

THE TOWN OF FOREST HEIGHTS  
RESOLUTION 07-15

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS, MARYLAND FORMALLY APPROVING AND CONFIRMING THE RE-APPOINTMENT AND SWEARING IN OF ELECTION BOARD MEMBERS AND APPROVING ALL ACTS AND THE EXECUTION OF THE DUTIES THEREOF WHILE HOLDING OVER IN OFFICE AFTER THE NORMAL EXPIRATION OF THEIR TERMS; AND GENERALLY RELATING TO ELECTIONS**

Introduced By: Mayor Jacqueline Goodall

**WHEREAS**, pursuant to Section 33-66 of the Charter of the Town of Forest Heights (the “Charter”) the Town of Forest Heights (the “Town”) shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by the Charter or other State law; and

**WHEREAS**, pursuant to Section 33-24 of the Town Charter, as amended by Charter Amendment Resolution 01-12, there shall be a Board of Elections (hereinafter, the Town Board of Elections, Town Board, or Board where appropriate), consisting of three members and one (1) substitute member who shall act as a member of such board in the absence of any one of the regular members and while so acting shall exercise the same authority and fulfill the same duties as a regular member; and

**WHEREAS**, pursuant to said Section of the Charter, the terms of members of the Town Board of Elections shall typically begin on the first Monday in March in the year in which they are appointed and shall run for two years; and

**WHEREAS**, the current Board members (Mr. Lindell Murphy, Ms. Emma Rowell and Ms. Veronica Spears), who conducted and certified the recent election count and recount, were duly appointed and sworn in by the Mayor pursuant to Resolution 18-13 dated March 1, 2013; and

**WHEREAS**, the Mayor and Council finds that although a more recent resolution re-appointing said board members or others had not been passed this year prior to the 2015 municipal election, the current Board members continued to serve at least as *de facto* officials and their actions, including the conduct of the recent election, are legally valid and binding; and

**WHEREAS**, the settled law of Maryland per the case of *Reed v. President and Com’rs of Town of North East*, 226 Md. 229 (1961) holds that in the absence of an intention manifested to the contrary, all officers (appointed or elected) continue to hold their offices until they are superseded by duly commissioned and qualified successors, whether it is or is not so provided in terms in the Constitution or statutes; and

**WHEREAS**, the Mayor and Council finds that it is in the best interest of the Town due to the recent election to re-confirm, ratify the acts thereof and formally re-appoint three (3) members of the Board.

THE TOWN OF FOREST HEIGHTS  
RESOLUTION 07-15

**NOW THEREFORE BE IT RESOLVED**, that the Town Council hereby reapproves and ratifies the Mayor's appointments as follows:

Section 1. **Mr. Lindell Murphy**, a resident of the Town, who meets the qualifications for office pursuant to the Charter and will or has subscribed to the oath of office is hereby confirmed and appointed to serve as Chairman and as a member of the Board of Elections of The Town of Forest Heights for a two year term which will expire on the first Monday in March, 2017, or when a successor is appointed and is sworn into office; and

Section 2. **Mrs. Veronica Spears**, a resident of the Town, who meets the qualifications for office pursuant to the Charter and will or has subscribed to the oath of office is hereby confirmed and appointed to serve as member of the Board of Elections of The Town of Forest Heights for a two year term which will expire on the first Monday in March, 2017, or when a successor is appointed and is sworn into office; and

Section 3. **Mrs. Emma Rowell**, a resident of the Town, who meets the qualifications for office pursuant to the Charter and will or has subscribed to the oath of office is hereby confirmed and appointed to serve as member of the Board of Elections of The Town of Forest Heights for a two year term which will expire on the first Monday in March, 2017, or when a successor is appointed and is sworn into office; and

**BE IT FURTHER RESOLVED**, that one (1) substitute member who shall act as a member of such Board in the absence of any one of the regular members and while so acting shall exercise the same authority and fulfill the same duties as a regular member shall be appointed by the Mayor with the approval of the Council prior to the next election pursuant to Section 33-24 of the Town Charter; and

**BE IT FURTHER RESOLVED**, that the Mayor and Council hereby approves and ratifies all official acts and duties performed by the Election Board members appointed herein, including the most recent election, while holding over in office after the normal expiration of their terms that was to occur pursuant to Charter on the first Monday of March, 2015; and

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately upon its passage.

PASSED this 6<sup>th</sup> day of April 2015.

**APPROVED:** By Resolution of the Town Council of The Town of Forest Heights, Maryland

| <u>ROLL CALL VOTE</u> | <u>YEA/NAY/ABSTAIN/ABSENT</u> |
|-----------------------|-------------------------------|
| GOODALL               | <u>YEA</u>                    |
| KENNEDY II            | <u>YEA</u>                    |
| MCLAURIN              | <u>YEA</u>                    |

The Town of Forest Heights  
Resolution 07-15

THE TOWN OF FOREST HEIGHTS  
RESOLUTION 07-15

|              |               |
|--------------|---------------|
| BARNES       | <u>YEA</u>    |
| MUHAMMAD     | <u>NAY</u>    |
| SMITH-BARNES | <u>ABSENT</u> |
| MANN         | <u>YEA</u>    |

I HEREBY CERTIFY that the above Resolution No. 07-15 was passed by the required yea and nay vote of the Mayor and Council of Forest Heights on the 6<sup>th</sup> day of April, 2015.

ATTEST:

THE MAYOR AND COUNCIL OF THE TOWN OF  
FOREST HEIGHTS, MARYLAND

*Signature on file*

\_\_\_\_\_  
Bonita C. Anderson, Town Clerk

*Signature on file*

By: \_\_\_\_\_  
Jacqueline Goodall, Mayor

*Signature on file*

By: \_\_\_\_\_  
Cynthia Mann, Council President

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the 6<sup>th</sup> day of April, 2015 with 5 Aye votes and 1 Nay vote the aforesaid Resolution 07-15 passed.

*Signature on file*

\_\_\_\_\_  
Bonita Anderson, Town Clerk