

Subsection (e)(3) of this section is standard language added to this and, where necessary, corresponding sections of other titles of this article to provide for gaps in membership by indicating that a member serves until a successor takes office. This provision is supported by the cases of Benson v. Mellor, 152 Md. 481 (1927) and Grooms v. LaVale Zoning Board, 27 Md. App. 266 (1975).

Subsection (e)(4) of this section also is added as standard language. It follows from the requirement that there be staggered terms. An inherent aspect of staggered terms is that they must begin and end at set intervals. For circumstances under which this subsection applies, see the General Revisor's Note to this article.

The present specific reference to the initial terms of the members is deleted as obsolete. The continuing stagger created under that provision and later modified with the addition of a consumer member is covered now under subsection (e)(2) of this section.

In subsection (f) of this section, the phrase "with the advice of the Secretary..." is deleted as misleading. Although the present law seems to imply that the Governor may remove a Board member only on the advice of the Secretary, Art. II, § 15 of the State Constitution makes clear that the power of the Governor is not so limited.

Also in subsection (f) of this section, the present reference to a Board member being removed only "after due notice and a hearing" is deleted as repetitive of basic rights of due process that a Board member who is charged with the enumerated fault grounds would have under Art. 24 of the Maryland Declaration of Rights.

Also as to subsection (f) of this section, for additional provisions on removal, see: Art. II, § 15 of the State Constitution; Art. XV, § 2 of the State Constitution, on suspension and removal for crimes; and Art. 41, § 4 of the Code, on removal for failure to attend meetings.

17-203. OFFICERS.

(A) IN GENERAL.

FROM AMONG ITS MEMBERS, THE BOARD ANNUALLY SHALL ELECT A CHAIRMAN, A VICE CHAIRMAN, AND A SECRETARY.

(B) ELECTIONS.