

# Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772

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## REGULAR TOWN MEETING

June 9, 2020 – 7:00 p.m.

### AGENDA

**This meeting will be conducted via Zoom Video Teleconference.** As the Town Hall remains closed to the public at this time, citizens may participate by video or phone (*please sign-in with the Clerk*): <https://us02web.zoom.us/j/83092869442> Meeting ID: 830 9286 9442 Dial-in only: 301-715-8592.

#### Call to Order

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

#### Closed Session Statement

- May 26, 2020 Board Work Session.

#### Approval of Meeting Minutes & Financial Reports

- Approval of the May 6, 2020 Special Work Session Meeting minutes
- Approval of the May 12, 2020 Regular Town Meeting minutes
- Approval of the May 26, 2020 Board Work Session minutes
- Finance Report & Approval of the Treasurer's Report, as of May 31, 2020.

#### Reports

- Department Reports — Public Safety, Public Works, Finance and Clerk's Office
- Committee Reports — Historical, Events, Sustainable Communities, CERT
- Commissioner Reports.

#### Business

- 1) Ordinance 2020-05: Town Operating Budget for FY2021 (Board vote)
- 2) Ordinance 2020-06: Establishing Rates for FY2021 Tax Levy (Board vote)
- 3) Resolution 2020-13: Accounting Services Award (Board vote)
- 4) Resolution 2020-14: Government Relations Firm Award (Board vote)
- 5) Contract: Greenwill Consulting Group, LLC (Board approval)
- 6) Resolution 2020-15: Adopting Town Organizational Chart (Board vote)

#### Administrative Updates

- 7) General Commissioner & Staff items

#### Public Comment

*For items not necessarily on the immediate agenda (3 minutes per item)*

#### 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*

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**Kai Bernal-LeClaire**  
Commissioner/Treasurer

**Wanda Leonard**  
Commissioner

**Linda Pennoyer**  
Commissioner/President

## PUBLIC COMMENT PROCEDURES

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

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

Our meetings are open to the public, and we ask that residents who want to comment to please follow the rules that have been established by “Resolution 2019-02: Adoption of Rules of Order and Regulations for Public Meetings” . . .

### III. Citizen Input

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

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

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

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

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

# Town of Upper Marlboro

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

## Special Work Session Minutes

Wednesday May 6, 2020 - 5:00 p.m.

unApproved

Board Work Sessions are typically open to public observation however, the Business discussion at this meeting was during Closed Session.

This meeting was conducted via Zoom Video Teleconference:

<https://us02web.zoom.us/j/82968767931>

Video Meeting ID: 829 6876 7931, or, Audio Dial-in only: (301) 715-8592.

### Call to Order

- Meeting was brought to order at 5:16 p.m.
- Roll Call – President Linda Pennoyer; Commissioner Kai Bernal-LeClaire; Town Clerk M. David Williams; and, Chief of Staff Kyle Snyder. Commissioner Wanda Leonard and Town Attorney Kevin J. Best, Esq. to join at the start of the closed session.
- Pledge of Allegiance

### Business

**Closed Session:** (Board vote to close open session)

Under General Provisions Article 3-305(b)(1): To discuss . . . any other personnel matter that affects one or more specific individuals. Commissioner Bernal-LeClaire motioned to close the open session so as to immediately enter into the separate closed session. President Pennoyer seconded. The motion passed by majority of the Board, and it was noted that Commissioner Leonard and Attorney Best would both be joining the closed session upon its opening.

### Business

Board discussion on performance and other matters involving proposed and existing employment contracts with certain town employees.

Closed Session statement will be delivered at the next Regular Town Meeting on May 12, 2020.

### Adjournment

The open meeting was adjourned at 5:20 p.m.

Respectfully submitted,

M. David Williams  
Town Clerk

# Town of Upper Marlboro

## REGULAR TOWN MEETING

May 12, 2020 • 7:00 p.m.

unApproved Minutes

This meeting was conducted via Zoom Video Teleconference: <https://us02web.zoom.us/j/88244103630>  
Meeting ID: 882 4410 3630; Dial-in only: 301-715-8592.

### Call to Order

The meeting was called to order at 7:04 p.m.

Roll Call: Commissioner/Treasurer Kai Bernal-LeClaire; Commissioner Wanda M. Leonard; and, Linda Pennoyer/President of the Board of Town Commissioners.

Staff present: M. David Williams/Town Clerk; Kyle Snyder/Chief of Staff; UMPD Chief Burse; William Morgan/Director of Finance; and,

Also present: TUMHC Chair Patti Skews; TUMHC Archivist Brian Callicott; SCW Chair Evelyn Stephens; EC Secretary Sarah Franklin; Ray Feldman/Feldman Communications Strategies LLC; Marlborough Towne HOA President Monica Williams; Ivan Lanier, Jacob Moore and Tia Ortiz/Greenwill Consulting Group LLC; plus, various citizens and interested parties.

### Pledge of Allegiance

### Consent to the Agenda

The President received unanimous consent to the Agenda.

### Closed Session Statements

President Pennoyer read aloud the closing statements from 2 separate past Closed Sessions:

The April 28, 2020 Board Work Session: The meeting was closed to the public in accordance with the procedures found in the General Provisions Article, §3-305(b) of the Maryland Code. The topics and purposes of this closed meeting were to seek consultant's advice on particular ongoing legal matters maintaining attorney-client privilege, and, . . . To discuss, and preserve confidentiality of, information concerning personnel structure as it relates to Ordinance 2020-03. The specific statutory authorities to close the session are found in the General Provisions Art., Section 3-305, Subsection (b), Paragraph (1), and, Section 3-305, Subsection (b), Paragraph (8). Persons present for discussion: President Pennoyer; Commissioner Leonard; Commissioner Bernal-LeClaire; and, Town Attorney/Kevin J. Best, Esq.

The May 6, 2020 Special Board Work Session: The meeting was closed to the public in accordance with the procedures found in the General Provisions Article, §3-305(b) of the Maryland Code. The topic and purpose of this closed meeting was to further discuss Personnel matters as related to performance and other matters involving proposed and existing employment contracts with certain town employees. The specific statutory authority to close the session is found in the General Provisions Art., Section 3-305, Subsection (b), Paragraph (1). Persons present for discussion: President Pennoyer; Commissioner Leonard; Commissioner Bernal-LeClaire; and, Town Attorney/Kevin J. Best, Esq.

### Approval of Meeting Minutes & Financial Reports

Commissioner Bernal-LeClaire motioned to approve the Regular Town Meeting minutes from April 14, 2020, the Board Work Session minutes from April 28, 2020, and the Treasurer's Report as of April 30, 2020. Commissioner Leonard seconded. All Board minutes from April's Town Meeting and Work Session, plus, the April 2020 Treasurer's Report were unanimously accepted and approved as presented.

## Reports

### Departments/Committees:

- Chief Burse delivered the UMPD report for the month of April 2020, a copy was provided in the Public Meeting Packet. He noted several code violations were recorded and letters will be sent out to those property owners by next week. He added that the UMPD has been frequenting the downtown businesses to give support during the downturn of the economy, even making purchases of goods. He noted that 2 businesses had been reported as not following social-distancing guidelines, and that those issues have since been addressed and resolved with help from the PGC Police.
- Mr. Snyder delivered the April Public Works Report for Superintendent Bond delivered the Public Works reports for April 2020, a copy was provided in the Public Meeting Packet.
- Director of Finance Morgan reviewed highlights of the April Treasurer's Report noting a slight increase in Parking Fine payments and Grants revenues, adding the meter revenue is flat due to the meters being off since March 16<sup>th</sup>. He also noted the Town had to close out a CD due to an \$82K shortfall, adding that CARES Act funding will eventually defray those extra costs associated with the pandemic. It was noted that the Town is losing about \$25K per month while the parking meters are off.
- Clerk Williams reported he is handing the incoming emails from home and has been going into the office once a week to handle the postal mail and phone call logs.
- TUMHC Chair Skews reported that the Committee's printed Walking Tour Brochures have been printed, adding that the TUMHC will next meet on May 16<sup>th</sup> via the Zoom Video Conferencing platform.
- EC Secretary Franklin reported that the EC is planning to change the 3 Movie Night events to a "Drive-In" venue and are also looking into conducting a Town Shred Event as well.
- Chair Stephens reported that the SCW will not have a meeting as planned on May 25<sup>th</sup> but will reschedule one for shortly thereafter.

### Commissioners:

- Commissioner Bernal-LeClaire: Announced he has been working with Mr. Morgan on the FY21 Budget, and, taking part in several meetings with potential accounting firms for an annual services contract.
- Commissioner Leonard: Reported that she has participated in several State & Local meetings concerning the COVID-19 pandemic, adding that the UM/CERT continues with virtual meetings. She announced the UM/CERT is now part of the National Capital Region CERT Consortium working with several area Counties in Maryland and Virginia. She noted the UM/CERT is the only Prince George's County CERT that submits monthly reports to the Office of Emergency Management.
- President Pennoyer: At this point, the President invited CEO Ivan Lanier of Greenwill Consulting Group, LLC to speak on their recent work and accomplishments at the State House in Annapolis on the Town's behalf. He and his associates reported on recent and current projects that include Speed Monitoring Systems legislation, Bond Bill acquisition(s), Recreational Facility improvements, the Main Street Maryland Program, road safety improvements, and, networking with our County Councilmember(s) and State Delegates for support on Town projects and issues.

## Business

- 1.) Ordinance 2020-03 Personnel Systems Standards: The Clerk delivered the second reading of the Ordinance's introduction. Seeing no further comment from the Board or the public, Commissioner Bernal-LeClaire motioned to approve Ordinance 2020-03. Commissioner Leonard seconded. With all in favor, the motion was unanimously passed.
- 2.) Ordinance 2020-05 Town Operating Budget for FY2021: The Clerk read aloud the Ordinance's introduction. Commissioner Bernal-LeClaire reviewed highlights illustrated via a PowerPoint presentation that included projected departmental revenues and expenses that had been edited downward since its first draft. An employee salary step-chart was also added for the first time.

- 3.) Ordinance 2020-06 Establish Rates for FY2021 Tax Levy: The ordinance's introduction was read aloud by the Clerk. It was noted that all Tax rates have remained the same as last year.
- 4.) Resolution 2020-11 Awarding RFP #UM 2020-03 Town Solar Installation: Staff noted their recommendation for the preferred vendor. The resolution's introduction was read aloud by the Clerk and a minor edit to the date of enactment was noted. Commissioner Bernal-LeClaire motioned to approve Resolution 2020-11, as amended, and award the accompanying contract proposal submitted by PowerFactor. Commissioner Leonard seconded the motion. With no one opposed, the motion was approved unanimously.
- 5.) RFP #UM 2020-05 Government Relations Firm: It was noted that the contract was for a 2-year term. Commissioner Bernal-LeClaire motioned to approve publication of RFP #UM 2020-05. Commissioner Leonard seconded. With all in favor, the motion was passed unanimously.

### **Administrative Updates**

- 6.) Legislation, Projects and Initiatives: CoS Snyder shared a Project Tracking spreadsheet viewable to attendees through a PowerPoint presentation projected through the Zoom Meeting platform. He noted work has begun on the State's ADA compliant upgrades to the intersection of Main and Water Streets. It was noted that the County's meeting date for the Petition for Judicial Review concerning the OMES historical status has been moved to sometime in September.
- 7.) General Commissioner & Staff items: Commissioner Bernal-LeClaire noted that after consultation with the Town Attorney, the 2018 edition of the Employee Handbook remains a draft version, and that the last Board approved version of the Handbook from 2012, and later amended in 2015, is the current working document in effect.

President Pennoyer reminded all to complete their 2020 Census forms, and, commented for the record that had Marlboro Day gone ahead as planned, that it would have been rained-out. She added that the Town is partnering with the M-NCPPC and the Red Cross to conduct a Blood Drive at the Upper Marlboro Community Center on Race Track Road, date to be determined.

### **Public Comment**

A concerned citizen requested more police coverage to address the recent uptick in speeding vehicles throughout Town during the shut-down. Chief Burse said efforts will be made to enhance coverage on Friday and Saturday evenings when most violations occur. He reminded all to please call 911 or the PGC Non-Emergency number when violations happen. A Town Police Officer can be requested to respond, and callers can also request to be anonymous.

### **Adjournment**

President Pennoyer motioned to adjourn, Commissioner Bernal-LeClaire seconded. With no one opposed, the meeting was adjourned at 8:56 p.m.

Respectfully submitted,

M. David Williams  
Town Clerk

# Town of Upper Marlboro

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

## Work Session Minutes

May 26, 2020 - 7:00 p.m.

unApproved

### Call to Order

- Meeting was brought to order at 7:01 p.m.
- Roll Call – President Linda Penoyer; Commissioner Wanda Leonard; Commissioner Kai Bernal-LeClaire; Town Clerk M. David Williams. Also present: Chief of Staff Kyle Snyder; UMPD Chief David Burse; Public Works Superintendent Darnell Bond; Director of Finance William Morgan; and, Marlborough Towne HOA President Monica Williams.
- Pledge of Allegiance

### Business

- 1) Ordinance 2020-05 Town Operating Budget for FY2021: Finance Director Morgan noted edits made since the ordinance was initially introduced at the May 2020 Town Meeting. The President noted the Court plans to open back up for employees on June 8<sup>th</sup>, reopen to the public on July 22<sup>nd</sup>, and Jury trial cases will not resume until October.
- 2) Ordinance 2020-06 Establish Rates for FY2021 Tax Levy: The Clerk re-read aloud the ordinance's introduction. CoS Snyder reviewed a Memo provided in the meeting packet concerning the need to reevaluate the Town's Constant Yield Tax Rate given that the Town's "exempt" status will change due to higher annual budgets from future annexation phases.
- 3) Review of RFP #UM 2020-05 Government Relations Firm: CoS Snyder noted only one submission was received by today's deadline from Greenwill Consulting Group, LLC. He reviewed highlights of the contract that will be reviewed by the Town Attorney. After discussion, the Board agreed to move forward with a vote at the June Town Meeting.
- 4) RFP #UM 2020-03 Accounting Firm: Commissioner Bernal-LeClaire noted he and Director Morgan had met by phone with the top 3 firms who submitted proposals. After discussion, the Board decided to proceed with legislation to approve the Treasurer's preferred firm.
- 5) Declaration of Emergency 2020-03 & Courthouse Reopening Plan: The President asked for additional input on the updated Declaration. Seeing none, Commissioner Bernal-LeClaire motioned to approve Declaration 2020-03 as presented. Commissioner Leonard seconded. With all in favor, the Declaration of Local Emergency 2020-03 and attachments were unanimously approved.
- 6) Employee Handbook/updates: The Board discussed to confirm the latest Board approved revision to the Handbook to be February 2015. The Board will review the 2018 "unapproved" version against the 2015 "Board approved" revision for a future discussion.
- 7) General Commissioner & Administrative Staff items: It was noted that a resident asked about the possibility of temporarily closing the residential section of Elm Street to better aid residents with social distancing efforts. It was noted this would be problematic given the current State road closures happening at the intersection of Main & Water Streets.  
  
Clerk Williams read aloud a communication from the Department of Agriculture stating that though the annual spraying program (for West Nile Virus) was suspended this year due to budget/personnel cuts, they will continue to test-only for that and other viruses. Should their testing reveal the presence of any of these viruses in mosquitos, or a case shows up in humans, they will notify the Town and commence with a spraying program. An option to opt-out and not be billed this year was discussed. The Clerk will seek clarification from the Agriculture Department about cost estimates should the Town desire to remain opted-in.

**Closed Session**

President Pennoyer read the following closed session statement:

Under General Provisions Article 3-305(b)(1): To discuss...any other personnel matter that affects one or more specific individuals; and, General Provisions Article 3-305(b)(7): "To consult with counsel to obtain legal advice."

**Business**

Board to discuss employee salaries and other matters involving proposed Town Organizational Charts. It was noted that the Closed Session statement will be delivered at the next Town Meeting on June 9, 2020.

Commissioner Bernal-LeClaire motioned to close the open session so as to immediately enter into the separate closed session. Commissioner Leonard seconded. The motion was passed unanimously. It was noted that Town Attorney Kevin J. Best would be joining the Closed Session which will commence on a separate Zoom Meeting ID upon adjournment of the current open session.

**Adjournment**

The open meeting was adjourned at 7:42 p.m.

Respectfully submitted,

M. David Williams  
Town Clerk



# Town of Upper Marlboro

Town Hall, 14211 School Lane  
Upper Marlboro, MD 20772

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

info@uppermarlbormd.gov  
www.uppermarlbormd.gov

## Town of Upper Marlboro Budget vs. Actuals July 2019 – May 2020

	Actual	Budget	% of Budget
<b>Revenue</b>			
Fines, Licenses, Permits	\$240,656.93	\$339,935.00	70%
Grants	\$144,301.40	\$550,829.00	26%
Intergovernmental	\$24,741.26	\$41,315.00	59%
Other Revenue	\$268,460.51	\$341,432.00	79%
Taxes	\$830,422.64	\$852,209.00	97%
<b>Total Revenue</b>	<b>\$1,508,582.74</b>	<b>\$2,125,720.00</b>	<b>71%</b>
<b>Expenses</b>			
General Government	\$947,678.62	\$1,186,517.00	80%
Public Safety	\$274,591.53	\$560,122.00	49%
Public Works	\$242,720.76	\$379,081.00	64%
<b>Total Expenses</b>	<b>\$1,464,990.91</b>	<b>\$2,125,720.00</b>	<b>69%</b>

### Committee Overview

Historical Committee	\$306.46	\$1,500.00	20%
CERT Team	\$238.45	\$1,500.00	16%
Events Committee	\$5,974.84	\$12,500.00	48%



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## MONTHLY NARRATIVE

As we still monitor the financial hardship of COVID-19, we have budgeted the best way possible in knowing July 1<sup>st</sup> is around the corner as we will begin FY2021.

1. Budgeting
2. Tax rates
3. COVID-19 expenses
4. Transparency

## **Town of Upper Marlboro**

### **Profit & Loss May 2020**

#### **REVENUE**

FINES, LICENSES, PERMITS	\$4,741.69
GRANTS	\$2,500.00
INTERGOVERNMENTAL	\$4,598.06
OTHER REVENUE	\$1,642.94
TAXES	\$53,323.55
<b>TOTAL REVENUE</b>	<b>\$66,806.24</b>

#### **EXPENSES**

GENERAL GOVERNMENT	\$43,552.60
PUBLIC SAFETY	\$19,965.09
PUBLIC WORKS	\$17,867.08
<b>TOTAL EXPENSES</b>	<b>\$81,384.77</b>



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## Town of Upper Marlboro Balance Sheet As of May 31, 2020

	<u>Total</u>
Cash on Hand and in Banks	
1000 PGFSB Operating Checking	160,944.93
1001 Petty Cash	300.00
1010 PGFSB Payroll Account	0.00
1040 M&T Checking	14,458.76
1068 SONA Bank CD 8641	0.00
1117 Old Line Bank	102,941.08
1122 Congressional Bank CD 5756	212,310.55
1140 MLGIP	127,000.04
Total Cash on Hand and in Banks	<u>\$ 617,955.36</u>



# Town of Upper Marlboro Police Department

14211 School Lane, Upper Marlboro, MD 20772 Tel: (301) 627-6905

## Monthly Town Police Department Report For the Month of May 2020

### Incidents Reported in Town:

Missing Person 2	Threat Complaint 1	Suspicious Vehicle 2
Theft from Auto 1	Theft Report 1	Check on the Welfare 1
Business Alarm 1	Disorderly Report 3	Break-in in Progress 1
DWI Arrest & Accident 1	Property Damage 3	Suspicious Person 1
Accident Report 1	House Alarm 1	Theft from Auto 1
Domestic Report 1		

Chief Burse participated in several conference calls with the Prince George's Chiefs Association discussing issues related to COVID-19.

Chief Burse, Cpl. deBarros and Sgt. Irby assisted the County Police with protestors at the County Administration Building.

Chief Burse participated in several conference calls with Prince George's County Office of Emergency Management and the Maryland State Police related to COVID-19.

Chief Burse, Sgt. Irby, and Cpl. deBarros conducted high visibility patrols throughout the Town during the Stay at Home Order.

Chief Burse and Cpl. deBarros participated in a Food Drive donation sponsored by Maryland State Delegate Ron Watson.

Chief Burse participated in a Zoom conference call with the District 2 Coffee Club.

Chief Burse, Sgt. Irby and Cpl. deBarros participated in High School and College graduation celebration parades.

Chief Burse received masks, protective gowns, gloves, and PPE equipment from the Prince George's County Office of Community Relations.

Chief Burse participated in a conference call with U.S. Senator Ben Cardin.

Chief Burse and the Sheriff's Department conducted a security assessment for the reopening of the County Courthouse.



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Mailing address: P.O. Box 280 • Upper Marlboro, MD 20773-0280

**Date:** Monday, June 1, 2020

**Subject:** Public Works' Status Report

**RE:** May 2020 – Monthly Status Report

**Capital Improvements** – Public Works Superintendent reached out to a few other municipalities (North Beach, Forrest Heights, and Hyattsville) to ensure, as a department, we are doing all we can to prevent the spread of Covid-19. PWS was also involved in a conference call with our Chief of Staff and Sustainable Maryland to possibly secure roughly six more pet waste stations at no cost to the Town.

**Maintenance and Beautification** – Herbicide treatments were wrapped up along Main and Water Streets; we are now branching out Town-wide to complete with our site cuts. Public Works crews, in conjunction with Town Police and Code Enforcement, carried out one high grass abatement.

**Street and Sidewalk Repairs** – PWS filed one service request (SR-0414014) to have one storm drain vacuumed and inspected due to standing water at the inlet of the drain along Main Street. Rommel Construction began work at Main and Water Streets to upgrade the traffic signals and pedestrian pedestals. Church Street directional signage at Route 4 offramps were removed.

**Weather Related Activities** – May had multiple high-wind events that resulted in one downed stop sign (Marlborough Drive), a small number of limbs, and one small tree to be removed from Town property.

**Refuse Accumulations** – Bulk day accumulations for solid wastes (Landfill) are 3.33 tons. Bulk day accumulations for yard waste collections are 3.77 tons.

Sincerely,

Darnell F. Bond III  
*Public Works Superintendent*

**Kai Bernal-LeClaire**  
Commissioner/Treasurer

**Wanda Leonard**  
Commissioner

**Linda Pennoyer**  
Commissioner/President

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

ORDINANCE: 2020-05  
SESSION: Regular Town Meeting  
INTRODUCED: May 12, 2020  
DATE ENACTED: \_\_\_\_\_

AN ORDINANCE relating to adopting and approving the budget for the fiscal year 2021 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 the Local Government (“LG”) Article, § 5-205 of the Annotated Code of Maryland (“State 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; and

WHEREAS, every municipal legislative body is further expressly delegated ordinance making powers pursuant to said section of the State Code 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; and

WHEREAS, the Town of Upper Marlboro for fiscal year 2021 is exempt from the notice and hearing requirements of the Maryland Constant Yield Tax Rate Law (Code, Tax-Property Art., Section 6-308); and

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”); and

WHEREAS, the fiscal year for each municipal corporation in the State of Maryland is mandated by Code, LG Article, Section 16-101, and Charter, Section 82-39 to begin on July 1 of a calendar year and end on June 30 of the next calendar year; and

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; and

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; and

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; and

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; and

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; and

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; and

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; and

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 30<sup>th</sup> in each and every year the Board shall determine the tax rates 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 AND ENACT AS FOLLOWS:

**Section 1.** The Fiscal Year 2021 Budget Ordinance (“FY2021 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	\$845,000.000
Intergovernmental	\$38,870.00
Fines, License and Permits	\$346,666.00
Other	\$6,500.00
Grants	\$117,317.00
From Designated Funds	\$110,900.00
<b>Total Revenues</b>	<b>\$1,474,253.00</b>

**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 FY2021 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	\$781,180.00
Public Safety	\$429,457.00
Public Works Department	\$263,616.00
<b>Total Expenditures</b>	<b>\$1,474,253.00</b>

**Section 3.** Notwithstanding this budget ordinance, the FY2021 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 FY2021 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 FY2021 Budget was approved.

**Section 4.** All budget amendments transferring monies between general classification of expenditure or appropriations as reflected in this FY2021 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.

AND BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that the levies for Fiscal Year 2021 for the Town of Upper Marlboro shall be liens from and after July 1, 2020 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 or to be established by Ordinance 2020-06, shall remain so unless changed at a future date by the Board of Commissioners; and

BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that it hereby finally sets, ratifies and establishes the compensation of all regular Town staff positions via this annual budget ordinance enacted herein, in accordance with the pay chart below:

Paygrade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
1	32,000	32,960	33,920	34,880	35,840	36,800	37,760	38,720	39,680	40,640
2	35,000	36,050	37,100	38,150	39,200	40,250	41,300	42,350	43,400	44,450
3	39,000	40,170	41,340	42,510	43,680	44,850	46,020	47,190	48,360	49,530
4	44,000	45,320	46,640	47,960	49,280	50,600	51,920	53,240	54,560	55,880
5	50,000	51,500	53,000	54,500	56,000	57,500	59,000	60,500	62,000	63,500
6	57,000	58,710	60,420	62,130	63,840	65,550	67,260	68,970	70,680	72,390
7	65,000	66,950	68,900	70,850	72,800	74,750	76,700	78,650	80,600	82,550
8	74,000	76,220	78,440	80,660	82,880	85,100	87,320	89,540	91,760	93,980

AND 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; and

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 2021 Budget Ordinance or a fair summary of it shall be published once in a newspaper of general circulation in the Town.

AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**ORDAINED, APPROVED AND** finally passed by the Board of Commissioners of the Town of Upper Marlboro, Maryland on this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by:

Attest:

THE TOWN OF UPPER MARLBORO  
BOARD OF COMMISSIONERS

\_\_\_\_\_  
Linda Pennoyer, President

\_\_\_\_\_  
Kai Bernal-LeClaire, Commissioner

\_\_\_\_\_  
M. David Williams, Town Clerk

\_\_\_\_\_  
Wanda Leonard, Commissioner

Reviewed and Approved for Legal Sufficiency

\_\_\_\_\_  
Kevin J Best, Town Attorney

Date: \_\_\_\_\_

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

ORDINANCE: 2020-06  
SESSION: Regular Town Meeting  
INTRODUCED: May 12, 2020  
DATE ENACTED: \_\_\_\_\_

**AN ORDINANCE TO ESTABLISH TAX RATES FOR THE FISCAL YEAR 2021 TAX LEVY**

**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**, the Charter of the Town of Upper Marlboro (the “Town Charter”), Section 82–16(2)(v) (Finances), states that the Board shall have the power to pass ordinances not contrary to the laws and Constitution of this State in order to levy, assess, and collect ad valorem property taxes; to expend municipal funds for any public purpose; to have general management and control of the finances of the Town; and

**WHEREAS**, the Town Charter, Section 82–47 (Taxable Property) states all real property and all tangible personal property within the corporate limits of the Town, or personal property which may have a situs there by reason of the residence of the owner therein, shall be subject to taxation for municipal purposes, and the assessment used shall be the same as that for State and County taxes; and

**WHEREAS**, the Town Charter, Section 82–48 (Tax Levy) states that on or before the thirtieth day of June 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; and

**WHEREAS**, pursuant to Ordinance 2018-08, effective for the tax year beginning July 1, 2019, and for each tax year thereafter unless altered by a subsequent enactment of the Board of Commissioners, the classifications of property subject to municipal taxation, with respect to those properties, businesses or utilities located within the municipal boundaries of the Town of Upper Marlboro, shall be as follows: (i) commercial real property, (ii) noncommercial real property, (iii) business personal property, and (iv) public utility property; 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**, pursuant to Section 82-39 *et seq.* of the Town Charter, the Board of Town Commissioners plans to approve a separate annual budget ordinance consistent with this Ordinance.

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

That the tax rates for Fiscal Year 2021 for all real, personal and other property which is subject to taxation by the Town of Upper Marlboro are hereby established, levied and approved to be as follows:

Residential Real Property	\$ 0.24 per \$100.00 of assessed valuation;
Commercial Real Property	\$ 0.52 per \$100.00 of assessed valuation;
Business Personal Property	\$ 0.45 per \$100.00 of assessed valuation;
Public Utility Property	\$ 0.75 per \$100.00 of assessed valuation;

**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 2021 for the Town of Upper Marlboro and all other taxes, liens and/or fees prescribed herein shall remain as approved to be incorporated and adopted within the FY 2021 Budget Ordinance 2020-05.

**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 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 \_\_\_\_\_, 2020.

**ORDAINED, APPROVED AND** finally passed by the Board of Commissioners of the Town of Upper Marlboro, Maryland on this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by:

Attest:

THE TOWN OF UPPER MARLBORO  
BOARD OF COMMISSIONERS

\_\_\_\_\_  
Linda Pennoyer, President

\_\_\_\_\_  
Kai Bernal-LeClaire, Commissioner

\_\_\_\_\_  
M. David Williams, Town Clerk

\_\_\_\_\_  
Wanda Leonard, Commissioner

Reviewed and Approved for Legal Sufficiency

\_\_\_\_\_  
Kevin J Best, Town Attorney

Date: \_\_\_\_\_

## **The Town of Upper Marlboro**

RESOLUTION: 2020-13  
SESSION: Regular Town Meeting  
DATED: June 9, 2020

### **A RESOLUTION OF THE TOWN BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO TO AWARD A CONTRACT FOR ACCOUNTING SERVICES.**

**WHEREAS**, the Board of Commissioners for the Town of Upper Marlboro has authority pursuant to §§82-83 and 82-84 of the Town Charter to construct, operate, and maintain any buildings and structures it deems necessary for the operation of the Town government, and to do whatever may be necessary to protect Town property and to keep the same in good condition; and

**WHEREAS**, the Town has a need to bring in additional support of a certified accounting firm to assist in implementing best accounting practices; and

**WHEREAS**, pursuant to Town's Charter Section 82-56. (Purchasing and Contracts) all expenditures for contracts and purchases with an anticipated cost of more than ten thousand dollars (\$10,000) shall be subject to competitive sealed bidding unless the Board, by unanimous vote of the full Board, finds another method of procurement to be more advantageous; and

**WHEREAS**, the Board of Town Commissioners released RFP 2020-04 and published it for at least 15 days to seek interested applicants from April 9, 2020, through April 23, 2020; and

**WHEREAS**, the Board of Town Commissioners waived the formal request for bids process and alternatively released RFP #UM 2020-04 soliciting proposals, and thereby published said request for proposals for at least 15 days to seek interested applicants during the period of April 9, 2020, through April 23, 2020; and

**WHEREAS**, the Town Board of Commissioners hereby finds that sufficient funds have been appropriated and that ALTA CPA Group is a responsible offeror whose proposal is the most advantageous to the Town taking into consideration price and the evaluation factors set forth in the request for proposals.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners for The Town of Upper Marlboro, sitting in regular session this \_\_\_\_\_ day of \_\_\_\_\_, 2020, that the Town Board of Commissioners hereby authorize the President to award the contract to ALTA CPA Group for the amount of \$1,500 per month and to execute the relevant contract documents.

ATTEST:

THE TOWN OF UPPER MARLBORO

\_\_\_\_\_  
Clerk

Date: \_\_\_\_\_

\_\_\_\_\_  
Linda Pennoyer, President

\_\_\_\_\_  
Wanda M. Leonard, Commissioner

\_\_\_\_\_  
Kai Bernal-LeClaire, Commissioner

CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Board of Town Commissioners of the Town of Upper Marlboro at a public meeting at which a quorum was present adopted this Resolution, and that said Resolution is in full force and effect and has not been amended or repealed.

In witness whereof, I have hereunto set my hand and seal of the municipal corporation, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
M. David Williams, Town Clerk

## **The Town of Upper Marlboro**

RESOLUTION: 2020-14  
SESSION: Regular Town Meeting  
DATED: June 9, 2020

A RESOLUTION OF THE TOWN BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO TO AWARD A CONTRACT FOR LOBBYING AND GOVERNMENT RELATIONS SERVICES.

**WHEREAS**, the Town has a need to obtain lobbying and government relations services in order to interface with members of the General Assembly for funding and other legislation that is advantageous to the Town; and

**WHEREAS**, pursuant to Town's Charter Section 82-56. (Purchasing and Contracts) all expenditures for contracts and purchases with an anticipated cost of more than ten thousand dollars (\$10,000) shall be subject to competitive sealed bidding unless the Board, by unanimous vote of the full Board, finds another method of procurement to be more advantageous; and

**WHEREAS**, the Board of Town Commissioners waived the formal request for bids process and alternatively released RFP #UM 2020-05 soliciting proposals, and thereby published said request for proposals for at least 15 days to seek interested applicants during the period of May 12, 2020, through May 26, 2020; and

**WHEREAS**, the Board of Town Commissioners released RFP #UM 2020-05 and published it for at least 15 days to seek interested applicants from May 12th, 2020, through May 26, 2020: and

**WHEREAS**, the Town Board of Commissioners hereby finds that Greenwill Consulting LLC is a Maryland Corporation in good standing with the State of Maryland having a principal office at 92 Franklin Street Suite 202, Annapolis, MD 21401: and

**WHEREAS**, the Town Board of Commissioners hereby further finds that sufficient funds have been appropriated and that Greenwill Consulting, having submitted a proposal letter/contract dated May 26, 2020, attached hereto and incorporated herein as Exhibit A, is a responsible offeror whose proposal is the most advantageous to the Town taking into consideration price and the evaluation factors set forth in the request for proposals.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners for The Town of Upper Marlboro, sitting in regular session this \_\_\_\_\_ day of \_\_\_\_\_, 2020, that the Town Board of Commissioners hereby authorize the President to award the contract to Greenwill Consulting

LLC for the amount of \$3,000 per month and a term of two (2) years, and to execute the relevant contract documents.

ATTEST:

THE TOWN OF UPPER MARLBORO

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Linda Pennoyer, President

Date: \_\_\_\_\_

\_\_\_\_\_  
Wanda M. Leonard, Commissioner

\_\_\_\_\_  
Kai Bernal-LeClaire, Commissioner

CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Board of Town Commissioners of the Town of Upper Marlboro at a public meeting at which a quorum was present adopted this Resolution, and that said Resolution is in full force and effect and has not been amended or repealed.

In witness whereof, I have hereunto set my hand and seal of the municipal corporation, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
M. David Williams, Town Clerk

[Exhibit A – Proposal letter/contract]

## Re: Greenwill New Agreement

Neida Bonilla <[nbonilla@greenwillgroup.com](mailto:nbonilla@greenwillgroup.com)>

Wed 6/3/2020 1:00 PM

To: Kyle Snyder <[ksnyder@uppermarlboromd.gov](mailto:ksnyder@uppermarlboromd.gov)>

 1 attachments (48 KB)

Greenwill-Upper Marlboro Agreement 2020 kjbmarkup (2).docx;

Hello Kyle,

the only two changes were the following:

1- Insurance requirements - We have tried on numerous occasions to purchase insurance for a "Lobbying Firm". We must have tried with about 25 different agencies/insurance companies without success. No insurance company wants to insure a Lobbyist. And the only one that would asked for an astronomical premium. In the past many Towns/Municipalities have provided us with a waiver. I hope this is doable with Upper Marlboro.

2- The RFP is for a two year agreement .

I made the changes on the contract. I would like to thank everyone at Upper Marlboro government, especially you, for the continued support of Greenwill. We are always trying our best for our Clients!

Best Regards,

Neida Bonilla, CFO



92 Franklin Street, Suite 202

Annapolis, Maryland 21401

410-490-0643

[www.greenwillgroup.com](http://www.greenwillgroup.com)

Greenwill Consulting Group is an MDOT-certified MBE/DBE/SBE.

541611 - Administrative Management/General Management Consulting Services

541690 - Technical Consulting Services, Homeland Security/Law Enforcement Consulting

541820 - Public Relations Agencies, Lobbyist, Government Relations

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CONSULTING SERVICES AGREEMENT BETWEEN  
GREENWILL CONSULTING GROUP, LLC &  
THE TOWN OF UPPER MARLBORO, MARYLAND

THIS CONSULTING SERVICES AGREEMENT ("Agreement") is made and entered into as of the 1<sup>st</sup> of July 2020, by and between The Town of Upper Marlboro, a Town incorporated in the State of Maryland, ("Client " or "Town"), and Greenwill Consulting Group, LLC ("Consultant"), a limited liability company formed and registered under the laws of the State of Maryland and further registered as a regulated lobbyist with the State Ethics Commission. For purposes of the obligations of the Consultant pursuant to this Agreement, the term "Consultant" shall be deemed to include any employees, intermediaries, agents, or affiliated firms of Consultant.

Article 1 – Scope of Services; Report

A. Client retains Consultant to provide Government Relations Services in the State of Maryland ("Services"). The primary scope of work shall be; to advocate for the Town of Upper Marlboro during the 2021 and 2022 Maryland Legislative Session and strengthen partnerships with local and State governments in Maryland. Consultant will provide Services affecting the interests of Client and shall use its best efforts in supplying the Services during the term of this Agreement. Client will provide guidance as required to Consultant in the delivery of such Services. Such assistance by Consultant shall include:(1) providing assistance with implementation of strategy for overall effective representation and promotion of the Town's interests within the State of Maryland; (2) developing lobbying strategies relating to procurement of grants, economic development, improvement of infrastructure and public services and revenue generation legislation; (3) educating the members of the Maryland General Assembly and Prince Georges County Government of Client goals, objectives, and needs; (4) monitoring sources of local and State of Maryland legislation; (5) monitoring the Prince George's County Council and State Delegation hearings; and (6) generating influential support for the Town's political and fiscal aspirations.

B. The Town is entitled to be advised as often as the Town reasonably sees fit, of the status of work which the Consultant is performing and in such detail as the Town may specify. All reports prepared or obtained under this Agreement shall be considered works for hire and shall become the property of the Town without restriction or limitation on their use. At the termination of this Agreement, Consultant shall deliver the Town all papers, surveys, reports and other material to which the Town has exclusive rights by virtue of this Agreement, or of any business done by the Consultant on behalf of the Town. The Consultant shall submit at a minimum a monthly written report during the regular session and special session, and a summary of all legislative changes at the end of the regular session and any special session to the Town with respect to actions taken on behalf of the Town.

Article 2 – Compensation, Payment, and Invoicing

For the performance of the Services, Client shall pay Consultant an annual retainer fee of

1 of 5

\_\_\_\_\_  
Consultant

\_\_\_\_\_  
Client

\$36,000.00. The annual payments shall be made in 12 consecutive monthly installments of \$3,000.00 starting July 1, 2020 and ending on June 30, 2022.

Consultant shall invoice Client by the 15<sup>th</sup> day of each month, for the current month's Services with a Summary Report outlining actions taken by the Consultant on behalf of the Town.. Client shall pay the monthly payments no later than thirty (30) calendar days following the date on the monthly invoice. Prompt payment is a requirement for continued representation. If payment is not received by day of the month due, Client shall pay Consultant a late fee of 10% per month on any balance forward.

Payments sent by mail should be addressed as follows:

Greenwill Consulting Group, LLC  
4307 Main Street, # 198  
Grasonville, Maryland 21638

This retainer does not include the expenses for registration, meals, parking, and mileage that are directly related to this representation. These will be included in your monthly invoice. Expenses for travel, lodging and entertainment that are directly related to this representation are to be pre-approved by Client. Reimbursement for pre-approved expenses shall be made within 30 days of receipt of a properly completed expense invoice which shall be provided by Consultant.

Term of Agreement; Termination and Return of Documents

A. The term of the Agreement shall be effective from July 1, 2020 to June 30, 2022. The parties shall have the option to extend the Agreement on a month to month basis if agreed to in writing. Upon any expiration or termination of this Agreement, Consultant shall be entitled to retain all amounts paid to Consultant prior to the indicated date of termination, and Client shall not be required to make any additional payments to Consultant except for payments accrued before expiration or termination date, and reimbursement of authorized amounts expended before expiration or termination date in accordance with this Agreement. The right of either party to terminate this Agreement in the event of a breach thereof is not an exclusive remedy for such breach. Neither the expiration nor termination of this Agreement shall affect any right or obligation that has accrued as of the time of such expiration or termination.

Termination and Return of Documents:

1. Discretionary. Either party may terminate this agreement without cause upon thirty (30) days written notice mailed or personally delivered to the other party.
2. Cause. Either party may terminate this agreement for cause upon ten (10) days written notice mailed or personally delivered to the other party, and the notified party's failure to cure or correct the cause of the termination notice, to the

reasonable satisfaction of the party giving such notice, within thirty (30) days of the receipt of said notice.

3. Effect of Termination. Upon receipt of notice of termination, neither party shall incur additional obligations under any provision of this agreement without the prior written consent of the other.
4. Return of Documents. Upon termination, any and all Town documents or materials provided to Consultant and any and all of Consultant's documents and materials prepared for or relating to the performance of its duties under this agreement, shall be delivered to the Client as soon as possible, but not later than thirty (30) days afterward. Consultant shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement term and following completion of the Agreement.

#### Article 4-Confidentiality and Conflicts of Interest

Consultant, on behalf of itself and its employees, hereby covenants and agrees that it:

- (A) Shall exercise reasonable care and caution to keep confidential any and all trade secrets, confidential or proprietary information concerning Client's business, plans and operations which becomes known to Consultant by reason of performance of its Services on Client's behalf ("Confidential Information"). Confidential Information includes, but is not limited to, corporate plans and strategies, personnel records, certain proposed annexations, new product or services samples, specifications, formulations and pricing information, municipal strategies, property acquisitions, shared town attorney-client communications, litigation strategy, predication documents, and certain public records non-disclosable under the Md. PIA."
- (B) Shall not disclose any Confidential Information to any person outside of the employ of Consultant, unless to do so is required in connection with the performance of its Services and is approved in advance by Client, and in such event Consultant hereby agrees to advise said third parties of the confidential nature of said material and to obtain from such parties their agreement to abide by the confidentiality terms set forth in this Agreement, unless publication of the material is intended and agreed to by Client in advance;
- (C) Shall use such Confidential Information solely for the purposes of providing to Client the Services set forth herein;
- (D) Shall return to Client all such Confidential Information which is in a tangible form then in its possession at the termination of Consultant's Services, except that Consultant shall be entitled to keep one copy of such Confidential Information and its work product solely for the purpose of complying with the confidentiality obligations it has hereunder;

(E) It is further agreed that Confidential Information shall not include the following:

i. information that is in the public domain at the time of disclosure hereunder to Consultant or which enters the public domain through no fault of Consultant; ii. information that Consultant can reasonably demonstrate is in the possession of Consultant at the time of disclosure hereunder to Consultant; and iii. information that Consultant receives from a third party that has no obligation of confidentiality to Client with respect to the information revealed;

(F) In the event that Consultant or any other party to whom Confidential Information is supplied pursuant to this Agreement becomes legally compelled to disclose any of the Confidential Information, Consultant shall provide Client with prompt notice so that Client may seek a protective order or other appropriate remedy and/or waive compliance with the provisions of this Agreement. In the event that such protective order or other remedy is not obtained, or Client waives compliance with the provisions of this Agreement, Consultant (or a third party) shall furnish only that portion of the Confidential Information which it is advised by written opinion of counsel is legally required and shall exercise its best reasonable efforts to obtain reliable assurance that confidential treatment shall be accorded the Confidential Information;

(G) Shall disclose information to Client of any perceived conflict of interest or other information that is materially adverse to Client; and

(H) Shall share any proposed legislation with the Client's attorney prior to introduction to a legislative body or administrative agency.

(I) Consultant is aware of the public ethics laws of the Town, the County and the State of Maryland, as well as any applicable federal laws and regulations, and agrees that it will fully comply in all respects with the terms of said laws.

#### Article 5 – Independent Contractor

Consultant is retained as an independent contractor, and not an employee or agent of Client and shall be responsible for its own work. Consultant is not to be considered an agent or employee of Town and is not entitled to participate in any pension plan, insurance, bonus, or similar benefits the Town provides its employees or officials. Consultant shall be responsible for all obligations and reports covering Social Security, Unemployment Insurance, Income Tax, other reports and deductions required by any applicable state or federal law.

#### Article 6 – No Waiver

None of the provisions of this agreement shall be considered as waived by either party thereto unless such waiver is reduced to writing and signed by both parties.

#### Article 7 – Extent of Agreement

This Agreement represents the entire and integrated agreement between Client and Consultant,

and supersedes all prior negotiations, representations or agreements, either written or oral. Only written instrument signed by both Client and Consultant may amend this agreement.

#### Article 8 - Indemnification

Each party shall remain responsible for its own acts and omissions and shall indemnify the other party and its officers, directors, employees, members and agents against all liability or loss sustained in connection with, and against all claims or actions based upon or arising out of, any negligent acts or omissions of the indemnifying party or its officers, directors, employees or agents, in the performance or non-performance of this Agreement, or based upon any violation of any statute or ordinance, and the defense of any such claims or actions.

#### Article 9 – Governing Law

This Agreement shall be governed and constructed by the laws of the State of Maryland applicable to contracts made and to be performed in that State Any and all legal action necessary to enforce this Agreement will be held in Prince George’s County, Maryland.

#### Article 10 – Agreement; Counterparts; Electronic Signatures

(a) This Agreement may be executed in several counterparts, each of which shall be deemed an original and all of which shall constitute one and the same instrument and shall become effective when counterparts have been signed by each of the Parties and delivered to the other Parties; it being understood that all Parties need not sign the same counterparts.

(b) The exchange of copies of this Agreement and of signature pages by facsimile transmission (whether directly from one facsimile device to another by means of a dial-up connection or whether mediated by the worldwide web), by electronic mail in "portable document format" (".pdf") form, or by any other electronic means intended to preserve the original graphic and pictorial appearance of a document, or by combination of such means, shall constitute effective execution and delivery of this Agreement as to the Parties and may be used in lieu of the original Agreement for all purposes. Signatures of the Parties transmitted by facsimile shall be deemed to be their original signatures for all purposes.

(c) **IN WITNESS THEREOF** the parties hereto have executed this agreement as of the day of \_\_\_\_\_, 2020.

By: \_\_\_\_\_  
Ivan V. Lanier, President and CEO  
Greenwill Consulting Group, LLC  
92 Franklin Street  
Annapolis, Maryland 21401

By: \_\_\_\_\_  
The Honorable Linda Pennoyer, President  
The Town of Upper Marlboro  
14211 School Lane  
Upper Marlboro, Maryland 20772

## **The Town of Upper Marlboro**

RESOLUTION: 2020-15  
SESSION: Regular Town Meeting  
DATED: June 9, 2020

### **A RESOLUTION OF THE TOWN BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO ADOPTING A NEW TOWN GOVERNMENT ORGANIZATIONAL CHART**

**WHEREAS**, Section 82–59 of the Town Charter (Authority to Employ Personnel) states that the Town shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by the Charter or State law and to operate the Town Government; and

**WHEREAS**, Section 82-15 (Powers and Duties) of the Town Charter states that the President, with the approval of the Board, shall appoint the heads of all offices, departments, and agencies of the Town Government as established by the Charter or by ordinance, and all office, department, and agency heads shall serve at the pleasure of the President, and all subordinate officers and employees of the offices, departments, and agencies of the Town Government shall be appointed and removed by the President, in accordance with rules and regulations in any merit system which may be adopted by the Board; and

**WHEREAS**, in addition to the Board of Election Supervisors, Sections 82–57 (Clerk to the Board) and 82-58 (Town Attorney) of the Town Charter further creates the appointed offices of Clerk to the Board and Town Attorney within the Town Government; and

**WHEREAS**, pursuant to Ordinance 2012-02, the Board established the Historical Committee; and

**WHEREAS**, pursuant to Ordinance 2016-03, the Board established the Office of Code Enforcement Officer; and

**WHEREAS**, pursuant to Ordinance 2019-02, the Board authorized the creation and appointment by resolution of committees and other bodies to support Town operations and services; and

**WHEREAS**, pursuant to Ordinance 2020-03, the Board established a personnel system and ratified the creation of certain offices and referenced several other employment positions within the Town Government; and

**WHEREAS**, the Board of Commissioners wishes to structure the offices, departments and positions as outlined in a revised Organizational Chart, attached hereto as Exhibit A.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners for The Town of Upper Marlboro, sitting in regular session this \_\_\_\_\_ day of June 2020, that the Town Board of Commissioners hereby approves and adopts the new Town of Upper Marlboro Organizational Chart,

attached hereto and incorporated herein as Exhibit A, which shall replace the Town's previous organizational charts or similar exhibits.

**AND BE IT FURTHER RESOLVED**, by the Board of Commissioners for The Town of Upper Marlboro that if any section, paragraph, exhibit or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, exhibit or provision shall not affect any of the remaining provisions of this Resolution.

**AND BE IT FURTHER RESOLVED**, by the Board of Commissioners for The Town of Upper Marlboro that all prior Resolutions and policies in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

**AND BE IT FURTHER RESOLVED**, by the Board of Commissioners for The Town of Upper Marlboro that this Resolution shall be in effect immediately upon its passage and approval.

ATTEST:

THE TOWN OF UPPER MARLBORO

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Linda Pennoyer, President

Date: \_\_\_\_\_

\_\_\_\_\_  
Wanda M. Leonard, Commissioner

\_\_\_\_\_  
Kai Bernal-LeClaire, Commissioner

[Exhibit A – Organizational Chart]

CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Board of Town Commissioners of the Town of Upper Marlboro at a public meeting at which a quorum was present adopted this Resolution, and that said Resolution is in full force and effect and has not been amended or repealed.

In witness whereof, I have hereunto set my hand and seal of the municipal corporation, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
M. David Williams, Town Clerk



# Town of Upper Marlboro Organizational Chart

