

CHARTER
OF THE VILLAGE
OF
MARTIN'S ADDITIONS

MONTGOMERY COUNTY

MARYLAND

As found in Resolution No. 10- 1164
by the Montgomery County Council
effective February 14, 1985

(Reprinted May 2000)

**Official Form for Citing
the
Municipal Charters of Maryland**

The Department of Legislative Reference recommends that the following form be used in citing the Municipal Charters of Maryland: Charter of the Town/City of _____, Section, Chapter, Municipal Charters of Maryland, Volume (Edition).

For example, reference to Sections 12 through 14 of the Charter of the Town of Barclay is cited as:

Charter of the Town of Barclay, Sections 12 through 14, Chapter 4, Municipal Charters of Maryland, Volume 1 (1983 Edition, as reprinted November, 1990).

Page numbers are made up of two parts. The first number references the sequential number assigned to the municipality's charter, and the second number is the actual page number of the charter. Sections 12 through 14 of the Charter of the Town of Barclay are found on pages 4-3 and 4-4 of the Municipal Charters of Maryland.

MARTIN'S ADDITIONS

ARTICLE I

ADOPTION OF CHARTER AND GENERAL CORPORATE POWERS

Section 101.

The residents of Martin's Additions to the Village of Chevy Chase, Montgomery County, Maryland, hereby legally establish and adopt this Charter for the purpose of establishing a municipal corporation by the name of The Village of Martin's Additions (hereinafter Martin's Additions or Village) with all the privileges of a body corporate, by that name to sue and be sued, to plead and be impleaded in any court, to have and use a common seal and to have perpetual succession, unless the Charter and the corporate existence are legally abrogated. Upon ratification of the Charter and the setting of a date for incorporation by the Montgomery County Council, the residents shall seek to introduce legislation before the State legislature providing for the simultaneous abolition of the Martin's Additions special taxing district.

ARTICLE II

CORPORATE BOUNDARIES

Section 201.

Upon the lawful adoption of this Charter by its qualified voters and the County the boundaries of the Village of Martin's Additions shall be those of the special taxing district known as Martin's Additions, Village of Chevy Chase, set out in Maryland Senate Bill 207, approved on April 11, 1916, and set forth below:

"The sub-divisions in said Montgomery County made by H. M. Martin of Montgomery County, and known as Martin's Additions 1, 2, 3 and 4 to the Village of Chevy Chase, as per plats recorded among the Land Records of the said Montgomery County."

"Plat of sub-division of original lots nos. 8, 9, 13 and 17 in W. R. Griffith's Additions to Chevy Chase, Maryland, Plat 62 filed July 14, 1904 in Plat Book No. 1 of the Land Records of Montgomery County, Maryland (known as Martin's 1st Addition to Chevy Chase)."

"Plat of sub-division of lots nos. 6, 7, 12 and 16 W. R. Griffith's Additions to Chevy Chase, Maryland, August 3, 1904, Plat 66 filed October 12, 1904 in Plat Book No. 1 of the Land Records of Montgomery County, Maryland (known as Martin's 2nd Addition to Chevy Chase)."

"Plat of H. M. Martin's Third Addition to Chevy Chase, Maryland, June 16, 1905, Plat 70 filed August 26, 1905 in Plat Book No. 1 of the Land Records of Montgomery County, Maryland (known as Martin's 3rd Addition to Chevy Chase)."

"H. M. Martin's Fourth Addition to Chevy Chase, Maryland, being a resub-division of Lots 10, 11, 14, 15 and parts of lots 5 and 16 of W. R. Griffith's Addition to Chevy Chase, Montgomery County, Maryland, Plat 87 filed September 24, 1906, in Plat Book No. 1 of the Land Records of Montgomery County, Maryland. (Known as Martin's 4th Addition to Chevy Chase)."

ARTICLE III

DEFINITIONS

Section 301.

For the purposes of these Articles, the following terms are defined as set out below:

"Council" is the Village Council of Martin's Additions, the governing body herein created.

"County" is Montgomery County, Maryland.

"County Council" is the County Council of Montgomery County, Maryland, or any succeeding governing body for Montgomery County.

"The Village of Martin's Additions" is the Corporate body herein created.

"Property" refers to real property.

"Qualified Voter" is any person who owns property or any resident of Martin's Additions who is eighteen years of age or over.

"Resident" is a person who presently lives in Martin's Additions and has done so for the previous six (6) months.

"State" is the State of Maryland.

"Written Notice" includes notice by publication in a newspaper or newsletter generally distributed throughout Martin's Additions.

ARTICLE IV

THE VILLAGE COUNCIL

Section 401. Number, Selection and Term.

There is hereby established a Village Council of five members to administer the affairs, fulfill the obligations and carry out the responsibilities of Martin's Additions. The Council members shall be elected as herein provided to terms, of two years. Council terms begin on July 1 following the election. Old terms shall expire simultaneously with the taking of office by the new Council member(s). An exception to these provisions shall be made for the transition election as provided for in Section 409.

Section 402. Qualification of Members.

Council members shall be qualified voters. Council members must continue to reside in Martin's Additions during their term of office.

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Section 403. Officers.

The Council shall elect from among its members a Chairman, Vice-Chairman, Treasurer and Secretary.

(a) The Chairman shall preside at meetings of the Council, countersign checks issued by the Treasurer, and perform such other duties as may be designated by the Council.

(b) The Vice-Chairman shall perform the duties of the Chairman during that person's absence or incapacitation and such other duties as may be designated by the Council.

(c) The Treasurer shall be the custodian of all funds which are received to the credit of Martin's Additions and shall deposit or invest all such funds in insured accounts or investments as may be permitted by the laws of the State of Maryland. All such accounts and investments shall be approved by the Council. During the absence or incapacitation of the Treasurer, Chairman or Vice-Chairman, the Council may temporarily authorize other Council members to sign and countersign checks to pay debts and obligations of Martin's Additions. The Treasurer shall keep accurate records of all financial transactions involving funds or assets belonging to Martin's Additions.

(d) The Secretary shall be the custodian of all correspondence, documents, records and property of Martin's Additions and shall keep accurate minutes of all meetings and perform such other duties as may be designated by the Council.

Section 404. Assignment of Officer Duties.

The Council may assign all or part of the duties of the Secretary or Treasurer to one or more employees of Martin's Additions.

Section 405. Quorum.

Three members of the Council shall constitute a quorum for the transaction of business. All actions involving passage of ordinances or regulations under Sections 501 and 502, the election of officers, the certifying of tax rates, or the authorization of expenditures of funds in excess of one thousand dollars, except for the payment of current bills, shall require the affirmative vote of at least three members of the Council.

Section 406. Meetings.

The Council shall meet monthly on a date and at a time set out in the bylaws and at other times as may be determined to be necessary by either the Chairman (during his or her absence or incapacitation the Vice-Chairman) or three members of the Council. Meetings of the Council shall be open to the public which shall have a reasonable opportunity to be heard. The Council may cancel or reschedule meetings. Nothing in this Section shall be construed to prevent the Council from holding executive sessions as provided for in Article 76A of the Annotated Code of Maryland. No tax rate, ordinance, rule or regulation shall be finally adopted at executive sessions.

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Section 407. Procedures.

The Council shall determine its own rules and order of business. It shall keep minutes of its proceedings and enter therein the vote tally by name for any question, final action, ordinance, and regulation, and if requested by a member, other matters. The minutes shall be open to the public for inspection and delivered upon request.

Section 408. Vacancies.

In the event of a vacancy on the Council four or more months before a regularly scheduled election of Council members, the Council shall expeditiously and by a majority vote elect a person qualified under Section 402 to fill the vacancy until the next regular election. The Council shall by a majority vote elect a person to fill the vacancy from a list of not less than three candidates to be provided by the Election Committee.

Section 409. Transition.

(a) The election called to approve this Charter shall also provide for the election of a new Council which shall take office only if and when this Charter becomes effective. The members of the new council shall be elected to two or three year terms to insure yearly elections of some members as provided by Section 602. The members of the new Council shall take office on the day this Charter becomes effective and otherwise shall serve in accordance with Section 602(f). They shall determine, by lots, three members to serve two year terms and two members to serve three-year terms. The five members of the Village Council of the Martin's Additions special taxing district, holding office under the provisions of Senate Bill 207 of the Acts of the General Assembly of Maryland, 1916, as amended, shall continue to hold office until this Charter becomes effective and the new Council takes office.

(b) On the effective date of this Charter:

All funds, records, correspondence, documents and property of the former Village Council shall become the property of the Council formed by this Charter.

All valid actions of the former Council performed under the provisions of Senate Bill 207 of the Acts of the General Assembly of Maryland, 1916, as amended, and not inconsistent with the provisions of the Charter, shall thereafter remain in full force and effect unless properly modified or rescinded in accordance with the provisions of this Charter.

All arrangements for services provided by the County to Martin's Additions and its residents shall thereafter remain in full force and effect unless and until properly modified or rescinded in accordance with the provisions of this Charter.

This Charter shall not discharge, impair or release any contract, obligation, duty, liability, or penalty existing at the time this Charter becomes effective.

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ARTICLE V POWERS

Section 501. Powers.

The Council shall have the power to pass all ordinances and regulations, not contrary to law or to this Charter, that it may deem necessary for the preservation of the property, rights and privileges of the municipality and its residents including all powers **Of** the State not expressly denied to it by the State.

Section 502. Procedures for Enacting Ordinances.

(a) No ordinance or regulation shall be passed until the thirtieth (30th) day following the day of the meeting at which it is introduced unless it is deemed to be required for an emergency. Emergency actions must be passed by the vote of at least three Council members and shall expire at the end of 60 days from their effective date.

(b) Before final consideration of any proposed ordinance or regulation except emergency actions, the Council shall provide a written notice of the proposed ordinance or regulation and hear the views of the public.

(c) All ordinances and regulations other than emergency actions shall become effective 20 days following passage by the Council. Emergency actions are effective immediately upon adoption unless otherwise specified by the Council.

(d) The Council shall provide written notice of all new tax rates, ordinances, rules, regulations and emergency actions upon adoption. However, failure of a resident to receive written notice of an ordinance or regulation not specifically directed to that person or his or her property shall not invalidate the action nor constitute a defense in any action involving violations of that ordinance or regulation. Residents or owners of property specified in an ordinance, regulation or other action taken by the Council shall be notified of the pending action by registered or certified mail or, if no address is available, by posting notice on the affected property in Martin's Additions at least fifteen (15) days before final action is taken.

(e) All ordinances and regulations shall be permanently filed by the Secretary and kept available for public inspection.

ARTICLE VI

ANNUAL MEETINGS AND ELECTIONS

Section 601. Annual Meeting.

There shall be an Annual Meeting of the residents of Martin's Additions. The Annual Meeting shall be held between March 1 and May 15 each year. At least two weeks written notice of the time and place of the meeting shall be given. Such notice shall include a list of the candidates for election to the Council as required by Section 602, a proposed budget for the following year, and notice of any proposed

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change in the tax rate levied by Martin's Additions upon owners of real property. (Char. Am. No. 1, 2-27-87.)

Section 602. Elections.

The election of Council members, which shall be by secret ballot, shall take place between March 1 and May 15 each year. Except for the transition election provided for in Section 409, Council members shall be elected to terms of two years.

All elections shall be managed by an Election Committee. The Committee shall consist of a minimum of three people appointed by the Council from qualified voter volunteers openly and fairly solicited. The Council shall appoint the Committee upon taking office. The Committee shall serve through the succeeding election of Council members. The Committee shall operate according to rules and procedures adopted by the Council and set out in the Village by-laws. Exceptions to these provisions may be made for the transition election as provided for in Section 409.

(a) Not less than sixty (60) days prior to the election, the Election Committee shall request that written nominations be submitted to the Council. Any individuals who qualify under Section 402 may declare their candidacy or be nominated by another qualified voter. Nominations must be received in writing at least thirty (30) days prior to the election.

(b) At least two weeks prior to the election, the Election Committee shall give written notice of the nominations together with resumes of the nominees and designate the date of the election, the polling place and time.

(c) Each qualified voter may cast a ballot on the day and at the time designated. Qualified voters unable to vote in person may vote by absentee ballot. The Council shall determine the rules for absentee voting based upon the recommendation of the Election Committee.

(d) In the event that two or more candidates receive the same number of votes where only one can be elected, there shall be a runoff election within two weeks of the original election. The Council may choose to hold the runoff election by mail ballot.

(e) Those persons elected to new Councils shall take office on July 1 following the election. The term of former Councils shall expire simultaneously with the taking of office by the new Council member(s).

(f) The Council is authorized to pass other regulations governing elections deemed necessary and consistent with this Section. (Char. Am. No. 2, 2-27-87; Char. Am. No. 3, 2-27-87.)

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ARTICLE VII

FINANCES

Section 701. Contractual Authority.

The Council shall not contract for material or work, other than personal or professional service contracts, in a sum exceeding _____ without having first invited competitive bids for the same, after which the Council may purchase the material, contract for the work, employ labor and demand appropriate bonding or act otherwise as it deems best and consistent with this Charter. No Council member shall sell supplies of any kind to Martin's Additions or contract in any manner with the Council. Bidding may be dispensed with only when the Council in a public meeting determines that it is impractical to obtain competition by advertising and sealed bids because of the prior lack of response to advertisement; or, when only one person or firm provides the services or supplies, emergency maintenance or repairs to sewer or water lines or streets, or when the exact nature of the maintenance, repair, or alteration is not known and cannot reasonably be determined.

Section 702. Borrowing Authority.

(a) The Council is hereby authorized to borrow money on the credit of Martin's Additions in the manner prescribed in Sections 31-37 of Article 23A of the Annotated Code of Maryland, as amended, in amounts not exceeding in total ten percent 'of the assessed evaluation of real property within Martin's Additions.

(b) The Council is authorized to borrow by issuing bonds, notes and other certificates of indebtedness. Such bonds, notes and certificates of indebtedness shall be signed by the Chairman and Treasurer, and to the extent permitted by law, shall be free from all state, county and other taxation.

(c) Prior to borrowing money or issuing certificates of indebtedness, the Council shall give written notice of its proposed action and call a meeting of the qualified voters to consider and ratify the proposed undertaking of indebtedness. The Council shall provide written notice at least 30 days prior to the meeting. All qualified voters shall be eligible to vote on the proposed indebtedness either at the meeting or by absentee ballot pursuant to the rules for absentee ballots for elections adopted by the Council. The Council may proceed with the proposed borrowing or an amended proposal only if it is passed by a majority of the votes cast.

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Section 703. Taxation

The Council is hereby authorized to levy and cause to be collected from the owners of real property in Martin's Additions, a tax on the assessed valuation of the real property within Martin's Additions on the basis of assessments made by the State Department of Assessments and Taxation. The annual tax levy shall not be less than {~~\$0.15~~} \$0.02 nor greater than \$0.75 on each \$100.00 of assessed valuation of such property.

(NOTE: [Brackets denote language deleted from the Charter]; underscoring indicates new language added to the Charter.)

Section 2. AND BE IT FURTHER RESOLVED that the date of the adoption of this Resolution is December 8, 1999 and that the amendment to the Charter of the Village of Martin's Additions hereby proposed by this Resolution shall be, and become, effective on January 27, 2000, unless a proper petition for a referendum hereon is submitted to the Village Council as permitted by law.

Section 3. AND BE IT FURTHER RESOLVED that a complete and exact copy of this Resolution shall be posted at the Village Bulletin Board at the Brookville Market until January 17, 2000 and a fair summary of the proposed Charter amendment set forth in this Resolution shall be published in a newspaper of general circulation in the Village of Martin's Additions not less than four (4) times at weekly intervals before January 17, 2000.

Section 4. AND BE IT FURTHER RESOLVED that as soon as the Charter amendment hereby enacted shall become effective, either as herein provided or following a referendum, the Village Council shall cause to be sent, by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to the State of Maryland Department of Legislative Services, the following information concerning the Charter amendment: (1) the complete text of the Charter amendment as hereby enacted; (2) the date of the referendum election, if any, held with respect thereto; (3) the number of votes cast for and against the question concerning the Charter amendment, whether by the Council of the Village of Martin's Additions or in a referendum; and (4) the effective date of the Charter amendment.

Section 5. AND BE IT FURTHER RESOLVED that the Village Council Secretary be, and is hereby, specifically instructed to carry out the provisions of Sections 3 and 4 of this Resolution. As evidence of compliance herewith, the Secretary shall cause to be affixed to the minutes of the meeting at which this Resolution is adopted the following: (1) a copy of the newspaper publication of the summary referred to in Section 3 and (2) a copy of the mailing and the mailing return receipts referred to in Section 4.

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Section 704. Auditing.

The financial books and accounts of Martin's Additions shall be audited annually in a manner determined by the Council but not contrary to applicable State law.

ARTICLE VIII

ADMINISTRATION

Section 801. Village Manager.

The Council may appoint a village manager and designate that person's duties and responsibilities consistent with the provisions of this Charter.

Section 802. Employees.

The Council may employ those whom it deems necessary to execute the powers and duties provided by this Charter and State law..

Section 803. Dual Status Prohibited.

No person may be an employee or Village Manager of Martin's Additions and simultaneously be a member of the Council or hold any other public office created under the provisions of this Charter.

ARTICLE IX

GENERAL

Section 901. Oath.

Before entering upon the duties of their offices, the members of the Council shall take and subscribe to the oath prescribed by Article 1, Section 9 of the Constitution of the State of Maryland.

Section 902. Surety Bonds.

The Chairman, Treasurer and other officers or employees designated shall give bond in the amount and to the surety designated by the Council. However, the premiums on the bonds shall be paid by the Council.

Section 903. Disclosure.

Any person seeking elected office in or employment by Martin's Addition shall make disclosures as set out in the bylaws.

Section 904. Recall Elections.

An election to consider the recall of one (1) or more Council members shall be -held within 45 days of the Council's receipt of a proper petition. The petition shall: 1). allege that any Council member to be subject to the recall election has failed to perform his or her duties in a manner consistent with their fiduciary obligations to

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the residents, 2). specifically state the manner in which the Council member has so failed in this obligation, and 3). be signed by 20 percent of the Qualified Voters.

Section 905. Separability.

If any portion of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such portion shall appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the portion to which the holding is directed.

Section 906. Amendment.

This Charter may be amended from time to time in the manner provided for in Article 23A of the Annotated Code of Maryland.