best interest of the public health, safety, and welfare of the Town, its citizens, officials, employees, and volunteers to be able to postpone the Town election so such election and pre-election activities do not occur during a state of emergency and catastrophic health emergency, such as the current COVID-19 pandemic; and

WHEREAS, it is in the best interest of the Town to amend its Charter to provide for the postponement of the Town election in June; and

WHEREAS, by Executive Order Number 20-03-30-03, the Governor of the State of Maryland authorizes the Town to suspend the effect of a provision of Title 4, Subtitle 3 of the Local Government Article of the Annotated Code of Maryland if the Town provides notice to the Governor of such suspension and finds that such suspension will not endanger the public health, welfare, or safety of the Town, and is necessary to amend the date upon which a municipal election will be held or the method, conduct, or voting system of an election in a manner that ensures an accurate vote count and certification of election results; and

Resolution No. 2004

Charter Amendment – State of Emergency Election Postponement

Page 2

WHEREAS, on April 14, 2020, the Commissioners of the Town of Oxford found that the suspension of the Town election will not endanger the public health, welfare, or safety of the Town, and is necessary to amend the date upon which a municipal election will be held or the method, conduct, or voting system of an election in a manner that ensures an accurate vote count and certification of election results; and

WHEREAS, in accordance with the aforementioned Executive Order of the Governor, the Town suspends the provisions of Md. Code Ann. Local Gov't Article § 4-301, *et seq.* pertaining to notice, public hearing, publication, referendum, effective date, and any other relevant matter so that this Charter Resolution may be passed, enacted, and effective on the same date upon which it is introduced.

WHEREAS, the Commissioners of Oxford have determined that it is desirable and in the public interest to amend Sections C5-5, C5-9, and C3-4 of the Charter for the Town of Oxford to postpone a Town election during a state of emergency or catastrophic health emergency.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF OXFORD AS FOLLOWS:

Section 1. Section C5-1 of the Charter for the Town of Oxford is hereby amended as follows:

ARTICLE V
Registration, Nomination and Elections

. . . .

Section C5-5. Notice of Elections.

The Board of Supervisors of Elections shall give at least two weeks notice of every registration day and every election by an advertisement published in at least one newspaper of general circulation in the Town and by posting a notice thereof in some public place or places in the Town. The election day shall be the third (3rd) Tuesday of each June *unless the election is postponed in the event of a state of emergency of the State of Maryland or a catastrophic health emergency, in accordance with Section C5-9.*

In the event of a state of emergency of the state of Maryland or a catastrophic health emergency, the Commissioners of Oxford may, by Resolution, postpone the date of the election in order to provide for the public health and safety of the Town, its voters, officials, employees, and volunteers.

Section 2. Section C5-9 of the Charter for the Town of Oxford is hereby amended as follows:

ARTICLE V
Registration, Nomination and Elections

. . . .

Section C5-9. Nominations and Election of Commissioners.

Persons may be nominated for elective office in the Town by filing a certificate of nomination at the office of the Board of Supervisors of Elections on or before the Third Monday in May next preceding the Town election, *or in the event that an election is postponed due to a state of emergency or a catastrophic health emergency, persons may be nominated for elective office in the Town by filing a certificate of nomination at the office of the Board of Supervisors of Elections on or before thirty (30) days prior to the postponed election.*

No person shall file for nomination to more than one elective Town public office or hold more than one elective Town public office at any one time. Any person desiring to withdraw his candidacy must do so seven (7) days prior to the election. On the third Tuesday in June in every year, *or on the date of an election that has been postponed due to a state of emergency or a catastrophic health emergency,* the qualified voters of the town of Oxford shall elect one person as a Commissioner for a term of three (3) years. In the instance where there is an unexpired term of office of a Commissioner who has vacated that position, the Commissioner so appointed will serve only the balance of his first year of such appointment until replaced or elected in accordance with C5–15 (Vacancies).

Section 3. Section C5-9 of the Charter for the Town of Oxford is hereby amended as follows:

ARTICLE III
The Commission

. . . .

Section C3-4. Meetings of the Commission.

The Commissioners at their first meeting in July, *or in the event that an election is postponed due to a state of emergency or a catastrophic health emergency, at their first regular meeting following the date of the election,* shall choose from their own body a President, who shall preside at all their meetings, after which the Commissioners shall meet regularly at such times as may be prescribed by its rules but not less frequently than twice each month. Special meetings shall be called by the President Clerk–Treasurer upon the request of the President or a majority of the Commissioners. All meeting [meetings] of the Commissioners shall be open to the public, and the rules of the Commissioners shall provide that residents of the Town shall have a reasonable opportunity to be heard at any meeting in regard to any municipal question. However[,] a majority of the

Commissioners may determine that the subject matter, such as personnel, property acquisitions, sale or lease, etc., should be considered in executive session from which the public is excluded but no ordinance, resolution, rule or regulation shall be finally adopted at such an executive session. In executive session a record shall be kept as required for a regular meeting in accordance with Section C3-7 but the record shall not be open for public inspection if such inspection would frustrate the purpose for the executive session.

Section 4. A fair summary of this Resolution shall be posted and published four (4) times at weekly intervals in a newspaper of general circulation within a period of forty (40) days following the adoption of this Resolution

Section 5. This Resolution shall become effective immediately.

RESOLVED, this 14 day of April, 2020.


COMMISSIONERS OF OXFORD:

/S/ Gordon Graves
Gordon Graves, President

/S/ Gordon Fronk
Gordon Fronk, Commissioner

/S/ John Pepe
John Pepe, Commissioner

I hereby certify that the above Resolution was passed by a yea and nay vote of the Commissioners of Oxford on the 14 day of April, 2020.

Attest: 
Cheryl Lewis, Clerk/Treasurer
Town of Oxford

Language ~~stricken~~ indicates language deleted from the Charter for the Town of Oxford
Language in ***bold and italics*** indicates language added to the Charter for the Town of Oxford