



Agenda Item Summary Report

Meeting Date:
February 9, 2026

Submitted by:
Michelle Bailey Hedgepeth, Town Administrator

Item Title: INFORMATION MEMO | Change to Section 403 of the Town Charter

This is an introduction item and a memo on changes to Section 403 of the Town Charter.

Work Session Item [X]
Council Meeting Item [X]

Documentation Attached:
Memo and Language Change
Charter Change Information

Recommended Action:

This memo is for **INFORMATION ONLY**, no action is required by the Town Council, and serves as an update on the recent meeting and on Town Staff's actions regarding the project.

Item Summary:

The purpose of this memorandum is to provide the Mayor and Town 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 item is informational and intended to support policy discussion and direction to staff and the Town Attorney regarding preferred amendment language.

Background

Section 403 of the Town Charter was amended in 2019 to include 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, with no specified timeframe;
- A mandatory **supermajority vote (four members of Council)** for removal or suspension, while appointment requires only a majority vote;
- A prohibition or limitation on removal or suspension for **six (6) months following a Town election**, except under limited circumstances; and
- Charter-level limits on the reasons for dismissal of positions otherwise considered at-will.

These provisions were adopted to prevent the wholesale removal of senior leadership following a Town election. While well-intentioned, the language has raised **governance, operational, and risk-management concerns**, particularly as elections occur every two years. The current structure may be interpreted as requiring delayed disciplinary action or continued compensation during the post-election period, potentially placing the Town at a legal and financial disadvantage.

It is also important to note that comparable protections may be addressed through **individual employment agreements**, rather than embedded in the Charter.

Policy Considerations

Charters are intended to establish a governance structure rather than prescribe detailed employment procedures.

- Embedding employment protections in the Charter limits Council flexibility and may create

legal and operational risk.

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

Options for Council Consideration

Option 1 – Full Removal of Enhanced Protections from Section 403

- Remove the six-month post-election protection and mandatory public hearing language from the Charter.
- Department heads would serve at the pleasure of the Council.
- Employment protections would be addressed through individual employment agreements and Town policy.
- Restores maximum Council discretion while allowing tailored contractual protections.

Rationale:

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

Other Options – Modified Retention of Protections

- The Council may choose to retain protections in a modified form; however, this approach would continue to embed employment-specific provisions in the Charter.

Next Steps

Based on Council feedback, staff can:

- Return with a recommended amendment approach;
- 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.
- Direct staff to look at other items in the Town Charter that need to be updated.

The Town Administrator will be able to answer questions from the Council.

Budgeted Item: Yes [] No [] NA	Continued Date:
Budgeted Amount:	
One-Time Cost: NA	
Ongoing Cost: NA	
Council Priority: Yes [] No []	Approved Date: