

## **Article II. The Council.**

### **Sec. 1. Composition; election generally; term; qualifications.**

There shall be a town council consisting of five members who shall be elected as hereinafter provided and who shall hold office for a term of four years or until their successors are elected and qualified. No one shall be elected to the council who is not a registered voter of the town at the time of his filing a nomination petition for election to office. There shall be one member of the council representing each ward of the Town of Easton, and each such member shall have been a resident of his respective ward for a period of at least thirty days prior to the time of his taking office. Each council member who represents a ward shall reside in his ward during the term of his term of office. There shall also be a president of the council, who shall be elected at large throughout the town, and who shall be a registered voter of the town at the time of his filing a nomination petition for election to office, and a resident of the town for at least thirty days prior to his taking office. The president of the council shall reside within the town limits during the term of his office. (1910, ch. 365, sec. 45A (p. 1169); 1920, ch. 24; Res. No. 18, February 4, 1958; 1906, ch. 458, sec. 62; 1908, ch. 41, sec. 62; 1914, ch. 41; 1937, ch. 26; Res. No. 17, May 19, 1958; Res. No. 50, passed 12-15-86)

### **Sec. 2. Salary of councilmen.**

Each councilman shall receive an annual salary which shall be equal for all councilmen and shall be as specified from time to time by an ordinance passed by the council in the regular course of its business; provided, however, that the salary specified at the time any councilman takes office shall not be changed during the period for which that councilman was elected. (1906, ch. 458, sec. 62. 1908, ch. 41, sec. 62. 1914, ch. 41. 1937, ch. 26. Res. No. 17, May 19, 1958.)

### **Sec. 3. Meetings.**

The members of the Council shall meet on the third Monday succeeding their election and shall meet in regular session on the third Monday in each month thereafter and at such other times as may be prescribed by the rules of the council. Special meetings may be called by the mayor or president of the council as often as necessary for the transaction of business. Meetings of the council may be open to the public and the rules of the council shall provide that residents of the Town of Easton shall have a reasonable opportunity to be heard in regard to any matters at any such meeting designated by the council. (1906, ch. 458, sec. 65. 1908, ch. 41, sec. 65 (p.1015))

### **Sec. 4. Council to judge qualifications or members.**

The council shall be the judge of the election and qualifications of its members.

### **Sec. 5. Quorum; passage or ordinances generally.**

A majority of the council shall constitute a quorum for the transaction of business, but no ordinance shall be approved without a majority favorable vote of the entire council.

### **Sec. 6 Rules and order of business; journal.**

The council shall determine its own rules and order of business. It shall keep or cause to be kept a journal of its proceedings and enter therein the yeas and nays upon any question, resolution or ordinance. The journal shall be open to public inspection. (1906, ch. 458, sec. 44.)

**Sec. 7. Vacancies; removal from office.**

Whenever a vacancy shall occur in the council, through any cause whatsoever, the mayor shall proceed to order an election to fill the vacancy, and said election shall be held and conducted, after not less than ten days' notice thereof in one or more newspapers published in the Town of Easton, member-elect of the council shall fail to take the oath prescribed, on or before the second regular meeting after his election, such failure may be deemed a refusal to act. If any member of the council shall remove from the town, or from any cause become permanently incapacitated to carry out his duties as councilman, such removal or permanent incapacity shall create a vacancy. (1908, ch. 40, sec. 66A (p. 1916))

**Sec. 8. Power to discipline and discharge town officers; hearing.**

The council, in conjunction with the mayor, sitting as a board of employee power to discipline or discharge, for cause, any of the appointed officers of the town; provided, that any such officer shall be entitled to a hearing before the board and be permitted to produce witnesses on his behalf; and further provided, that said officers shall be notified in writing at least ten days prior to the date set for hearing of the charges or complaints filed against them. The decision of the board shall be final and not subject to review by any court. (Res. No. 14, May 22, 1956.)

**Sec. 9. Ordinances - Passage; publication; effective date.**

Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which subject shall be clearly expressed in its title. The enacting clause shall be "The Town of Easton hereby ordains ...."

No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the council held not less than six nor more than sixty days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specified future date. In case of emergency the above requirement may be suspended by the affirmative votes of four members of the council. Every ordinance, unless it be passed as an emergency ordinance, shall become effective at the expiration of twenty calendar days following approval by the mayor or passage by the council after his veto. A fair summary of each ordinance shall be published at least once in a newspaper or newspapers having general circulation in the Town of Easton. An emergency ordinance shall become effective on the date specified in the ordinance, but no ordinance shall become effective until approved by the mayor or passed over his veto by the council.

**Sec. 10. Same - Veto or approval by mayor.**

All ordinances passed by the council shall be promptly delivered by the town clerk to the mayor for his approval or disapproval. If the mayor approves any ordinance, he shall sign it. The mayor shall return all ordinances to the town clerk within fifteen days after adoption with his approval or disapproval. Any ordinance approved by the mayor shall be law. Any ordinance disapproved by the mayor shall be returned with a message stating the reasons for his disapproval. Any disapproved ordinance shall not become a law unless subsequently passed by a favorable vote of four-fifths of the whole council within thirty-five calendar days from the time of the return of the ordinance. If the mayor fails to return any ordinance within fifteen days of its adoption as aforesaid, it shall be deemed to be approved by the mayor and shall become law in the same manner as an ordinance signed by him. (1906, ch. 458, sec. 71. 1910, ch. 365, sec. 71 (p. 1171)/ 1914, ch. 54.)

**Sec. 11. Same - File.**

Ordinances and resolutions, when passed and approved by the mayor or when passed over his veto, shall be permanently filed in a book or books kept for that purpose by the town clerk.

**Sec. 12. Adopting codes of technical regulations by reference.**

The council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally and publication of a fair summary of the adopting ordinance shall be deemed as publication of the code itself. Copies of any adopted code of technical regulations shall be on file in the office of the town clerk and shall be available for public inspection, distribution and purchase at a reasonable price.

**Sec. 13. President of council; designation; duties; vacancy.**

The president of the council shall, if present, preside at all meetings of the council and shall act as mayor during the absence or temporary incapacity of the mayor. In case of the mayor's death, resignation, removal from town, permanent incapacity or removal from office, the president shall become acting mayor and serve in said position until a mayor is elected and qualified. In the absence of the president of the council from any meeting of the council, or in the event that the president of the council has become acting mayor, or pursuant to Section 14 of this Article has elected to run for the office of mayor, the other members present shall elect one of their members who shall act as president and have all the powers of president of the council until such time as a new president of the council is elected or the old president becomes capable to act. (1906, ch. 458, sec. 66. 1908, ch. 41, sec. 66 (p. 1015))

**Sec. 14. Same - Mayoralty candidate.**

On or before fifteen days following the death, resignation, removal from town, permanent incapacity or removal from office of the mayor, the president of the council, as acting mayor, shall deliver to the town clerk his written statement that he does nor does not intend to seek the office of mayor. Should the president of the council, as acting mayor, elect to run for the office of mayor, then at the next regular meeting of the council following the delivery of the aforementioned statement, the council shall order that an election be held to elect a mayor and to fill any vacancy which may exist by reason of the acting mayor running for mayor or otherwise; said election shall be held not more than ninety days following said council meeting, unless there is a regular town election scheduled within six months thereafter. (Res. No. 24, July 6, 1961.)

**Sec. 15. Same - Qualifications and salary.**

The president of the council shall have those qualifications set forth in Section 1 of this Article, and shall receive for his services such sum as shall be specified from time to time by ordinance passed by the council in the regular course of its business; provided, however, that the salary specified at the time the president of the council takes office shall not be changed during the period for which he was elected. (1906, ch. 458, sec. 62; 1908, ch. 41, sec. 62; 1914; ch. 41; 1937, ch. 26; Res. No. 17, May 19, 1958; Res. No. 52, passed 12-15-86.)

**Sec. 16. General Powers.**

The council shall have the power to pass all such ordinances not contrary to the Constitution and laws of the state of Maryland or this Charter as it may deem necessary for the good government of the town; for the protection and preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents and employees of the town and visitors thereto and sojourners therein. (1906, ch. 458, sec. 69. Res. No. 3, December 27, 1955.)

**Sec. 17. Specific Powers**

(a) In addition to the general powers referred to in Section 16 of this Article, the council shall expressly have the power to pass ordinances for the specific purposes enumerated in Article 23B, Section 22 of the Maryland Municipal Corporations Charter Act and enumerated in any other State law pertaining to the Town of Easton or to municipal corporations generally.

(b) The council of the Town of Easton may purchase or acquire by eminent domain or gift or by any other means such properties as the council of the town may believe to be of historical or architectural significance and may maintain, renovate, restore, or repair buildings acquired and may sell, lease, rent, or retain the same preserving in so far as reasonably possible the exterior architectural appearance for the benefit of the overall historical appearance of the Town of Easton, which renovation, repair and restoration is believed by the council of the Town of Easton to be for the overall public good of the community, which renovation, repair, and restoration may be undertaken upon negotiated contracts. (Res. No. 45, 11/17/75)

(c) The Council of the Town of Easton may provide for the establishment and maintenance of an ambulance service serving the Town, which ambulance service may be part of the Easton Volunteer Fire Department, Inc. The Council of the Town of Easton shall further have the power to contribute funds to support an ambulance service or ambulance services serving the Town. (Res. No. 5222, passed 7/2/90.)

#### **Sec. 17-A. Power to regulate public streets and ways.**

The Town may:

- (1) Establish, regulate, and change from time to time the grade lines, width, and construction materials of any town public street or way or part thereof, bridges, curbs, and gutters.
- (2) Grade, lay out, construct, open, extend, and make new town public streets or ways.
- (3) Grade, straighten, widen, alter, improve, or close up any existing town public street or way or part thereof.
- (4) Pave, surface, repave, or resurface any town public street or way or part thereof.
- (5) Install, construct, reconstruct, repair, and maintain curbs and/or gutters along any town public street or way or part thereof.
- (6) Construct, reconstruct, maintain, and repair bridges.
- (7) Name town public streets or ways.
- (8) Have surveys, plans, specifications and estimates made for any of the above activities or projects or parts thereof. (Res. No. 32, 1/6/69)

#### **Sec. 18. Power of eminent domain.**

The council shall have power to condemn land or property for any public purpose, including but not limited to parks, recreation areas, playgrounds, municipal auditoriums and off-street parking areas.

#### **Sec. 19. (Reserved).**

#### **Sec. 20. Same - Municipally owned public utilities; approval of voters.**

(a) The limitation set forth in Section 19, Article II, of this Charter shall not apply to purchases for, or additions to, municipally owned public utilities after such proposed purchases have been recommended by the Easton Utilities Commission and approved by the council.

(b) The town shall have complete power and authority to own or finance any interest in real or personal property for use as part of or in connection with any municipally owned public utility, within or without its corporate limits or any designated service area, including, but not by way of limitation, an interest in any gas or electric plant.

(c) [; and provided further that no public utility now owned or hereafter acquired by the town] NO municipally owned public utility shall be sold, leased or in any other manner disposed of, nor (notwithstanding general authority may elsewhere in the Charter be conferred) shall the council contract with or grant a franchise, or other license to, any individual, company, or present or prospective corporation, for the performance of any public service which may now, or likely hereafter be brought in commercial or other competition with any municipal utility now owned by the town or likely to be created, without the previous approval of three-fourths of all the registered voters of the town, as evidenced

at a special election held for that specific purpose, after due publication of all the details and conditions of the proposition by newspaper advertisement in some newspaper published in the Town of Easton once in each of four successive weeks, the last insertions being at least ten days before the date fixed for such election. The foregoing limitations shall not be construed in any way to limit the authority of the town to acquire property interests in common with any privately owned public utility for the purpose of securing an entitlement to a portion of the output or production of the jointly or commonly owned facilities for the benefit of the customers of any of the town's municipally owned public utilities, or to contract with any such utility to permit it to operate any jointly or commonly owned plant or facilities. (P.L.L. 1888, Art. 21, sec. 41. 1860, Art. 20, sec. 30. 1906, ch. 458, sec. 41. 1927, ch. 19, Res. No. 16, May 19, 1956; Res. No. 40, S 1, May 20, 1974.)

**Sec. 21. Issuance of revenue bonds for municipally owned public utility property; terms; conditions.**

(a) In addition to its other powers, the Town of Easton may provide by resolution or ordinance from time to time for the issuance and sale of revenue bonds of the town for the purpose of financing any part of all of the cost of construction, reconstruction, acquisition, improvement, extension, alteration, modernization, planning, maintenance and repair of any municipally owned public utility property, facility or project, including the cost of all interests in property acquired in connection therewith, any financing charges and interest prior to, during and for one year after completion of construction, financial, architectural, consulting, engineering and legal services, plans, specifications, surveys, estimates, feasibility reports, direct and indirect, labor, materials, equipment and administrative expenses, and any other expenses incidental thereto, such bonds to be payable as to both principal and interest solely from the revenues of any portion or all of the property, facilities or projects of any municipally owned public utility or utility department of the Town of Easton or the Easton Utilities Commission. Such bonds shall not constitute an indebtedness of the Town of Easton to which its faith and credit or taxing power are pledged and all such bonds shall contain on their faces a statement to that effect.

(b) The town shall have absolute discretion by resolution or ordinance to determine with respect to the bonds of any issue: (i) the date or dates of issue; (ii) the date or dates and amount or amounts of maturity, provided only that no bond of any issue shall mature later than forty (40) years from the date of its issue; (iii) the rate or rates of interest payable thereon and the date or dates of such payment; (iv) the form or forms, denomination or denominations, manner of execution (which may be facsimile) and the place or places of payment thereof, and of the interest thereon, which may be at any bank of trust company within or without this state; (v) whether such bonds or any part thereof shall be made redeemable before maturity and, if so, upon what terms, conditions and prices; (vi) provisions for issuance in coupon or in registered form, or both, and for the registration of the principal only of bonds having coupons attached, and for the reconversion of bonds into coupon form if any such bonds have been registered as to both principal and interest and for the replacement of bonds which become mutilated or are lost or destroyed; and (vii) any other matter relating to the form, terms, conditions, issuance and sale and delivery thereof.

(c) In case any officer whose signature or a facsimile of whose signature appears on any bonds or coupons shall cease to be such officer before the delivery of such bonds such signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery.

(d) The bonds shall be exempt from the provisions of § 9, 10 and 11 of Article 31 of the Annotated Code of Maryland, and the town may sell such bonds in such manner, either at public or at private sale, and for such price as it may determine.

(e) If the proceeds of the bonds of any issue shall, by reason of increased construction costs or error in estimates or otherwise, be less than the amount required for the purpose for which such bonds are authorized, additional bonds may in like manner be issued to provide the amount of such deficiency and shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of such bonds shall exceed the amount so required, such excess shall be deposited to the credit of any reserve fund for such bonds or, if so provided in any trust agreement securing such bonds, may be applied to the cost of any additional project.

(f) The town may also provide by resolution or ordinance for the issuance and sale of its revenue refunding bonds for the purpose of refunding any revenue bonds issued under the provisions of this section, including the payment of any redeemed premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and, if deemed advisable by the town, for either or both of the following combined additional purposes: (i) constructing improvements or extensions to or enlargement of any utility facility or project and (ii) paying all or any part of the cost of

any additional utility facility or project. The issuance of such bonds and the details thereof, the rights of the holders thereof, and the rights, duties and obligations of the town in respect thereto, shall be governed by the provisions of this section relating to revenue bonds, insofar as they may be applicable.

(g) The town may also provide by resolution or ordinance: (i) for the issuance, prior to the preparation of definitive bonds, of interim certificates or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds have been executed and are available for delivery; and/or (ii) for the issuance and sale of its bond anticipation notes, the principal of and interest on said notes to be made payable to the bearer or registered holder thereof out of the first proceeds of sale of any bonds issued under this section. Bond anticipation notes may be issued in series as funds are required and provision may be made for renewal of such notes at maturity with or without resale. The issuance of such notes and the details thereof, the rights of the holders thereof, and the rights, duties and obligations of the town in respect thereto, shall be governed by the same provisions of this section relating to the issuance of bonds in anticipation of the sale of which the notes were issued, insofar as those provisions may be applicable.

(h)

(i) Revenue bonds issued under the provisions of this section may be secured by a trust agreement by and between the town and a corporate trustee, which may be any trust company, or bank having trust powers, within or without the state. Such trust agreement may pledge or assign all or any part of the revenues from or arising in connection with any of the property, facilities or projects of any municipally owned public utility. Any such trust agreement or resolution or ordinance authorizing the issuance of bonds, may contain such provisions for the protection and enforcement of the rights and remedies of bondholders as may be deemed reasonable and proper, including covenants setting forth the duties of the town or the utilities commission in relation to the financing or development of any utility property, facility or project and the extension, enlargement, improvement, maintenance, operation, repair and insurance of any such utility property, facility or project and the custody, safeguarding and application of moneys. Such trust agreement may set forth the rights and remedies of the bondholders and of the trustee and may restrict the individual right of action by bondholders. Such trust agreement may contain such other provisions as the town may deem reasonable and proper for the security of the bondholders, including, without limitation, covenants pertaining to the issuance of additional parity bonds upon conditions stated therein consistent with the requirements of this section. All expenses incurred in carrying out the provisions of any such trust agreement may be treated as a part of the cost of the operation of any property, facility or project in connection with which such bonds have been issued.

(ii) The proceeds of the sale of bonds shall be paid to the trustee under any trust agreement securing such bonds and shall be disbursed in such manner and under such restrictions, if any, as may be provided in such trust agreement.

(iii) Any holder of bonds issued under this section or of any coupons thereto appertaining, and the trustee, except to the extent the rights herein given may be restricted by the trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights under the laws of this state or granted hereunder or under the trust agreement or the resolution or ordinance authorizing the issuance of such bonds, and may enforce and compel the performance of all duties required by this section or by the trust agreement to be performed by the town or by any officer thereof, including the fixing, charging and collecting of rentals, rates, fees, tolls and other charges. (Res. No. 41, □1, 8/6/74.)

