

The Town of Upper Marlboro

RESOLUTION: 2021-28
SESSION: Regular Town Meeting
DATED: December 14th, 2021

A RESOLUTION AND EMERGENCY ORDER OF THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO DECLARING A VACANCY IN OFFICE, CALLING A SPECIAL ELECTION TO BE HELD ON JANUARY 25, 2022; AND SUPPLEMENTING OR MODIFYING CERTAIN SAFEGUARDS, PRECAUTIONS AND REQUIREMENTS UNDER THE LOCAL STATE OF EMERGENCY ORDER INITIALLY ISSUED BY THE MAYOR ON MARCH 25, 2020, AS AMENDED OR EXTENDED.

WHEREAS, in accordance with Emergency Ordinance 2020-04 (Emergency Operations), the President/Mayor may declare a Local State of Emergency for a 30-day period and the Board is authorized to ratify, extend, or modify said order; and

WHEREAS, preceding or contemporaneous with this Resolution, the Board of Commissioners is proceeding to approve a new Joint Declaration of a Local State of Emergency (Town Emergency Order No. DOE 2021-03) and Resolution (No. 2021-26) to extend the local state of emergency initially issued on March 25, 2020, through January 31, 2021; and

WHEREAS, at the November 9th, 2021, Regular Town Meeting, President/Town Commissioner Linda Pennoyer announced her intention to decline to take the oath of office on December 13th, 2021, and assume an additional term of office as a re-elected commissioner; and

WHEREAS, pursuant to a letter of resignation as tendered and dated November 23rd, 2021, Commissioner Pennoyer stipulated that while she was elected in the November 2nd, 2021, General Town Election, she would decline to take the oath of office on December 13, 2021, (attached hereto as Exhibit A and incorporated by reference herein); and

WHEREAS, according to Section 82-32 of the Charter, in case of a vacancy on the Board of Commissioners for any reason, the Board of Supervisors of Elections shall, pursuant to the provisions of Section 82-29, conduct a special election to elect some qualified person to fill such vacancy for the unexpired term, provided, however, any vacancy which occurs within 61 days of the next general election as provided for in Section 82-27 [held the first Tuesday in November in odd numbered years] shall remain vacant until said general election; and

WHEREAS, according to Section 82-29 of the Charter, all special Town elections shall be conducted by the Board of Supervisors of Elections in the same manner and with the same personnel, as far as practicable, as regular Town elections, and in the event a special election is required pursuant to Section 82-32, the said special election shall be held not less than thirty (30) days and not more than forty-five (45) days after the vacancy is created, and the newly elected Commissioner shall take office on the second Monday of the month [Feb. 14, 2022] following the special election; and

WHEREAS, pursuant to Section 4-108 of the LG Art. of Md. Ann. Code, a qualified voter may vote in a municipal election by absentee ballot, and municipality shall provide a procedure to vote by absentee ballot, but the municipality may not require an individual to provide a reason that the individual will be unable to vote in person on election day in order to vote by absentee ballot, and a municipality may use any method to enable absentee voters to vote, including using any facilities to transmit and receive applications for absentee ballots; and

WHEREAS, Ordinance 2001-2 enacted on October 9, 2001, provides for the conduct of voter registration, maintenance of registration records, conduct of elections, certification of election results and absentee ballots, except that certain provisions governing absentee ballots now are superseded by State Law; and

WHEREAS, according to Section 82-23 of the Charter, 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 a newspaper of general circulation in the Town.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the Board of Commissioners for The Town of Upper Marlboro, sitting in regular session this 14th day of December, 2021, that the Town Board of Commissioners acknowledges and accepts the above-referenced resignation or notice of intent, and hereby declares a vacancy on the Board as of Tuesday, December 14th, 2021, and with the acknowledgement and concurrence of the President, hereby orders a Special Election to be held on Tuesday, January 25th, 2022, with the below emergency measures, actions or precautions to be put in place to protect voters, poll workers and other Town personnel and their families from the novel Coronavirus (COVID-19):

Modified Election Procedures or Precautions in Response to COVID-19:

1. Limit of 10 persons in voting room/conference room at a time (including up to five election judges),
2. Voters will enter one door and exit a different door,
3. 6-foot social distancing and masks will be required within the polling place,
4. Voters will be screened via temperature checks prior to entering polling room,
5. Any otherwise qualified voter whose screening at the polls exceeds acceptable guidelines, in order to protect the public and staff, will be offered or may be required by the Chairman of the Board of Election Supervisors or his or her designee to use a provisional or emergency absentee ballot for which to vote or to use an outdoor polling station,
6. Hand sanitizer will be made available at every voting booth and station to include measures for sanitizing voting equipment and other surfaces, such as pens and tables, and, paper towels, hand sanitizer, tissue to be made available, and
7. Elections judges and voting booths will be protected by plexiglass shields as deemed by the Board of Election Supervisors to be practicable and effective.

AND BE IT FURTHER RESOLVED AND ORDERED, by the Board of Commissioners for The Town of Upper Marlboro hereby finds and declares that Commissioner Pennoyer has sufficiently made known and manifested her intent not to qualify for the Office of Commissioner for the Town of Upper Marlboro by taking the oath of office and she therefore has expressed her intent to reject the office for which she was elected in November of 2021, resulting in a vacancy in office to be filled by


special election in accordance with the Town Charter.

AND BE IT FURTHER RESOLVED AND ORDERED, by the Board of Commissioners for The Town of Upper Marlboro that written statements of candidacy and nominating petitions shall be filed with one of the Supervisors of Elections on or before the second Monday in January of 2022 (Jan. 10, 2022).

AND BE IT FURTHER RESOLVED AND ORDERED, by the Board of Commissioners for The Town of Upper Marlboro that this Resolution shall modify and extend, as applicable, any prior existing proclamation or order of the President until such time that the present health emergency is declared terminated.

AND BE IT FURTHER RESOLVED AND ORDERED, by the Board of Commissioners for The Town of Upper Marlboro that the President is hereby authorized to sign this Resolution on behalf of the full Board.


ATTEST:

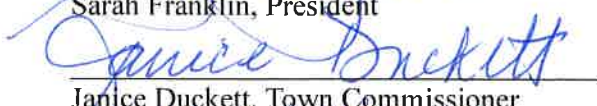


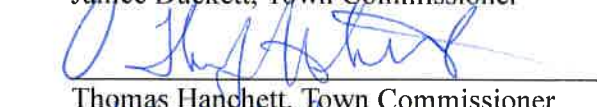
Clerk
Date: December 14, 2021




THE TOWN OF UPPER MARLBORO



Sarah Franklin, President


Janice Duckett, Town Commissioner


Thomas Hanchett, Town Commissioner



Karen Lott, Town Commissioner

Vacant, Town Commissioner

[EXHIBIT A- Commissioner Pennoyer Letter of Resignation]

CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Board of Town Commissioners of the Town of Upper Marlboro at a public meeting at which a quorum was present adopted this Resolution and Order, and that said Resolution and Order is in full force and effect and has not been amended or repealed. In witness whereof, I have hereunto set my hand and seal of the municipal corporation, this 14th day of December, 2021.



John Hoatson, Clerk

From: Linda Pennoyer
Sent: Tuesday, November 23, 2021 4:53 PM
To: John Hoatson; Kyle Snyder; preciousgrammy2003@verizon.net; Commissioner Janice Duckett;
Commissioner Sarah Franklin
Subject: Letter of intent

Mr. Hoatson,

Please read this statement into the record at this evening's meeting.

To the Town of Upper Marlboro Board of Commissioners:

This is to confirm my statement on November 9, 2021.

Having been re-elected to the Board of Commissioners on November 2, 2021, I am declining to take the oath of office on December 13, 2021.

I thank all who have supported me for the last six years, it has been my honor and privilege to have been in your service.

Respectfully,

Linda Pennoyer
President/Mayor

The Town of Upper Marlboro,
Prince George's County Seat of Government
14211 School Lane, Upper Marlboro, MD 20772
O: (301) 627-6905 | Cell: (240) 447-6479

