

RESOLUTION NO. 2020-02

**A RESOLUTION OF THE MAYOR AND COUNCIL OF GOLDSBORO  
FOR THE PURPOSES OF AMENDING THE GOLDSBORO 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 Mayor and Council of Goldsboro the authority to initiate proposed amendments to the Charter for the Town of Goldsboro; 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 17, 2020, the Caroline County Commissioners declared that a local state of emergency and catastrophic health emergency exists in Caroline 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 conducted by voting at a polling place 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, to 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 Goldsboro currently sets the date of the Town election to be the first Tuesday in the month of May; 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 May; 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

WHEREAS, on April 28<sup>th</sup>, 2020, the Mayor and Council of the Town of Goldsboro 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 Mayor and Council have determined that it is desirable and in the public interest to amend the Charter for the Town of Goldsboro to postpone a Town election during a state of emergency or catastrophic health emergency.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF GOLDSBORO AS FOLLOWS:

Section 1. Section 401 of the Charter for the Town of Goldsboro is hereby amended as follows:

**ARTICLE IV**  
**Elections**

. . . .

Section 401. Elections.

(a) *Date, Time, Terms:* On the first Tuesday in May of each year an election shall be held between the hours of 5:30 p.m. and 7:30 p.m., under this Charter, for the election of the members of the Council of Goldsboro and after notice printed in some newspaper of general circulation in Caroline County, and/or posted in three (3) conspicuous places in the Town of Goldsboro for at least ten (10) days before the election. ***An election may be postponed in the event of a state of emergency of the State of Maryland or a catastrophic health emergency, after the passage of a Resolution to postpone the date of the election in order to provide for the protection of the public health and safety of the Town, its voters, officials, employees, and volunteers.*** All legislative powers of the Town are vested in a Council consisting of three members who shall hold office for a term of three years or until their successors take office. The regular term of a Council member shall expire on the first Council meeting in June, ***or in the event that an election is postponed due to a state of emergency or a catastrophic health emergency, at the first regular meeting following the date of the election,*** following selection of their successor. All persons desiring to become a candidate for Councilperson shall, at least thirty (30) calendar days prior to the election, file with the Clerk of Goldsboro, a written statement of candidacy in substantially in the following form:

CANDIDATE FOR NOMINATION FOR

\_\_\_\_\_  
OFFICE

State of Maryland, Caroline County, to wit:

I, \_\_\_\_\_, hereby certify that I am now and have been for more than \_\_\_\_\_ years, been a resident of the Town of Goldsboro, Caroline County, Maryland, and that I am a qualified voter therein; that I am a candidate for the Office of Councilperson, to be voted upon at the Town election to be held on the first Tuesday of May, *unless the election is postponed in the event of a state of emergency if the State of Maryland or a catastrophic health event, to be held on the postponement date*, insert the appropriate year of the election, and I hereby request my name be printed upon the official ballot at said election as a candidate for said office.

Signed: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Notary Seal  
My Commission Expires:

\_\_\_\_\_

(b) Filing Fee: Election: Each candidate shall at the same time deposit with the Clerk of Goldsboro, the sum of Ten Dollars (\$10.00), which sum shall be paid to the Mayor and Council (non-refundable), for the purpose of defraying in whole or in part the expenses of said election. Immediately upon the expiration of the time for filing of petitions by the respective candidates, the Clerk of Goldsboro shall cause to be published once in one (1) or more newspapers of general circulation published in Caroline County and/or posted in three (3) conspicuous places in the Town of Goldsboro, the names of all the candidates (alphabetically), as they are to appear upon the official ballot.

Section 2. Section 202 of the Charter for the Town of Goldsboro is hereby amended as follows:

**ARTICLE II**  
**Registration, Nomination and Elections**

. . . .

Section 202. Meetings of Mayor and Council.

The Mayor and Council shall meet the second Monday of June following their election, *or in the event that an election is postponed due to a state of emergency or a catastrophic health emergency, at the first regular meeting following the date of the election*, and shall hold office for their aforesaid terms of office from said date, and shall hold regular meetings



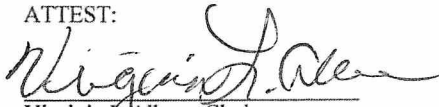
each and every month thereafter which shall be open to the public and may meet as often thereafter as may be necessary for the proper discharge of their official duties. All meetings of the Council shall provide that residents of the Town shall have a reasonable opportunity to be heard at any meeting in regard to any municipal question. The Mayor shall preside at all meetings and have all the privileges of a Councilperson in debate and vote. He shall have no power to veto any measure, but every Resolution or Ordinance passed by the Council must be signed by the Mayor or by two Councilpersons and be recorded before the same shall be enforced. The Council shall elect one (1) of their number as President pro tempore, who shall in the absence [absence] or inability of the Mayor, preside at the sessions, who for the time being shall be acting Mayor and have all the authority in Law of the Mayor. Special meetings may be at any time convened by the Mayor or at the request of two members of the Council. The Mayor of Goldsboro shall be the Executive Officer thereof, clothed with all the power necessary to secure the enforcement of all Ordinances of said Town under this Charter. At all the meetings of the Mayor and Council, the Mayor and two (2) Councilpersons present and voting shall constitute a quorum for the transaction of business, and three affirmative votes shall be necessary for the passage of an Ordinance, Law or Resolution at all times. Upon every vote the ayes and nays shall be called and recorded.


Section 3. 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 4. This Resolution shall become effective immediately.


RESOLVED, this 28<sup>th</sup> day of April, 2020.

ATTEST:

  
Virginia L. Albers, Clerk

  
Robin L. Cahall, Mayor

  
Robert Jarrell, Councilperson

  
Eugene Carver, Councilperson

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