

Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772

REGULAR TOWN MEETING

Tuesday, February 12, 2019 – 7:00 p.m. *

AGENDA

Call to Order

- Roll Call
- Pledge of Allegiance
- Consent to the Agenda

Approval of Meeting Minutes & Financial Reports

- Approval of the January 8, 2019 Regular Town Meeting minutes
- Approval of the January 22, 2019 Work Session minutes
- Approval of the Treasurer's Report, as of January 31, 2019

Reports

- Staff & Committee Reports
- Commissioner Leonard
- Commissioner Pennoyer
- President Turner

Business

ORDINANCE(S) -

- Ordinance 2018-10: Special Events w/ Event Application – Draft 4 **(Board vote)**

RESOLUTION(S)

- Resolution 2018-06: Parking Meter Rates **(Board vote)**
- Resolutions 2018-07 Upper Marlboro Events Committee w/ corresponding Bylaws **(Board Vote)**
- Resolution 2018-08 CERT Committee w/ corresponding Bylaws **(Board Vote)**
- Resolution 2019-01: Food Truck Fees – Draft 2 *(discussion)*
- Resolution 2019-02: New Commission Meeting Regulations – Draft 1 **(Board vote)**
- Resolution 2019-03: Setting Services Fees – Draft 1 *(discussion)*
- PIA Request Form, Policy and Guidelines for Submission – Draft 1 *(discussion)*

GENERAL/ADMINISTRATION ISSUES

- Automated Traffic Enforcement (update)
- Department Monthly Status Report
- Mr. David Burse will be sworn-in as Chief of Police ahead of the opening of the meeting at 6:30 p.m. This ceremony is open for the public to attend.

Public Comment

Adjournment

PUBLIC COMMENT PROCEDURES

Your Town government appreciates citizen input. So, in an effort to maximize effective resolutions on resident's issues, we encourage Town residents and businesses to contact us at Town Hall first, weekdays: 9 a.m.–5 p.m., or by written correspondence (or email to info@uppermarlboromd.gov). You are always welcome to schedule an appointment with the President or a Commissioner to discuss municipal problems and quality-of-life issues one-on-one, and work together towards a satisfactory solution.

Agendas for meetings are posted on our website and a synopsis of the monthly Town Meeting Agenda is also provided in the “On the Agenda” column of our monthly newsletter, the *Landings*. Outreach and notices of legislative items are also posted on the Town's social media accounts (Facebook & Twitter).

Our meetings are open to the public, and we ask that residents who want to comment to please follow the rules that have been established by “Resolution 2016-02: Adoption of Rules of Order and Regulations for Public Meetings” . . .

III. Citizen Input

A. At regular and special meetings, residents of the Town may have the opportunity to address the Board on any item on the agenda provided a resident is recognized and allowed to speak by the President. Recognized public comment and/or questions that are germane to the immediate agenda item shall be limited to (1) minute. Furthermore, each regular meeting shall also have an agenda item for citizen input regarding any municipal question, during which time any resident of the Town may address the Board for up to three (3) minutes on matters or items not necessarily placed on the agenda. Individuals not residing in the Town may speak at regular or special meetings under conditions specified by the Board. The President or the Board may uniformly change or adjust the time limitations for all speakers depending on the circumstances or provide additional time for experts or other officials.

B. Except in instances where the presiding officer expressly invites or allocates time for public testimony, questions, comments, or other forms of participation, or when public participation is otherwise authorized by law, no member of the public attending an open meeting session may actively participate in the session. Public comment by members of the public is not typically designed or intended for interactive dialogue between the Commission and the public, unless the presiding officer specifically allows it or the Commission elects to suspend its rules to allow such colloquy.

C. Speakers shall state their name for the record, and their address (**street name only**). Ordinarily, for each agenda item, including citizen input, speakers shall have one opportunity to speak and may not poll or ask questions of individual commissioners, staff or public officials. Otherwise, the Board shall determine the conduct of the public discussions on any issue and may set reasonable time limits for such.

D. Ordinarily, work sessions are open to public observation only and public participation is at the discretion of the Board. At work sessions, residents and non-residents may be allowed to speak on any municipal issue, but only under conditions specified by the Board.

Each individual speaker must stand, state their name and home of record (street name only) and approach the Board to a designated position in order to be recognized by the Chair of the Board, and to be heard by the recording Clerk, as well as others in attendance.

Town of Upper Marlboro

REGULAR TOWN MEETING

January 8, 2019

unApproved Minutes

Call to Order

The meeting was called to order at 7:00 p.m.

Roll Call: Tonga Turner, President of the Board of Town Commissioners;
Wanda Leonard, Commissioner; Linda Pennoyer, Commissioner/Treasurer

Staff present: M. David Williams, Town Clerk/Administrator Chief Operating Officer Michelle Knox (COO); Chief of Staff Kyle Snyder; UMPD Code Officer Latrice Green; Finance Director William Morgan; and, Events Director Anita Washington

Also present: SCW Chair Evelyn Stephens; EC Treasurer Sarah Franklin; TUMHC Archivist Brian Callicott; and various citizens and interested parties.

Pledge of Allegiance

Approval of Meeting Minutes & Financial Reports

President Turner asked for consent to the Agenda. Approval was granted by all Commissioners present. The Town Meeting minutes from December 11, 2018 and the Work Session minutes from December 18, 2018, plus, the Treasurer's Report as of December 31, 2018 were reviewed by the Board. Commissioner Pennoyer motioned to approve both sets of minutes, Commissioner Leonard seconded. All minutes from December's Town Meeting and Work Session were unanimously approved.

Finance Director Morgan reviewed the December Treasurer's Report noting that Fines, Licenses & Permits revenues were low due to the current delay in implementation of the Automated Traffic Enforcement Program. He also noted that Grant funding revenues for the F.I.P. program and the M-NCPPC Streetscaping grant are anticipated to come in closer to the end of the current fiscal year. Other Intergovernmental income including \$40K from Town taxes is also expected to come in January. He added he is working with Town Committee Chairs on their line item budgets, and General Government expenses are high due to up-front annual payments of pensions, payroll taxes and healthcare benefits. It was noted that the Town's investment accounts balances were also provided on the last page of the report. Mr. Morgan then delivered a FY2019 Mid-Year Financial Report, print-outs were offered of the Power Point presentation.

Reports

Staff/Committees: TUMHC Archivist Brian Callicott reported that the TUMHC Secretary had resigned and that they will be filling the position by vote at their next Quarterly meeting in February. He added that he was able to tour Mount Lubentia where vital government documents were hidden from the British during the War of 1812.

SCW Chair Evelyn Stephens delivered an overview of the Town's Sustainable Communities Designation and their work to renew the application which is due to the Department of Housing and Community Development in February. She also reviewed current grant opportunities available to downtown businesses through the DHCD. A request to consider the rehab of Old Mill Road was noted.

Events Committee Treasurer Sarah Franklin reported that the Marlboro Day Sub-Committee met last week and will be meeting monthly. Currently searching for sponsors and discussing involvement with other Town Committees. Calls for more volunteers will be posted online and through Social Media, and the EC is working on effective communications with business establishments on downtown events notification. The EC has also scheduled a Game Night for February 9th 4-7 p.m., and a Poetry Slam on April 13th. She added the EC will also have a Movie Night in June and added that turnout for the Town events has been terrific and is steadily growing.

Commissioner Pennoyer: Reported that she attended the installation of Alicia Braveboy as the States Attorney for Prince George's County yesterday at the Courthouse.

Commissioner Leonard: Reported that the UM CERT sent a welcome letter to newly elected Chief Harris. She noted the MML Conference Planning Committee would be selecting Workshop proposals soon and was hopeful her presentation on "Creating & Maintaining a CERT" workshop will make the program.

President Turner: Delivered updates on the following topics: 1.) Town Public Works crew currently conducting street sign replacements; 2.) Town Hall-iday Party a big success with 50+ attendees and a very diverse cross-section of mostly Town residents; 3.) Recent DPW&T and SHA upgrades include crosswalk with curbed island at Water and Church Streets plus, curbing at the Old Stone Building; 4.) Citizen input being reviewed by the Commission for Parking Meter Resolution 2018-06; 5.) Downtown Redevelopment Request For Qualifications (RFQ) resulted in the selection of 3 developers who will now submit proposals and deliver presentations before selection at future Town Meetings for citizen and community stakeholder input and review; and, 6.) The President encouraged all to attend, noting presentations will be delivered in the Spring, a selection committee will be formed, and the estimated project timeline from selection to proposal approval should be about 12-15 months.

Business

Ordinance 2018-10: Special Events: Current edits under review by the Board, discussion will continue at next Work Session. It was noted that Committee Resolutions bylaws will be reviewed then as well. A motion to defer final passage of Ordinance 2018-10 to the February 12 Town Meeting was made by Commissioner Pennoyer and seconded by Commissioner Leonard. The motion passed unanimously.

Door-Knocking Campaign & Survey Results Overview: Campaign event went well and full report will be posted online for citizen review. COO Knox added that Department Heads and Board members will review the report results and submit suggestions for action items to address concerns. Commissioner Pennoyer was acknowledged for suggesting the project earlier in the year.

Oath of Office/ Chief of Police: The President introduced the Town's new Chief of Police to be, David Burse, stating his swearing-in will be postponed until some outstanding administrative processes are completed. She noted an external audit of the UMPD was conducted at her direction with less than favorable results. She then reviewed Mr. Burse's impressive career experience and highlighted his leadership skills and established relationships he has with State and County Law Enforcement agencies.

General/Administration issues: There were no issues brought forth to the Board at this time.

Public Comment

A concerned resident commented on an issue he has with the current Budget, stating the Town is forecasted to spend more than it will get in revenues. The President noted that those issues will be addressed by future amendments.

A resident commented on how much safer she feels touring the Town with her children with the new crosswalk upgrades. It was noted that upgrades to the Water & Main Streets are coming this summer. The President introduced and welcomed first-time resident attendees to tonight's Town Meeting.

Adjournment

Commissioner Leonard motioned to adjourn, Commissioner Pennoyer seconded. With all in favor, the meeting was adjourned at 8:29 p.m.

Respectfully submitted,

M. David Williams
Town Clerk/Administrator

Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772 • 301-627-6905

Work Session Minutes

Tuesday, January 22, 2019 - 7:00 p.m.

unApproved

Call to Order

- Meeting was brought to order at 7:00 p.m.
- Roll Call – President Tonga Turner; Commissioner Wanda Leonard; Commissioner Linda Pennoyer; Town Clerk M. David Williams, SCW Chair Stephens; Finance Director William Morgan; Chief Operating Officer Michelle Knox; and, Chief of Staff Kyle Snyder.
- Pledge of Allegiance

Reports

At this time, the President moved the Agenda's Reports section to follow the Business Section.

Business

Emergency Ordinance 2019-01: Amending ORD 2017-04 to Add Small Cell Standards: A request from the Town's professional association, the Maryland Municipal League (MML), urged members of municipal Cities and Towns to pass legislation to regulate Small Cell Standards, as soon as possible, and for their legal protection. The Town's Attorney advised the Board to amend existing Right-of-Way Ordinance 2017-04 to include the emergency legislation. After introducing Emergency Ordinance 2019-01, the President asked for motion for approval. Commissioner Leonard motioned to approve Ordinance 2019-01 as presented. Commissioner Pennoyer seconded. With no one in opposition, the motion was unanimously approved.

Ordinance 2018-10: Special Events: President Turner reviewed the draft history of the Ordinance since its introduction on December 11, 2018, and the Board discussed the latest edits and additions. The President stated that the latest Draft Ordinance will be posted online for Citizen input, and a final Board vote will be conducted at the February Town Meeting.

Committee Resolutions: The President stated the Resolutions and Bylaws would be posted online for a 20-day public comment period and passage was scheduled for the February Town Meeting.

Public Information Request Form: It was noted that the Maryland Public Information Act Form, Fee Schedule and a Resolution to set fees would be posted online for citizen input over a period of 45 days.

Dumpster Permit: 14703 Main Street: Chief of Staff Snyder delivered details on the Commercial Dumpster Request, noting there is no fee just fines assessed for non-compliance. It was noted that that new application should include deposits and fees for both Residential and Commercial.

Resolution 2019-01: Food Trucks: The President reviewed the success of the Food Truck Friday events. The draft's details were discussed and edits noted. An updated draft that includes the County's standards, will be reviewed at the next meeting of the Board in February.

FY18 Detailed Budget Year-End Adjustments Amendment: Finance Director Morgan reviewed a proposed End-of-Year Detailed Budget Adjustments Amendment for FY2018 that is to correct the incorrect End-of-Year Detailed Budget Adjustments that was passed in June of 2018. It was noted it was off by \$771.76 due to double line item entries in the original End of Year Adjustments. A motion to approve the Amendment was made by Commissioner Pennoyer and seconded by Commissioner Leonard. The motion passed unanimously.

Reports

Commissioner Leonard: Reported that the CERT/HEPAC Workshop proposal that was submitted to the MML for the 2019 Summer Conference in Ocean City had been approved by the MML Conference Planning Committee in Annapolis on January 12.

She also reported that the CERT now is lead in the County with 6 certified instructors. She added that At-Large Councilmember Calvin Hawkins, who recently left the Office of Emergency Management, will now be Municipal Liaison for Upper Marlboro.

Commissioner Pennoyer: Reported that the Town's newly hired Chief of Police, David Burse, attended both the Marlborough Towne HOA meeting on January 16th, and the monthly Coffee Club gathering, and was very well received.

President Turner: Delivered updates on the following topics: 1.) Hired Benay Walker as the Town's new Administrative Assistant; 2.) Chief's report on findings concerning security issues within the Public Safety Department; 3.) Lobbying firm working on Old Stone Building Bond Bill for Board approval; Senator Peters to propose Bill on the Senate floor; County Council letter stating will transfer to Town; OMES, President sent letter to County Executive Alsobrooks and met last week to discuss; Firm suggests submitting emergency bill to raise to State platform; John Peter Thompson of the HPC to send second letter; 4.) A Speed Camera Bill concerning Indian Head Highway area (Rte 210) will be proposed, might be able to "attach" MD725 to the Bill; 5.) Will send letter tomorrow to PGC Public Schools System interim CEO asking to relocate the School Bus Stop(s) off of MD725 and placed into safer residential side streets; and, 6.) Redevelopment Authority line item(s) totaling 2.5M to start being allocated in 2020, Greenwell to present updates at March Town Meeting.

General/Administration issues: SCW Chair Stephens submitted a final draft application for SC Designation to the Board for review. Final sign-off by the President will be done by mid-February. Town Clerk Williams announced that the Clean Water Partnership has requested an audience at the next Town Meeting to deliver a presentation on their Schoolhouse Pond.

Adjournment

Commissioner Leonard motioned to adjourn, Commissioner Pennoyer seconded. With all in favor, the meeting was adjourned at 8:18 p.m.

Respectfully submitted,

M. David Williams
Town Clerk/Administrator



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Town of Upper Marlboro Budget vs. Actuals July 2018 - January 2019

	Actual	Total Budget	% of Budget
Revenue			
Fines, Licenses, Permits	56,134.34	897,600.00	6.25%
Grants	50,803.25	150,453.00	33.77%
Intergovernmental	21,032.61	50,925.00	41.30%
Other Revenue	123,471.32	265,315.00	46.54%
Taxes	267,189.61	474,658.00	56.29%
Total Revenue	518,631.13	1,838,951.00	28.20%
Expenses			
General Government	373,979.85	640,304.00	58.41%
Public Safety	117,859.74	739,686.00	15.93%
Public Works	227,619.03	458,961.00	49.59%
Total Expenses	719,458.62	1,838,951.00	39.12%
Committee Overview			
Historical Committee	0.00	1,500.00	0.00%
CERT Team	482.03	1,500.00	32.14%
Celebrations/Tricentennial	5,940.77	13,000.00	45.70%

Linda Pennoyer
Commissioner/ Treasurer

Tonga Y. Turner
Commissioner/ President

Wanda Leonard
Commissioner



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Monthly Narrative

This month did not highlight notable revenues or expenses. There were a lot of business personal property deposits with a \$47,000 fund transfer from Prince George's County for real property taxes. On the expense side the typical monthly service and utility cost make out the totals in January. Items such as waste disposal, highway/street lighting and continued capital improvement for the department of public works.

1. Public works expenses
2. Budget amendment

TOWN OF UPPER MARLBORO PROFIT AND LOSS Jan-19

Revenue	Total
Fines, Licenses, Permits	6,508.72
Intergovernmental	1,020.30
Other Revenue	518.50
Taxes	50,298.79
Total revenue	58,346.31
Expenses	
General Government	52,869.55
Public Safety	4,600.48
Public Works	28,566.74
Total Expenses	86,036.77

Linda Pennoyer
Commissioner/ Treasurer

Tonga Y. Turner
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Wanda Leonard
Commissioner



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Town of Upper Marlboro Balance Sheet Jan-19

	Total
Current Assets	
Bank Accounts	
Cash on Hand and in Banks	0.00
1000 PGFSB Operating Checking	198,830.02
1001 Petty Cash	400.00
1010 PGFSB Payroll Account	0.00
1040 M&T Checking	24,331.89
1060 Sona CD 7977	107,435.71
1063 Sona CD 1577	0.00
1068 SONA Bank CD 8641	265,287.80
1075 Sona CD 8153	167,742.38
1076 Sona Bank CD 1697	0.00
1077 Sona Bank CD 9681	0.00
1078 SONA CD 2705	0.00
1079 Sona Bank CD 9137	0.00
1084 SONABANK CD 5101	0.00
1117 Old Line Bank	100,639.52
1119 Community Bank of Tri-County	0.00
1120 Old LineBank/Washington Savings	0.00
1121 Arundel Federal Savings Bank	0.00
1122 Congressional Bank CD 5756	209,724.87
1123 Severn Savings Bank	0.00
1140 MLGIP	11,475.87
Total Cash on Hand and in Banks	\$ 1,085,868.06
Total Bank Accounts	\$ 1,085,868.06

Linda Pennoyer
Commissioner/ Treasurer

Tonga Y. Turner
Commissioner/ President

Wanda Leonard
Commissioner



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MEMORANDUM

To: Board of Commissioners

From: William T. Morgan, Finance Director

Date: February 12, 2019

Re: FY2019 Budget Amendment

This is an informative memorandum detailing the FY2019 budget amendment. Below list some notable line items that have been adjusted for this amendment.

Revenue

- Red light camera

Expenses

- Salaries
- Utilities
- Camera/Red Light Program
- Capital Outlay

The new fiscal year 2019 budget amount will be \$1,327,883.00 which is a 27% difference from the initial budget that was forecasted.

Linda Pennoyer
Commissioner/ Treasurer

Tonga Y. Turner
Commissioner/ President

Wanda Leonard
Commissioner

FY19 Amended Budget
July 1, 2018 to June 30, 2019

Income/Revenue Fine, licenses, Permits		Approved FY19	Amended
	6154 Cable Franchise Fee	\$28,000.00	\$28,000.00
	6280 Traders License Fee	\$1,000.00	\$1,000.00
	6350 Parking Permits	\$8,000.00	\$8,000.00
	6355 Parking Meters	\$67,000.00	\$67,000.00
	6381 Parking Fines	\$55,000.00	\$55,000.00
	6550 Pub/Eud/Govt Broadcasting	\$15,000.00	\$15,000.00
	Camera/Red Light Program	\$723,600.00	\$0.00
Total Fines, licenses, Permits		\$897,600.00	\$174,000.00
Intergovernmental			
	6240 Financial Corporation Tax	\$9,145.00	\$9,145.00
	6260 Highway User Fee	\$29,865.00	\$29,865.00
	6300 State Aid Police	\$9,839.00	\$9,839.00
	6310 Disposal Fee Rebate	\$2,076.00	\$2,076.00
Total Intergovernmental		\$50,925.00	\$50,925.00
Other Revenue			
	6390 Interest Earnings	\$20,000.00	\$20,000.00
	6394 Miscellaneous Revenue	\$10,000.00	\$10,000.00
Total Other Revenue		\$30,000.00	\$30,000.00
Taxes			
	6100 Real Estate Taxes	\$189,392.00	\$189,392.00
	6101 Personal Property Taxes	\$115,000.00	\$115,000.00
	6230 Income Taxes	\$170,266.00	\$170,266.00
Total Taxes		\$474,658.00	\$474,658.00
Grants			
	FIP Grant	\$60,313.00	\$60,313.00
	MNCPPC	\$40,140.00	\$40,140.00
	Assigned Fund Municipal Capital Projects	\$50,000.00	\$50,000.00

FY19 Amended Budget
July 1, 2018 to June 30, 2019

Total Grants		<u>\$150,453.00</u>	<u>\$150,453.00</u>
Total Operational Revenue		<u>\$1,453,183.00</u>	<u>\$729,583.00</u>
transfer from Funds	9000 Transfer from Fund Balance	\$233,714.00 <u>\$1,600.00</u>	\$446,247.00 <u>\$1,600.00</u>
Total Revenue		<u>\$1,838,950.00</u>	<u>\$1,327,883.00</u>

Expenses

General Government

	Approved FY19	Amended
8000 General Government		
8030 Salaries	\$285,217.00	\$250,950.00
8073 Accounting/Temp/Consultants	\$10,000.00	\$10,000.00
8074 Audit	\$16,250.00	\$16,250.00
8075 Payroll Processing	\$6,000.00	\$6,000.00
8071 Ads/Legal Notices	\$800.00	\$800.00
8080 Bank Charges	\$7,000.00	\$7,000.00
8180 Historical Committee	\$1,500.00	\$1,500.00
8090 Postage	\$4,000.00	\$3,000.00
8092 Printing	\$8,000.00	\$9,354.00
8095 Celebrations/Tricentennial	\$13,000.00	\$13,000.00
8100 Dues & Subscriptions	\$2,500.00	\$5,000.00
8110 Legal	\$30,000.00	\$34,000.00
8115 Computer Software & Support	\$6,800.00	\$6,800.00
8120 Insurance - Bonds	\$200.00	\$200.00
8122 Insurance - General Liability	\$3,000.00	\$3,000.00
8123 Claims	\$1,000.00	\$1,000.00
8125 Insurance - Workers Comp	\$165.00	\$165.00
8130 Supplies	\$2,000.00	\$2,000.00
8131 Office Equipment	\$3,000.00	\$3,000.00
8140 Contribution	\$500.00	\$3,000.00
8150 Elections	\$0.00	\$0.00
8155 Judges	\$0.00	\$0.00
Alarm Monitoring	\$800.00	\$800.00

FY19 Amended Budget
July 1, 2018 to June 30, 2019

8160 Telephone	\$6,350.00	\$6,350.00
8165 Utilities	\$9,800.00	\$8,000.00
8190 Staff Training, Convention & Conferences	\$6,500.00	\$6,500.00
CERT	\$1,500.00	\$1,500.00
8200 Other	\$2,000.00	\$2,000.00
8060 Pension Benefits	\$27,927.00	\$30,099.00
8210.01 FICA	\$21,819.00	\$26,819.00
8210.02 SUI Unemployment	\$459.00	\$459.00
8215 Health Benefits	\$47,304.00	\$47,304.00
8215 Wellness Program	\$3,000.00	\$3,000.00
Total Operation Expenses	\$528,391.00	\$508,850.00

Capital Outlay		
8221 Capital Outlay-Broadcast	\$1,600.00	\$0.00
Assigned Fund Municipal Capital Projects	\$50,000.00	\$50,000.00
FIP Grant	\$60,313.00	\$60,313.00
Total Capital Outlay General Gov.	\$111,913.00	\$110,313.00

Total General Government	\$640,304.00	\$619,163.00
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Public Safety	Approved FY19	Amended
8020 Substance Testing	\$234.00	\$234.00
8260.01 Salaries	\$267,243.00	\$163,778.00
8261 Overtime	\$6,000.00	\$3,000.00
Replacement Officer Cost	\$2,500.00	\$0.00
8273 Uniforms	\$4,250.00	\$4,250.00
8274 Weapons & Duty Supply	\$2,000.00	\$2,000.00
8275 Staff Training	\$1,200.00	\$750.00
8280.03 Telephone	\$2,200.00	\$1,500.00
8280.04 Miscellaneous	\$1,500.00	\$1,500.00
8281 Association Dues	\$300.00	\$300.00
8282 Insurance - Police Liability	\$1,575.00	\$1,575.00
8283 Insurance - Vehicle	\$6,000.00	\$6,000.00
8285 Insurance - Workers Comp	\$13,450.00	\$11,950.00

FY19 Amended Budget
July 1, 2018 to June 30, 2019

	8062 Pension Benefits	\$24,052.00	\$18,000.00
	8290.01 FICA	\$20,911.00	\$21,911.00
	8290.02 SUI Unemployment	\$310.00	\$310.00
	Health Benefits	\$47,285.00	\$15,000.00
	Camera/Red Light Program	\$269,676.00	\$0.00
	8300.03 Maintenance	\$1,500.00	\$1,500.00
	8300.04 Repairs	\$6,000.00	\$6,000.00
	8300.02 Fuel	\$7,000.00	\$6,000.00
	8320 Other	\$500.00	\$500.00
	Total Operation for Public Safety	\$685,686.00	\$266,058.00
Capital Outlay			
	8330 Computer	\$4,000.00	\$133.00
	Cruiser	\$50,000.00	\$0.00
	Total Capital Outlay for Public Safety	\$54,000.00	\$133.00
Total Public Safety		\$739,686.00	\$266,191.00
Public Works			
	8360 Salaries	\$116,609.00	\$105,409.00
	8361 Overtime	\$5,000.00	\$5,000.00
	8063 Pension	\$10,495.00	\$10,495.00
	8370.01 FICA	\$9,303.00	\$12,303.00
	8370.02 SUI Unemployment	\$204.00	\$204.00
	Health Benefits	\$24,952.00	\$24,952.00
	8375 Uniforms	\$3,500.00	\$3,500.00
	8380 Other	\$1,500.00	\$1,500.00
	8383 Insurance - Vehicles	\$2,600.00	\$2,600.00
	8385 Insurance - Workers Comp	\$9,100.00	\$9,100.00
	8390 Streets Maintenance	\$4,000.00	\$4,000.00
	8400 Highway Lighting Electric	\$26,000.00	\$26,000.00
	8405 Fuel	\$4,500.00	\$4,500.00
	8410 Vehicle R&M	\$6,000.00	\$3,000.00
	8560 Waste Collection/Disposal Fee	\$5,500.00	\$5,500.00

FY19 Amended Budget
July 1, 2018 to June 30, 2019

Total H&S Operational		
8470 Mosquito Control	\$1,400.00	\$1,400.00
8570 Waste Disposal (Contract)	\$40,986.00	\$40,986.00
8487 Substance Testing	\$450.00	\$450.00
8490 Phone	\$300.00	\$300.00
8491 Portajohn	\$1,800.00	\$1,800.00
8590 Recycling	\$9,834.00	\$9,834.00
8176 PWF - Maintenance/Repairs/Beautificatio	\$10,000.00	\$10,000.00
Dues	\$75.00	\$75.00
Cleaning Service	\$7,900.00	\$4,668.00
8376 PW Small Tool/Equipment	\$4,000.00	\$4,000.00
8391 Weather Related Expenses	\$4,000.00	\$2,000.00
	\$310,008.00	\$293,576.00

Capital Outlay		
8517 Capital Outlay - Streets & Sidewalks	\$0.00	\$0.00
Capital Outlay - Pratts/Sideway Design	\$40,140.00	\$40,140.00
MNCPPC	\$50,813.00	\$50,813.00
8515 Capital Outlay - PWF	\$50,000.00	\$50,000.00
Capital Outlay - H&S/Equipment	\$8,000.00	\$8,000.00
	\$148,953.00	\$148,953.00

Total Public Works	\$458,961.00	\$442,529.00
Total Revenue		\$1,327,883.00
Total Expenses		\$1,327,883.00
Total Gross		\$0.00

**BOARD OF COMMISSIONERS
FOR THE
TOWN OF UPPER MARLBORO**

ORDINANCE: 2018-10
SESSION: Regular Town Meeting
INTRODUCED: December 11, 2018

**AN ORDINANCE OF THE TOWN OF UPPER MARLBORO REGULATING
PARADES, SPECIAL EVENTS, AND OTHER USES OF PUBLIC PLACES**

WHEREAS, the Board of Town Commissioners enacted Ordinance 97-2 regulating parades, special events, and other uses of public places and providing the violation thereof, as amended; and

WHEREAS, the purpose of this Ordinance is to authorize the Town of Upper Marlboro to regulate parades, special events, and other uses of public places; authorizing the Clerk, or appointee, to receive applications; authorizing the Board of Town Commissioners to issue permits, providing standards for issuance thereof; establishing procedures for appeal upon rejection of applications; requiring compliance with permit conditions; establishing a standard application fee; and, prescribing penalties for the violation of its provisions.

Section 1.

BE IT ENACTED AND ORDAINED by the Board of Commissioners for the Town of Upper Marlboro, that Ordinance 97-2 is hereby repealed, and Ordinance 2018-09 be and hereby is, enacted and shall read as follows:

Section 2.

I. DEFINITIONS

- (1) A “parade” is any parade, march, ceremony, show exhibition, pageant, or procession of any kind, or any similar display, in or upon any street, park or other public place in the Town of Upper Marlboro.
- (2) A “special event” is any scheduled function not in the ordinary course of business taking place in the Town of Upper Marlboro that has a direct impact upon the streets, sidewalks, alleys, and footpaths or traffic, whether pedestrian or vehicular, within the Town of Upper Marlboro limits.

II. PERMIT REQUIRED. No person shall engage in, participate in, aid, form or start any parade or special event, unless a parade or special event permit shall have been obtained from the Board of Town Commissioners.

- (1) Exceptions.
This ordinance shall not apply to:
 - (a) Funeral possessions;

- (b) Students going to and from school classes or participating in educational activities, providing such conduct is under the immediate direction and supervision of the proper school authorities and does not have a direct impact on the streets, sidewalks, alleys, and foot paths or traffic within the Town limits.
- (c) Town sponsored and organized events.

III. APPLICATION

A person seeking issuance of a parade or special event permit shall file an application with the Clerk on forms provided by the Town.

- (1) Filing Period. An application for a parade or special event permit shall be filed with the Clerk not less than thirty (30) days nor more than ninety (90) days before the date on which it is proposed to conduct the parade or special event.
- (2) Late Applications. The Board of Town Commissioners, where good cause is shown therefor, shall have the authority to consider any application hereunder which is filed less than thirty (30) days before the date such parade or special event is proposed to be conducted.
- (3) Application Fee. There shall be paid at the time of filing the application for a parade or special event permit a fee of \$75.00 dollars.

IV. STANDARDS FOR ISSUANCE

The Board of Town Commissioners shall issue a permit as provided for hereunder, when, from a consideration of the application and from such other information of the application and from such other information as may otherwise be obtained it finds that:

- (1) The conduct of the parade or special event will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
- (2) The conduct of the parade or special event will not require the diversion of so great a number of police officers of the Town to properly police the line of movement and the areas contiguous thereto normal police protection to the Town;
- (3) The conduct of such parade or special event will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the Town other than that to be occupied by the proposed line of march and areas contiguous thereto;
- (4) The concentration of persons, animals and vehicles at assembly points of the parade or special event will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
- (5) The conduct of such parade or special event will not interfere with the movement of fire-fighting equipment en route to a fire;
- (6) The conduct of the parade or special event is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance;
- (7) The parade or special event is scheduled to move from its point of origin to its point of

termination expeditiously and without unreasonable delays en route;

(8) The parade or special event is not to be held for the sole purpose of advertising any product, goods or event, and is not designed to be held purely for private profit.

(9) It is the intent of the Board of Town Commissioners that generally one (1) lane of traffic on street will be available for travel during the parade or special event and that these parades or special events do not constitute an emergency for purposes of closing the streets, sidewalks, footpaths, and thoroughfares to all pedestrian and vehicular traffic.

(10) It is the intent of the Board of Town Commissioners not to authorize more than three parades or special events per month.

(11) Organizations sponsoring any parade or special event shall agree to provide such traffic control and security as deemed necessary by the Board of Town Commissioners.

(12) No event shall be held, or arrangements made, until a Special Event Permit is received.

(13) Applicants may need to apply with the Health Department for food vending and prepared meals onsite except for pre-packaged, unopened foods.

(14) If alcohol is to be consumed at the Event, applicant is responsible for obtaining the required permit in accordance with the Prince George's County Board of License Commissioners – Liquor Board.

(15) Applicants granted a permit must coordinate all planning and logistics with the Events Coordinator for the Town of Upper Marlboro.

V. NOTICE OF REJECTION

The Board of Town Commissioners shall act upon the application for a parade or special event permit within fifteen (15) days after the filing thereof. If the Board disapproves the application, it shall notify the applicant within five (5) days after the date upon which the application was filed, a notice of its action.

VI. APPEAL PROCEDURE

Any person aggrieved shall have the right to request a reconsideration of the denial of a parade or special event permit by the Board of Town Commissioners. The reconsideration shall be taken within thirty (30) days after notice. The Board of Town Commissioners shall act upon the reconsideration within fifteen (15) days after its receipt.

VII. ALTERNATIVE PERMIT

The Board of Town Commissioners, in denying an application for a parade or special event permit, shall be empowered to authorize the conduct of the parade or special event on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternative permit shall, within ten (10) days after notice of the action of the Board, file a written notice of acceptance with the Board. An alternate parade or special event permit shall conform to the requirements of, and shall have the effect of a parade or special event permit under, this Ordinance.

VIII. NOTICE TO TOWN AND OTHER OFFICIALS

Immediately upon the issuance of a parade or special event permit, the Clerk shall send a copy thereof to the following:

- (1) President of the Board of Town Commissioners;
- (2) The Town of Upper Marlboro Chief of Police;
- (3) The Fire Chief;
- (4) The Town's Public Works Department

IX. DUTIES OF PERMITTEE

A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

- (1) Possession of Permit.

The parade or special event chairman or other person heading or leading such activity shall carry the parade or special event permit upon his person during the conduct of the parade or special event.

X. PUBLIC CONDUCT DURING PARADE OR SPECIAL EVENT

- (1) Interference.

No person shall unreasonably hamper, obstruct or impede, or interfere with any parade, or special event, or parade or special event assembly or with any person, vehicle or animal participating or used in the parade or special event.

- (2) Driving through Parade or Special Events.

No driver of a vehicle, shall drive between the vehicles or persons comprising a parade or special event when such vehicles or persons are in motion and are conspicuously designated as a parade or special event.

- (3) Parking on Parade or Special Event Route.

The Town of Upper Marlboro Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade or special event. The Chief of Police shall post signs to such effect, and shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this Ordinance.

XI. REVOCATION OF PERMIT

The Board of Town Commissioners shall have the authority to revoke a parade or special event permit issued hereunder upon the application of the standards for issuance as herein set forth.

XII. PENALTIES

Any person, business entity or corporation found in violation of this Ordinance shall be liable for a municipal infraction and upon conviction thereof, shall be assessed a fine in the amount of up to \$1,000.00 for violation of provisions in Section IV: Standards of Issuance.

This Ordinance shall be effective twenty days after passage, on the _____ day of _____, 2019,

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this Ordinance shall repeal and supersede Ordinance 97-2, as amended on August 12, 1997.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this Ordinance shall be posted in the Town Hall office, and it or a fair summary thereof, shall be published once in a newspaper of general circulation in the Town.

Adopted this _____ day of _____, 2019.

THE TOWN OF UPPER MARLBORO,
BOARD OF COMMISSIONERS

Wanda Leonard, Commissioner

Linda Pennoyer, Commissioner

Attest:

M. David Williams, Clerk

Tonga Turner, President

Reviewed and Approved for Legal Sufficiency

Kevin J. Best, Esq.

Date: _____



Town of Upper Marlboro

Town Hall, 14211 School Lane
Upper Marlboro, MD 20772

Tel: (301) 627-6905
Fax: (301) 627-2080

info@uppermarlboromd.gov
www.uppermarlboromd.gov

APPLICATION FOR PARADE OR SPECIAL EVENT

Please read the Standards of Issuance (attached) before completing this application.

Filing period: Anyone seeking issuance of a permit must file an application with the Board of Commissioners not more than 90 days before, and not less than 30 days before, the date and time at which the proposed event is to occur.

FEE: A non-refundable application fee of \$75.00 shall be paid by the applicant to the Town at the time of filing the parade/special events application. Payment is made by either cash, check or credit card (Visa/MasterCard). **Applicant is subject to an additional fee for events with an approved liquor permit.*

APPLICANT

Name: _____

Mailing address: _____

Email Address: _____

Telephone Number: _____ Cell Number: _____

PRIMARY CONTACT

Primary Contact (if the Applicant is the primary contact, mark section "same as Applicant"). The primary contact shall be in charge of the conduct of the event; compliance with permit conditions and applicable law; informing participants of permit conditions; carrying the permit on his/her person during the event.

Name: _____

Email Address: _____

Telephone Number: _____ Cell Number: _____

Non-profit: Yes _____ No _____ If so, Tax ID# _____

Linda Pennoyer
Commissioner/ Treasurer

Tonga Y. Turner
Commissioner/ President

Wanda Leonard
Commissioner



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EVENT INFORMATION

Date: _____ Rain Date: _____

Type of Event: Parade*: _____ Special Event: _____

Requesting approval of a liquor permit? ☐ Yes ☐ No

Applicant is responsible for obtaining required permit in accordance with the Prince George's County Board of License Commissioners – Liquor Board.

* Parade Route must be provided with application (*a separate sheet, or map, may be used.*)
Applicant must apply for, and provide the Town with a copy of, a Street Closure Permit from the State Highway Administration (SHA), should the parade route utilize any State owned roads.

Activities to occur during the event: _____

Time and Location the event will start: _____

Time and Location the event will end: _____

Time setup will begin: _____

Time breakdown end: _____

Equipment:

List items to be placed on municipal property and their proposed location(s), whether such items are temporary or permanent in nature, and whether such items will affect pedestrian or vehicular traffic, or ingress or egress from building(s). (A separate sheet may be used if needed)

Linda Pennoyer
Commissioner/ Treasurer

Tonga Y. Turner
Commissioner/ President

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List all recording equipment, sound amplification equipment, banners, signs, and other attention attracting devices which will be utilized during the event:

Total Number of Participants anticipated: _____

Total Number of Vehicles anticipated: _____

TOWN OF UPPER MARLBORO USE ONLY			
Department	Signature	Comments <i>Approve / Decline</i>	Date
Board of Commissioners			
Public Safety			
Public Works			

Linda Pennoyer
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STANDARDS OF ISSUANCE. The Board of Town Commissioners shall issue a permit as provided for hereunder, when, from a consideration of the application and from such other information as may otherwise be obtained, it finds that:

- (1) The conduct of the parade or special event will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
- (2) The conduct of the parade or special event will not require the diversion of so great a number of police officers of the Town to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the Town;
- (3) The conduct of such parade or special event will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the Town, other than that to be occupied by the proposed line of march and areas contiguous thereto;
- (4) The concentration of persons, animals and vehicles at assembly points of the parade or special event will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
- (5) The conduct of the parade or special event will not interfere with the movement of firefighting equipment en route to a fire;
- (6) The conduct of the parade or special event is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance;
- (7) The parade or special event is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;
- (8) The parade or special event is not to be held for the sole purpose of advertising any product, goods or event, and is not designed to be held purely for private profit.
- (9) It is the intent of the Board of Town Commissioners that generally one (1) lane of traffic on any street will be available for travel during the parade or special event and that these parades or special events do not constitute an emergency for purposes of closing the streets, sidewalks, footpaths, and thoroughfares to all pedestrian and vehicular traffic.

Linda Pennoyer
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- (10) It is the intent of the Board of Town Commissioners not to authorize more than three (3) parades or special events, per month.
- (11) Organizations sponsoring any parade or special event shall agree to provide such traffic control and security as deemed necessary by the Board of Town Commissioners.
- (12) No event shall be held or arrangements made for a Special Event until a permit is received.
- (13) Applicants may need to apply with the Health Department for food vending and prepared meals onsite except for pre-packaged foods.
- (14) Serving of alcohol must be approved by the Board of Commissioners and applicant is required to obtain a permit in accordance to the Prince George's County Board of License Commissioners – Liquor License.
- (15) Applicants granted a permit must coordinate all planning and logistics with the Director of Events and Recreation for the Town of Upper Marlboro.

Duties of Permittee: a Permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances. The parade or special event chairman or other person heading or leading such activity shall carry the parade or special event permit upon his person during the conduct of the parade or special event.

Revocation of Permit: The Board of Town Commissioners shall have the authority to revoke a permit issued hereunder upon violation of the standards for issuance.

Penalties: Any person or organization who violates the Ordinance shall be subject to a fine up to \$1,000.00.

Linda Pennoyer
Commissioner/ Treasurer

Tonga Y. Turner
Commissioner/ President

Wanda Leonard
Commissioner



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Indemnity / Hold Harmless Agreement

To the fullest extent permitted by law, the undersigned Organization agrees to indemnify and hold The Town of Upper Marlboro, Maryland, its elected and appointed officials, employees, and volunteers and other working on behalf of The Town of Upper Marlboro, Maryland, harmless from and against all loss, cost, expense, damage, liability or claims, whether groundless or not, arising out of the bodily injury, sickness or disease (including death resulting at any time therefrom) which may be sustained or claimed by any person or persons, or the damage or destruction of any property, including the loss of use thereof, based on any act or omission, negligent or otherwise, of the Organization, or anyone acting on its behalf in connection with or incident to the (Organization and Event) _____

_____ scheduled for: (date) _____,

except that the Organization shall not be responsible to The Town of Upper Marlboro, Maryland's sole negligence; and the Organization shall, at its own cost and expense, defend any such claims and any suit, action, or proceeding which may be commenced thereunder, and the Organization shall pay any and all judgments which may be recovered in any suit, action or proceed, and any and all expense including, but not limited to, costs, attorney's fees and settlement expenses, which may be incurred therein.

Name of Organization _____

Authorized Signature _____

Address _____

Phone _____ Date _____

Linda Pennoyer
Commissioner/ Treasurer

Tonga Y. Turner
Commissioner/ President

Wanda Leonard
Commissioner

Town of Upper Marlboro

RESOLUTION: 2018-06
SESSION: Regular Town Meeting
DATE : February 12, 2019

RESOLUTION OF THE BOARD OF COMMISSIONERS FOR THE TOWN OF UPPER MARLBORO TO CHANGE AND ADOPT PARKING METER RATES

WHEREAS, the Board of Commissioners for the Town of Upper Marlboro, a body politic and corporate of the State of Maryland under its Charter, and as a municipal corporation duly empowered by state law to regulate parking and collect parking meter fees; and

WHEREAS, the Board of Commissioners is authorized pursuant to Ordinance 2016-02, as amended, to establish parking meter zones and to set from time to time by resolution the amount to be deposited in the parking meters of the Town, and to further establish or amend any other fees authorized under said ordinance; and

WHEREAS, the Board of Commissioners has determined that there is a need to set new parking meter hours of operation, rates and consequent after-hours rates.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO that it hereby approves, adopts and establishes the following:

1. That as of July 1, 2019, the hourly parking meter fees for Town installed and maintained meters in all established zones shall be two and a half (\$2.50) U.S. dollars per hour, 24 hours per day with the exception of all-day Sunday and observed Federal Holidays, whereby the hourly fee shall be waived.
2. That as of July 1, 2019, the Town may charge an additional credit card processing fee not to exceed five (\$5) U.S. dollar for a voluntary credit card convenience fee payment transaction.
3. That these fees will be remaining in effect until a new resolution is passed.

AND BE IT FURTHER RESOLVED that the hourly fees set by this resolution shall be marked or otherwise displayed on the Town's parking meters, and this Resolution shall be posted on the Town's website and in a conspicuous place in the Town Hall for a period of at least 30 days after its passage.

PASSED by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a regular meeting on the ____ day of _____, 2019.

ATTEST:

BOARD OF COMMISSIONERS OF THE TOWN
OF UPPER MARLBORO, MARYLAND

Town of Upper Marlboro

M. David Williams
Clerk

Tonga Y. Turner
President

Wanda Leonard
Commissioner

Effective Date: _____

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 Town 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 _____ day of _____, 2019.

M. David Williams, Town Clerk

Proposed Resolution Timeline:

Discussion: November Regular Town Meeting	11/20/2018
Public Comment & Board Discussion: January Regular Town Meeting	01/08/2019
Public Comment & Board Discussion: January Board Work Session	01/22/2019
Final Reading & Passage: February Regular Town Meeting	02/12/2019

**BOARD OF COMMISSIONERS
FOR THE
THE TOWN OF UPPER MARLBORO**

EMERGENCY ORDINANCE: 2019-04 **DRAFT**
SESSION: Special/Regular Session
INTRODUCED: February 12, 2019

AN EMERGENCY ORDINANCE OF THE TOWN OF UPPER MARLBORO TO AMEND AND RENUMBER SECTIONS 9 AND 11 OF ORDINANCE 2017-01 ENTITLED “BUILDING & PERMITTING ORDINANCE” AUTHORIZING THE TOWN’S CODE ENFORCEMENT OFFICIALS TO LEVY FINES AND ISSUE MUNICIPAL INFRACTION CITATIONS FOR FAILURES TO OBTAIN BUILDING PERMITS IN ADDITION TO FINES FOR FAILURE TO OBTAIN ROLL OFF CONTAINER PERMITS AND VIOLATIONS OF TOWN-ISSUED STOP WORK ORDERS; AND ADDING NEW SECTION 7 ESTABLISHING RULES AND REQUIRING A SEPARATE TOWN DEMOLITION PERMIT TO BE ISSUED TO RAZE A BUILDING OR STRUCTURE AND GENERALLY RELATING TO THE ENFORCEMENT OF BUILDING CODES.

WHEREAS, the Board of Commissioners enacted Ordinance 2017-01 entitled “Building & Permitting Ordinance” essentially authorizing the Town to enforce the County’s Building Codes as its own; thereby providing new sections of Town law regarding the Ordinance’s purpose and authority; the role of the Department of Code Enforcement; the powers, duties, and functions of certain Town officials; designating the County Building Code as the Town’s Building Code; establishing certain roll off container permits; providing for certain penalties and liens for violations; providing a process to pursue a right of appeal; providing for the promulgation of rules and regulations; providing a severability provision and establishing certain fines, or charges permitted to be modified by resolution; and generally relating to the enforcement of building codes; and

WHEREAS, the Board of Commissioners finds it is in the best of the Town to expeditiously enact amendments to Ordinance 2017-01 thereby establishing certain rules and requiring a permit for razing or demolition of buildings and further authorizing the Town’s code enforcement officials to levy fines and municipal infraction citations for failures to obtain building permits in addition to fines for failure to obtain roll off container permits and violations of Town-issued stop work orders.

NOW, THEREFORE, the Board of Commissioners of the Town of Upper Marlboro, State of Maryland, does hereby ordain, amend and reenact Ordinance 2017-01 to read as follows:

CAPITALS	:	Indicate matter to be added to existing law
[Brackets]	:	Indicate matter to be deleted from existing law
Asterisks * * *	:	Indicate that text is retained from existing law but omitted herein.

Building & Permitting Ordinance [2017-01]

SECTION 1:	SCOPE
SECTION 2:	[DEPARTMENT OF] TOWN CODE ENFORCEMENT
SECTION 3:	POWERS, DUTIES, & FUNCTIONS
SECTION [5]4:	BUILDING CODE
SECTION 5:	BUILDING PERMITS
SECTION 6:	ROLL-OFF CONTAINER PERMITS
SECTION 7:	RAZING OR DEMOLITION
SECTION [7]8:	RIGHT OF APPEAL
SECTION [8]9:	RULES AND REGULATIONS
SECTION [9]10:	VIOLATION
SECTION [10]11:	SEPARABILITY
SECTION [11]12:	FINES

* * *

7. RAZING OR DEMOLITION.

ALL RAZING OR DEMOLITION OF BUILDINGS OR OTHER STRUCTURES MUST COMPLY WITH THE RULES SET FORTH IN THIS SECTION, IN ADDITION TO COMPLYING WITH STANDARDS ESTABLISHED BY PRINCE GEORGE'S COUNTY, THE STATE DEPARTMENT OF THE ENVIRONMENT AND ANY OTHER GOVERNMENTAL AGENCY WITH JURISDICTION. FOR PURPOSES OF THIS SECTION, RAZING INCLUDES BUT IS NOT LIMITED TO THE PURPOSEFUL BURNING OF STRUCTURES BY A PROFESSIONAL, VOLUNTEER, PUBLIC AND/OR PRIVATE FIRE COMPANY FOR TRAINING PURPOSES.

A. ALL STRUCTURES MUST BE RAZED TO GROUND LEVEL.

B. ALL LOTS OR PARCELS OF GROUND MUST BE CLEARED OF ALL DEBRIS, RUBBLE OR OTHER MATERIALS RESULTING FROM THE DEMOLITION WITHIN 10 DAYS. DEBRIS, RUBBLE AND OTHER MATERIALS SHALL BE HAULED TO A SANITARY

CAPITALS	:	Indicate matter to be added to existing law
[Brackets]	:	Indicate matter to be deleted from existing law
Asterisks * * *	:	Indicate that text is retained from existing law but omitted herein.

LANDFILL OR RUBBLE FILL LICENSED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT.

C. NO DEBRIS, RUBBLE OR OTHER MATERIALS RESULTING FROM A DEMOLITION SHALL BE BURNED OR BURIED WITHIN THE TOWN OF UPPER MARLBORO, EXCEPT WHEN THE METHOD OF RAZING IS BY BURNING CONDUCTED BY APPROVED FIREFIGHTING ORGANIZATIONS.

D. ALL BASEMENTS, WELLS OR OTHER DEPRESSIONS SHALL BE FILLED WITH EARTH, AND THE ENTIRE AREA OF THE LOT OR PARCEL WHICH HAS BEEN THE SUBJECT OF RAZING SHALL BE GRADED TO ENSURE PROPER DRAINING OF RUNOFF TO AN OUTFALL APPROVED BY THE TOWN. THE TOWN MAY REQUIRE THE PERMITTEE TO TAKE APPROPRIATE MEASURES TO PREVENT THE DEPOSITING OF SEDIMENT ONTO ADJACENT PROPERTY OR THE PUBLIC RIGHT-OF-WAY.

E. ALL OUTER AREAS OF THE RESULTING VACANT PARCEL SHALL BE GRADED TO CONFORM TO ADJOINING GRADE LEVELS.

F. AT THE COMPLETION OF THE RAZING AND THE GRADING REQUIRED BY SUBSECTIONS D AND E, THE ENTIRE AFFECTED AREA SHALL BE VEGETATIVELY STABILIZED TO PREVENT SOIL EROSION, IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS FOR SEDIMENT AND EROSION CONTROL, PUBLISHED BY THE STATE OF MARYLAND DEPARTMENT OF NATURAL RESOURCES WATER RESOURCES ADMINISTRATION.

G. IN ADDITION TO ANY APPLICABLE COUNTY PERMIT REQUIRED BY COUNTY LAW, A PERMIT FROM THE TOWN IS ALSO REQUIRED FOR ANY RAZING PROJECTS, A PERMIT FOR RAZING SHALL NOT BE ISSUED UNTIL A RELEASE IS OBTAINED FROM THE UTILITIES SERVING THE STRUCTURE STATING THAT THEIR RESPECTIVE SERVICE CONNECTIONS AND APPURTENANT EQUIPMENT HAVE BEEN REMOVED OR SEALED AND PLUGGED IN A SAFE MANNER.

H. ALL DEMOLITION, CLEARING, GRADING AND DUST TREATMENT SHALL BE FINISHED WITHIN 60 DAYS OF THE ISSUANCE OF A PERMIT.

I. IF THE WORK IS NOT ACCOMPLISHED IN CONFORMANCE WITH ALL OF THE ABOVE-MENTIONED RULES, THE TOWN MAY ENTER ON THE PROPERTY AND FINISH THE WORK, THE CHARGE THEREFOR TO BE PLACED AGAINST THE PROPERTY AND TO BE COLLECTIBLE IN THE SAME MANNER AS TAXES.

[7.]8. RIGHT OF APPEAL

A. Any person or persons, firm or corporation aggrieved by a decision of the Code Enforcement Official or other designated representative authorized to enforce this Ordinance shall have a right of appeal to the Board of Town Commissioners.

* * *

[8.]9. RULES AND REGULATIONS

CAPITALS	:	Indicate matter to be added to existing law
[Brackets]	:	Indicate matter to be deleted from existing law
Asterisks * * *	:	Indicate that text is retained from existing law but omitted herein.

The Board of Town Commissioners may pass such rules and regulations from time to time as are consistent with the purpose, intent and enforcement of this Ordinance.

~~[9-]~~10. VIOLATIONS & ENFORCMENT

Violation of any provision of this Ordinance shall be subject to a fine and/or penalty, as laid out in this Ordinance. Failure to pay a fee(s), OR a fine(s), will result in the amount of any fine(s) incurred being recorded as a lien against the property and collected in the same manner as delinquent taxes after sixty calendar days (60) of issuance. It shall be the duty and responsibility of the Town to enforce the provisions of this Ordinance as herein provided. IN ADDITION TO THE PENALTIES PRESCRIBED HEREIN, THE TOWN SHALL HAVE THE RIGHT TO INSTITUTE INJUNCTION, MANDAMUS OR ANY OTHER APPROPRIATE CIVIL ACTIONS OR PROCEEDINGS TO PREVENT VIOLATIONS OF THIS ORDINANCE.

~~[10-]~~11. SEPARABILITY

Should any part of this Ordinance be held invalid, the Board of Town Commissioners declares that it would have adopted all other provisions notwithstanding such illegality of a part and all remaining parts shall remain in effect.

~~[11-]~~12. FINES

A. Failure to obtain a Town Roll-Off container permit after fifteen (15) calendar days: \$25.00 per day the property remains in violation until container removal or permitted.

B. Failure to comply with a Town Issued "Stop Work Order": \$150.00 per day construction continues.

C. FAILURE TO OBTAIN A TOWN/COUNTY BUILDING OR DEMOLITION PERMIT AFTER FIFTEEN (15) CALENDAR DAYS: THE FINE FOR EACH VIOLATION SHALL BE ONE HUNDRED DOLLARS (\$100.00) PER DAY FOR EACH DAY THAT SUCH VIOLATION CONTINUES AFTER THE INITIAL FIFTEEN (15) CALENDAR DAYS OF NOTICE OF VIOLATION, AND TWO HUNDRED DOLLARS (\$200.00) PER DAY FOR EACH DAY THAT SUCH VIOLATION CONTINUES IN EXCESS OF THIRTY (30) DAYS AFTER THE INITIAL FIFTEEN (15) CALENDAR DAYS OF NOTICE OF VIOLATION.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that any prior ordinances adopting and enacting any provision of this Ordinance or any other ordinance or resolution previously adopted pertaining to a subject or subjects embodied by the title of this Ordinance or the provisions found in conflict herein shall be deemed amended, repealed and/or superseded by the provisions of this Ordinance, as applicable, and should a previously enacted ordinance cover a provision or subject that is not covered by this Ordinance, it shall remain in full force and effect unless it directly conflicts with the express language of this Ordinance.

CAPITALS	:	Indicate matter to be added to existing law
[Brackets]	:	Indicate matter to be deleted from existing law
Asterisks * * *	:	Indicate that text is retained from existing law but omitted herein.

BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that due to the exigent circumstances and important governmental interests stated in the above recitals and herein and in order to further promote the health, safety and welfare of the Town and the general public, the Charter provision requiring that an ordinance may not be passed at the meeting at which it is introduced is hereby suspended by unanimous vote of the Board of Commissioners, and that this Emergency Ordinance shall become effective immediately following approval by the Board of Commissioners.

BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this Ordinance shall be posted in the Town Hall office, and it or a fair summary thereof, shall be published once in a newspaper of general circulation in the Town.

Adopted this _____ day of _____, 2019.

Attest:

THE TOWN OF UPPER MARLBORO,
BOARD OF COMMISSIONERS

Tonga Y. Turner, President

Linda Pennoyer, Commissioner

M. David Williams, Town Clerk

Wanda Leonard, Commissioner

Reviewed and Approved for Legal Sufficiency

Kevin J. Best, Esq.

Date: _____

CAPITALS : Indicate matter to be added to existing law
[Brackets] : Indicate matter to be deleted from existing law
Asterisks * * * : Indicate that text is retained from existing law but omitted herein.

Town of Upper Marlboro

RESOLUTION: 2018-07
SESSION: Regular Town Meeting
DATE: February 12, 2019

RESOLUTION BY THE BOARD OF TOWN COMMISSIONERS TO APPROVE AND ESTABLISH AN UPPER MARLBORO EVENTS COMMITTEE

WHEREAS, the Board of Commissioners of the Town of Upper Marlboro has authority pursuant to Section 82-16 (1) General Powers; and (2)(p) and (2)(rr) Specific Powers, of the Town Charter to create departments to further the public interest of the Town, and to establish programs to promote the health, welfare, and enjoyment of the inhabitants of the Town; and

WHEREAS, in the past year, the Board of Commissioners has successfully enhanced and expanded its community outreach program to its residents and area citizens, resulting in higher attendance levels and volunteerism at various annual Town events; and

WHEREAS, the Board of Commissioners has established goals and initiatives to strengthen community relations through proactive partnership with its residents, businesses and surrounding area communities; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of The Town of Upper Marlboro sitting in regular session this _____ day of _____, 2019 the following:

1. That the Board of Commissioners has determined that it is in the public interest to create a Town of Upper Marlboro Events Committee.
2. That the Board of Commissioners shall appoint a Chairperson and up to six (6) members to the Committee for one year terms, said terms starting on January 1, 2019, to serve without compensation and at will.
3. That the Committee shall elect a Vice-Chairperson and Secretary by majority vote.
4. That the mission of the Committee is to provide annual and special venues of social and/or educational entertainment and activities to foster community engagement throughout the year for the residents of the Town and surrounding area communities.
5. That the Committee shall report to the Board of Town Commissioners, at least quarterly, on their work and submit a proposed budget to the President during the month of March of each year.

Town of Upper Marlboro

6. That the meetings of the Committee are subject to and in compliance with the Maryland Open Meetings Act, Chapter 3, Sections 3-102 and 3-303.

7. That the Committee adopt such by-laws, within 30 days of appointment, as it deems appropriate for final approval by the Board.

INTRODUCED AND PASSED by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a Public Meeting held on _____, 2019.

Attest:

THE TOWN OF UPPER MARLBORO
BOARD OF COMMISSIONERS

Tonga Turner, President

Linda Pennoyer, Commissioner

M. David Williams, Town Clerk

Wanda Leonard, Commissioner

CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Board of Town 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 _____ day of _____, 2019.

Town of Upper Marlboro

Bylaws of the Town of Upper Marlboro Events Committee

ARTICLE I— NAME, LOCATION

This Committee shall be known as the Town of Upper Marlboro Events Committee (TUMEC). The TUMEC is a committee formed by the Town of Upper Marlboro's Board of Commissioners pursuant to Town Charter Section 82-17 and Ordinance 2012-02. These by-laws, and any amendments thereto, become effective when approved by the Town's Board of Commissioners.

ARTICLE II— MISSION

The purpose of the TUMEC is to bring together those people interested in planning and executing events for the Town and its people. The major function is to develop events that will promote the Town of Upper Marlboro and offer community engagement.

The activities of this committee include developing an events calendar for the Town of Upper Marlboro. The TUMEC will be primarily responsible for the Town events with volunteers participating with additional responsibilities and day of facilitation of events. The TUMEC will then plan, coordinate and execute these events. The purpose of these events will be to encourage community engagement, further relationships with Town businesses and promote the Town of Upper Marlboro as a destination for events, town businesses and community.

ARTICLE III— TUMEC CORE MEMBERS

Section 1: Core Committee Members: The TUMEC will have a three-person governing executive board with one member serving as the committee Chairperson and will serve from July - June. One committee member shall serve as Treasurer for the TUMEC. Any of the three core members may represent the TUMEC at town meetings and events; however, the committee Chairperson will be the primary point of contact between the TUMEC and the town. The Core Committee members serve at the discretion of the Town of Upper Marlboro's Board of Commissioners and by vote of the committee. Additional roles and responsibilities will be assigned by a majority vote of the committee.

Section 2: Resignation and Vacancy: A Core Member may resign the office while not necessarily resigning membership of the TUMEC by submitting a letter to the TUMEC which shall be read into the official minutes. Vacancies shall be filled for the remainder of the term by electing a substitute at the regular committee meeting following the resignation.

ARTICLE IV— ASSOCIATE MEMBERS AND VOLUNTEERS

Associate Members and Volunteers are individuals who express an interest in and who participate and contribute to the mission of the TUMEC.

ARTICLE V— MEETINGS

Section 1: Meetings will be held at the Town Hall unless the Chairperson announces in advance, another location.

Section 2: Monthly Meetings: General, monthly meetings will be held the first (1st) Thursday of each month. As needed, additional meetings for special events will be held after the monthly meeting.

Section 3: The Core Committee shall discuss and prepare the agenda online before each meeting. A

Town of Upper Marlboro

proposed agenda will be provided to the Committee, in advance.

Section 4: Additional Meetings: Additional meetings may be called by order of the Chairperson. Members shall be notified in advance.

Section 5: Quorum: A quorum for the meetings shall be 3 of the TUMEC members. TUMEC members absent for personal or family crisis may elect to vote by proxy ballot. The TUMEC chairperson shall be the final rule on the presence of a quorum.

Section 6: All meetings shall be open to the public, with notice to the public given in advance.

ARTICLE VI— ASSIGNED DUTIES

Section 1: Chairperson -- The Chairperson shall have primary supervision over the activities of the TUMEC, along with the other Core Committee members, within the scope provided by these by-laws. The Chairperson shall preside at all meetings, submit a monthly report of the activities of the TUMEC to the Town's Board of Commissioner's at monthly town meetings, and submit a budget request each March to the Town's Board of Commissioners. If the Chairperson is unavailable, any Core Committee member may submit the monthly report.

Section 2: Core Committee Member -- The second Core Committee member shall perform such duties as the TUMEC or the Chairperson may direct and shall assume the duties of the Chairperson in the event of absence, incapacity, or resignation of the Chairperson. The second Core Committee member shall serve as Treasurer of the TUMEC.

Section 3: Core Committee Member – The third Core Committee member shall perform such duties as the TUMEC or the Chairperson may direct and shall assume the duties of the Chairperson in the event of absence, incapacity, or resignation of the Chairperson. The third Core Committee member shall serve as the primary point of contact for all TUMEC volunteers.

ARTICLE VII - PARLIAMENTARY PROCEDURE

Except as otherwise specified in these by-laws, all meetings shall be conducted according to Robert's Rules of Order, relaxed. The order of business at any regular meeting of the membership shall be:

- Attendance will be taken by signing an attendance roster
- Reading or disposal of the minutes of the previous meeting
- Reports by officers and committees
- Unfinished business
- New business
- Adjournment

ARTICLE VIII: TUMEC BUDGET AND EXPENSES

BUDGET - The Core Committee Members shall be responsible for developing an annual budget to support the planned events throughout the Town's fiscal year. Upon approval of the final budget by the Town's Board of Commissioners, the Committee shall begin implementing the fiscal year events.

EXPENSES - TUMEC expenditures will be processed by the Treasurer through the Town's Board of Commissioners or the President, as required, by the Procurement Ordinance of the Town of Upper Marlboro.

REPORTING - The Treasurer shall be responsible for submitting a budget report at each regular

Town of Upper Marlboro

monthly TUMEC meeting. The report shall include a running list of expenses by event and remaining TUMEC budget funds.

ARTICLE IX: AMENDMENTS

These by-laws may be amended or revised by proposal of the TUMEC members and approved by a majority vote at a TUMEC regular meeting. The proposed amendment shall then be adopted, modified or rejected at the succeeding regular meeting of the membership. By-law revisions must be approved by the Town's Board of Commissioners before becoming effective.

ARTICLE X - DISSOLUTION

In the event of the dissolution of the TUMEC, the Committee's collections, assets, properties, and records shall be turned over to the Town' Board of Commissioners.

ARTICLE XI - EFFECTIVE DATE

These by-laws shall become effective on _____.

APPROVED by the Town of Upper Marlboro's Board of Commissioners, Maryland at their regular, monthly Town Meeting, on this _____ day of _____, 2019, by:

Wanda Leonard, Commissioner

Linda Pennoyer, Commissioner

Tonga Turner, President

Attest:

M. David Williams
Town Clerk

CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Board of Town 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 _____ day of _____, 2019.

M. David Williams, Town Clerk

Town of Upper Marlboro

RESOLUTION: 2018-08

SESSION: Regular Town Meeting

DATE: February 12, 2019

RESOLUTION BY THE BOARD OF TOWN COMMISSIONERS TO APPROVE AND MAINTAIN THE UPPER MARLBORO CERT

WHEREAS, the Governing Body of the Town of Upper Marlboro recognizes the need for enhanced emergency response resources in the wake of recent, unprecedented, natural disasters in the state of Maryland and likelihood that such events will increasingly occur; and

WHEREAS, first responders to such natural disasters, and other emergencies, have to address often overwhelming circumstances in emergency situations; and

WHEREAS, the Federal government has established the Community Emergency Response Team (CERT) program under its Citizens Corps and is coordinated nationally by the Department of Homeland Security's Federal Emergency Management Agency (FEMA), created by Executive Order 13254 in January by the President of the United States; and

WHEREAS, the Governing Body of the Town of Upper Marlboro has the authority to establish and maintain a CERT that can be trained to help first responders and address various needs in the event of an emergency; and

NOW, THEREFORE, BE IT RESOLVED, the Chief of the Town of Upper Marlboro Police Department, or an appointee such as an elected official or Town employee, shall be designated by the President of the Board of Town Commissioners to act as a non-voting liaison to the Upper Marlboro CERT; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Board of Commissioners of The Town of Upper Marlboro sitting in regular session this _____ day of _____, 2019 the following:

1. The Board of Town Commissioners has determined that it is in the public interest to create and maintain an Upper Marlboro Community Emergency Response Team
2. The Upper Marlboro CERT is organized exclusively for educational purposes and public service to the citizens and communities of Upper Marlboro, MD
3. That the mission of the Committee is to provide trained assistance to professional responders in case of community-wide emergencies; and, to also provide trained assistance to area residents during disasters, emergencies, and miscellaneous planned events.

Town of Upper Marlboro

4. That the Committee shall report to the Board of Town Commissioners, at least quarterly on their work, and also submit a proposed budget to the President of the Board of Town Commissioners during the month of March of each year.
5. That the meetings of the Committee are subject to, and in compliance with, the Maryland Open Meetings Act, Chapter 3, Sections 3-102 and 3-303.
6. That the Committee adopt such Bylaws, within 30 days of appointment, as it deems appropriate for final approval by the Board.

INTRODUCED AND PASSED by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a Public Meeting held on _____, 2019.

Attest:

THE TOWN OF UPPER MARLBORO
BOARD OF COMMISSIONERS

Tonga Turner, President

Linda Pennoyer, Commissioner

M. David Williams, Town Clerk

Wanda Leonard, 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 _____ day of _____, 2019.

M. David Williams, Town Clerk

Bylaws of the Upper Marlboro, Maryland
Community Emergency Response Team (CERT)

ARTICLE I. Name and Location

Section 1. The name of this organization shall be the Upper Marlboro Community Emergency Response Team, hereinafter referred to as "CERT," a nonprofit organization in the State of Maryland.

Section 2. The Upper Marlboro CERT shall be based and shall meet at the Town of Upper Marlboro Town Hall or as where the elected officers shall determine. All meetings of shall be in compliance with the Open Meetings Act of the State of Maryland.

ARTICLE II. Purpose

Section 1 The Upper Marlboro CERT is organized exclusively for educational purposes and public service to the citizens and communities of Upper Marlboro, Maryland and more specifically to:

- o Educate citizens of the community on the subject of disaster/emergency preparedness, response, recovery, and mitigation;
- o Provide assistance to the residents during disasters and emergencies;
- o Provide trained assistance to professional responders in case of community-wide emergencies; and to
- o Provide trained assistance during planned events.

ARTICLE III. Membership

Section 1. Qualification: Membership in the Upper Marlboro CERT shall be individuals who will or have completed the required training and certification.

Section 2. Types of Membership: There will be two types of memberships in the Upper Marlboro CERT; Active and Inactive. Active members will be authorized to vote and participate in all Upper Marlboro CERT activities.

Inactive members will be any person who has missed more than five consecutive meetings in a calendar year. Inactive members will not be allowed to vote, however, they may attend meetings, take training and participate in events. Attendance of three consecutive meetings shall reinstate active member status. This also include any member of the Leadership Team (President, Vice-President, Secretary and Treasurer unless they have been excused by the President)

Section 3. Duration of Membership. An individual may remain a member so long as they maintain the requisite skills.

Section 4. Resignation. An Upper Marlboro CERT member may resign at any time by giving written notice to the Leadership Team. Resignation shall be effective upon receipt unless otherwise noted therein. Acceptance shall not be required to make it effective. Upon resignation the member shall return all team issued items and equipment. Examples include, but are not limited to: credentials/identification, clothing and equipment issued by the Prince George's County Office of Emergency Management (OEM).

Section 5. Removal. An Upper Marlboro CERT member may be removed for cause (including being determined inactive) by the CERT Leadership Team or OEM for conduct determined by the Leadership Team and/or OEM to be contrary to the best interest of CERT, OEM or the jurisdictions they serve and represent.

Section 6. Reinstatement. An Upper Marlboro CERT member may request reinstatement to membership by the Leadership Team. A decision to reinstate will be at the sole discretion of the Leadership Team with the decision being final.

Section 5. Fees. A onetime fee of Twenty-five dollars (\$25.00) may be required upon joining the Upper Marlboro CERT.

ARTICLE IV. The Board of Directors

Section 1. The Board of Directors shall consist of the elected officers and the standing committee chairperson(s). See Article XIII for Committees.

Section 2. The Board of Directors shall handle the regular business of the Upper Marlboro CERT.

Section 3. Regular meetings of the Board of Directors shall be held as required and established by the Board of Directors.

Section 4. A quorum for conducting the business of the Board of Directors shall be a majority of all Board Members. A member of the Board not present may vote by absentee ballot.

Section 5. The Board of Directors is authorized to make expenditures of up to Three Hundred U.S. dollars (\$300.00) without the approval of the membership.

Section 6. The Board of Directors shall submit a Budget Request to the Town of Upper Marlboro every March, listing previous year's accomplishments, and anticipated projects/events for the year ahead (Town fiscal year runs July 1–June 30.)

ARTICLE V. Officers (Board of Directors) and Committee Chairpersons

Section 1. There shall be the following elected officers: A.) President; B.) Vice- President; C.) Secretary; and, D.) Treasurer (future) removed Community Outreach Coordinator

Section 2. An officer who does not comply with assigned responsibilities may be relieved of office by President or a majority vote by the membership after notification to the individual involved. Appointment of a replacement shall be made by the President of the Upper Marlboro CERT with the approval of the Board of Directors pending the annual election.

Section 3. Committee members shall be appointed by the President of CERT; subject to approval by the Board of Directors.

Section 4. A committee chairperson may be removed for a good cause by the President, if in the President's judgment; the chairperson is not properly performing or will not properly perform the duties of the position; subject to approval by a majority of the Board of Directors.

THE BOARD of DIRECTORS RECIEVES NO COMPENSATION

ARTICLE VI. Elections

Section 1. a) Nominations: Any Active Member may place into nomination an Active Member for elected office. The Nominating Committee will compile a list of all Nominations, present the list in the form of a ballot for the election of officers under Article V Section 1. b) Nominating committee: The Nominating committee shall verify eligibility of voting members. They may organize the election at their discretion with procedures that guarantee fairness and legality. c) Report of the Nominating Committee shall be made at the last meeting of the year; and d) Nominations from the floor will be in order at the last meeting of the year and prior to elections and installation of the new officers at the first meeting of the New Year; with the consent of the nominee.

Section 2. The Nominating Committee will consist of no less than the Chairperson plus two Active Members.

Section 3. Election shall be by secret ballot.

Section 4. Each eligible Active Member shall cast one vote.

Section 5. Term of office: Officers shall be elected for a term of two years. Officers may be elected for a consecutive term in the same office.

Section 6. Immediately following installation, the outgoing officers shall turn over to the newly installed officers all files, monies and historical materials and equipment.

ARTICLE VII. Duties of Officers

Section 1. The President shall: a) Preside at all meetings of the Board of Directors and general meetings of CERT, and at any special meetings; b) Sign checks with the Treasurer or another authorized signer; c) Sign all contracts, letters, etc. as required; and, d) Serve as an ex-officio member of all committees except that of the nominating committee; and, e) Call special meetings when necessary.

Section 2. The Vice-President shall perform the duties of an absent President and perform such duties as are assigned by the President.

Section 3. The Secretary shall record the minutes of all proceedings of the Board of Directors and membership meetings. The Secretary shall handle the correspondence of the Upper Marlboro CERT. Should the President or Vice-President not be available for a general meeting, the Secretary will preside over the meeting.

Section 4. The Treasurer shall a) Have charge of all the funds of The Upper Marlboro CERT team; b) Make financial reports to the membership at meetings; c) Sign all checks with the President or another authorized signer; d) Keep dues collected in advance for the next administration; and, e) Keep funds in a bank account to be audited annually and kept orderly.

ARTICLE VIII. Meetings

Section 1. Regular meetings shall be scheduled on the second Saturday of each month from 9:00–10:30 a.m., unless there is a scheduling conflict with the Town Hall.

Section 2. General membership. A quorum shall be a minimum of seven (7) active members at a regular or special meeting of the membership.

Section 3. Special meetings may be called by the President, the Board of Directors or a majority of the Active Members. Notice of a special meeting shall be given as early as time allows. This notice shall be written, oral or electronic mail.

Section 4. Public notification of all meetings of the Board of Directors shall be posted according to Maryland Open Meetings Act requirements through The Town of Upper Marlboro website, social media outlets and official publications in which calendars are employed.

ARTICLE IX. Amendments

a) The Bylaws may be amended or revised by an affirmative vote of a majority of Active Members.

b) This vote will be by written ballot. Amendments to the Bylaws shall be given to Active Members in writing by the next regularly scheduled meeting and voted upon on the next following meeting.

ARTICLE X. Dissolution

Section 1. Dissolution shall be in accordance with the Upper Marlboro CERT's Articles of Incorporation.

ARTICLE XI. Rules of Order

"Roberts Rules of Order, Newly Revised" shall be the basis of conducting meetings.

ARTICLE XII. Standing Rules

Regular meetings will be called to order at 9:00 a.m.

ARTICLE XIII Standing Committees

1. Training
2. Community Relations

ARTICLE 1X - EFFECTIVE DATE

These by-laws shall become effective on _____.

APPROVED by the Board of Commissioners of the Town of Upper Marlboro, Maryland at their regular monthly Town Meeting, on this _____ day of _____, 2019, by:

Wanda Leonard, Commissioner

Linda Pennoyer, Commissioner

Tonga Y. Turner, President

Attest:

M. David Williams
Town Clerk

REVISED:

Town of Upper Marlboro

RESOLUTION: 2019-01 DRAFT-2

SESSION: Regular Town Meeting

DATE: February 12, 2019

RESOLUTION BY THE BOARD OF COMMISSIONERS FOR THE TOWN OF UPPER MARLBORO TO ESTABLISH FOOD TRUCK FEES

WHEREAS, pursuant to § 82-16(2)(gg) of the Town Charter, the Board shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this State and subject to any restrictions imposed by the public general laws of the State, the power to pass ordinances for the specific purpose of licensing and regulating all persons beginning or conducting transient or permanent business in the Town for the sale of any goods, wares, merchandise, or services, to license and regulate any business, occupation, trade, calling, or place of amusement or business; to establish and collect fees and charges for all licenses and permits issued under the authority of the Charter; and

WHEREAS, the Town of Upper Marlboro has been actively supporting the establishment of a Prince George's County Food Truck Hub within its corporate boundaries; and

WHEREAS, the Town of Upper Marlboro desires to work in coordination with the Prince George's County Department of Permitting Inspections & Enforcement to ensure that all required applications, fees and checklists comply with all Prince George's County Food Truck Hub Guidelines; and

WHEREAS, THE BOARD OF COMMISSIONERS HAS DETERMINED THAT there is a need to establish a fee and application process for Food Truck Vendors operating within Town limits; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO that as of March 1, 2019 a one-day permit for Food Truck vendors will be charged in accordance to the Town's Fee Schedule Resolution 2019-13. These fees will be remaining in effect until a new resolution is passed.

AND BE IT FURTHER RESOLVED the penalty for vending without a Town permit will be assessed a fine in the amount up to \$1,000.00. All Food Truck vendors must follow requirements set forth from the Department of Permitting, Inspections and Enforcement and must be properly licensed by Prince-George's County prior to applying for and obtaining a Town permit.

Town of Upper Marlboro

PASSED by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a regular meeting on the _____ day of _____, 2019.

Attest:

THE TOWN OF UPPER MARLBORO
BOARD OF COMMISSIONERS

Tonga Y. Turner
President

Linda Pennoyer
Commissioner

M. David Williams
Town Clerk

Wanda Leonard
Commissioner

CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Board of Town 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 _____ day of _____, 2018.

M. David Williams, Town Clerk

The Town of Upper Marlboro

RESOLUTION: 2019-02 **DRAFT**
SESSION: Regular/Special Town Meeting
DATED: February 12, 2019

A RESOLUTION FOR THE ADOPTION OF NEW RULES OF ORDER AND REGULATIONS FOR PUBLIC MEETINGS OF THE BOARD OF COMMISSIONERS FOR THE TOWN OF UPPER MARLBORO.

WHEREAS, the Board of Commissioners for the Town of Upper Marlboro (the “Board”) must meet and follow the Open Meetings Requirements (Subtitle 3) of the Open Meetings Act (Title 3) found in the Maryland Annotated Code, General Provisions Article, and the Town Charter; and

WHEREAS, in addition to the entire Charter, the Board is also specifically governed pertaining to meetings by the Town Charter, Sections 82-6 (Meetings of Board), 82-7 (Board to be the Judge of Qualifications of it [its] Members), 82-8 (Quorum), and 82-9 (Procedure of Board); and

WHEREAS, pursuant to said Section 82-9 of the Charter, the Board shall determine its own rules of order of business, and further pursuant to Section 82-13 of the Charter, the President shall preside at all meetings of the Board in accordance with the accepted rules of parliamentary procedure, except that he may vote on any questions before the Board; and

WHEREAS, pursuant to Section 82-6 of the Charter, the residents of the Town shall have a reasonable opportunity to be heard at any regular meeting in regard to any municipal question; and

WHEREAS, pursuant to Section 82-3 of the Charter, all legislative powers of the Town shall be vested in a Board of Commissioners consisting of three Commissioners who shall be elected as thereafter provided and who shall hold office for a term of two years and until the succeeding Board takes office; and

WHEREAS, the Board intends to repeal and re-adopt its rules for the conduct of meetings as stated hereinbelow; and

WHEREAS, the Board of Commissioners further finds that the following rules of order for the conduct of meetings and regulations for public meetings regarding observation of or participation in said meetings should be adopted as stated herein below.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Town of Upper Marlboro hereby approves, adopts and authorizes the following rules of procedure for the conduct of meetings and regulations for public meetings:

The Town of Upper Marlboro

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The Town of Upper Marlboro

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ARTICLE 1. AUTHORITY, APPLICABILITY, & AMENDMENT

1.1 Authority

Section 82-9 of the Town Charter of the Town of Upper Marlboro, Maryland, grants the Board of Commissioners (the “Board”) the right to determine its own rules of procedure, and the following rules are enumerated under and by authority of said provision.

1.2 Applicability; Robert’s Rules

The rules of procedure adopted by the Board are applicable to Town Board of Commissioners meetings. Should these rules be silent or inapplicable on a matter of procedure then the latest edition of Robert’s Rules shall control.

1.3 Amendment

These rules may be amended, or new rules adopted, by a majority vote of the members of the Board present.

1.4 Recession and Suspension of Rules

A motion to suspend these rules and procedures may be brought pursuant to a majority vote of the members of the Board present.

ARTICLE 2. GENERAL RULES OF PROCEDURES & POLICES

2.1 Meetings Shall be Public; Open Meetings

A. A meeting occurs when a quorum of the Board convenes to consider or transact public business. Pursuant to Section 82-8 of the Town Charter, a quorum is a majority of the Board’s elected membership, or two (2) commissioners. However, no ordinance shall be approved, nor any other substantive action taken unless the measure or action is approved by at least two (2) commissioners.

B. All meetings of the Board shall be governed by the Maryland Open Meetings Act and shall ordinarily be public, and notices thereof shall be posted as provided under the Maryland Open Meetings Act, General Provisions Article, Title 3, Annotated Code of Maryland, Section 3-302, stating that except in the case of an emergency meeting, notice of all meetings shall be given at least 24 hours in advance. Nothing in this section precludes the body from meeting in closed session as outlined in the Maryland Open Meetings Act. The information required in 3-306 of the Open Meetings Act as to notice to the public of the time, vote, persons present and topics discussed shall be appended to the minutes of the next public meeting.

C. Maryland Open Meetings Act. *The Maryland Open Meetings Act, Chapter 3-A-The right*

to "attend" a meeting, Section 3- 303(a) provides, "[w]henver a public body meets in open session, the general public is entitled to attend." This means that members of the public may come to a meeting and observe it and not necessarily speak at the meeting unless the Charter or the meeting rules state otherwise. This includes any motion being considered to close a meeting, where the Act does not permit the public generally to be entitled to speak (*City of New Carrollton v Rogers*, 287 Md 56, 72 (1980) (While the Act does not afford the public any right to participate in the meetings, it does assure the public the right to observe the deliberative process and the making of decisions by the public body at open meetings). So, unless the public body is governed by laws that require the particular body to receive public comment, the decision of whether to allow members of the public to speak is up to the public body. Pursuant to Section 82-6 of the Charter, the residents of the Town shall have a reasonable opportunity to be heard at any regular meeting in regard to any municipal question, but that right is during the designated period. Ordinarily, the management of the public comment period is up to the presiding officer. See, e.g. 9 OMCB Opinions 232, 233 (2015) (stating that the Act does not regulate the presiding officer's decisions on whether to allow a member of the public to speak). Complaints about the manner in which a presiding officer conducts a public comment period thus do not state Open Meetings Act violations. 8 OMCB Opinions 84, 85 (2012).

2.2 Regular Meetings

A. Regular meetings. The newly elected Board shall meet at 8:00 p.m. on the first Monday following its election for the purpose of organization, including electing a President and appointing a Treasurer, after which the Board shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. Special meetings may be called upon the request of the President or a majority of the members of the Board. All meetings of the Board shall be open to the public, except that the Board may, by majority vote, meet in closed session for any purpose then authorized by State law; and, the residents of the Town shall have a reasonable opportunity to be heard at any regular meeting in regard to any municipal question.

B. Regular Town Meetings of the Board of Town Commissioners are held on the 2nd Tuesday of each month at 7:00 p.m. at the Town Hall. Regular Town Meetings are open to the public and time is provided on the agenda for public comment.

C. The Board also conducts Work Sessions, which are open to public observation only, but participation is at the discretion of the Board. Board Work Sessions are conducted on the 4th Tuesday of each month at 7:00 p.m. Occasionally, the Board will call a Special Meeting, or, an Emergency Meeting should a timely business item need immediate action.

2.3 Work Sessions

A. Purpose. The Board may call and hold work sessions for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the Board.

The work session is a meeting subject to the Open meetings Act. However, the formal adoption or passage of Ordinances, Charter Amendments, Annexation Resolutions, Budget Amendments, other legislation or formal (written) resolutions, should not be done at a work session, unless the rules are suspended.

B. The Board conducts Work Sessions, which are open to public observation only, but participation is at the discretion of the Board. Board Work Sessions are conducted on the 4th Tuesday of each month at 7:00 p.m. Work sessions, like special or emergency sessions, are not regular meetings and no opportunity need be provided under Section 82-6 of the Charter for citizens to speak. See also Maryland Open Meetings Act, Chapter 3-A- The Right to "attend" a meeting, Section 3-303(a).

2.4 Special Meetings

Occasionally, the Board will call a Special Meeting, or, an Emergency Meeting should a timely business item need immediate action. Special meetings may be called upon the request of the President or a majority of the members of the Board.

2.5 Emergency Meetings

A. In case of an emergency or urgent public necessity, which shall be expressed in the meeting notice, it shall be sufficient if members receive, and notice is posted two (2) hours before the meeting is convened. Notice shall be provided also to the media, as applicable should any member of the media regularly attend Town meetings, and the public by electronic or website notification.

B. An emergency meeting is a type of special meeting. An emergency ordinance may be introduced and passed at any public meeting of the Board provided the rules allow it or are properly waived.

2.6 Closed Sessions

The Board may close a meeting to the public by a vote in open session under the circumstances, conditions and for reasons set forth in the Maryland Open Meetings Act, Closing a Meeting - Section 3-305-306 (c). Notice of Closed Sessions shall be given as required by law. Closed sessions also encompass executive or administrative sessions of the governing body or joint meetings with staff. An executive or administrative session may be convened and closed to discuss the implementation of existing law, or policy or the discussion of pre-decisional administrative matters only and may not delve into policy or

legislative or administrative rule making.

2.7 Recessed Meetings

No meeting shall be recessed for a longer period of time than until the next regular meeting except when required information has not been received, or, in the case of work sessions or special meetings, to a date certain by motion agreed to by the Board.

2.8 Information Meetings

The Board may hold information meetings to present information to, and obtain feedback from, residents of the Town. The Board will determine the rules governing presentations at such meetings. Information meetings are similar to public hearings but are not mandated by law.

2.9 Public Hearings

This section is only used when a statutorily required public hearing is part of the order of business. The President/Mayor shall first request staff comments. The Mayor shall open the public hearing and receive citizen input in the following order: proponents, then opponents. While the public hearing is open, the Commissioners may ask questions of the speakers, but may not deliberate or argue with the public on the matter at hand. Those speaking at a public hearing are required to follow the rules established herein for citizen comments. Upon conclusion of citizen comments, the President may close the public hearing. The Board may deliberate or take action on the matter at hand upon the closing of the public hearing, provided the closure is permitted by the Maryland Open Meetings Act.

2.10 Roll Call and Attendance

- A. A majority of the members of the Board then in office shall constitute a quorum.
- B. Before the Board proceeds with the business before it, the Town Clerk shall conduct a roll-call and note the members present for the minutes. The late arrival of members shall be entered into the minutes.
- C. Except when participating by telephone, members must be physically present at the Board's chamber dais to vote. Proxy or absentee voting is not permitted. Participation by telephone is permitted provided a meeting is physically conducted at the designated public meeting place.

2.11 Quorum

- A. Majority of the members elected to the Board shall constitute a quorum to do business, but a lesser number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance or

rule.

B. The affirmative vote of a majority of the members elected to the Board shall be necessary to adopt any ordinance, or approve any other action taken except that a vote to adjourn, or decide a procedural matter, or regarding the attendance of absent members, may be adopted by a majority of the members present.

C. No member shall be excused from voting except as required by law or on matters involving the consideration of his or her own ethical conduct or conflict of interest.

2.12 Loss of a Quorum

A. Once a meeting has been properly convened with the presence of a quorum and the number of persons necessary to constitute a quorum is no longer present, the President or Presiding Officer shall declare the meeting recessed until a quorum is reestablished. A member of the Board has a duty to attend all meetings called unless there is good cause to be absent.

B. Upon reestablishment of the quorum, the Board shall resume consideration of the matter before it at the time of the recess.

C. If, in the opinion of the President or Presiding Officer, a quorum cannot be obtained within a reasonable period of time; the President or Presiding Officer shall declare the meeting adjourned until the next scheduled meeting.

D. At that next meeting, after taking up the usual preliminary matters, the Board shall resume its consideration of the matter that was before it when it previously adjourned. This shall not prevent any Board member from moving to table, defer, postpone, or make any other appropriate motion with respect to any pending matter.

2.13 Conflict of Interest

A. A Board member prevented from voting by a conflict of interest shall file a conflict of interest statement with the Town Clerk as soon as possible after the posting of an agenda which contains a conflict; unless a prior conflict of interest statement has already been filed with the Town Clerk.

B. A Board member prevented from voting by a conflict shall step down from the dais and take a seat in the audience, shall not vote on the matter, shall not participate in discussions regarding the matter or attempt to influence the Board's deliberation of the matter in any way, and shall not attend Closed Sessions regarding the matter. Definitions and examples of conflicts or potential conflicts of interest may be found in the Town of Upper Marlboro Public Ethics Ordinance (Ord. 2016-04), as amended.

2.14 Presiding Officer

A. The President/Mayor shall serve as the Presiding Officer for all meetings of the Board. In the absence of the President, the senior Commissioner by time in office shall serve as

the Presiding Officer. In the absence of a senior Commissioner, the clerk to the board shall call the meeting to order if a quorum of the Board is present and the first order of business shall be for the Board to elect by majority vote, a temporary Presiding Officer from the members seated and in attendance. The temporary Presiding Officer shall serve in such capacity until the meeting is adjourned.

2.15 Place of Meeting

All meetings of the Board, unless otherwise determined, shall be held at the Town of Upper Marlboro Town Hall, Board of Commissioners' Chambers. In addition to the customary forms of notification, the notice of change in meeting place shall be prominently posted on the door or other prominent place at the regularly scheduled meeting place.

2.16 Notice of the Meeting

Written notice of all public meetings of the Board shall be posted on the bulletin board or other customary place at Town Hall, and posted on the Town's website and Cable Channel, if any. The notice will show the date, time, place and topic(s) of such meetings and shall include a proposed agenda and, if applicable, a notice that portions of the meeting may be closed.

2.17 Conduct of Meetings

Commissioners shall be recognized by the Presiding Officer before speaking. Other persons at the meeting of the Board may speak when called upon or authorized.

2.18 Dissents and Protests

Any member shall have the right to express dissent from or protest against any ordinance, resolution, or act of the Board and have the reason therefor entered into the minutes. Such dissent or protest may be filed in writing, if couched in respectful language, and presented to the Clerk no later than the next regular meeting following the date of passage of the ordinance or other legislation.

2.19 Courtesy, Decorum, Conduct and Order

These rules of order are meant to promote an atmosphere of courtesy and decorum appropriate for the efficient discussion of business. It is the responsibility of the President/Mayor (and members of the Board) to maintain that atmosphere of courtesy and decorum. The Mayor should always ensure that debate and discussion focus on the item and the policy in question, not on the personalities of the participants of the discussion. Debate on policy is healthy; debate on personalities is not. In order to assist in the creation and maintenance of that atmosphere the following rules shall govern all meetings.

- A. Before a Board member, staff member or an audience member may speak, they must first be recognized by the Mayor. Upon recognition the person requesting to

speakers shall hold the floor and shall make their point clearly and succinctly. Public comments will be limited to three (3) minutes or as determined by the presiding official. Persons making inappropriate, disrespectful and/or, personal attacks, overly redundant or slanderous remarks may be barred by the Mayor from further comment before the Board during the meeting. Audience members who wish to speak during an agenda must first sign-up on the sign-in sheet and submit it to the Town Clerk. The Mayor has the right to cut a speaker off if the discussion becomes too personal, too loud, too crude, inappropriate, disrespectful, redundant, or slanderous. The Maryland Open Meetings Act-Section 3-303 allows for the presiding officer or public body to remove an individual from a meeting if the Presiding Officer determines the behavior of the individual is disrupting an open session.

- B. If a person fails to request to speak before speaking, the Mayor shall rule them “out of order” and remind them that they do not have the floor. While the Board of Commissioners is in session, all members must preserve order and decorum. A person shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of any Board meeting, whether a Regular meeting, Special meeting or a work session, nor disturb any other person while speaking or refuse to obey the orders of the Mayor or Presiding Officer. Members of the Commission should not leave their seats during a meeting without first obtaining permission of the Mayor, or making a motion to recess.
- C. Every person desiring to speak shall address the entire body and shall not single out a member of the Board, the audience or a staff member and confine themselves to the items on the agenda, avoiding all personal attacks and indecorous language.
- D. With a “call for orders of the day,” this is simply another way of saying, “let’s return to the agenda.” If a Board member believes the discussion has strayed from the agenda, this motion may be raised. The motion does not require a vote. If the presiding officer discovers that the discussion has strayed from the agenda, he or she simply returns to the business of the day.
- E. A member indulging in any language or conduct unbecoming a Commissioner shall be called to order by the presiding officer and, in such case; the offending member shall lose the floor and shall not proceed without the approval of a majority of the members present. The Board may, by majority vote, expel a member from a meeting for disorderly conduct or violation of Board rules. A member of the staff or the public can likewise be expelled by order of the Mayor subject to review by the Board.

- F. Members shall not raise personnel matters pertaining to alleged improper performance or conduct of any Town employee(s) or Board appointee(s) at a public open meeting. Any concerns about conduct or performance of any Town employee(s) or appointee(s) shall be brought to the attention of the Town's Director of Finance & Human Resources, or a Closed Session of the Commission may be requested to discuss the personnel matter.
- G. Members of the Board acting in their capacity as Commissioners shall not take positions on either national or foreign political issues that do not affect the Town.
- H. Demonstration or Disorder Among Bystanders - If any confusion, demonstration or disorder arises in the Board Chambers, the presiding officer may, upon his or her initiative or upon the request of any member, enforce order. If the offending person(s) be a spectator, such person(s) may be ejected from the Chambers. If any member of the Board shall object to the ruling of the presiding officer, such member shall have the right to appeal to the body.
- I. Members of Staff - The Chief Operating Officer, Town Administrator or assigned Department Head and Town Clerk shall have the right to take part in the discussion of all matters coming before the Board, and other members of staff shall be entitled to take part in discussions of the Board relating to their respective offices.
- J. Members of the public may speak for three (3) minutes, during Public Comment Time, at Regular Town meetings of the Board of Commissioners according to procedures established by the Board.
1. A sign-up sheet will be placed on the side table in the room for people to sign-in if they wish to speak. They will be called to speak at the podium in the order in which they were signed-in.
 2. Each speaker is limited to one presentation per meeting and a maximum timed limit of three (3) minutes unless another limit is established.
 3. If the subject matter does not pertain to Town business the Mayor shall advise the individual and/or make recommendations as to how they may get the issue addressed.

4. Citizens speaking on agenda items shall restrict their comments to the subject matter listed.
5. Citizens speaking on non-agenda items shall only speak on matters pertaining to Town business or issues which the Board would have the authority to act upon if brought forth as an agenda item.
6. The Board may not act upon or discuss any issue brought forth as a non-agenda item; except to: Make a statement of specific factual information given in response to the inquiry, or a recitation of existing policy in response to the inquiry.
7. Proper respect, decorum, and conduct shall prevail at all times. Impertinent, slanderous, or personal attacks are strictly prohibited and violators may be removed from the Commission chambers.
8. No placards, banners or signs may be displayed in the Board chambers or Town Hall. Exhibits relating to a presentation are acceptable.
9. Arguing, intimidation or other disruptive behavior is prohibited. Discussion and/or debate are acceptable only on items specifically listed on the agenda, or that are municipal issues.

2.20 Board May Discipline its Own Members

A. In the event a Board member violates the Charter, an ordinance, these rules or any other law or regulation of the Town or acts in a manner that causes embarrassment or disgrace to the Town of Upper Marlboro, the Town Board of Commissioners by majority vote of its members may discipline the offending member.

B. Such action may only take place after an executive session is held to discuss the offense. The offending member shall be present at the executive session to answer any questions asked by members of the Board of Commissioners or make other statements as he or she may desire to make in his or her defense. If the offending member refuses to attend the executive session, the remaining members of the body may proceed in his or her absence.

C. The outcome of the executive session may be as follows and shall be made publicly in open session in accordance with the Maryland Open Meetings Act:

1. *No Action*. The Board chooses to take no action.
2. *Private Censure*. The Board may choose to privately censure the offending member, leaving their individual or collective comments to the offending member left in the confines of the closed session.
3. *Public Censure*. The Board may choose to publicly censure the offending member through a written or oral resolution passed by majority vote and entered into the public record. The public censure may include a separate written letter of censure that will be considered to be a public record and placed in the member's personnel record along with any formal resolution.

D. Town elected officials alleged or found to be in violation of the Town's Public Ethics Ordinance may, in addition to or in lieu of receiving a censure under these rules, be further subject to the enforcement procedures and penalties of the ethics ordinance.

2.21 Motions – when reduced to writing

Every motion or proposition shall be reduced to writing on the call of any member, and should a motion be made and seconded shall be deemed in possession of the body and shall be read by the Town Clerk before debate and may be withdrawn at any time previous to the vote being taken.

2.22 Other Procedural Motions

1. *Motion to Adjourn* - This motion, if passed, requires the Board to immediately adjourn to its next regularly scheduled meetings. This motion requires a simple majority.
2. *Motion to Recess* - This motion, if passed, requires the body to immediately take a recess. Normally the Mayor will determine the length of the recess which could last for a few minutes to several hours. It requires a simple majority vote.
3. *Motion to Table* - This motion, if passed, requires discussion of the agenda item to be halted immediately, and the agenda to be placed on hold. The motion may contain a specific time to bring the item up again, or it may not specify a time. If no time is specified, the item shall be placed on the agenda at the following Town Board of Commissioners meeting.
4. *Motion to Remove from the Table* - This motion, if passed, allows the Board to remove an item previously placed on hold. A vote in favor of removing an item from the table must be made before the body can take action on an item that was

tabled.

5. *Withdraw a Motion* - During the debate and discussion of a motion, the original maker of the motion on the floor, at any time, may interrupt the speaker to withdraw his or her motion. The motion is immediately deemed withdrawn and discussion on the motion shall cease. Board members are free to make the same motion or another motion.

2.23 Rules of Discussion of pending questions

After the previous question has been seconded and the main questions ordered, the member who has introduced, or the staff member who has reported on the matter under consideration, shall have ample time to discuss the proposition pending, at the close of which the vote shall be taken.

ARTICLE 3. VOTING

3.1 Voting Rules

A. When a question is put, every Board member present shall vote either in the affirmative or a negative or abstain if there is a conflict of interest on the matter being voted on before the Board of Commissioners. Any member shall be entitled to abstain so long as such member gives a reason for abstaining and such reason falls within one of the following:

1. When the vote would or could be considered improper pursuant to the Town Public Ethics Ordinance.
2. When the vote could or may show bias for or against a person, organization or business that the member has a close personal relationship with thus reflecting poorly on the member and office such member holds.
3. When any member has a direct financial gain or personal gain from the outcome of the vote.

B. Except when determined by the body to vote using another method, all voting shall be made by voice vote. All votes will be taken by a "roll call" by the Town Clerk and shall be stated as a "yea" or "nay." A record of the "yeas" and "nays" shall be entered upon the minutes of the proceedings of the Board.

3.2 Voting Disqualification.

A. A member shall not vote upon any matter on which the member is disqualified due to a conflict of interest, or any quasi-judicial action regarding that in which the member is biased.

- B. A member shall openly state an abstention due to a conflict of interest or bias.
- C. A member who is abstaining due to a financial conflict of interest shall publicly identify the financial interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
- D. As to any other conflict of interest, the member's determination may be accompanied by an oral or written disclosure of the conflict of interest.
- E. A member who is disqualified by a conflict of interest in any matter shall not remain on the dais during the discussion and shall not vote on that matter. However, the member may remain on the dais for Consent Calendar items if the member states the abstention from the vote due to the described conflict of interest before the Consent Calendar is voted on in one motion.

3.3 Tie Votes in Filling Vacancy

In the case of a vacancy under Section 82-32 of the Town Charter in the office of President and the remaining two elected members of the Board cannot agree on a successor to temporarily fill the office of President, then the Board member receiving the highest number of votes in the most recent general election shall become the Interim President/Mayor until the vacancy can be filled by a majority after a special election.

ARTICLE 4. MINUTES & RECORD KEEPING

4.1 Minutes of Meetings

Minutes of regular meetings, special meetings, public hearings, public meetings, and work sessions shall be made available to the Public by the Town Clerk. However, *minutes shall not be available until approved by the Board in a regular meeting.* Approved minutes are also posted on the Town's website. Minutes of closed sessions of the body held in accordance with applicable state law *shall not be open to public inspection, shall be approved in closed session, and shall remain sealed until the body votes to disclose them which should be reviewed and decided on a periodic basis or as otherwise agreed upon by the Board.*

4.2 Record of Meetings

The Town Clerk or designee shall be responsible for minutes of each Regular or Special Meeting and Work session of the Board of Commissioners and for maintaining the official record, which shall include all Board actions. Minutes shall include:

- A. All motions made, the name of the motion maker and second, the method and outcome of the votes taken, names of guests and their affiliation; and
- B. Copies of resolutions, new or revised ordinances or other actions approved by the

Town Board of Commissioners.

- C. All ordinances, charter amendment resolutions, and annexation resolutions shall have their titles and sequential numbers read into the record.

ARTICLE 5. SUSPENSION & AMENDMENT OF RULES

5.1 Suspension of Rules

Any provisions of these rules not governed or controlled by federal, or state law, or the Town Charter or ordinances may be temporarily suspended by a majority vote of all elected members of the Town Board of Commissioners and may be amended in a similar fashion if such amendment was introduced at the previous regular meeting of the Town Board and shall have received preliminary approval of the Town Board at such meeting.

5.2 Enforcement of Rules and Procedures

The following provisions may be used to enforce the good order of the meeting. The action may be taken by the President/Mayor under his or her own action, or upon a motion to enforce by any Board member.

- A. *Warning*- The President/Mayor may order any person (Board member, staff member or audience member) in violation of these rules to be silent.
- B. *Removal* - If, after receiving a warning from the Mayor or presiding officer, the person continues to disturb the good order of the meeting, the Mayor or presiding officer may order the person to leave the meeting. If the person does not leave the room, the President/Mayor may have the individual removed by the Police.
- C. *Motion to Enforce*. Any Board member may move to require the Mayor to enforce these rules and the affirmative vote of a simple majority of the body shall require the President/Mayor to do so. A motion to enforce is an allowable interruption and is not debatable.

ARTICLE 6. THE AGENDA

6.1 Agenda.

- A. The agenda shall outline the established order of business.
- B. The President shall include on the agenda any item at the request of any member of the Board, provided that the member shall have furnished to the Town Clerk a description of the item in time for inclusion with the printed agenda.
- C. At least two days before each regular meeting, the Town Clerk shall provide each member of the Board a copy of the agenda for the forthcoming meeting, together

with copies of all ordinances, resolutions, and background material of matters to be considered at the meeting.

- D. Under Section 3-302(c) of the Maryland Open Meetings Act found in the General Provisions Article of the Maryland Code, the ability to observe does not mean that the public body must provide to the audience copies of the documents being reviewed by the members. However, the public must be given a grasp of what is being discussed and acted upon at the meeting. The Md. Open Meetings Compliance Board has advised that an oral summary or general description of the documents in question will ordinarily serve this purpose.
- E. Copies of the agenda shall be posted on the Town website and on the bulletin board in the Town Hall at least one business day prior to each regular meeting. A reasonable number of copies of the agenda shall be available to the public at the Board meeting or earlier upon request, as available.
- F. All meeting agendas and amendments to the agenda shall be approved by the Town Board of Commissioners at the beginning of the meeting. Items on the agenda can be reordered by the Board during the scheduled meeting.
- G. Items of routine business that generally require no discussion by the body may be placed on a Consent Agenda of a Regular Meeting. Any member of the Board may remove an item from the Consent Agenda and place it under Action Items.
- H. All meeting agenda and amendments shall be approved the Board at the beginning of the meeting. Items on the agenda can be approved by the Board during the scheduled meeting.
- I. Agendas for Regular Meetings and Work sessions shall be published at least one business day prior to the meeting. Agendas for special or emergency meetings may be published as far in advance as reasonably practicable.

6.2 Order of Business

The Town's governing body shall observe the following order of business at Town regular or special meetings subject to amendment at the subject meeting:

- I. Call to Order
- II. Opening Prayer (non-denominational) or moment of silence
- III. Pledge of Allegiance
- IV. Approval of Minutes/Agenda
- V. Public Comments
- VI. Commissioner Reports
- VII. Staff Reports
- VIII. Unfinished Business
- IX. Financial Business

- X. New Business
- XI. Adjournment

ARTICLE 7. WORK SESSION POLICIES & PROCEDURES

7.1 Purpose.

The President or Board may call and hold work sessions for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the Town Board of Commissioners. *The work session is a meeting subject to the Open meetings Act. However, the formal adoption or passage of Ordinances, Charter Amendments, Annexation Resolutions, Budget Ordinance Amendments, and other legislation or resolutions, should not be done at a work session.* The following rules shall prevail for the call and conduct of work session meetings.

7.2 Agenda.

Only a limited number of matters shall be considered by the Board during a work session, and sufficient time for consideration of such matters shall be provided. An abbreviated agenda order shall be used for all work session agendas.

7.3 Documents and Exhibits to be Presented.

When possible, staff shall make available to the Board all documents, proposed legislation, policies, contracts, exhibits, maps, plans, architectural drawings, specifications, correspondence or other similar documents at least 48 hours before the beginning of the session.

7.4 Technical or Legal Questions.

All questions of a technical or legal nature, which require a detailed explanation for understanding, may be considered in a work session. The Commissioners may, through the President, request the attendance of such staff members, the Town Attorney or outside experts as may be required to answer such questions. A work session or portion thereof, like any other public meeting, may be closed to confer with legal counsel, staff or other experts as permitted by the Md. Open Meetings Act.

7.5 Audience Comments or Questions.

Audience comments or questions will not be considered at a work session.

ARTICLE 8. GENERAL

Commissioner Requests

8.1 Commissioner Requests

Commissioner requests that deal with policy issues and Commissioner requests that may be construed as direction or orders shall be directed to the President or her designee, except for general inquiries or questions involving constituent services, in which case the

Commissioners may go to the Chief of Staff, Chief Operating Officer, Chief of Police or Superintendent of Public Works provided such subordinate contact is reported to the Chief Operating Officer.

8.2 Commissioner Requests for Funding

Commissioner requests requiring funding must go through the President and Treasurer. The President or his or her designee, and Treasurer shall respond in a timely manner.

8.3 Use of Staff Resources.

A request for use of staff time, other than standard requests for information from department heads, by a Commissioner must be made through the Chief Operating Officer unless already approved by the Board of Commissioners.

ARTICLE 9. PUBLIC STATEMENTS BY COMMISSIONERS

9.1 Representation or position by the Board or President.

When the individual Commissioners give a public statement in their elected capacity on an issue affecting the Town, the Board member shall first identify the adopted position of the Town Board of Commissioners with respect to that subject, if any. Thereafter, the elected official may provide a statement of personal opinion or comment (including a minority or opposing viewpoint), provided the Board member expressly acknowledges that such statements do not represent the position of the Town. Notwithstanding anything in this Article to the contrary, the President/Mayor as the Chief Executive Officer shall be the principal spokesperson for the Town on any municipal matter and pursuant to the Charter may reserve the paramount right and prerogative of speaking exclusively on behalf of the Town pertaining to the administration of the day-to-day affairs of the Town and the faithful execution of all laws and policies of the Town.

AND BE IT FURTHER RESOLVED that this Resolution shall take effect upon its passage.

ATTEST:

BOARD OF COMMISSIONERS OF
THE TOWN OF UPPER MARLBORO
MARYLAND

Tonga Y. Turner, President

Clerk

Wanda Leonard, Commissioner

Date

Linda Pennoyer, Commissioner

CLERK'S 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 _____ day of _____, 2019.

M. David Williams, Town Clerk

The Town of Upper Marlboro

RESOLUTION: 2019-03 **DRAFT**

SESSION: Regular Town Meeting

DATED: February 12, 2019

A RESOLUTION AUTHORIZING SETTING OF FEES FOR VEHICLE PARKING LOT RATES AND PERMITS, FOIA REQUESTS, NOTARY, COPY AND PERMIT SERVICES

WHEREAS, the Board of Commissioners for the Town of Upper Marlboro, a body politic and corporate in the State of Maryland under its Charter and as a municipal corporation; and

WHEREAS, pursuant to § 82-37 of the Town Charter, the Treasurer under, the supervision of the President, has the authority and is required to bill for and collect all taxes, special assessments charges, license fees, liens, and all other revenues (including utility revenues) of the Town, and all other revenues for whose collections the Town is responsible, and receive any funds receivable by the Town; and

WHEREAS, the Commissioners find that it is in the best interest of the Town to establish or change various fees from time to time.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners for The Town of Upper Marlboro, Maryland, that the following fees, attached hereto and incorporated herein by reference, be set effective February 12, 2019 and remain in effect until a new Resolution is passed.

PASSED by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a regular meeting on this _____ day of _____, 2019.

ATTEST:

BOARD OF COMMISSIONERS OF THE
TOWN OF UPPER MARLBORO,
MARYLAND

Tonga Y. Turner, President

Clerk

Wanda Leonard, Commissioner

Date

Linda Pennoyer, Commissioner

The Town of Upper Marlboro

CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Board of Town 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 _____ day of _____, 2019.

M. David Williams, Town Clerk

Exhibit 1. – Misc. Fee Schedule

The following fees will be imposed for the services listed below as approved by the Board of Commissioners for the Town of Upper Marlboro:

Copies (up to 2 pages no charge)	\$ 0.25 per additional page (<i>change from "6"</i>)
Faxes (up to 3 pages no charge)	\$ 0.50 per additional page
Reproductions (onto compact disc)	\$ 20.00 per disc
Notary Public	\$ 4.00 per seal
Ordinance Book (paper copies)	\$ 35.00 per set
Police Report	\$ 5.00
<i>Chief Burse checking now if we should & could charge for "Accident Reports" (not "incident")</i>	
Returned Check Fee	\$ 35.00
Vehicle Impound Release Form	\$ 50.00 (<i>Chief Burse advised to delete</i>)
Special Event Permit	\$ 75.00
Food Truck Permit	\$ 200.00
Credit Card Processing Fee	3.5 percent
Dumpster Permit	\$125.00 + non-refundable deposit
Church St. Lot KIOSK (long-term/daily rates)	.50 per hour (up to 10 hours) 8 a.m.– 6 p.m.
Church St. Lot (Parking Permit)	\$ 40.00 per month — \$ 12.00 per week
Public Information Act (MDPIA) requests:	No charge up to 2 hours (research & copying)
– research/copying above 2 hours staff labor:	\$ 35.00 per hour (legal research additional)



TOWN OF UPPER MARLBORO POLICY FOR PUBLIC INFORMATION REQUESTS

effective: **February 12, 2019**

The Town of Upper Marlboro provides access to public records in accordance with Maryland's Public Information Act (MDPIA). The Town Clerk is the Town's official **Records Custodian** for all MDPIA requests. Requests for information under the MDPIA only require production of existing documents under the possession of the Town. The MDPIA does not require the Town to compile information from existing documents or create documents in response to general inquiries.

1. The bulleted list below show the documents that are immediately available upon request.
2. The Records Custodian will reply to requests in writing, with an estimated time for delivery, or denial, within 10 days after receipt of request. All requests, whether documentation is immediately available or not, require submission of the Town's **Public Information Request Form**.
3. Submit requests to: Town of Upper Marlboro, Records Custodian, 14211 School Lane, Upper Marlboro, MD 20772, or, email to: info@uppermarlboromd.gov.
4. If paper copies totaling more than 2 pages are requested, fees will be assessed according to the Town Service Fees schedule and are payable in advance. If the total fees are not immediately known, the Town Clerk will respond within 30 days with total costs.
5. For items that are not readily available, a search and preparation fee of \$35 per hour will be applied for staff labor that exceeds the complimentary 2 hours at no charge. Research requiring Legal Counsel will be charged an hourly rate assessed per each request's specific parameters.
6. Requests will be satisfied within 30 calendar days, unless the request has been denied or information cannot be retrieved within that time period, or if the requested document(s) do not exist—in which case, the Records Custodian will respond to requests in writing and within 10 business days as to the reason for the denial or delay.
7. Should you wish to have denials for Public Information requests reviewed by the President, you may make your request known, or you may also seek judicial review under Md. Ann. Code, GP Art. §4-362, or, refer any concerns about this decision to the Public Access Ombudsman (OAG) pursuant to GP § 4-1B-01 et seq.

DOCUMENTS IMMEDIATELY AVAILABLE FROM THE TOWN CLERK

- Town Charter (36 pages)
- Town Ordinances (1976 to present)
- Town Resolutions (1977 to present)
- Monthly Treasurer's Reports/Financial Statements
- Minutes from monthly Board Town Meetings & Work Sessions
- Minutes from Official Town Committee meetings.

**Mayor &
President of Board of Commissioners**
Tonga Y. Turner



Board of Commissioners
Wanda Leonard
Linda Pennoyer

GUIDELINES FOR SUBMITTING PUBLIC INFORMATION REQUESTS

Maryland Public Information Act requests will be accepted by the Town of Upper Marlboro Records Custodian, in writing on a PIA request form.

For ALL requests . . .

1. Complete a PIA request form.
2. Indicate whether you require EXAMINATION of documentation, and/or, COPIES of documents.
3. Make your request as specific as possible. Details should include specific dates, and/or, time frames; document names or subject matter; and specific locations and/or addresses.
4. You will receive reply from the Records Custodian within 10 days after receipt of request.

Mail to:

Town of Upper Marlboro
Records Custodian
P.O. Box 280
Upper Marlboro, MD 20773

Hand-Deliver to:

Upper Marlboro Town Hall (Monday—Friday; 9 am—5 p.m. except Holidays)
14211 School Lane
Upper Marlboro, MD 20772

Email to: info@uppermarlboromd.gov

Question? call: (301) 627-6905

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TOWN OF UPPER MARLBORO
MARYLAND PUBLIC INFORMATION ACT REQUEST FORM

REQUESTOR:

Name of Individual and/or Organization: _____

Address: _____

Phone Number(s): _____ Email: _____

INFORMATION REQUESTED:

Pursuant to §4-201 et seq. of the General Provisions Article, Annotated Code of Maryland, request is hereby made for (please specify): _____ EXAMINATION, and/or, _____ COPIES of the following records. The request should be as specific as possible, and should include specific dates and/or time frames; document names or subject matter; and specific locations and/or addresses *(use additional page if necessary)*:

SIGNATURE:

I understand that if the Town does not have the records as requested above, It is not required to create one. I further understand that the costs of searching for, preparing and reproducing the documents requested requiring more than 2 hours staff labor will be charged at the rate of \$35 per hour, and must be paid prior to release of the documents (fee schedule attached).

I understand that if I am permitted to examine the record, I shall not alter, falsify, cancel, destroy, mutilate or remove any part thereof, under penalty of law. If the Town denies access to the records I have requested herein, I understand that I have the right to seek judicial review of that decision by filing a complaint in the appropriate circuit court, as provided in §4-362 of the General Provisions Article, Annotated Code of Maryland, which sets forth certain remedies for wrongful denial of access.

NOTE TO REQUESTOR: If the fee to be charged exceeds \$350.00 and you believe the fee to be unreasonable, you may file a complaint with the State Public Information Act Compliance Board as provided in § 4-1A-05 of the General Provisions Article, Annotated Code of Maryland. You may also seek the assistance of the Office of the Public Access Ombudsman to resolve disputes between you and the Town relating to requests for public records as provided in § 4-1B-01 of the General Provisions Article, Annotated Code of Maryland.

Signature _____ Date: _____

FOR OFFICE USE ONLY:

TO (DEPARTMENT(S)): _____

DID THE TOWN ATTORNEY REVIEW REQUEST? YES _____ No _____

REQUESTOR NOTIFIED OF RESPONSE ON: _____ BY _____

FEE CHARGED: \$ _____ FEE PAID (DATE) _____ REC'D BY _____

RECEIPT

DOCUMENTS/INFORMATION RECEIVED BY: _____ DATE: _____



Town of Upper Marlboro

Town Hall, 14211 School Lane
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Tel: (301) 627-6905
Fax: (301) 627-2080

info@uppermarlboromd.gov
www.uppermarlboromd.gov

Date: Tuesday, February 5, 2019

Subject: Public Works Status Report

RE: January 2019 – Monthly Status Report

Capital Improvement – Boss 9ft Snow Plow purchased and installed on Truck #3. Boss Tailgate spreader purchased and installed on Truck #2.

Maintenance & Beautification – Truck #2 snow plow hydraulic fluid replaced due to loose hydraulic line fitting. Repair was completed in-house. Landscape trailer rewired to fix shortage issue. Repairs were completed in-house. Marlboro Towne street sign improvements completed. Non-essential signage removed around Town to reduce street scape clutter. PW Storage shed drain and apron ramp completed to ease vehicle transition and fix water drainage issue. Church Street Lot rehabilitated in order to fix gravel washout, re-grade.

Weather-related Activities - January had four winter weather events; all four required pre- and post-weather treatment on all Town roads and sidewalks. One of these four was a plowable event.

Training - Public works crewmembers were trained in snow equipment installation, disassembly, and post care in the month of January. PW team also trained in-house on how to safely plow and how to identify potential road hazards prior to weather events.

Sincerely,

Darnell F. Bond III

Public Works Superintendent

Linda Pennoyer
Commissioner/ Treasurer

Tonga Y. Turner
Commissioner/ President

Wanda Leonard
Commissioner



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MEMORANDUM

To: Tonga Turner, Mayor

From: David A. Burse, Chief of Police

Date: January 30, 2019

Re: Inventory of the Property and Evidence Room

The purpose of this memorandum is to document for the record and to summarize the findings along with recommendations regarding the Property and Evidence Room inventory. The inventory was completed on Tuesday, January 15, 2019 and the "Three-Person Rule" was adhered to at all times during the process. The Town of Upper Marlboro employees and a City of Bowie Police Department employee comprised the inventory team and both were present with me during the entire inventory process.

The inventory covers all of the property/evidence items stored in the Property and Evidence Room on January 15, 2019. I understand that the Department has not had an inventory or audit conducted of its property and evidence in a few years. Therefore, there was no way to make a comparison of previous holdings prior to this inventory. Without an established itemized inventory, it was difficult to confirm the actual holdings of what should or should not be stored and maintained in the facility prior to my arrival. In addition, incomplete files and other recordkeeping deficiencies made it difficult to determine with absolute certainty that the Department has on-hand all of its authorized property and evidence submissions. This is not to suggest or imply that anything unethical or inappropriate has taken place. However, the intent is to provide some insight on the scope and magnitude of the problem.

The Town of Upper Marlboro employee assigned to conduct the inventory with me was Kyle Snyder, Chief of Staff, and Johnny Hodge, the Property and Evidence Manager for the City of Bowie Police Department also participated in the process. Both individuals served with me to comply with the "Three-Person Rule," as each item or piece of property and evidence was inventoried. We were together throughout the entire time and no one was left alone. A physical inventory of each piece of property and evidence was verified and recorded on the inventory sheets.

Additionally, the hand written (manual) inventory sheets were compared to and checked with the inventory captured in the property and evidence logbook. Based on the inventory, there were many items of property and evidence that were physically located on the shelves and in file

Linda Pennoyer
Commissioner/ Treasurer

Tonga Y. Turner
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Wanda Leonard
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cabinets but were not reflected in the logbook. The money stored in the safe, which totaled \$10,000, was counted, verified, and placed back into the safe until a final resolution can be determined. The Town of Upper Marlboro Police Department firearms in the safe were identified and inventoried.

As a result of the inventory, below are my findings and recommendations.

FINDINGS:

- 1) Unable to locate Standard Operating Procedures (SOP) for day-to-day operations in the Property and Evidence Room;
- 2) Money (U.S. Currency) was stored in the safe without property tag;
- 3) Suspected Controlled Dangerous Substances without evidence tags, property reports or case numbers;
- 4) Knife and gun were not properly logged or packaged for storage;
- 5) Property and evidence items comingled (stored on the same shelving units);
- 6) Incomplete chain of custody records; and logging items into the log book;

RECOMMENDATIONS:

- 1) Install a camera in the Property and Evidence Room to increase security, management, and oversight.
- 2) Limit access to the Property and Evidence Room with a scan card system.
- 3) Develop an SOP for the day-to-day processing and operation of the Property and Evidence Room.
- 4) Provide training to all officers on the importance of properly submitting and documenting property and evidence.
- 5) Going forward, each piece of property and evidence will be placed in separate containers and organized to improve the inventory process and ensure better accountability of property and evidence. The new organizational system should also significantly reduce the time required for conducting future inventories.
- 6) Install two large secure cabinets to separate property and evidence to avoid cross contamination.

Linda Pennoyer
Commissioner/ Treasurer

Tonga Y. Turner
Commissioner/ President

Wanda Leonard
Commissioner