

Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772

REGULAR TOWN MEETING

Monday, June 10, 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 May 14, 2019 Regular Town Meeting minutes
- Approval of the May 23, 2019 Town Charter Public Forum minutes
- Approval of the May 28, 2019 Board Work Session minutes
- Approval of the Treasurer's Report, as of May 31, 2019.

Reports

- Department Reports — Public Safety, Public Works, Clerk's Office
- Committee Reports — Historical, Events, Sustainable Communities
- Commissioner Leonard
- Commissioner Pennoyer
- President Turner

Business

- 1) Ordinance 2019-04: Town Operating Budget for FY2020 (Board vote)
— includes: FY20 Condensed Budget
- 2) Emergency Ordinance 2019-05: FY19 Budget Amendments (Board vote)
- 3) Old Line Bank/account presentation (for Board approval)
- 4) Annexation Resolution 01-2019: Annexation Phase I (introduction)
- 5) Resolution 2019-02: Commission Meeting Regulations (Board vote)
- 6) Greenwill Consulting FY20 Contract (Board vote)
- 7) Presentation by the Prince George's County NAACP
- 8) Special Message from the Mayor
- 9) General/Administration issues

Public Comment

Adjournment

*All meetings are subject to closure in accordance with the State Open Meetings Act—House Bill 217
See back of Agenda for Public Comment Procedures*

Wanda Leonard
Commissioner

Tonga Y. Turner
Commissioner/ President

Linda Pennoyer
Commissioner/ Treasurer

Town of Upper Marlboro

REGULAR TOWN MEETING

May 14, 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; UMPD Chief Burse; Kyle Snyder/Chief of Staff; UMPD Sgt. Samuel Irby; and, William Morgan/Finance Director

Also present: TUMHC Chair Patti Skews; MVFD Chief Robert Beavers; MVFD President Jeffrey Beavers; Marlborough Towne HOA Chair Monica Williams; and various citizens and 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 April 16, 2019, the Work Session minutes from April 23, 2019 and the Treasurer's Report as of April 30, 2019 were acknowledged by the Board as reviewed. Commissioner Leonard motioned to approve both sets of minutes and the March Treasurer's Report as presented, Commissioner Pennoyer seconded. All minutes from April's Regular Town Meeting and Board Work Session, plus, the Treasurer's Report as of April 30, 2019 were unanimously approved.

Reports

Staff/Committees: Chief Burse delivered the Monthly Town Police Department Report for the month of April 2019, a handout was provided as part of the meeting packet. He then introduced Officer Samuel Irby as the latest addition to the Upper Marlboro Police Department. He noted that he received notice today from the Maryland Police Training Commission, that the Town's Police Department is now officially compliant with State rules and regulations. Chief also thanked the Marlboro Volunteer Fire Department (MVFD) for stepping up in a significant way to assist the Town with the UM Community Day event. President Turner acknowledged Chief Burse for securing extra police officers for the Town's Community Day event at no extra cost to the Town.

Chief of Staff Snyder delivered the monthly report for Public Works Superintendent Darnell Bond, a handout was provided as part of the meeting packet. He noted Mr. Bond has submitted final drafts of Memorandums of Understanding (MOU) for emergency tree and snow removal. President Turner noted that the MOUs will ensure a quicker response from tree and snow removal contractors in emergency situations. She added her thanks and appreciation to Mr. Bond for his team's successful efforts and results with the overall beautification of the landscape throughout Town.

MVFD Chief Robert Beavers reported there is now a paramedic ambulance in town, adding other upgrades will come soon. He noted there will be a new County Fire Chief named in the near future.

Finance Morgan reviewed highlights of the Treasurer's Report as of April 30, 2019 noting Fines, Licenses & Permits revenues are expected to rise during the next two months; still awaiting funds from the State Aid for Police Protection (SAPP) grant; Tax revenues (both real and personal property) typically come in smaller installments toward end of fiscal year; Expenses are currently 80 percent below budgeted amount, and still expect to be in good shape by the end of FY19; The upcoming Community Day event expected to bring in some sponsorship and fees revenues; Many delinquent personal property taxes notices totaling \$50K have been returned as undeliverable. The President added that the notice also informed business owners of the new tax rates and requirements; A recent debit to the Employer's Contributions for the State Retirement Program has caused an unbalanced Profit & Loss statement for April's report.

The floor was then opened for questions from the public. Question topics included: Business license cost(s); Tracking methods to determine list of Town businesses; and, Methods for accountability.

Commissioner Pennoyer: Reported that she attended two, separate local HOA meetings held at Town Hall in the past month. Also attended the CSA23 Leadership Council meeting with representation from the Events Committee, as well as, the Candlelight Vigil for Fallen Police Officers.

Commissioner Leonard: Reported that Chief Burse attended the last CERT meeting. She noted that six more CERT members were enrolled at that meeting to help with the Community Day event, bringing the number of CERT volunteers to 17. She added that several volunteers are from Anne Arundel County.

President Turner: Delivered updates on the following topics: 1.) Out of \$1.2M in grant requests, the Town has gathered \$602K in grant funding to date; 2.) Operational details and information for the UM Community Day event; 3.) A Moment of Silence was observed for the recent passing of Town residents Mr. Julian Wyvill (past Town Accountant) and Mr. Ralph Stephens (husband of SCW Chair Evelyn Stephens); 4.) Announced new Food Truck schedule starting in June; 5.) Town Charter Amendment Public Forum scheduled for May 23, 2019, will discuss proposed changes to 4 Sections of the Charter, which will be posted online for public review and input; 6.) Met with Roberta Phillips, the new PGC Library CEO. She has expressed interest in the redevelopment of the OMES building(s) for use as a new public library is approaching the County on the subject; 7.) Currently looking into the Arts in Public Places program to address eyesores downtown; and, 8.) Graduation ceremonies to begin, schedule will be posted online for the public.

The TUMHC Chair reported that no tours were conducted at their Memories & Morsels on Main Street event due to the low number of tour-attendees. She also announced they have moved their Quarterly Meeting to May 25th because of conflict with Community Day, and the group will be joining in on a tour of historic Mt. Lubentia immediately following the meeting.

Business

Proclamation – Town of Upper Marlboro Community Day: Clerk Williams read aloud a Proclamation to acknowledge the first annual Upper Marlboro Community Day celebration. Commissioner Leonard motioned to approve the Proclamation, Commissioner Pennoyer seconded the motion. The Proclamation was unanimously adopted.

Ordinance 2019-02 Authorizing Town Committees: The President reviewed the Ordinance's history and asked for comments from the Board. With no further input offered, Commissioner Pennoyer motioned to approve Ordinance 2019-02, Commissioner Leonard seconded. The motion was unanimously approved.

Resolution 2018-07 Establishing Town Events Committee: The Clerk read aloud the introduction for the Resolution. Commissioner Pennoyer motioned to approve Resolution 2018-07, Commissioner Leonard seconded. The motion was unanimously approved.

Resolution 2018-08 Establishing Town CERT: The Clerk read aloud the introduction for the Resolution. Commissioner Pennoyer motioned to approve Resolution 2018-08, Commissioner Leonard seconded. The motion was unanimously approved.

Resolution 2019-05 Town Hall Facility Regulations and Use: The Clerk read aloud the introduction for the Resolution. Commissioner Leonard motioned to approve Resolution 2018-08, Commissioner Pennoyer seconded. The motion was unanimously approved.

Ordinance 2019-03 Establishing FY20 Tax Levy Rates: The President noted that there has not been an increase for commercial and utility tax rates for 40 years, adding that the tax rate for residential will remain the same. The Clerk read aloud the introduction for the ordinance that was introduced on April 16, 2019. Commissioner Pennoyer motioned to approve Ordinance 2019-03, Commissioner Leonard seconded. The motion was unanimously approved.

Ordinance 2019-04 Town Operating Budget for FY2020: The Clerk read aloud the introduction for the ordinance and noted where to find the Department line item totals and tax rates. The President noted that there will be an increase in parking and grant revenues, and urged citizens to read through carefully and prepare their comments and questions for the next Board Work Session on May 28th.

A resident asked if the Work Session would be open for public comment, to which the Board confirmed that public input will be allowed. Another resident asked if the Town needed an Ethics Committee now that it has a much larger budget over \$1M? The President said the Board will follow-up with research.

General/Administration Issues: Clerk Williams read aloud the Mosquito Spraying Schedule and related information received from the Department of Agriculture via email on May 9, 2019. Spraying will occur on Mondays starting on May 29, 2019 and will end around September 17, 2019. The Clerk advised citizens that more information could be gotten from the Department of Agriculture website online.

Chief Beavers presented a Certificate of Appreciation and Honorary Membership to President Turner and the Board of Town Commissioners for their continued support of the MVFD and the community at large.

Public Comment

A resident expressed displeasure with the size of the FY2020 Town Operating Budget given the small size and population of the Town. Concerns included: 1.) Parking meter rates too high; 2.) Business owners treated unfairly; 3.) Grant funds can't be used for Operating Budget; 4.) Salaries too much; 5.) Budget changes will make this a different Town; and, 6.) Resident feedback is suppressed.

President Turner addressed the resident's concerns and shared her vision of the Town's future. A discussion ensued that included topics ranging from transparency, to professional behavior, to race relations history in local government.

Board to enter Closed Session

President Turner asked for a motion to close the Work Session, under statutory authority to close session General Provisions Article §3-305(b) Paragraphs (7), (10)(ii), and (14), to discuss confidential and pending litigation, public security and contracts respectively. Commissioner Leonard motioned to approve the Board to go into closed session, Commissioner Pennoyer seconded. With all in favor, the March Regular Town Meeting was closed to the public at 8:46 p.m. A "Written Statement for Closing a Meeting Under the Open Meetings Act"—Appendix C, was prepared by the Clerk and signed by the Presiding Officer, President Tonga Turner, and posted on the outer door of the Board meeting room.

Reopening of Regular Town Meeting

The closed session was adjourned at 9:29 p.m. by unanimous vote of the Board. The President reopened the Work Session at 9:30 p.m. with a motion by Commissioner Leonard, seconded by Commissioner Pennoyer. She noted that all present adhered to the topics of discussion as outlined at the closing of the Work Session on Appendix C, and noted that Chief-of-Staff Snyder, Finance Director Morgan and UMPD Chief Burse were also in attendance in the closed session.

Business (continued)

Parking Contractor: The President asked for a motion to approve a quote for new parking meters throughout the Town, noting that cost estimates for new Town meters on Governor Oden Bowie and Judges Drives were embedded in the overall quote of \$104,875.10. Commissioner Leonard motioned to approve the contract, Commissioner Pennoyer seconded. The motion was unanimously passed.

Adjournment

President Turner made a motion to adjourn, Commissioner Pennoyer seconded the motion. With all in favor, the meeting was adjourned at 9:32 p.m.

Respectfully submitted,

M. David Williams
Town Clerk/Administrator

Town of Upper Marlboro

CHARTER AMENDMENT FORUM

Thursday, May 23, 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; UMPD Chief Burse; Kyle Snyder/Chief of Staff; Kevin J. Best, Esq./Town Attorney

Also present: TUMHC Chair Patti Skews; SCW Chair Evelyn Stephens and various citizens and interested parties.

Pledge of Allegiance

Business

With unanimous consent to the Agenda, President Turner gave the floor to Town Attorney Kevin J. Best.

Charter Overview & Background: Mr. Best presented an overview of the Town's Charter. Notable points included: 1.) Town has Home-Rule powers; 2.) Third oldest municipality in Maryland, established in the same year as Laurel; 3.) Corporate boundaries have never changed; 4.) Original Charter dated April 4, 1870 and was only four pages long; 5.) Original terms of office for elected commissioners was 3 years; 6.) Town probably adopted model charter when Maryland established Home Rule in 1954; 7.) Town's delinquent tax rate is currently below the State's Statutory limit; and, 8.) Two ways a Charter can be amended: a) By the Board via Charter Amendment Resolution; or, b) By Town residents via petition. It was noted that out of the 156 chartered municipalities, many are hybrids of the basic three forms of government, and that this Town government leans towards the "Strong Mayor" form in many ways. He also noted there is no recall provision for elected officials in the current charter.

The President cited the need for updates, noting that the Board will address the following 4 topics (sections) first, and that other sections will be topics for discussion and public comment at subsequent Charter Forums in the near future. A three-minute time limit was established for each individual citizen's input on each of the four proposed Charter Amendments.

Recommendation 1

Section 82-13 (Selection): Proposing to change the title designation of "President" to "Mayor".

Recommended Language: Section 82-13. (Selection): At their organizational meeting, a majority of the Commissioners shall elect one of their members [President] MAYOR. The [President] MAYOR shall preside at all meetings of the Board in accordance with the accepted rules of [parliamentary] PARLIAMENTARY procedure, except that he OR SHE may vote on any question before the Board.

- Q: Any legal difference?
A: No, just as there is no legal difference between a municipal City or Town (i.e.; The Town of Ocean City is Chartered as a Town but can use the title of "City" legally.)
- Q: Aren't Mayors directly elected? Would it be a conflict if our "Mayor" was not?
A: Mayors are often the popular vote, however, there are many exceptions to the rule throughout Maryland that have been established by charter amendments.

Atty Best: The amendment can authorize the use of the title "Mayor" once in the Charter as an alternative title, and, indicate the option to use either term in all references of the title thereafter.

- Q: What is meant by "Strong Mayor?"
A: Refers to the executive power of the President as CEO with voting privileges.
- Q: Does that present a conflict of interests?
A: No, very common within like forms of government, but Council/Management form is most preferred by municipal management, but not deemed better than other forms.

Public input: Town should put forward "reasons/rational" for proposed Charter changes.

Recommendation 2

Section 82–3 (Number, Selection, Term): Proposing changing 2-year Term to a 4-year Term.

Recommended Language: Section 82–3. (Number, Selection, Term). All legislative powers of the Town shall be vested in a Board of Commissioners consisting of three Commissioners who shall be elected as hereinafter provided and who shall hold office for a term of [two] FOUR years and until the succeeding Board takes office. The regular term of the Commissioners shall expire on the first Monday following the election of their successors. The Commissioners holding office at the time this charter amendment becomes effective shall continue to hold office for the term for which they were elected and until the succeeding Board takes office under the provisions of this charter.

President Turner: Harder to keep built relationships in only two years; Four-year terms will help with continuity of governance and will better serve the community. Want to consider staggered terms and/or larger number of members; A three-member Board is not sustainable if Town annexes.

- Would want a larger Commission first, then implement longer terms.
- A larger Commission first would require careful coordination with an agreed upon annexation plan (growth of Town population). Don't need large Board to govern less than 700 people.
- Out of 156 MD municipalities: 69 do a mix of 2-year terms (staggered & not-staggered); 67 do a mix of 4-year terms (staggered & not-staggered); 109 do staggered elections (2, 3 and 4-year.)

Public input: Having more than 3 commissioners would help with quorum issues, in that 2 Board members could work together without violating Open Meeting regulations, and more would get done.

Public input: Against having longer than 2-year terms since residents don't have a recall provision. Suggest Annexation first, then expand Board, and then consider staggered terms. "Continuity first."

Atty Best: Could put in Charter a mitigation provision. Could also address form of government and have hired Administrator as CEO (or assistant to Mayor) who is not tied to length of term.

Public input: Concerned with lack of recall with 4-year terms. Staggered terms would address continuity of institutional knowledge. Suggest "non-voting Mayor" with 5-person Council.

President Turner: Noted general consensus tonight is not to change 2-year term, and perhaps take lengthening term limits off the table for now. Would like to address annexation first, then increase Board membership/structure, and lastly, revisit possible hybrid forms of staggered term-limits.

Atty Best: Under State Law, Board can change the length of their term as they sit as the Board.

Public input: A two-year term allows public to vote out who they don't want. A four-year term with a bad Board would do harm.

- Many municipalities divvy up their jurisdiction by Wards. Could have members elected by each ward or have a member elected at-large from a Ward they live in.
- Ex-officio status (like HOA representation) not being considered. Legal knows of none that do.

Recommendation 3

Section 83–36 (Treasurer): Proposing Town Treasurer become a staff position.

Recommended Language: Section 83–36. [82–36.] (Treasurer). There shall be a treasurer appointed by the President with the approval of the Board. [They] The treasurer shall serve at the pleasure of the President. The treasurer shall be the chief financial officer of the Town. The financial powers of the Town, except as otherwise provided by this Charter, shall be exercised by the treasurer under the direct supervision of the President. The treasurer shall not be an [appointed] elected member of the Board. (Position also added to Personnel Section)

President Turner: Doesn't need to be an elected official/Board member under current language.

- Residents want better oversight of Treasurer's Reports, by having Commissioner as Treasurer. Elected official should have oversight.
- Would elected officials appointed as Treasurer always be able to address and effectively execute all Charter directives? Should Charter language be changed to have these duties assigned to an appointed finance director or accountant?

President Turner: Board members shouldn't be handling the funds. Will need to amend the language. Either make a third-party responsible, or, make elected officials not eligible for appointment.

Atty Best: Most municipalities do not have elected officials holding Treasurer positions. Current Charter provisions authorizes President to remove Treasurer at any time, elected official or not.

Public input: Do want oversight of budget information by Commissioner, so as not to have to rely on submitting MPIA requests.

Atty Best: Oversight by the President (as CEO) already exists in current Charter.

Public input: Don't see a strong argument for changing this section. Board can handle issues. Want to maintain tradition of Commissioner having oversight as Treasurer.

Public input: Need to change/update Sections 82-37 and 82-38, instead of 82-36. Feel that Town should have a Commissioner as Treasurer to oversee any possible financial employee appointed.

Recommendation 4

Section 82–49 (When Taxes are Overdue): Proposing change/increase to overdue Town tax rate.

Recommended Language: Section 82–49. (When Taxes are Overdue). Ordinary Town taxes shall be due and payable on the first day of July in the year for which they are levied and shall be overdue and in arrears on the first day of the following October. They shall bear interest while in arrears at the rate of two-thirds of 1% or fraction thereof until paid and in addition thereto, there shall be a penalty imposed for failure to make payment by or after that day of two-thirds of 1% for each month or fraction thereof until paid. All taxes not paid and in arrears after the first day of the following January may be collected as provided in Section 82–50 hereof or may be collected by action of assumes as provided in Section 206 to 211, inclusive, of Article 81 of the Annotated Code of Maryland (1957 Edition).

Atty Best: Town has historically had lowest delinquent tax rate in County. Rates for Town delinquent taxes has never changed, proposing 2/3 of 1 percent (which Maryland Code allows.)

President Turner: Acknowledged good conversation with constituents and will take these public comments into consideration to form another dialog/forum on these proposed Section changes.

Adjournment

Commissioner Pennoyer made a motion to adjourn, Commissioner Leonard seconded the motion. With all in favor, the meeting was adjourned at 8:35 p.m.

Respectfully submitted,

M. David Williams
Town Clerk/Administrator

Town of Upper Marlboro

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Work Session Minutes

Tuesday, May 28, 2019 - 7:00 p.m.

unApproved

Call to Order

- Meeting was brought to order at 7:00 p.m.
- Roll Call – President Tonga Turner (communicated absence*); Commissioner Wanda Leonard; Commissioner Linda Pennoyer; Town Clerk M. David Williams; Finance Director William Morgan; and, Chief of Staff Kyle Snyder.

*It was noted that Commissioner Leonard would be presiding over tonight's meeting.

- Pledge of Allegiance

Reports

Commissioner Leonard: Had no report at this time.

Commissioner Pennoyer: Had no report at this time.

Clerk's Office: The Clerk announced that informative workshops on combating the Asian Tiger Mosquito will be conducted by the Department of Agriculture in June. More information can be found posted in the Town Hall and on the Town website.

Business

Memorandum of Understanding with Prince George's County: Commissioner Leonard explained that the Board would be voting to approve a Memorandum of Understanding (MOU) with the County, as the signed MOU, which was discussed in closed session on May 14th and dealt with legal matters concerning Town ownership of Judge's Drive, was time sensitive and had to be in effect by July 1, 2019. Commissioner Pennoyer asked what would happen should the County reconfigure the road and/or add parking meters. Chief of Staff Snyder replied that in such an instance, the MOU which defines the road as a "driveway", would then become void.

Commissioner Leonard then motioned to accept the MOU as presented, Commissioner Pennoyer seconded the motion. With all in favor, the motion was passed by majority vote of the Board.

Ordinance 2019-04: Town Operating Budget for FY2020: Commissioner Leonard noted that the only change within the "Condensed" line item budget had been a \$10K increase to the State Aide for Police Protection grant (SAPP), and that the final passage of the Town Operating Budget for FY2020 will be conducted at the June Regular Town Meeting on June 10, 2019. She then opened the floor for public comment.

A resident inquired about the MOU, concerned that it had just been approved by the Board without the residents knowing details about it. Commissioner Leonard stated they were bound to confidentiality as the case remains an ongoing legal matter, but details might be able to be shared with the public by the next Town Meeting.

FY20 Condensed Budget: The resident then expressed concern about the FY20 Budget forecast for parking revenues, stating the amount seemed exorbitant given there was no obvious source to account for this increase. Finance Director Morgan explained the rise was mostly attributed to the recent rise in parking meter rates, and it was noted that the costs for new meters and maintenance was already budgeted under line item 8231 Contingency Fund, and/or, covered under the contract with the service provider. More concerns about other increases in expenditures such as salaries were also addressed by Mr. Morgan. It was noted that the Town did not plan on hiring additional staff positions until increased parking revenues are realized.

Another resident stated that the rise in parking meter rates and business taxes was against long-standing policy of the Town, and that the FY20 Budget proposal was inappropriate for a Town of this size. Other concerns expressed included staff salaries, grant programs, and the depletion of Town reserve funds over time.

A resident asked the Board what the citizens are getting for the \$2.5M in operating expenses. Mr. Morgan noted that after deducting the 5 anticipated grants, the total operating budget figure is more like \$1.8M for operating expenses.

Charter Update: Commissioner Leonard recapped the Town's Charter Forum on May 23rd stating the Board appreciated the great feedback from the residents, and that President Turner would be working on edits to the proposed language of the Charter Sections discussed. She added the redraft(s) will be discussed at a second Charter Forum sometime in July 2019.

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

Adjournment

Commissioner Leonard motioned to adjourn, Commissioner Pennoyer seconded. With all in favor, the meeting was adjourned at 7:39 p.m.

Respectfully submitted,

M. David Williams
Town Clerk/Administrator



Town of Upper Marlboro

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

	Actual	Budget	% of Budget
Revenue			
Fines, Licenses, Permits	\$90,149.63	\$174,000.00	52%
Grants	\$50,803.25	\$150,453.00	34%
Intergovernmental	\$35,847.43	\$50,925.00	70%
Other Revenue	\$481,552.85	\$477,847.00	101%
Taxes	\$590,934.33	\$474,658.00	124%
	\$1,249,287.49	\$1,327,883.00	94%
Expenses			
General Government	\$658,325.13	\$619,163.00	106%
Public Safety	\$187,348.91	\$266,191.00	70%
Public Works	\$326,688.37	\$442,529.00	74%
	\$1,172,362.41	\$1,327,883.00	88%

Committee Overview

Historical Committee	\$96.98	\$1,500.00	6%
CERT Team	\$482.03	\$1,500.00	32%
Events Committee	\$9,426.52	\$13,000.00	73%



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MONTHLY NARRATIVE

As previously mentioned, the Town has received its final public utilities tax payment totaling \$62,465 and a \$37,000 deposit for local income taxes. The Town managed to gain revenue from its community event, Marlboro Community Day. With the sale of Town products, food trucks and vending permits, there was a profit in hosting the event.

1. Marlboro Community Day
2. Business License Fee

Town of Upper Marlboro

Profit & Loss

May 2019

REVENUE

FINES, LICENSES, PERMITS	\$12,017.07
GRANTS	\$0.00
INTERGOVERNMENTAL	\$10,569.95
OTHER REVENUE	\$3,106.03
TAXES	\$99,880.59
TOTAL REVENUE	\$125,573.64

EXPENSES

GENERAL GOVERNMENT	\$68,663.00
PUBLIC SAFETY	\$16,623.17
PUBLIC WORKS	\$15,343.80
TOTAL EXPENSES	\$100,629.97



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Town of Upper Marlboro Balance Sheet As of May 30, 2019

	<u>Total</u>
Bank Accounts	
Cash on Hand and in Banks	
1000 PGFSB Operating Checking	59,823.14
1001 Petty Cash	300.00
1010 PGFSB Payroll Account	0.00
1040 M&T Checking	12,452.66
1060 Sona CD 7977	108,506.00
1063 Sona CD 1577	0.00
1068 SONA Bank CD 8641	267,612.43
1075 Sona CD 8153	168,802.36
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	\$ 939,336.85



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Monthly Town Police Department Report For the Month of May 2019

Incidents Reported in Town:

Accident report 1		
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Last Month Incidents:

Theft Call 1	Theft from Store 1	Theft from Auto 1
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Chief Burse developed and led the execution of a Safety and Security Plan for the Marlboro Community Day event held on May 18, 2019.

Chief Burse attended the City of Seat Pleasant Parade and Festival to network with another municipal agency and glean from their event in preparation for the Marlboro Community Day.

Chief Burse attended the District 2 Coffee Club meeting, advised the group about Marlboro Community Day, and answered questions about the Town's improvements.

Chief Burse attended the CERT meeting and was able to get solicit volunteers to assist with Marlboro Community Day.

Chief Burse participated in several meetings with Town staff and volunteers in preparation for Marlboro Community Day.

Chief Burse conducted several meetings with the District 2 Police supervisors and Maryland Park Police to finalize plans for Marlboro Community Day. Both agencies participated in the Marlboro Community Day and joined the Town's Police Department to provide public safety and ensure an enjoyable day filled with fun and activities for the citizens and visitors.

Chief Burse attended the Maryland National Park Police Awards Ceremony.

Chief Burse attended the City of Bowie Memorial Day Parade and Festival.

Chief Burse attended the Prince George's Chiefs of Police Association meeting.

Chief Burse attended a training class on how to help police officers mitigate stress.

Linda Pennoyer
Commissioner/ Treasurer

Tonga Y. Turner
Commissioner/ President

Wanda Leonard
Commissioner



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Date: Monday, June 3, 2019

Subject: Public Works Status Report

RE: May 2019 – Monthly Status Report

Capital Improvements – PW Superintendent held a meeting with J.D. Clark Professional Services to discuss pending MOU for winter snow removal assistance. In this meeting, we identified trigger points for when and how their team will be activated in the event of a significant winter weather event.

Maintenance and Beautification – Assorted Vinca, Begonia, and Delphiniums at Town Hall and Water St. planter boxes were planted to add hearty color and stand up to the extreme summer temperatures with plans to implement them town-wide in early June. Honda water pump purchased to replace existing failing pump, which was used to water remote flower beds around Town that do not have access to water. Town-wide roundup sidewalk treatments performed in late May. Truck #003 had multiple fuses and relays replaced in house to fix lighting issues. Two high-grass abatements were performed in conjunction with our Code Enforcement and Town Police Department to maintain the standard of living our residents have come to expect.

Street and Sidewalk Repairs – “Parking by Permit Only” zones to combat Sascor building parking issues implemented along School Lane. New “No Thru Trucks” signs ordered and installed along the entrances to Elm St.

Weather Related Activities – May had three significant thunderstorms, which resulted in increased neighborhood checks, a few downed limbs, and two downed Verizon service lines.

Trainings – Public Works staff were refreshed on large scale detour and roadblock procedures, how to spot heat related illnesses, and other potential hazards in preparation for Marlboro Community Day. PW team also trained in correct commercial grade roundup concentrations for optimal performance.

Sincerely,

Darnell F. Bond III
Public Works Superintendent

Linda Pennoyer
Commissioner/ Treasurer

Tonga Y. Turner
Commissioner/ President

Wanda Leonard
Commissioner

BOARD OF COMMISSIONERS
FOR THE
TOWN OF UPPER MARLBORO

ORDINANCE: 2019-04 Town Operating Budget for FY2020

SESSION: Regular/Special Town Meeting

INTRODUCED: May 14, 2019

FOR APPROVAL: June 10, 2019

AN ORDINANCE relating to adopting and approving the budget for the fiscal year 2020 and to establish certain procedures for reviewing and amending same, as more particularly set forth herein.

WHEREAS, the legislative body of every incorporated municipality in this State pursuant to Article 23A, Section 2(b)(2) of the Annotated Code of Maryland (“Code”) is delegated express ordinance making powers to expend municipal funds for any purpose deemed to be public and which affects the safety, health, and general welfare of the municipality and its occupants,

WHEREAS, every municipal legislative body is further expressly delegated ordinance making powers pursuant to Code, Article 23A, Section 2(b)(2) to expend municipal funds provided that any funds not appropriated at the time of the annual levy, shall not be expended, nor shall any funds appropriated be expended for any purpose other than that for which appropriated, except by a two-thirds vote of all members elected to said legislative body,

WHEREAS, the Town of Upper Marlboro for fiscal year 2019 is exempt from the notice and hearing requirements of the Maryland Constant Yield Tax Rate Law (Code, Tax-Property Art., Section 6-308),

WHEREAS, the Charter of the Town of Upper Marlboro (“Charter”) prescribes that the President of the Board of Commissioners (“President”) at least thirty days before the beginning of the fiscal year shall submit a budget to the Board of Commissioners (“Board”),

WHEREAS, the fiscal year for each municipal corporation in the State of Maryland is mandated by Code, Article 24, Section 1-102, and Charter, Section 82-39 to begin on July 1 of a calendar year and end on June 30 of the next calendar year,

WHEREAS, Charter, Section 82-40 further prescribes that the budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year,

WHEREAS, Charter, Section 82-41 prescribes that before adopting the budget the Board may hold a public hearing thereon upon such notice as may be deemed appropriate and that the Board may increase, decrease or eliminate any item in the budget and may add new items thereto,

WHEREAS, Charter, Section 82-41 further prescribes that the budget shall be adopted in the form of an ordinance, and that a favorable vote of at least a majority of the total elected membership of the Board shall be necessary for adoption,

WHEREAS, Charter, Section 82-11 mandates that except in cases of emergency, no ordinance shall be passed at the same meeting at which it is introduced and that at any regular or special meeting of the Board held not less than six nor more than sixty days after the meeting at which the ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specified future date,

WHEREAS, Charter, Section 82-11 further mandates that each ordinance shall be posted in the Town office, and each ordinance or a fair summary thereof, shall be published at least once, in a newspaper of general circulation in the Town,

WHEREAS, Charter, Section 82-42 prescribes that no public money may be expended without having been appropriated by the Board, and that from the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes named therein,

WHEREAS, Charter, Section 82-43 prescribes that any transfer of funds between major appropriations for different purposes by the President must be approved by the Board before becoming effective,

WHEREAS, Charter, Section 82-44 proscribes any expenditures or contracts to expend money or to incur any monetary liability in excess of the amounts appropriated for or transferred to a particular general classification of expenditure in the budget, and

WHEREAS, Charter, Section 82-48 mandates that prior to June 30th in each and every year the Board shall determine the tax rate for the ensuing fiscal year, which determination shall constitute the tax levy for such year.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO, STATE OF MARYLAND, DOES ORDAIN AS FOLLOWS:

Section 1. The Fiscal Year 2020 Budget Ordinance (“FY2020 Budget Ordinance”) shall be divided into the following major anticipated revenue funds or groups having the estimated amounts as indicated below:

<u>REVENUE SOURCE</u>	<u>BUDGET AMOUNT</u>
Taxes	\$813,209
Intergovernmental	\$41,315
Fines, License and Permits	\$567,935
Other	\$32,450
Grants	\$750,829
From Designated Funds	\$346,982
Total Revenues	\$2,552,720

Section 2. The total of the anticipated revenues and any estimated fund balance available for expenditure during the fiscal year within each of the aforesaid categories of the FY2020 Budget Ordinance shall equal or exceed the total of the proposed expenditures within the following general classifications of expenditures as set forth in the appropriations with the amounts as indicated below:

<u>EXPENDITURES</u>	<u>BUDGET AMOUNT</u>
General Government	\$1,624,167
Public Safety	\$524,882
Public Works Department	\$403,671
Total Expenditures:	\$2,552,720

Section 3. Notwithstanding this budget ordinance, the FY2020 Budget shall be presented and discussed in further detail by enumerating additional sub-categories or detailed items pertaining to either revenues or expenditures as deemed necessary and expedient by the President and/or the Board (the “Detailed Budget”). Although not considered incorporated by reference or formally part of this FY2020 Budget Ordinance, the Detailed Budget, unless subsequently modified by the President, with approval of the Board as set forth in Section 4 below, shall reflect the various items discussed therein and shall remain substantially uniform throughout the fiscal year having essentially the same format and items as presented to the Board at the town meeting wherein the FY2020 Budget was approved.

Section 4. All budget amendments transferring monies between general classification of expenditure or appropriations as reflected in this FY2020 Budget Ordinance shall be submitted to the Board for approval, from time to time, by ordinance. Budget changes or amendments occurring within certain specified sub-categories or the various detailed items not reflected herein but shown in the Detailed Budget shall be approved from time to time by the President subject to review and approval by the Board as recorded in the journal of its proceedings.

BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town Of Upper Marlboro, Maryland that the levies for Fiscal Year 2020 for the Town of Upper Marlboro shall be liens from and after July 1, 2019 and shall be due and payable as specified in Title 14 of the Tax Property Article of the Code, as amended, and Charter Section 82-50; and

That all tax rates currently in effect, as established by Ordinance 2019-03, shall remain so unless changed at a future date 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 become effective at the expiration of twenty (20) calendar days 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 this FY 2020 Budget Ordinance or a fair summary of it shall be published once in a newspaper of general circulation in the Town.

AYES: ____

NAYES: ____

ABSENT: ____

INTRODUCED and read in a public session
of the Board of Town Commissioners on this
____ day of _____, 2019.

Town Clerk

AMENDED, ORDAINED, APPROVED AND
finally passed by the Board of Commissioners of
the Town of Upper Marlboro, Maryland

on this ____ day of _____, 2019,

by:

Wanda Leonard, Commissioner

Linda Pennoyer, Commissioner

Tonga Y. Turner, President

Attest:

M. David Williams, Town Clerk

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

Town of Upper Marlboro FY2020 Condensed Budget July 2019 — June 2020

Income

Revenue

Fines, Licenses & Permits

6154 Franchise Fee	25,000
6280 Trader's License Fees	1,200
6350 Permits/Rentals	41,000
6355 Parking Meters	439,235
6381 Parking Fines/Penalties	50,000
6550 Pub/Edu/Govt Broadcasting	11,500

Total Fines, Licenses, Permits

567,935

Grants

6530.01 FIP	59,510
6530.02 MNCPPC=Grant	40,140
6530.03 Assigned Fund Municipal Capital	30,000
6530.04 Conservation Energy Grant	25,000
6530.05 State Bond Bill	175,000
6530.06 State Police Aid	19,179
6530.07 Police Body Armor	2,000
6530.08 Park Conservation Grant	200,000
6530.09 Community Open Space Grant	200,000

Total Grants

750,829

Intergovernmental

6240 Financial Corporation Tax	9,145
6260 Highway User Fee	30,094
6310 Disposal Fee Rebate	2,076

Total Intergovernmental

41,315

Other

6390 Interest Earnings	15,000
6392 Sale of Property	2,500
6394 Miscellaneous Revenue	8,950
6396 Special Events/Donations	6,000

Total Other

32,450



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Taxes

6100 Real Estate Taxes	298,239
6101 Personal Property Taxes	335,475
6230 Income Taxes	179,495
Total Taxes	813,209

Total Revenue

2,205,738

Capital Outlay

9000 Capital Outlay Balance	346,982
Total Capital Outlay	346,982

Total Income

2,552,720

Expenses

8000 General Government

8030 Salaries - Commissioners	3,600
8035 Salaries	419,153
8073 Accounting	9,500
8074 Audit	16,000
8075 Payroll Processing	5,200
8077 Public Notices	3,100
8080 Bank Charges	11,000
8083 Official Use	15,000
8086 Staff Development & Training	12,000
8090 Postage	3,000
8092 Printing	10,000
8095 Community Events & Recreations	18,000
8110 Legal	30,000
8115 Computer Software & Support	7,500
8120 Insurance	4,000
8130 Supplies	4,000
8131 Ofc Equipment R&M	3,000
8160 Telephone	7,000
8165 Utilities	8,500
8175 Bldg Maintenance - Town Hall	7,000
8180 Grants & Awards	
8180.01 FIP	59,510
8180.02 Park Conservation Grant	200,000



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8180.03 Community Open Space Grant	200,000
Total 8180 Grants & Awards	459,510
8185 Historical Committee	1,500
8191 CERT	1,500
8200 Other	2,500
8205 Consulting Fees	45,000
8210 Payroll Tax Expenses	109,604
 8230 Capital Outlay - Assigned Municipal Capital Fund	 30,000
8230.01 Town Hall Upgrades	10,000
8230.02 Technology Upgrades	13,000
8230.03 State Bond Bill	175,000
8230.04 Parking Meter Upgrades	60,000
Total 8230 Capital Outlay - AMCF	288,000
8231 Contingency Fund	120,000
 Total 8000 General Government	 1,624,167

8250 Public Safety

8260 Salaries	331,000
8261 Overtime	5,000
8273 Uniforms	9,000
8274 Weapons & Duty Equipment	3,000
8275 Staff Training	2,000
8277 Substance Testing/Pre Employment	2,000
8280 Supplies	2,500
8281 Association Dues	1,000
8282 PS Insurance	17,641
8290 Payroll Tax Expenses	57,741
8300 Vehicle Repairs	6,000
8301 Vehicle Maintenance	6,000
8302 Vehicle Fuel	6,000
8310 Grants & Awards (Police Body Armor)	2,000
8320 Other	2,000
8330 Capital Outlay - Other	
8330.01 Capital Outlay - Technology	12,000
8330.02 Capital Outlay - Vehicles	60,000
Total 8330 Capital Outlay	72,000
Total 8250 Public Safety	524,882



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8350 Public Works

8360 Salaries	163,920
8361 Overtime	6,000
8370 Payroll Tax Expenses	56,381
8375 Uniforms	3,500
8377 Dues	750
8380 Other	1,500
8383 PW Insurance	8,000
8390 Streets Maintenance	5,000
8391 Weather Related Expenses	3,000
8400 Highway Lighting	26,000
8405 Vehicle Repairs	2,000
8410 Vehicle Maintenance	2,000
8415 Vehicle Fuel	6,000
8487 Substance Testing	200
8490 Utilities	1,000
8491 PWF-Maint/Repairs/Beautificatio	14,000
8493 Portajohn	1,200
8545 Sanitation	58,220
8550 Capital Outlay (Hwys & Streets)	
8550.01 Capital Outlay -Street&Sidewalk	5,000
8550.02 Capital Outlay - H&S Equipmnt	15,000
8550.03 Energy Conservation Grant	25,000
Total 8550 Capital Outlay (Hwys & Streets)	45,000
Total 8350 Public Works	403,671

Total Expenses

2,552,720

Net Operating Income

-

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

EMERGENCY ORDINANCE: 2019-05
SESSION: Regular Town Meeting
INTRODUCED: Monday June 10, 2019
DATE ENACTED: June 10, 2019

**AN ORDINANCE RELATING TO ADOPTING AND APPROVING BUDGET
AMENDMENTS FOR THE FISCAL YEAR 2019 BUDGET**

WHEREAS, the Town of Upper Marlboro (the “Town”) is a municipal corporation of the State of Maryland expressly authorized by Maryland Code Annotated, Local Government (“LG”) Art., § 5-205(b)(1) to expend any municipal funds for any purpose deemed to be public and to affect the safety, health and general welfare of the municipality and its occupants; and

WHEREAS, pursuant to Md. Code Ann., LG Article, Section 5-205(b)(4), a municipality may spend money for a purpose different from the purpose for which the money was appropriated or spend money not appropriated at the time of the annual levy if approved by a two-thirds vote of all the individuals elected to the legislative body; and

WHEREAS, the Charter of the Town of Upper Marlboro (the “Town Charter”), Section 82-41 prescribes that the budget shall be adopted in the form of an ordinance, and that a favorable vote of at least a majority of the total elected membership of the Board shall be necessary for adoption; and

WHEREAS, the Town Charter, Section 82-11 mandates that except in cases of emergency, no ordinance shall be passed at the same meeting at which it is introduced and that at any regular or special meeting of the Board held not less than six nor more than sixty days after the meeting at which the ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specified future date; and

WHEREAS, said Section 82-11 further mandates that each ordinance shall be posted in the Town office, and each ordinance or a fair summary thereof, shall be published at least once, in a newspaper of general circulation in the Town; and

WHEREAS, the Town Charter, Section 82-42 prescribes that no public money may be expended without having been appropriated by the Board, and that from the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes named therein; and

WHEREAS, the Town Charter, Section 82-43 prescribes that any transfer of funds between major appropriations for different purposes by the President must be approved by the Board before becoming effective; and

WHEREAS, the Town Charter, Section 82-44 proscribes any expenditures or contracts to expend money or to incur any monetary liability in excess of the amounts appropriated for or transferred to a particular general classification of expenditure in the budget, and

WHEREAS, the Board of Town Commissioners has previously approved Ordinance No. 2018-03 on May 28, 2018, which in Section 4 thereof states that all budget amendments transferring monies between general classifications of expenditures or appropriations as reflected in the budget ordinance shall be submitted to the Board for approval, from time to time, by ordinance pursuant to Md. Code Ann., Art. 23A, §2(b), now codified as Md. Code Ann., LG Article, Section 5-205(b)(4); and

WHEREAS, the Board of Town Commissioners finds that it is necessary to amend Ordinance No. 2018-03 by allocating and appropriating funds for the following reason: The Town had not received the over \$723,600 anticipated from the Red-Light Camera Program,

WHEREAS, the Board of Town Commissioners finds that it is necessary to amend Ordinance No. 2018-03 by reallocating Town funds and to limit expenditures in several Town Departments

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO, STATE OF MARYLAND, DOES ORDAIN AND ENACT AS FOLLOWS:

Section 1. The Fiscal Year 2019 Budget Ordinance 2018-03, as restated in the center column below, and as divided into the following indicated major anticipated revenue funds or having the estimated amounts at the time of the tax levy as indicated herein below, is hereby amended and readopted as indicated in the far-right column below as follows:

<u>REVENUE SOURCE</u>	<u>ADOPTED FY 19 BUDGET AMOUNT</u>	<u>AMENDED FY19 BUDGET AMOUNT</u>
Taxes	\$474,658	\$474,658
Intergovernmental	\$50,925	\$54,742
Grant		\$6,000
Fines, License and Permits	\$897,600	\$164,500
Other	\$30,000	\$30,250
From Unrestricted Funds	\$235,314	\$449,115
From Designated Funds	\$150,453	\$150,453
Total Revenues:	\$1,838,950	\$1,329,718

Section 2. The total of the anticipated revenues and any estimated fund balance available for expenditure during the fiscal year within each of the aforesaid categories of the FY 2019 Budget Ordinance 2018-03, as amended by this FY 2019 Amendatory Budget Ordinance 2019-05 shall equal or exceed the total of the proposed expenditures within the following general classification of expenditure or major appropriations having the amounts as indicated herein below, is hereby amended and readopted as indicated in the far-right column below as follows:

<u>EXPENDITURES</u>	<u>FY19 ADOPTED BUDGET AMOUNT</u>	<u>FY 19 AMENDED BUDGET AMOUNT</u>
General Government	\$640,304	\$647,027
Public Safety	\$739,686	\$232,637
Highways and Streets	\$458,961	\$450,054
Total Expenditures:	\$1,838,951	\$1,329,718

AND BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that except for the revenue and expenditure amounts provided hereinabove in Sections 1 and 2 as amendments, the remaining provisions of the FY 2019 Budget Ordinance 2018-03 shall remain in full force and effect as if written word for word within this Ordinance and readopted herein.

AND BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that the tax levy for Fiscal Year 2019 for the Town of Upper Marlboro and all other taxes, liens and/or fees prescribed therein shall remain as previously approved and adopted in the FY 2019 Budget Ordinance 2018-03.

AND BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that pursuant to the Town Charter this Ordinance shall be posted in the Town office and this FY 2019 Amendatory Budget Ordinance, 2019-05 and a fair summary of it shall be published once in a newspaper of general circulation in the Town and effective 20 days after passage by the Board.

AYES: _____

NAYES: _____

ABSENT: _____

INTRODUCED in a public session of the Board of Commissioners on this _____ day of _____, 20____:

Town Clerk

ORDAINED, APPROVED AND finally passed by the Board of Commissioners of the Town of Upper Marlboro, Maryland on this _____ day of _____, 20____, by:

Attest:

THE TOWN OF UPPER MARLBORO
BOARD OF COMMISSIONERS

M. David Williams, Town Clerk

Tonga Turner, President

Linda Pennoyer, Commissioner

Wanda Leonard, Commissioner

Reviewed and Approved for Legal Sufficiency

Kevin J. Best, Esq.

Date: _____

THE TOWN OF UPPER MARLBORO, MARYLAND

Annexation Resolution No. 01-2019

**RESOLUTION PROPOSING THE ANNEXATION OF CERTAIN
ADJOINING PUBLIC WAYS AND LANDS (TAX MAP 102, PARCEL 32,
[NORTH AND SOUTH OF PENNSYLVANIA AVENUE/STEPHANIE
ROPER HIGHWAY (MD 4)] & TAX MAP 102, PARCEL 115; & TAX MAP
101, PARCEL 245; & TAX MAP 101, PARCEL 60 INTO THE TOWN OF
UPPER MARLBORO (THE FIRST ANNEXATION))**

A RESOLUTION TO APPROVE THE ANNEXATION OF TWO (2) SEGMENTS OF STATE HIGHWAYS (RIGHTS-OF-WAY OF MD 4 & MD 717) AND APPROXIMATELY FIVE (5) PARCELS (INCLUDING PORTIONS OF PARCELS ALREADY LOCATED WITHIN THE TOWN'S CORPORATE LIMITS) OF LAND CONSISTING OF AN ANNEXATION AREA OF 189.08 ACRES OF LAND, MORE OR LESS, LOCATED IN THE 3RD ASSESSMENT DISTRICT OF PRINCE GEORGE'S COUNTY, AND LOCATED GENERALLY SOUTH AND EAST OF THE PRESENT CORPORATE LIMITS OF THE TOWN OF UPPER MARLBORO, INCLUDING LANDS SITUATED SOUTH OF MARLBORO PIKE (MD 725) BOUNDED BY OR STRADDLING MARLBORO RACE TRACK ROAD (PRIVATE ROAD), THE WESTERN BASIN OF DEPOT POND LOCATED WITHIN PARCEL 32 AND WEST OF THE CSX TRANSPORTATION RAILROAD RIGHT-OF-WAY, PARCEL 115, A PORTION OF PARCEL 60, A PORTION OF PARCEL 245, A SEGMENT OF PENNSYLVANIA AVENUE/STEPHANIE ROPER HIGHWAY (MD 4) BISECTING PARCEL 32, AND A SEGMENT OF WATER STREET (MD 717) INTO THE CORPORATE TERRITORY OF THE TOWN OF UPPER MARLBORO AS MORE FULLY DESCRIBED IN THIS RESOLUTION; PROVIDING FOR THE TERMS AND CONDITIONS OF THE ANNEXATION TO THE TOWN OF UPPER MARLBORO; AMENDING THE CHARTER OF THE TOWN OF UPPER MARLBORO FOR THE PURPOSES OF INCLUDING THE ANNEXED PROPERTY WITHIN THE LEGAL DESCRIPTIONS AND PLATS DEPICTING THE CORPORATE LIMITS OF THE TOWN; AND GENERALLY ALL MATTERS RELATED TO SAID ANNEXATION.

WHEREAS, the Board of Commissioners finds it to be in the best interest of the Town of Upper Marlboro (the "Town") to initiate this Resolution proposing the annexation of certain public lands (Tax Map 102, Parcel 32, [North and South of Pennsylvania Avenue/Stephanie Roper highway (MD 4)] & Tax Map 102, Parcel 115; & Tax Map 101, Parcel 245; & Tax Map 101, Parcel 60 into the Town (the "First Annexation") including the lands commonly known as the Show Place Arena and Prince George's Equestrian Center Properties, a portion of the Pennsylvania Avenue (MD 4) public right-of-way, a portion of the Water Street (MD 717) public right-of-way, the Upper Marlboro Community Center property at 5400 Marlboro Race Track Road, the Prince George's Soil Conservation District property at 5301 Marlboro Race Track Road, Depot Pond west of the CSX Transportation Railroad right-of-way, the fast and submerged land on either side of Marlboro Race Track Road within or bounding Parcel 32 to said private road's intersection with Marlboro Pike (MD 725) as more fully described herein below and particularly as described in the metes and bounds description of Section 2 provided

below and the map of the first annexation of the Town of Upper Marlboro, prepared by Charles P. Johnson and Associates, Inc. (June 2019) attached hereto; and

WHEREAS, The Town is authorized by the Town Charter and provisions of Title 4, Subtitle 4 of the Local Government Article, of the Annotated Code of Maryland (the “Maryland Code”) to expand its municipal boundaries by annexing lands which are adjoining and contiguous; and

WHEREAS, this Resolution is initiated by the Town Board of Commissioners pursuant to §4-403 of the LG Art., of Maryland Code; and

WHEREAS, the property to be annexed will consist of adjoining public ways and five (5) parcels of land (Tax Map 102, Parcel 32, [North and South of Pennsylvania Avenue/Stephanie Roper Highway (Md 4)] & Tax Map 102, Parcel 115; & Tax Map 101, Parcel 245; & Tax Map 101, Parcel 60) totaling 189.08 acres of land, more or less, contiguous and adjoining to the existing southern and eastern corporate boundaries of the Town, and more particularly described herein below (the “Annexation Property”) owned by Prince George’s County, Maryland, the Prince George’s County Soil Conservation District, and the State of Maryland; and

WHEREAS, parts of the Annexation Property are currently zoned according to the following categories or classifications: R-O-S or Reserved Open Space, RA or Residential-Agricultural, RR or Rural Residential and C-S-C or Commercial Shopping Center pursuant to the County Zoning Ordinance as depicted on the County Zoning Map; and

WHEREAS, the Local Government Article (“LG”), §4-403 of the Maryland Code states that “[b]efore an annexation resolution is introduced, the legislative body shall obtain consent from: (1) at least 25% of the registered voters who are residents in the area to be annexed; and (2) the owners of at least of 25% of the assessed valuation of real property in the area to be annexed...”; and

WHEREAS, the Annexation Property currently has no residential dwellings, and no residential occupants residing upon the premises or parcels owned and maintained by governmental owners named herein; therefore, the Board of Commissioners finds that there are no qualified voters residing in the Annexation Property; and

WHEREAS, the Board of Commissioners further finds that all of the parcels, ways or lands of the Annexation Property are owned by tax exempt entities including the State of Maryland, Prince George County, and the Prince George’s Soil Conservation District; and

WHEREAS, on April 4, 2019, the Court of Appeals of Maryland held in *Town of Forest Heights v. Md.-Nat'l Capital Park & Planning Comm'n* (No. 21, Sept. Term 2018) that the 25% consent requirement of LG § 4-403(b)(2) is not applicable to the owners of tax-exempt properties, and the Attorney General of Maryland has opined in 66 Op. Att’y Gen. Md. 267 (1981) that regarding land owned by a county government within a proposed municipal annexation area, a county government may not veto or withhold consent to a municipal annexation of its real property as follows from the *City of Salisbury v. Banker's Life*, 21 Md. App. 396, 404 (1974) case, which stood for the proposition that the consent of tax-exempt

property owners within a proposed annexation area is not required to effectuate a municipal annexation; and

WHEREAS, the Annexation Property is described in the metes and bounds legal description of a parcel or parcels of land referenced herein below as the First Annexation, and the Annexation Property is more further described or depicted on a map exhibit entitled "Map of the First Annexation of the Town of Upper Marlboro, Prince George's County, Maryland, 1" = 300', June 2019" prepared by Charles P. Johnson and Associates, Inc., which is attached hereto as Exhibit A, and the Annexation Property is further shown on the Prince George's County TAX MAP (Tax Map 102, Parcel 32 (Account No. 0238873), & Tax Map 102, Parcel 115 (Account No. 3733714); & Tax Map 101, Parcel 245 (Account No. 0229864); & Tax Map 101, Parcel 60 (Account No. 0192286); and

WHEREAS, a proposed Annexation Plan consistent with the requirements of Section 4-415 of the Local Government Article, of the Annotated Code of Maryland has been prepared and submitted to the Town and made available for public review and discussion; a copy of the Annexation Plan has been provided to the Prince George's County Council and the County Executive, the Maryland-National Capital Park and Planning Commission, and the Maryland Department of State Planning at least thirty (30) days prior to the date of the public hearing to be conducted on this Resolution by the Board of Commissioners of the Town of Upper Marlboro; and

WHEREAS, all requirements of the Laws of the State of Maryland, Prince George's County and the Charter and laws of The Town of Upper Marlboro regarding initiation of this annexation by the Town's legislative body have been satisfied, and the Town Board of Commissioners has determined that it is desirable to initiate by resolution the annexation process for the benefit of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO the following:

Section 1. Modification of Town Boundaries. The municipal boundaries of The Town of Upper Marlboro, Maryland shall be and are hereby amended to incorporate into The Town of Forest Heights the Annexation Property, as described in the metes and bounds legal description of parcels of land referenced herein below as the First Annexation, and the Annexation Property is more further described or depicted on a map exhibit entitled "Map of the First Annexation of the Town of Upper Marlboro, Prince George's County, Maryland, 1" = 300', June 2019" prepared by Charles P. Johnson and Associates, Inc., and certified by Steven William Jones, Professional Land Surveyor, which is attached hereto as Exhibit A, and the Annexation Property is further shown on Prince George's County Tax Map 102, Parcel 32 (Account No. 0238873), & Tax Map 102, Parcel 115 (Account No. 3733714); & Tax Map 101, Parcel 245 (Account No. 0229864); & Tax Map 101, Parcel 60 (Account No. 0192286). The annexation plat or map shall be subject to technical review and correction by the Town, or its designee, prior to the public hearing to be held on this Resolution.

Section 2. Amendment of Town Charter. Pursuant to the authority of Article XI-E of the Constitution of Maryland and the Local Government Article (Division II) of the Maryland Code, the Charter of the Town of Upper Marlboro (as published in the *Public Local Laws of Maryland – Compilation of Municipal Charters*) be and the same is hereby amended in Section 82-2 of said Charter by amending said Section to read as follows (changes underlined and/or in italics but not bold font) by adding the following subsection containing the metes and bounds description of the Annexation Property:

...

Corporate Limits

Section 82–2. The corporate limits of the Town shall be as follows:

- (a) Original Boundaries. Commencing at the mouth of the Federal Spring Branch at its confluence with the Western Branch and running down with the meanders of the Western Branch on the south side thereof, and exclusive of said branch, to the stream beyond James B. Belt's meadow; then up and with said stream to the small bridge culvert on the road from Upper Marlboro to Rosaryville, back of the former residence of A. S. Brooke; then in an air or direct line across the land of Frederick Sasscer to the Federal Spring Branch at a point which will throw into the corporation all the land formerly purchased by Thomas E. Williams and C. C. Magruder, Jr., of the trustees of D. Benedict J. Gardiner; then down and with the meanders of said Federal Spring Branch on the south side thereof, and exclusive of said branch to its mouth, the beginning point aforesaid.
- (b) First Annexation. The boundaries of Upper Marlboro are hereby extended to include the following parcel or area of land:
 - (1) Beginning for the same at a point on the Northerly side of the Western Branch of the Patuxent River, said point also being on the Westerly Right-of-Way line of Water Street (30' wide), thence leaving the aforesaid Westerly Right-of-Way line of Water Street, and running with and binding on the aforesaid Northerly side of the Western Branch of the Patuxent River, which line is also the present southern boundary line of the Town of Upper Marlboro, the following course and distance
 - (i) North 59°22'15" East, 30.20 feet to a point on the Easterly Right-of-Way line of the aforesaid Water Street, thence leaving the aforesaid Easterly Right-of-Way line of Water Street, and running with and binding on the aforesaid Northerly side and the Westerly side of the aforesaid Western Branch of the Patuxent River, which line is also the present southern and eastern boundary lines of the Town of Upper Marlboro, the following thirty-seven courses and distances
 - (ii) North 59°22'15" East, 33.65 feet to a point, thence
 - (iii) North 78°17'37" East, 54.21 feet to a point, thence
 - (iv) South 80°47'48" East, 77.15 feet to a point, thence
 - (v) South 71°19'31" East, 112.94 feet to a point, thence
 - (vi) South 76°01'28" East, 152.69 feet to a point, thence

- (vii) South 83°05'54" East, 71.68 feet to a point, thence
- (viii) South 89°32'06" East, 85.41 feet to a point, thence
- (ix) South 85°04'07" East, 108.07 feet to a point, thence
- (x) North 80°58'04" East, 57.19 feet to a point, thence
- (xi) North 71°21'18" East, 121.74 feet to a point, thence
- (xii) North 72°44'50" East, 106.09 feet to a point, thence
- (xiii) North 58°16'59" East, 86.36 feet to a point, thence
- (xiv) North 35°36'26" East, 96.84 feet to a point, thence
- (xv) North 10°50'22" East, 65.08 feet to a point, thence
- (xvi) North 10°09'29" West, 53.08 feet to a point, thence
- (xvii) North 23°22'29" West, 68.12 feet to a point, thence
- (xviii) North 14°10'44" West, 43.37 feet to a point, thence
- (xix) North 06°08'00" West, 88.43 feet to a point, thence
- (xx) North 15°30'05" West, 105.41 feet to a point, thence
- (xxi) North 10°38'44" West, 22.55 feet to a point, thence
- (xxii) North 05°24'42" East, 99.91 feet to a point, thence
- (xxiii) North 24°36'20" East, 52.46 feet to a point, thence
- (xxiv) North 29°58'08" East, 73.58 feet to a point, thence
- (xxv) North 01°08'40" East, 73.14 feet to a point, thence
- (xxvi) North 12°22'04" West, 101.83 feet to a point, thence
- (xxvii) North 02°42'06" West, 105.34 feet to a point, thence
- (xxviii) North 18°30'24" East, 119.68 feet to a point, thence
- (xxix) North 25°23'06" East, 120.06 feet to a point, thence
- (xxx) North 17°35'07" East, 133.80 feet to a point, thence
- (xxxi) North 23°00'32" East, 127.31 feet to a point, thence
- (xxxii) North 43°34'57" East, 88.61 feet to a point, thence
- (xxxiii) North 31°19'50" East, 66.99 feet to a point, thence
- (xxxiv) North 16°33'44" East, 52.18 feet to a point, thence
- (xxxv) North 01°52'36" East, 74.08 feet to a point, thence
- (xxxvi) North 10°09'43" West, 73.94 feet to a point, thence
- (xxxvii) North 13°27'01" West, 60.91 feet to a point, thence
- (xxxviii) North 24°14'35" West, 62.64 feet to a point on the Southerly Right-of-Way line of Marlboro Pike (MD Rte. 725 [formerly MD Rte. 4], variable width) as shown on State Roads Commission Plat Number 26495, thence leaving the aforesaid Westerly side of the Western Branch of the Patuxent River, and running with and binding on the aforesaid Southerly Right-of-Way line of Marlboro Pike, and also running for a new boundary line of Upper Marlboro, the following three courses and distances
- (xxxix) North 61°30'04" East, 105.88 feet to a point, thence
- (xl) North 31°46'10" West, 35.06 feet to a point, thence
- (xli) North 62°31'27" East, 39.26 feet to a point on the extension of the Seventh or North 28°04'00" West, 64.92 feet as described in a Deed from Prince George's County to L. Thomas Wellons, III and Thomas Franklin Houck, Sr., dated January 13, 1987 and recorded among the Land Records of Prince George's County, Maryland in Liber 6627 at Folio 682, thence leaving the aforesaid Southerly Right-of-Way line of Marlboro Pike, and running

reversely with and binding on the aforesaid extension of the Seventh line, and the Sixth through Third lines as described in the aforesaid Deed recorded in Liber 6627 at Folio 682, the following five courses and distances

- (xlii) South 27°41'57" East, 74.04 feet to a point, thence
- (xliii) South 83°24'34" West, 20.30 feet to a point, thence
- (xliv) South 06°35'26" East, 140.00 feet to a point, thence
- (xlv) North 83°24'34" East, 18.27 feet to a point, thence
- (xlvi) North 43°26'56" East, 110.97 feet to a point on the Thirty-Seventh or South 54°13' East, 315.00 feet line as described in a Deed from Southern Maryland Agricultural Association, Inc., a Maryland corporation, to Prince George's County, Maryland, a Municipal corporation, dated August 26, 1980 and recorded among the aforesaid Land Records in Liber 5299 at Folio 269, distant 269.71 feet from the end thereof, thence running with and binding on the aforesaid Thirty-Seventh line, and the Thirty-Eighth and Thirty-Ninth lines as described in aforesaid Deed recorded in Liber 5299 at Folio 269, the following three courses and distances
 - (xlvii) South 57°45'59" East, 269.71 feet to a point, thence
 - (xlviii) South 39°18'37" East, 470.00 feet to a point, thence
 - (xlix) South 23°03'37" East, 608.50 feet to a point on the Westerly line of the Pope's Creek Branch Railroad Right-of-Way, thence running with and binding on the aforesaid Westerly line of the Pope's Creek Branch Railroad Right-of-Way, and also running with and binding on the Fortieth through Forty-Sixth lines as described in the aforesaid Deed recorded in Liber 5299 at Folio 269, the following seven courses and distances
 - (l) South 13°43'37" East, 435.00 feet to a point, thence
 - (li) South 18°25'37" East, 110.00 feet to a point, thence
 - (lii) South 07°25'37" East, 70.00 feet to a point, thence
 - (liii) South 10°10'37" East, 45.00 feet to a point, thence
 - (liv) South 09°24'23" West, 110.00 feet to a point, thence
 - (lv) South 03°14'23" West, 130.00 feet to a point, thence
 - (lvi) South 09°24'23" West, 34.66 feet to a point on the Northerly Right-of-Way line of Pennsylvania Avenue (Relocated MD Rte. 4, variable width) as shown on State Roads Commission Plat Number 19971, thence leaving the aforesaid Northerly Right-of-Way line of Pennsylvania Avenue, and also leaving the aforesaid Forty-Sixth line as described in Liber 5299 at Folio 269, and running in, through, over and across the aforesaid Pennsylvania Avenue Right-of-Way, and also continuing with the Westerly line of the Pope's Creek Branch Railroad Right-of-Way, the following course and distance
 - (lvii) South 09°06'50" West, 307.99 feet to a point on the Southerly Right-of-Way line of the aforesaid Pennsylvania Avenue, thence leaving the aforesaid Southerly Right-of-Way line of Pennsylvania Avenue, and continuing with the Westerly line of the Pope's Creek Branch Railroad Right-of-Way the following fourteen courses and distances
 - (lviii) South 13°46'35" West, 184.23 feet to a point, thence
 - (lix) South 04°56'07" East, 65.46 feet to a point, thence
 - (lx) South 16°30'10" West, 21.02 feet to a point, thence

- (lxi) South 65°06'58" West, 12.81 feet to a point, thence
- (lxii) South 07°04'00" West, 68.47 feet to a point, thence
- (lxiii) South 16°27'37" West, 192.21 feet to a point, thence
- (lxiv) South 12°24'11" West, 292.08 feet to a point, thence
- (lxv) South 13°46'35" West, 202.00 feet to a point, thence
- (lxvi) South 19°07'56" West, 128.56 feet to a point, thence
- (lxvii) South 15°16'41" East, 20.59 feet to a point, thence
- (lxviii) South 40°46'20" West, 59.48 feet to a point, thence
- (lxix) South 13°46'35" West, 938.84 feet to a point, thence
- (lxx) South 26°57'07" East, 53.00 feet to a point, thence
- (lxxi) South 13°52'27" West, 10.67 feet to a point at the end of the Ninth or South 89°32'00" East, 107.60 feet line as described in a Deed from Bertha Alene Curtis, et al, to Jose Mararac, dated April 29, 2008 and recorded among the aforesaid Land Records in Liber 29657 at Folio 228, thence leaving the aforesaid Westerly line of the Pope's Creek Branch Railroad Right-of-Way, and running reversely with and binding on the aforesaid Ninth line, and the Eighth through Fourth lines as described in the aforesaid Deed recorded in Liber 29657 at Folio 228, the following six courses and distances
- (lxxii) South 89°59'27" West, 107.60 feet to a point, thence
- (lxxiii) South 66°33'04" West, 117.25 feet to a point, thence
- (lxxiv) South 63°54'04" West, 274.05 feet to a point, thence
- (lxxv) South 73°28'04" West, 191.42 feet to a point, thence
- (lxxvi) South 77°23'04" West, 161.22 feet to a point, thence
- (lxxvii) North 89°48'51" West, 166.95 feet to a point at the Southerly end of the Easterly or South 18°08'22" West, 346.42 feet plat line as shown on a Record Plat entitled "Plat Two, The Reserve" and recorded among the aforesaid Land Records in Plat Book 149 on Page 2, thence leaving the aforesaid Fourth line as described in Liber 29657 at Folio 228, and running reversely with and binding on the outline of the aforesaid Record Plat the following fifteen courses and distances
- (lxxviii) North 18°08'32" East, 346.42 feet to a point, thence
- (lxxix) North 89°13'01" West, 123.10 feet to a point, thence
- (lxxx) South 67°57'42" West, 191.72 feet to a point, thence
- (lxxxi) South 40°38'59" West, 149.46 feet to a point, thence
- (lxxxii) South 79°06'27" West, 69.28 feet to a point, thence
- (lxxxiii) North 65°58'23" West, 100.94 feet to a point, thence
- (lxxxiv) North 49°33'44" West, 373.62 feet to a point, thence
- (lxxxv) North 61°00'06" West, 252.03 feet to a point, thence
- (lxxxvi) North 45°53'18" West, 132.48 feet to a point, thence
- (lxxxvii) North 50°53'11" West, 190.16 feet to a point, thence
- (lxxxviii) North 37°06'19" West, 305.81 feet to a point, thence
- (lxxxix) North 24°27'00" West, 83.42 feet to a point, thence
- (xc) North 09°51'55" West, 178.84 feet to a point, thence
- (xci) North 00°52'02" East, 171.54 feet to a point, thence
- (xcii) North 10°05'29" West, 124.18 feet to a point on the aforesaid Southerly Right-of-Way line of Pennsylvania Avenue, thence leaving the aforesaid Southerly

- Right-of-Way line of Pennsylvania Avenue, and also leaving the aforesaid outline of Plat Two of The Reserve Record Plat, and running in, through, over and across the aforesaid Pennsylvania Avenue Right-of-Way the following course and distance
- (xciii) North 04°54'22" West, 325.42 feet to a point on the aforesaid Northerly Right-of-Way line of Pennsylvania Avenue, thence running with and binding on the aforesaid Northerly Right-of-Way line of Pennsylvania Avenue the following five courses and distances
 - (xciv) North 62°17'50" East, 440.10 feet to a point of curvature, thence
 - (xcv) 429.67 feet along the arc of a non-tangent curve, deflecting to the left, having a radius of 700.00 feet and a chord bearing and distance of North 29°04'02" East, 422.96 feet to a point of compound curvature, thence
 - (xcvi) 247.41 feet along the arc of a tangent curve, deflecting to the left, having a radius of 400.00 feet and a chord bearing and distance of North 06°14'11" West, 243.48 feet to a point, thence with a tangent line
 - (xcvii) North 23°57'20" West, 19.39 feet to a point, thence
 - (xcviii) North 66°02'40" East, 47.00 feet to a point on the aforesaid Westerly Right-of-Way line of Water Street, thence leaving the aforesaid Northerly Right-of-Way line of Pennsylvania Avenue, and running with and binding on the aforesaid Westerly Right-of-Way line of Water Street the following course and distance
 - (xcix) North 23°57'20" West, 47.30 feet to the point of beginning, containing 189.08 acres of land.

...

Section 3. Application of Town Charter and Ordinances. Upon the effective date of this Resolution, the provisions of the Charter, and ordinances of The Town of Upper Marlboro, and any local public laws enacted or to be enacted affecting The Town of Upper Marlboro, shall be effective within the Annexation Property except to the extent that federal or state law, this Resolution, an Annexation Agreement or the Annexation Plan provides otherwise.

Section 4. Zoning Classification. The Annexation Property is governed under the land use jurisdiction of the District Council of Prince George's County and the Maryland-National Capital Park and Planning Commission ("M-NCPPC"). The Annexation Property is currently zoned R-O-S or Reserved Open Space, RA or Residential-Agricultural, RR or Rural Residential and C-S-C or Commercial Shopping Center on certain portions of the subject parcels pursuant to the County Zoning Ordinance.

Section 5. Annexation Plan. The Town has prepared an Annexation Plan with regard to the Annexation Property. The Annexation Plan is attached hereto as Exhibit B, but is not part hereof and the Town reserves the right to amend the Annexation Plan prior to final adoption of this Resolution in a manner consistent with Local Government ("LG") Article, Section 4-415 of the Maryland Code. The Annexation Plan may not be construed in any way as an amendment to this Resolution. A copy of the Annexation Plan has been provided to the Prince George's County Council and the County Executive, M-NCPPC, and also to the Maryland Department of

State Planning (“MDP”) at least thirty (30) days prior to the date of the public hearing conducted by the Board of Commissioners on this Resolution.

Section 6. Public Hearing and Public Notice. A public hearing, as required by the provisions of LG Article, Section 4-406 of the Maryland Code, shall be held by the Town at a time to be determined by the Board of Commissioners, and duly advertised according to the provisions of that statute. Public notice of the proposed public hearing shall be given at least four (4) times, at no less than weekly intervals, in a newspaper of general circulation in Upper Marlboro, Maryland, the last day of which public notice shall precede the public hearing by at least fifteen (15) days, all in accordance with the provisions of Section 4-406, LG Article of the Maryland Code. Upon the first publication of the public notice a copy thereof, including exhibits, shall be provided to:

- (a) the Prince George’s County Council, and the County Executive,
- (b) the Maryland-National Capital Park and Planning Commission (c/o the Prince George’s County Planning Department), and
- (c) The Prince George’s County Planning Board

Section 7. Registration of Boundaries. Within ten (10) days of the effective date of this Resolution, in accordance with the provisions of the Local Government Article, Sections 4-414 and 4-308 of the Maryland Code, the President/Mayor, or her designee, shall promptly forward a copy of this Resolution with the new municipal boundaries to the Town Clerk, the Clerk of the Circuit Court for Prince George’s County, Maryland, the M-NCPPC, and to the Maryland Department of Legislative Services. Each such official or agency shall hold this Resolution with the new municipal boundaries on record and available for public inspection.

Section 8. Effective Date. This Resolution shall be deemed “finally enacted” on the date on which the Commissioners indicate their approval of the Resolution by affixing their signatures hereto. This Resolution shall become effective forty-five (45) days after final enactment, unless it is subject to a petition for referendum by at least 20% of the qualified voters of the municipality, whereas should said petition come to pass and be verified to be in compliance with law, the President/Mayor shall suspend this Resolution by proclamation pending the results of the referendum.

AND BE IT FURTHER RESOLVED, by the Board of Commissioners of the Town of Upper Marlboro, that the corporate boundaries of the Town of Upper Marlboro be, and they hereby are, enlarged and extended by including therein the Annexation Area referred to and described in this Resolution and in Exhibit A attached hereto and incorporated herein by reference.

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

ATTEST:

BOARD OF COMMISSIONERS OF THE
TOWN OF UPPER MARLBORO,
MARYLAND

M. David Williams
Clerk

Tonga Y. Turner, President/Mayor

Linda Pennoyer, Commissioner

Enactment Date: _____

Wanda Leonard, Commissioner

Reviewed and Approved for Legal Sufficiency

Kevin J. Best, Esq.

Date: _____

CERTIFICATION

I, HEREBY CERTIFY THAT THE FOREGOING RESOLUTION OF THE TOWN OF UPPER MARLBORO DESIGNATED ANNEXATION RESOLUTION NO. 01 - 2019, WAS DULY INTRODUCED AND READ, AND THEREAFTER ADVERTISED FOR FOUR SUCCESSIVE WEEKS, AND CONSIDERED AT A PUBLIC HEARING ON JULY __, 2019 AND WAS ADOPTED BY THE BOARD OF COMMISSIONERS AT A DULY ANNOUNCED PUBLIC MEETING, IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THE ANNOTATED CODE OF MARYLAND AND CHARTER OF THE TOWN OF UPPER MARLBORO.

ATTEST:

M. David Williams, Clerk

EXHIBIT A - "Map of the First Annexation of the Town of Upper Marlboro, Prince George's County, Maryland, 1" = 300', June 2019" prepared by Charles P. Johnson and Associates, Inc.

ANNEXATION RESOLUTION SCHEDULE

RESOLUTION INTRODUCTION DATE: June 10, 2019

ANNEXATION PLAN TO COUNTY, MDP, M-NCPPC & PGCPB (AT LEAST 30 DAYS
BEFORE HEARING): Before June 23, 2019

HEARING NOTICE PUBLICATION DATES: 1 June 13, 2019
(4 NOTICES FOR 4 WEEKS PRIOR TO HEARING) 2. June 20, 2019
3. June 27, 2019
4. July 4, 2019

MAIL PUBLIC NOTICE TO CO. COUNCIL, MDP & M-NCPPC: June 14, 2019

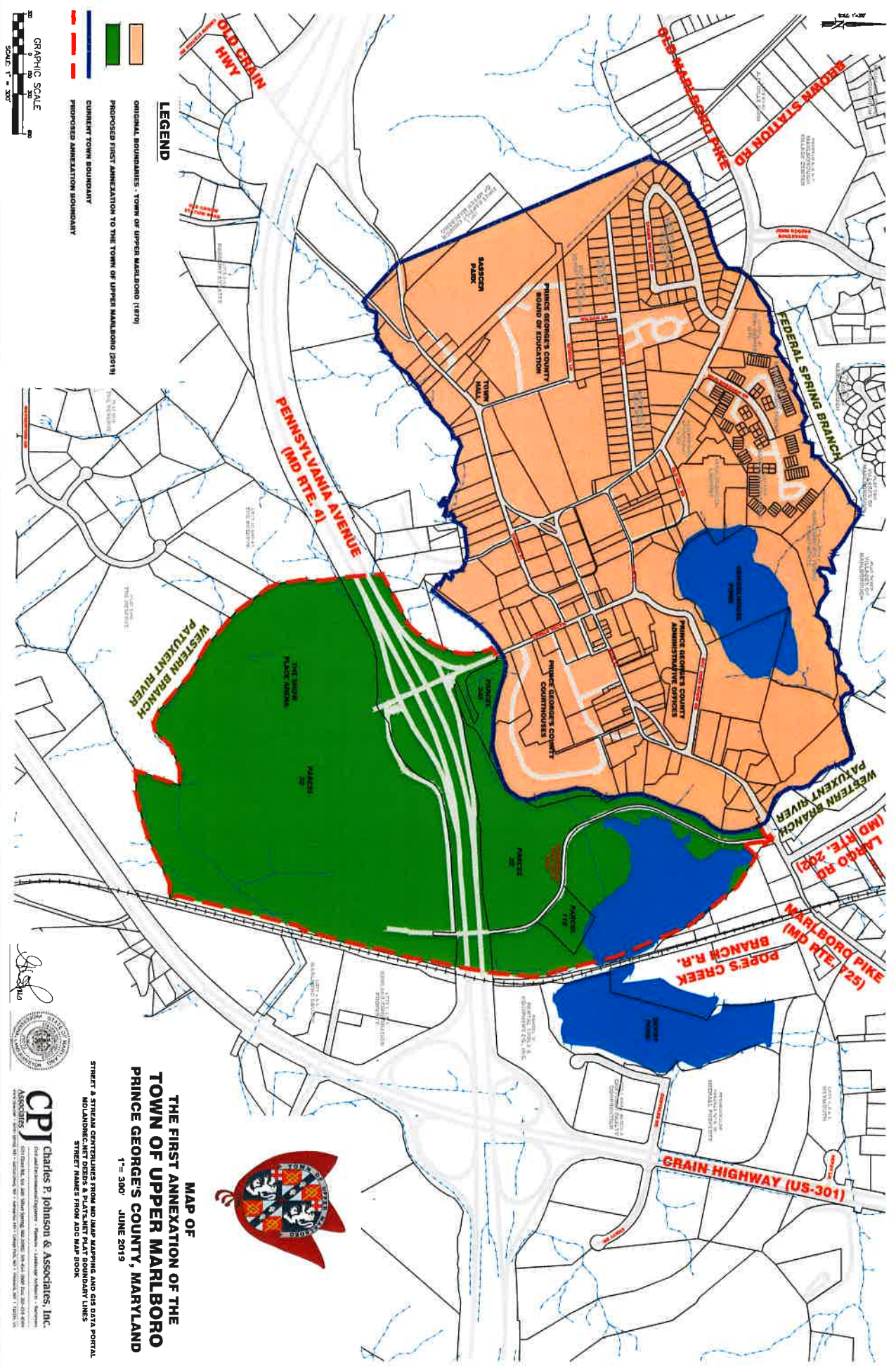
PUBLIC HEARING DATE (NOT LESS THAN 15 DAYS AFTER THE FINAL
PUBLICATION OF THE NOTICES): July 23, 2019

ENACTMENT DATE (ON OR AFTER HEARING DATE): July 23, 2019

EFFECTIVE DATE (45 DAYS AFTER ENACTMENT): Sept. 6, 2019

FILE ENACTED RESOLUTION (WITH CLERK OF CIR. COURT, MD. DEPT.
LEGISLATIVE SERVICES, COUNTY TAX ASSESSOR & M-NCPPC W/I 10 DAYS):
Sept. 16, 2019

Note: All items to be delivered or mailed to the County or the County Council shall include a separate delivery or publication to the County Executive.



LEGEND

- ORIGINAL BOUNDARIES - TOWN OF UPPER MARLBORO (1870)
- PROPOSED FIRST ANNEXATION TO THE TOWN OF UPPER MARLBORO (2019)
- CURRENT TOWN BOUNDARY
- PROPOSED ANNEXATION BOUNDARY

GRAPHIC SCALE
SCALE 1" = 300'

MAP OF THE FIRST ANNEXATION OF THE TOWN OF UPPER MARLBORO PRINCE GEORGES COUNTY, MARYLAND

1" = 300' JUNE 2019

STREET & STREAM CENTERLINES FROM MD MAP MAPPING AND GIS DATA PORTAL
MOUNDING, NET DEEDS & PLATS, NET PLAY BOUNDARY LINES
STREET NAMES FROM ADC MAP BOOK

CPJ Charles P. Johnson & Associates, Inc.
10140 Leesville Road, Suite 100, Upper Marlboro, MD 20786
410-321-1111
www.charlesjohnson.com



THE TOWN OF UPPER MARLBORO, MARYLAND

ANNEXATION PLAN

FOR THE ANNEXATION OF CERTAIN TAX EXEMPT AND OTHER PUBLICALLY-OWNED PROPERTIES LOCATED EAST AND SOUTH OF THE PRESENT CORPORATE LIMITS OF THE TOWN OF UPPER MARLBORO (TAX MAP 102, PARCEL 32, [NORTH AND SOUTH OF PENNSYLVANIA AVENUE/STEPHANIE ROPER HIGHWAY (MD 4)] & TAX MAP 102, PARCEL 115; & TAX MAP 101, PARCEL 245; & TAX MAP 101, PARCEL 60 INTO THE TOWN OF UPPER MARLBORO (THE FIRST ANNEXATION))

June 10, 2019

WHEREAS, The Board of Commissioners of The Town of Upper Marlboro (The “Town”) has initiated a Resolution (Annexation Resolution 01-2019) proposing to annex certain property contiguous and adjoining to the boundary of the Town, including the following: two (2) segments of State Highways (rights-of-way of MD 4 & MD 717) and approximately five (5) parcels (including portions of parcels already located within the Town’s corporate limits) of land consisting of an annexation area of 189.08 acres of land, more or less, located in the 3rd Assessment District of Prince George’s County, and located generally south and east of the present corporate limits of the Town of Upper Marlboro, including lands situated South of Marlboro Pike (MD 725) bounded by or straddling Marlboro Race Track Road (private road), the western basin of Depot Pond located within Parcel 32 and West of the CSX Transportation railroad right-of-way, Parcel 115, a portion of Parcel 60, a portion of Parcel 245, a segment of Pennsylvania Avenue/Stephanie Roper Highway (MD 4) bisecting Parcel 32, and a segment of Water Street (MD 717) into the corporate territory of the Town of Upper Marlboro as more fully described in Annexation Resolution 01-2019; and

WHEREAS, said Annexation Resolution was initiated by the Board of Commissioners pursuant to §4-403 of the LG Art., of Md. Ann. Code; and

WHEREAS, the Annexation Property currently has no residential dwellings, and no residential occupants residing upon the premises or parcels owned and maintained by governmental owners named herein; therefore, the Board of Commissioners finds that there are no qualified voters residing in the Annexation Property; and

WHEREAS, the Board of Commissioners further finds that all of the parcels, ways or lands of the Annexation Property are owned by tax exempt entities including the State of Maryland, Prince George County, and the Prince George’s Soil Conservation District; and

WHEREAS, the Board of Commissioners further finds that this annexation plan is consistent with any applicable municipal growth element of any comprehensive or related plan of the municipality; and

WHEREAS, on the 10th day of June 2019, the Board of Commissioners of The Town of Upper Marlboro introduced a resolution proposing the aforementioned municipal annexation initiated by the Town.

A. Introduction

This Annexation Plan has been prepared by the Town pursuant to Section 4-415 of the Local Government Article, of the Annotated Code of Maryland.

B. Land Use and Zoning Pattern for the Annexation Property

(1) The Annexation Property is located approximately along the Southern and Eastern boundaries of the Town's current corporate limits. The area to be annexed (the "Annexation Property") is described in the metes and bounds legal description of Annexation Resolution 01-2019, Section 2 as a parcel or parcels of land referenced therein as the First Annexation, and the Annexation Property is more further described or depicted on a map exhibit entitled "Map of the First Annexation of the Town of Upper Marlboro, Prince George's County, Maryland, 1" = 300', June 2019" prepared by Charles P. Johnson and Associates, Inc., which is attached hereto as Exhibit 1, and the Annexation Property is further shown on the Prince George's County TAX MAP (Tax Map 102, Parcel 32 (Account No. 0238873), & Tax Map 102, Parcel 115 (Account No. 3733714); & Tax Map 101, Parcel 245 (Account No. 0229864); & Tax Map 101, Parcel 60 (Account No. 0192286).

(2) The Annexation Property is currently zoned R-O-S or Reserved Open Space, RA or Residential-Agricultural, RR or Rural Residential and C-S-C or Commercial Shopping Center on certain portions of the subject parcels pursuant to the County Zoning Ordinance. Upon annexation into the Town, the Annexation Property will likely remain as currently classified under the County Zoning Ordinance.

C. Availability of Land for Public Facilities

There are no existing or pending agreements between the Town and the land owners (i.e., the Prince George's County Government, the State of Maryland and the Prince George's Soil Conservation District) concerning dedication of portions of the Annexation Property for public facilities. Land use, zoning, subdivision, building construction and storm water regulations are generally administered by the County, the Washington Suburban Sanitary Commission (the "WSSC"), or the Maryland-National Capital Park and Planning Commission unless preempted by federal law. All necessary infrastructure and improvements, including road access, sidewalks, storm water management systems, water and sewer systems and/or extensions and utility delivery systems, and all other facilities necessary to service the Annexation Property shall be installed in accordance with sound engineering principles, and shall be subject to location, design and construction approvals and/or Mandatory Referrals reviewed by Prince George's County, WSSC or the County Planning Board.

D. Public Water and Sewer

Public water and sewer service is or will be supplied by the Washington Suburban Sanitary Commission for the Annexation Property. The sewer basin is basin ID: 14, basin name: Western Branch. The current water and sewer categories are as follows: sewer category, sewer code: S-3, sewer description code: Community System and the Sewer Envelope Availability: Planned or Existing Community System. The water category is water code: W-3, water description code: Community

System. According to the County's 2008 Water and Sewer Plan, Category 3 - Community System means the property is or will be served by public water and sewer.

E. Other Municipal or Related Services

(1) Police Service. The Annexation Property is served by the Maryland-National Capital Park Police and the Prince George's County Police Department, and also, as permitted by law, may be further served by the Upper Marlboro Police Department on a limited basis for purposes of police protection. Certain services may also be provided by the Prince George's County Police Department pursuant to a Memorandum of Understanding or Mutual Aid Agreement regarding jurisdictional police services entered into between the Town and the County governments. Such services may commence after annexation, using existing personnel and equipment, at the same or similar level of service now being provided to the Town in areas where police protective services are provided on a concurrent basis with another police agency.

(2) Emergency Service. The Marlboro Volunteer Fire Department, Station #1 presently provides fire protection and emergency medical services to the Annexation Property. Such services will continue after annexation, using existing personnel and equipment, at the same or similar level of service now being provided.

(3) Street Maintenance. The Annexation Property contains no streets or highways under the jurisdiction of the Town of Upper Marlboro. Any existing public streets or roadways will continue to be maintained for public or private use by the County, the State of Maryland or other public entities into the foreseeable future.

(4) Refuse Collection. The Town presently offers only residential trash collection. There is no residential development within the Annexation Area and presently there are no municipal trash collection services proposed for the Annexation Area.

(5) Code Enforcement. Since the land to be annexed is owned and operated by governmental entities, such land is generally exempt from the enforcement of municipal building, livability and safety codes and ordinances.

F. Financing Services

Financing for any municipal services extended to the Annexation Property will be provided through the general fund as currently provided to the Town. The largest source of tax revenues collected by the Town is attributable to the municipal property tax which is levied only against taxable property of which no portion of the Annexation Property contains such taxable property; however, the Town may fund certain extended services by way of intergovernmental grants, fees, payments in lieu of taxes and/or pursuant to memoranda of understanding.

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

ATTEST:

BOARD OF COMMISSIONERS OF THE TOWN
OF UPPER MARLBORO, MARYLAND

M. David Williams
Clerk

Tonga Y. Turner, President/Mayor

Linda Pennoyer, Commissioner

Approval Date: _____

Wanda Leonard, Commissioner

CERTIFICATION

I, the undersigned, hereby certify that I am the 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 Annexation Plan, and that said Plan 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, Clerk

The Town of Upper Marlboro

RESOLUTION: 2019-02
SESSION: Regular/Special Town Meeting
DATED: June 10, 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:

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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]henever 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 speak shall hold the floor and shall make their point clearly and succinctly. Public comments will be limited to three (3) minutes or s 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 Amongst 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, Chief of Staff 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 Town 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 Maryland 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:

THE TOWN OF UPPER MARLBORO
BOARD OF COMMISSIONERS

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