

THE TOWN OF MOUNT AIRY, MARYLAND

**CHARTER AMENDMENT
RESOLUTION NO. 2021-4**

**A RESOLUTION TO ENACT AND CREATE NEW ARTICLE XIII ENTITLED
“CODE OF CONDUCT”, NEW SECTION C13-1 ENTITLED “DEVELOPMENT AND
ESTABLISHMENT OF CODE OF CONDUCT” OF THE CHARTER OF THE TOWN
OF MOUNT AIRY FOR THE PURPOSE OF DEVELOPING AND ESTABLISHING A
CODE OF CONDUCT FOR ALL ELECTED AND APPOINTED OFFICIALS AND
EMPLOYEES OF THE TOWN**

WHEREAS, pursuant to Article XI-E of the Constitution of Maryland Article of the Md. Code Ann. as currently in effect and Md. Code Ann., Local Gov’t. Article §4-301 *et seq.* as currently in effect, and the Town Charter, Section C12-7, the Town Council of Mount Airy, the legislative body of the Town, has the authority to amend the Charter of the Town, in accordance with the procedures set forth therein; and

WHEREAS, the purpose of this Charter Amendment Resolution is to require the Town to develop a code of conduct for elected and appointed officials and employees of the Town with respect to their interactions with other town employees and members of the public; and

WHEREAS, a public hearing was held on this proposed Charter Amendment on December 6, 2021 as required by Md. Code Ann., Local Gov’t. Article §4-304(a)(2) before this Charter Amendment Resolution was considered for adoption; and

WHEREAS, this proposed Charter Amendment was discussed at a public workshop of the Town Council on October 18, 2022, wherein the Council recommended changes to this resolution; and

WHEREAS, this Charter Amendment Resolution was re-introduced with changes on March 6, 2023 at the Town Council’s regular meeting, and a second public hearing was set; and

WHEREAS, a second public hearing was held on this proposed Charter Amendment on _____, 2023; and

WHEREAS, the Town Council having determined that the proposed changes are in the best interests of the Town and its citizens, hereby enacts those changes to the Town Charter; and

WHEREAS, a complete and exact copy of this Charter Amendment Resolution shall be posted in the Town Hall building or other public place for forty (40) days following its adoption by the Council and a fair summary of the Charter amendment shall be published in a newspaper of general circulation in the Town at least four (4) times, at weekly intervals, within the forty (40) days following adoption of this Charter Amendment Resolution; and

WHEREAS, promptly after this Charter Amendment Resolution becomes effective, either as herein provided or following referendum, the Mayor of the Town shall send or cause to be sent to the Maryland Department of Legislative Services in accordance with Md. Code Ann., Local Gov't. Article §§4-308 and 4-109, the following information concerning this Charter Amendment Resolution: (i) the complete text of the Charter amendment; (ii) the date of referendum election, if any, held with respect thereto; (iii) the number of votes cast for and against this Charter Amendment Resolution by the Council or in a referendum; and (iv) the effective date of the Charter amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF MOUNT AIRY:

Section 1. That new Article XIII of the Town Charter entitled “Code of Conduct”, and new Section C13-1 entitled “Development and establishment of code of conduct”, be and are hereby created and enacted as follows:

ARTICLE XIII

Code of Conduct

§ C13-1. Development and establishment of code of conduct

- A. The Town shall develop and establish a code of conduct (hereafter as used in this Article, “Code”), which shall apply to all elected officials of the town, all of its employees and any person appointed to a board, commission or task force. The Code shall include, but not be limited to the following:
- (1) Wording that protects town employees and members of the public from any form of behavior that would be considered harassing, demeaning, abusive, a form of retribution or is deemed illegal by the laws of the State of Maryland and/or the United States.
 - (2) Wording that defines how elected officials behave when interacting with members of the public.
 - (3) Wording that no elected official shall use town resources in an act of retribution against a person when exercising their right to free speech as provide for in the Constitution of the United States and the State of Maryland, unless that action endangers public health and/or safety.
 - (4) Wording that the Town values employee involvement and supports an atmosphere in which employees feel free to voice concerns regarding policies and practices that may adversely impact the safety and health of employees, the public and the environment.

Section 2. Any provision of the Town Charter inconsistent with this amendment be and is hereby repealed.

BE IT RESOLVED BY THE AUTHORITY AFORESAID, that this Charter Amendment Resolution shall take effect on the ___ day of _____, 202_, fifty (50) days after adoption of this Charter Amendment Resolution by the Council unless petitioned to referendum in accordance with Md. Code Ann., Local Gov't. Article §§4-304(d) and 4-307 within 40 days following its adoption.

Introduced on November 1, 2021.

Re-introduced with amendments on March 6, 2023.

Approved this ___ day of _____, 202_ by a vote of _____ in favor and _____ opposed.

ATTEST:

Pamela Reed, Secretary

Jason Poirier,
President of the Town Council

ATTEST:

Pamela Reed, Secretary

Larry G. Hushour, Mayor

REVIEWED AND APPROVED AS TO LEGAL FORM AND SUFFICIENCY.

This ___ day of _____, 202_.

Thomas V. McCarron, Town Attorney

Note: Matter underlined is new material to be added to existing law. Matter in [brackets] and ~~strikethrough~~ is proposed to be deleted from existing law.