

Council Memo

TO: Mayor and Town Council

FROM: Michelle Bailey Hedgepeth, Town Administrator

CC: Sueellen Ferguson, Town Attorney; Jennifer Ramos, HR Consultant

DATE: February 2026

RE: Charter Section 403 – Appointments: Policy Options for Charter Amendment Consideration



Purpose | The purpose of this memorandum is to provide the Mayor and Council with an overview of Section 403 of the Town Charter (Appointments) and to outline policy options for potential Charter amendments for Council consideration at a future meeting. This memo is intended to support policy discussion and direction to staff and the Town Attorney regarding preferred amendment language.

Background | Section 403 was amended in 2019 to add enhanced procedural protections for the Town Administrator, Town Clerk, Treasurer, and Chief of Police. These protections include:

- A required opportunity to be heard at a public meeting prior to removal or suspension; no time period is noted.
- A mandatory supermajority vote (four members of Council). The hiring only requires a majority.
- A prohibition or limits on removal for six (6) months following a Town election, except under limited circumstances
- The current language imposes limits on the reasons for dismissal of at-will employees

At the time of implementation, these changes were adopted out of concern that a newly seated Council could remove senior leadership wholesale following an election. While well-intentioned, this language is now raising governance, operational, and risk-management concerns, particularly given evolving best practices in municipal administration. This also put the Council at a legal disadvantage, since elections are held every two years and senior employees may take the provision to mean that they would receive six months of payment in the event of any disciplinary action and delayed termination until April of the following year.

It is also important to note that these protections can alternatively be addressed through individual employment agreements for executive staff, rather than being embedded in the Charter itself.

Policy Considerations | Charters are intended to establish a governance structure, not detailed employment procedures.

- Embedding employment protections in the Charter reduces Council flexibility and can create legal and operational risk.

- Employment agreements can provide stability, defined terms, notice provisions, and due process while preserving Council authority.
- Several Maryland municipalities address executive protections contractually rather than through charter mandates.

Options for Council Consideration

Option 1 – Full Removal of Enhanced Protections from Section 403

- Under this option, the Charter language providing the six-month post-election protection and mandatory public hearing would be deleted in its entirety.
- Department heads would serve at the pleasure of the Council.
- Employment stability, notice, and due process would be addressed through individual employment agreements and town policy for the Town Administrator, Clerk, Treasurer, and Chief of Police.
- This option restores maximum Council discretion while allowing tailored protections through contracts.

Rationale:

This approach aligns with best practices by removing personnel-specific provisions from the Charter and addressing executive protections through negotiated employment agreements.

Other Options – Retain Protections in Modified Form

The Council could attempt to soften the language, but it continues to include employment-specific provisions in the Charter.

Next Steps

Based on Council feedback, staff can:

- Return with a recommended amendment approach;
- Direct the Town Administrator to work with the Town Attorney to draft Charter amendment language consistent with Council direction; and
- Align any Charter changes with proposed employment agreements for executive staff.

Respectfully submitted,

Michelle Bailey Hedgepeth
Town Administrator

Charter Amendment Notes Section 403 Appointments

Section 403. Appointments

A majority vote of the Council shall appoint **and remove** all department heads, the Town Attorney, and the Town Clerk, all of whom shall serve at the pleasure of the Council. ~~Notwithstanding any other provision of the Charter to the contrary, the Town Administrator, Clerk, Treasurer, and Chief of Police may not be removed or suspended from such position without due notice to the appointee and an opportunity to be heard at a public meeting. No removal or suspension shall be effective unless by the affirmative vote of four (4) members of the Council, and no such appointee shall be removed for a period of at least six (6) months following a Town election unless the appointee violates the personnel manual with an act of misconduct that is subject to termination, or is convicted, or pleads guilty or *nolo contendere* to, a felony or misdemeanor or a crime that involves moral turpitude, or misfeasance or malfeasance in office, for which the penalty may be incarceration in any penal institution.~~

The Mayor with the approval of the Council, shall appoint members of boards and commissions or other personnel to fill positions not governed by the personnel system. Such appointees serve at the pleasure of the Council or until the term for which they were appointed has expired. Compensation for appointees shall be determined by the Council.