The Town of Upper Marlboro

RESOLUTION: 2016-03

SESSION: Regular Town Meeting

DATED: April 12, 2016

A RESOLUTION OF THE BOARD OF COMMISSIONERS FOR THE TOWN OF UPPER MARLBORO APPROVING, RATIFYING, AND PROCLAIMING THE ELECTION AND APPOINTMENT OF COMMISSIONER STOREY AS PRESIDENT AND THE APPOINTMENT AND APPROVAL OF COMMISSIONER CLAGETT AS TREASURER; FURTHER APPROVING AND RATIFYING ANY AND ALL OTHER ACTS, AUTHORIZATIONS OR EXECUTION OF DUTIES PERFORMED SINCE THE ORGANIZATIONAL MEETING HELD ON JANUARY 11, 2016 AND THE CLAIM OR ASSUMPTION OF DUTIES BY SAID NEWLY ELECTED OR APPOINTED OFFICERS

WHEREAS, on January 4, 2016, the qualified voters of the Town duly elected three new Commissioners, and on January 6, 2016, all three Commissioners were sworn in by the Clerk of the Circuit Court of Prince George's County; and

WHEREAS, on January 11, 2016 at 8 p.m., an organizational meeting pursuant to the Town Charter was held at Town Hall, where Commissioner Storey, without objection from the Commission and in good faith, announced for the record his appointment as President by the Commission and his appointment of Treasurer by consensus; and

WHEREAS, the record of the Board of Commissioners for the Town of Upper Marlboro (the "Board") has evidenced the apparent selection of Commissioner Storey as President, and said record further indicates that said President has intended to assert the appointment of Commissioner Clagett to serve as Treasurer; and

WHEREAS, the Board of Commissioners has duly and properly held regular and workshop meetings of said body on the dates and times as described in the official record of proceedings of said Board; and

WHEREAS, despite any objections or allegations to the contrary, the Board of Commissioners hereby finds that, since the above-referenced organizational meeting, Commissioner Storey has made a diligent and good faith effort to properly assume and perform the duties of office without any finding of usurpation or intrusion, and thereby has duly asserted and rightfully claimed title and/or possession of the office of President by color of right, therefore, he shall be considered as a *de jure* if not *de facto* President of the Board of Commissioners since the proceedings of said organizational meeting and until the present adoption of this Resolution; and

WHEREAS, the Board of Commissioners hereby further finds that as *de facto* officers of the Town, as such, their acts are immune from collateral attack for purposes of public policy; and

WHEREAS, each member of the Board of Commissioners has had a chance to fully review the Minutes and all actions, approvals, appointments, executed instruments, or other actions whatsoever taken by the Town and its officers since the commencement of their respective terms of office; and

WHEREAS, the Commission hereby wishes and intends to formally adopt and approve this Resolution at a regular meeting of the Board of Commissioners in order to rectify, approve or otherwise cure any alleged defects and ensure the fulfillment of the formal requirements of the Charter or any other law to make, ratify or re-approve the said Treasurer's and the said President's selection and appointments to office and to further ratify or retroactively approve any and all acts of said officials performed or administered since the above-referenced organizational meeting.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Town of Upper Marlboro hereby incorporates herein the above recitals and further states, approves, affirms, adopts, ratifies and authorizes the following:

1. Commissioner James Storey is hereby elected and appointed to the office of President effective immediately and retroactively to the above-referenced Organizational Meeting held on January 11, 2016 at or about 8 p.m.

2. The appointment of Commissioner Nancy C. Clagett by President Storey is hereby approved for the office of Treasurer effective immediately and retroactively to the above-referenced Organizational Meeting held on January 11, 2016 at or about 8 p.m.

3. Any and all acts, authorizations, approvals, execution of minutes, public records, contracts, and negotiable instruments, and/or the execution of any other duties that were performed since the organizational meeting held on or about January 11, 2016, and the exercise of any powers, responsibilities or authority whatsoever performed on behalf of the Town by said newly elected or appointed officers as referenced hereinabove is hereby re-affirmed, re-approved, and re-authorized as of the date of their actual performance or execution by said officers.

AND BE IT FURTHER RESOLVED that this Resolution shall take effect upon its passage, and shall be posted in a conspicuous place in the Town Hall for 30 days after the effective date.

ATTEST:

Clerk

April 12, 2016
Date

THE TOWN OF UPPER MARLBORO

James Storey, President

Nancy C. Clagett, Commissioner

Linda Pennoyer, Commissioner

CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Board of Commissioners of the Town of Upper Marlboro at a public meeting at which a quorum was present adopted this Resolution, and that said Resolution 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 12th day of April, 2016.

M. David Williams, Town Clerk