

Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772

REGULAR TOWN MEETING

Tuesday, March 12, 2019 – 7:00 p.m.

AGENDA

Call to Order

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

Approval of Meeting Minutes & Financial Reports

- Approval of the February 12, 2019 Regular Town Meeting minutes
- Approval of the February 26, 2019 Work Session minutes
- Approval of the Treasurer's Report, as of February 28, 2019.

Reports

- Department Reports
- Committee Reports
- Commissioner Leonard
- Commissioner Pennoyer
- President Turner

Business

- 1) Resolution 2019-01: Food Truck Fees (Board vote)
- 2) Resolution 2019-02: New Rules of Order — DRAFT 1 (public comment)
- 3) Resolution 2019-03: Setting Fees Schedule (Board vote)
- 4) Public Information Act Request package (Board approval)
- 5) 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

PUBLIC COMMENT PROCEDURES

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

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

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

III. Citizen Input

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

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

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

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

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

Town of Upper Marlboro

REGULAR TOWN MEETING

February 12, 2019

unApproved Minutes

Oath of Office

Mr. David Burse was sworn-in as Chief of Police by President Turner ahead of the opening of the Regular Town meeting. The ceremony was opened at 6:30 p.m. for the public to attend. Notable guests in attendance included Chief Hank Stawinski and former Prince George's County Executive Rushern Baker.

Call to Order

The February Regular Town meeting was called to order at 7:05 p.m.

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

Staff present: M. David Williams, Town Clerk/Administrator; Chief of Staff Kyle Snyder; Finance Director William Morgan; SCW Chair Evelyn Stephens; TUMHC Chair Patti Skews; EC Chair Jeremy Gunnoe; Administrative Assistant Benay Walker; EC Vice-Chair Sarah Franklin; and, Events Director Anita Washington.

Also present: Various citizens and interested parties.

Pledge of Allegiance

Approval of Meeting Minutes & Financial Reports

President Turner asked for consent to the Agenda. Approval was granted by all Commissioners present. The Town Meeting minutes from January 8, 2019, the Work Session minutes from January 22, 2019 and the Financial Report for January 2019, were acknowledged by the Board as reviewed. Commissioner Leonard motioned to approve both sets of minutes, plus the January 2019 Financial Report. Commissioner Pennoyer seconded the motion. All minutes from January's regular Board Meetings and Financial Report were unanimously approved.

The Clerk reviewed the Public Comments protocol and sign-in procedures.

Reports

Staff/Committees: SCW Chair Stephens delivered an overview of the final Sustainable Communities Application to renew the Town's SC designation. She highlighted action item outcomes from the updated 5-year plan that included: Stormwater Management best practices; Power/Utility lines downtown; Aging Commercial Structures; Foreclosed Properties; Streetscape and Parking Facilities upgrades; Reducing Emissions with Tree Canopy & Parks; Bike & Ped Trails installation and connectivity; Adaptive Reuse (OMES); Green Technology best practices for Playground, Schoolhouse Pond & Community Garden; and, Quality-of-Life issues such as increased Community Engagement and Historic identity & Preservation.

TUMHC Chair Skews reported the next Quarterly will be held on February 12th at which time the TUMHC will elect a new Secretary and a new seventh member as well.

EC Treasurer Sarah Franklin reported they had about 30 participants at the Game Night event last week. She noted upcoming events such as the Poetry Slam in April, and the Marlboro Day Festival in May, adding that the UMEC has begun planning for fiscal year 2020. UMEC meets the first Thursday of March.

Finance Director Morgan reviewed highlights of the January Treasurer's Report noting a small increase in Tax payments, plus, revenues from Fines, Licenses & Permits. He also noted Expenses beyond the typical monthly services provided by the Public Works Department included new street signage throughout the Town, and beautification projects that include landscaping and extra refuse collection.

He then reviewed and submitted a proposed FY2019 Budget Amendment that reduces the Town Operating Budget by 27 percent. The floor was then opened for public comment and Mr. Morgan and

President Turner replied with answers. Concerns included Bank account transfers, investment strategies, Town Hall Addition project expenditures and the Town's reserve fund.

After discussion, President Turner motioned to approve the FY2019 Budget Amendment as presented. Commissioner Leonard seconded. The motion to approve was unanimous.

Commissioner Leonard: Had no report at this time.

Commissioner Pennoyer: Had no report at this time.

President Turner: President Turner announced the Town has applied for a variety of grants totaling \$1.2M and has just received confirmation on one for \$25K from the MDE, to apply towards Public Works and/or Public Safety projects.

She then delivered an update on the Town's Automated Traffic Enforcement project for Speed Cameras, and recent communications with the SHA Attorney on the subject. She said the Town is currently discussing other traffic-calming options for Route 725 with the SHA as well, and then read aloud a letter received from the SHA confirming the following issues and incentives to be addressed: Speed Humps & Choke Points; Optical & physical narrowing of road; and, Enhancement of school bus loading & speed limit signage.

In addition, the President has discussed with the CEO of the PGC Public School system, the relocation of school bus stops from Route 725 into the adjoining communities. Though positive agreement for the idea was reached, the Town is still awaiting a confirmation letter on the move(s) from the PGCPs.

The President addressed a recent complaint from residents about new landscaping obstructing the view for motorists at the intersection of Rectory Lane and MD Route 725. She said the Town's Public Works Department will be contacting the Developer of the new residential property, and possibly the County Property Inspector should the problem not be adequately addressed.

Business

Ordinance 2018-10: Special Events – Draft 4: After discussion, Commissioner Pennoyer motioned to approve Ordinance 2018-10 and the accompanying Special Event Application package as presented. Commissioner Leonard seconded the motion. With no one in opposition, the motion was unanimously approved.

Resolution 2018-06 Parking Meter Rates: Chief of Staff Snyder noted that the final draft raises the rate to \$2.50 per hour, with a credit card fee not to exceed \$5.00. A permitting process is being developed by the Board to allow 2 hours free parking for Town residents who register with the program. Commissioner Leonard motioned to adopt the Resolution as presented. Commissioner Pennoyer seconded the motion. With all in favor, Resolution 2018-06 was adopted unanimously.

Resolutions 2018-07 & 2018-08 Establishing Town Committees w/corresponding Bylaws: The President asked for a motion to table this item to the next Town Hall Meeting. Commissioner Pennoyer motioned and Commissioner Leonard seconded. Approval to table the Committee Resolutions was unanimous.

Resolution 2019-01 Food Truck Fees – Draft 2: The President gave an update on the Resolution that has been in discussion for a couple of months. It was noted that the \$200 food truck fee is listed on the Service Fee Schedule attached to Resolution 2019-03. It was also noted that the Resolution(s) will be posted online for Public Comment.

The President interjected an update on the Town's current Redevelopment Request For Qualifications (RFQ), stating that the "Step Two" Request For Proposals (RFP) was just posted last Monday. She noted at least a couple Q&A sessions of Developer Presentations will be offered for resident input before any final presentations of proposals to the Board are conducted. A scoring committee will also be formed.

Resolution 2019-02: New Commission Meeting Regulations: President Turner announced this first draft would not be voted on tonight, and further discussed at the next Regular Town Meeting.

Resolution 2019-03 Setting Services Fees - Draft 1: It was noted that the Town is currently working to amend the Construction Permit Ordinance to include an application process to improve communications. Related fees will be added to the Schedule.

PIA Request Form, Policy and Guidelines for Submission: The President reviewed the forms noting they are currently posted online for Public Input, and welcomed any further input and discussion at the next Town Meeting.

Automated Traffic Enforcement: This item update was addressed earlier in the agenda under reports.

Department Monthly Status Reports: President Turner stated she has added this agenda line item to keep all apprised of the Town's Public Safety and Public Works Departments status of operations. She noted these Memo-formatted reports will be provided at Regular Monthly Town Meetings.

General/Administration issues: A general request was made by the President to let the Town know of any elderly or handicapped neighbors that may need assistance in the case of emergencies. Commissioner Leonard announced that a couple of reported potholes will be patched as soon as the weather allows. The President recognized a few new attendees to the monthly meeting, who were then welcomed and invited to introduce themselves.

Public Comment

A thankful area citizen said although not an official resident of the Town, she has enjoyed attending the Town Events. She added that she has become very interested and concerned about what is planned for redevelopment of the downtown area at the corner of Water & Main Streets.

A concerned citizen asked questions about the Financial Report's "Budget vs. Actuals" figures that reflect expenditures, and expressed concerns about utilizing the Town's reserve funds.

A Town resident stated she was very happy with the new crosswalks at Water & Church Streets, but still has concerns about the 7-11 parking lot that allows huge trucks to unload on the corner. Further discussion included other concerns, such as: 1.) Relocation of Bank of America ATM; 2.) Restripe non-parking corner area of 7-11 parking rows?; 3.) Bank of America not shoveling snow off sidewalks.

Adjournment

President Turner made a motion to adjourn, Commissioner Leonard seconded the motion. With all in favor, the meeting was adjourned at 8:28 p.m.

Respectfully submitted,

M. David Williams
Town Clerk/Administrator

Town of Upper Marlboro

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

Work Session Minutes

Tuesday, February 26, 2019 - 7:00 p.m.

unApproved

Call to Order

- Meeting was brought to order at 7:00 p.m.
- Roll Call – President Tonga Turner; Commissioner Wanda Leonard; Commissioner Linda Pennoyer; Town Clerk M. David Williams, Chief David Burse; and Chief of Staff Kyle Snyder.
- Pledge of Allegiance

Reports

Commissioner Pennoyer: CSA23LC is having a meeting tonight to discuss their involvement with the 2019 Marlboro Day Festival, and their planning for the National Night Out event in August. She has asked the team's leader, Delton Turman, to be kept informed of the discussions.

Commissioner Leonard: Reported that she and Chief of Staff Snyder are continuing to prepare for their joint workshop presentation on CERT at the 2019 MML Summer Conference. Also will be meeting with Judge Adams tomorrow as part of the James H. Taylor Academy committee.

President Turner: Announced that Greenwill Consulting will be making a presentation following her report. She then delivered updates on the following topics: 1.) Relocation of 5 school bus stops from MD Rte 725 into the Spring Branch Drive neighborhood; 2.) Received \$25K State grant for Public Safety & Public Works Departments improvements; 3.) PGC Chamber of Commerce have signed an agreement to begin establishment of Upper Marlboro Branch; 4.) Attended the first ever County Executive's Municipal Leaders Breakfast—Co. Exec. Alsobrooks discussed Economic Development, and acknowledged parking issues in the Town; 5.) Downtown Redevelopment RFP is out—need County as partner; and, 6.) Attended the last PGCMA Meeting, discussion included using Public Art installations in Redevelopment planning.

Business

- 1) Legislative Update: Mr. Ivan Lanier, President of Greenwill Consulting Group, delivered a Power Point presentation reviewing their work with County, State and Federal personnel and agencies on behalf of the Town.
- 2) Committee Legislation: Upon Town Counsel advice, Clerk Williams recommended an enabling ordinance was needed in order to pass the current Establishing Committees Resolutions. The "catch-all" ordinance will also enable any other future committees that are formed.
- 3) Resolution 2019-01: Food Truck Fees—DRAFT 2: There was no public comment at this time. It was noted that the Resolution will be voted on at the March Town Meeting.
- 4) Resolution 2019-02: New Rules of Order—DRAFT 1: It was noted that discussion of this Resolution was tabled at the February Town Meeting. Chief of Staff Snyder recommended the passage date be moved to the April Town Meeting to allow proper time for citizen input via the website posting. There was no additional public comment at this time.
- 5) Resolution 2019-03: Setting Fees Schedule—DRAFT 2: The President asked for a final review to include any fees not currently listed. The Board discussed adding Conference Room rental rates. It was noted passage is scheduled for the March Town Meeting.
- 6) Public Information Act Request package—DRAFT 3: A final review will be done by the Town's legal counsel before final adoption at the March Town Meeting.
- 7) FY18 Budget Amendment/correction: A minor correction to the FY2019 Budget Amendment, passed at the February Town Meeting, was presented to the Board for approval.

Commissioner Pennoyer motioned to approve the correction as presented, and Commissioner Leonard seconded the motion. With all in favor, approval for the correction was unanimous.

8) General/Administration issues: There were no additional issues brought before the Board at this time.

Adjournment

Commissioner Leonard motioned to adjourn, Commissioner Pennoyer seconded. With all in favor, the meeting was adjourned at 8:58 p.m.

Respectfully submitted,

M. David Williams
Town Clerk/Administrator



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Town of Upper Marlboro Budget vs. Actual July 1, 2018 - February 28, 2019

	Actual	Total Budget	% of Budget
Income			
Fines, Licenses, Permits	\$63,992.91	\$174,000.00	36.78%
Grants	\$50,803.25	\$150,453.00	33.77%
Intergovernmental	\$25,277.48	\$50,925.00	49.64%
Total Other Revenue	\$128,827.19	\$477,847.00	26.96%
Taxes	\$358,119.17	\$474,658.00	75.45%
Total Revenue	\$627,020.00	\$1,327,883.00	47.22%
Expenses			
General Government	\$471,048.66	\$619,163.00	76.08%
Public Safety	\$141,118.50	\$266,191.00	53.01%
Public Works	\$245,443.02	\$442,529.00	55.46%
Total Expenses	\$857,610.18	\$1,327,883.00	64.58%
Committee Overview			
Historical Committee	\$16.98	\$1,500.00	1.13%
CERT Team	\$482.03	\$1,500.00	32.14%
Events Committee	\$5,957.54	\$13,000.00	45.83%

Linda Pennoyer
Commissioner/ Treasurer

Tonga Y. Turner
Commissioner/ President

Wanda Leonard
Commissioner



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Monthly Narrative

The Town experienced an increase in taxes mainly due to the billing of public utilities taxes. Though February's revenues exceeding its expenditures, we have outstanding taxes awaiting receipt and quarterly deposits from local corporations.

1. Financial Audit
2. Investment strategies

TOWN OF UPPER MARLBORO PROFIT AND LOSS FEBRUARY 2019

Revenue

Fine, Licenses, Permits	\$7,900.71
Grants	\$0.00
Intergovernmental	\$4,244.87
Other Revenue	\$1,036.78
Taxes	\$90,929.56
Total Revenue	\$104,111.92

Expenses

General Government	\$58,827.20
Public Safety	\$10,121.84
Public Works	\$6,459.64
Total Expenses	\$75,408.68

Linda Pennoyer
Commissioner/ Treasurer

Tonga Y. Turner
Commissioner/ President

Wanda Leonard
Commissioner



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Town of Upper Marlboro Balance Sheet As of March 5, 2019

	Total
Bank Accounts	
Cash on Hand and in Banks	
1000 PGFSB Operating Checking	153,342.21
1001 Petty Cash	300.00
1010 PGFSB Payroll Account	7,652.79
1040 M&T Checking	25,715.33
1060 Sona CD 7977	108,205.71
1063 Sona CD 1577	0.00
1068 SONA Bank CD 8641	266,895.92
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 Line Bank/Washington Savings	0.00
1121 Arundel Federal Savings Bank	0.00
1122 Congressional Bank CD 5756	209,724.87
1123 Severn Savings Bank	0.00
1140 MLGIP	11,475.87
Total Cash on Hand and in Banks	\$ 1,052,754.58
Total Bank Accounts	\$ 1,052,754.58

Linda Pennoyer
Commissioner/ Treasurer

Tonga Y. Turner
Commissioner/ President

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Commissioner



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MEMORANDUM

To: Board of Town Commissioners

From: David A. Burse, Chief of Police

Date: March 4, 2019

Re: February Monthly Police Report

Dear Commissioners,

The purpose of this memorandum is to advise the Town Commissioners on the progress of the Upper Marlboro Police Department for the month of February. Accomplishments are as follows:

- On February 9, 2019, Chief Burse attended his first Community Emergency Response Team (CERT) meeting. It was an opportunity to introduce himself to the team, get to know the members, and talk about how to handle situations in and around the Town. He advised the team leaders that he would work on a plan to get them upgraded radios for when they have events or emergencies if their current radios were not working correctly.
- On February 12, 2019, Chief Burse was sworn-in as the new Chief of Police with his family, friends and the support of the Prince George's County Police Chief, Hank Stawinski, and former County Executive, Rushern Baker.
- On February 21, 2019, we honored the sacrifice of Sergeant Mujahid Ramzziddin who was killed in the line of duty one year ago.
- Chief Burse was honored at the Public Safety Brunch for his appointment as Chief for the Town of Upper Marlboro. The Town was able to sign an agreement with the Prince George's County Government for the County to do vehicle maintenance and repairs on the Town of Upper Marlboro Police Department and Public Works vehicles.
- Chief Burse is in talks with three individuals interested in joining the police department.
- Chief Burse was able to get the police department in compliance with the Maryland State Police Uniform Crime Reporting system, which had been out of compliance since August 2018.

Linda Pennoyer
Commissioner/ Treasurer

Tonga Y. Turner
Commissioner/ President

Wanda M. Leonard
Commissioner



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MEMORANDUM

To: Board of Town Commissioners
From: Darnell F. Bond III/ Public Works Superintendent
Date: Monday, March 4, 2019
Re: Public Works Department– Monthly Status Report, February 2019

Dear Commissioners,

Capital Improvements – Requested three quotes for Downtown Street Scape improvements.

Maintenance and Beautification – Truck #2 had side steps installed for ease of access. Kubota Tractor had wiring and lighting fixed in- house for safety during on-road operations. Truck #2 had the airbag module ordered to fix module shortage. The module will be installed in March.

Street and Sidewalk Repairs – Public Works has performed a Town-wide pothole blitz the last two weeks of February. Sidewalk repairs on Church St completed after downed tree and three downed telephone poles.

Weather Related Activities – February had three wintry weather events. All three required de-icing treatments, only one was a plowable event. Downed tree on Church St due to high winds resulted in 19-hour street closure and emergency professional tree crew brought in for large scale removal.

Sincerely,

Darnell F. Bond III
Public Works Superintendent

Linda Pennoyer
Commissioner/ Treasurer

Tonga Y. Turner
Commissioner/ President

Wanda M. Leonard
Commissioner

Town of Upper Marlboro

RESOLUTION: 2019-01
SESSION: Regular Town Meeting
DATE: March 12, 2019

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO that as of April 1, 2019 a one-day permit for Food Truck vendors will cost \$200.00. These fees will be remaining in effect until a new resolution is passed.

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

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

Town of Upper Marlboro

Attest:

THE TOWN OF UPPER MARLBORO
BOARD OF COMMISSIONERS

Tonga Y. Turner, President

Linda Pennoyer, Commissioner

M. David Williams, Town Clerk

Wanda Leonard, Commissioner

CERTIFICATION

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

In witness whereof, I have hereunto set my hand and seal of the municipal corporation, this
_____ day of _____, 2019.

M. David Williams, Town Clerk

The Town of Upper Marlboro

RESOLUTION: 2019-02 **DRAFT 1**
SESSION: Regular/Special Town Meeting
DATED: _____, 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 Md. 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 Among Bystanders - If any confusion, demonstration or disorder arises in the Board Chambers, the presiding officer may, upon his or her initiative or upon the request of any member, enforce order. If the offending person(s) be a spectator, such person(s) may be ejected from the Chambers. If any member of the Board shall object to the ruling of the presiding officer, such member shall have the right to appeal to the body.
- I. Members of Staff - The Chief Operating Officer, 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 Commissioners and for maintaining the official record, which shall include all Board actions. Minutes shall include:

- A. All motions made, the name of the motion maker and second, the method and outcome of the votes taken, names of guests and their affiliation; and
- B. Copies of resolutions, new or revised ordinances or other actions approved by the Town Board of Commissioners.
- C. All ordinances, charter amendment resolutions, and annexation resolutions shall have their titles and sequential numbers read into the record.

ARTICLE 5. SUSPENSION & AMENDMENT OF RULES

5.1 Suspension of Rules

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

5.2 Enforcement of Rules and Procedures

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

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

ARTICLE 6. THE AGENDA

6.1 Agenda.

- A. The agenda shall outline the established order of business.
- B. The President shall include on the agenda any item at the request of any member of the Board, provided that the member shall have furnished to the Town Clerk a description of the item in time for inclusion with the printed agenda.
- C. At least two days before each regular meeting, the Town Clerk shall provide each member of the Board a copy of the agenda for the forthcoming meeting, together with copies of all ordinances, resolutions, and background material of matters to be considered at the meeting.
- D. Under Section 3-302(c) of the Maryland Open Meetings Act found in the General Provisions Article of the Maryland Code, the ability to observe does not mean that

the public body must provide to the audience copies of the documents being reviewed by the members. However, the public must be given a grasp of what is being discussed and acted upon at the meeting. The Md. Open Meetings Compliance Board has advised that an oral summary or general description of the documents in question will ordinarily serve this purpose.

- E. Copies of the agenda shall be posted on the Town website and on the bulletin board in the Town Hall at least one business day prior to each regular meeting. A reasonable number of copies of the agenda shall be available to the public at the Board meeting or earlier upon request, as available.
- F. All meeting agendas and amendments to the agenda shall be approved by the Town Board of Commissioners at the beginning of the meeting. Items on the agenda can be reordered by the Board during the scheduled meeting.
- G. Items of routine business that generally require no discussion by the body may be placed on a Consent Agenda of a Regular Meeting. Any member of the Board may remove an item from the Consent Agenda and place it under Action Items.
- H. All meeting agenda and amendments shall be approved the Board at the beginning of the meeting. Items on the agenda can be approved by the Board during the scheduled meeting.
- I. Agendas for Regular Meetings and Work sessions shall be published at least one business day prior to the meeting. Agendas for special or emergency meetings may be published as far in advance as reasonably practicable.

6.2 Order of Business

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

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

ARTICLE 7. WORK SESSION POLICIES & PROCEDURES

7.1 Purpose.

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

7.2 Agenda.

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

7.3 Documents and Exhibits to be Presented.

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

7.4 Technical or Legal Questions.

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

7.5 Audience Comments or Questions.

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

ARTICLE 8. GENERAL

Commissioner Requests

8.1 Commissioner Requests

Commissioner requests that deal with policy issues and Commissioner requests that may be construed as direction or orders shall be directed to the President or her designee, except for general inquiries or questions involving constituent services, in which case the Commissioners may go to the Chief of Staff, Chief Operating Officer, Chief of Police or Superintendent of Public Works provided such subordinate contact is reported to the Chief Operating Officer.

8.2 Commissioner Requests for Funding

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

8.3 Use of Staff Resources.

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

ARTICLE 9. PUBLIC STATEMENTS BY COMMISSIONERS

9.1 Representation or position by the Board or President.

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

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

ATTEST:

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

Proposed Resolution Timeline:

Introduced/discussion tabled to next WS:	February Regular Town Meeting	02/12/2019
Board Discussion:	February Board Work Session	02/26/2019
Public Comment & Discussion:	March Regular Town Meeting	03/12/2019
Public Comment & Board Discussion:	March Board Work Session	03/26/2019
Passage/Board vote:	April Regular Town Meeting	04/09/2019

The Town of Upper Marlboro

RESOLUTION: 2019-03

SESSION: Regular Town Meeting

DATED: March 12, 2019

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

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

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

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

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

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

ATTEST:

THE TOWN OF UPPER MARLBORO
BOARD OF COMMISSIONERS

Tonga Y. Turner, President

Clerk

Wanda Leonard, Commissioner

Date

Linda Pennoyer, Commissioner

The Town of Upper Marlboro

CERTIFICATION

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

In witness whereof, I have hereunto set my hand and seal of the municipal corporation, this _____ day of _____, 2019.

M. David Williams, Town Clerk

FEE SCHEDULE NEXT PAGE

The Town of Upper Marlboro

Exhibit 1. – Miscellaneous Fees Schedule

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

Copies (up to 3 pages no charge)	\$ 0.25 per additional page
Faxes (up to 3 pages no charge)	\$ 0.50 per additional page
Reproductions (onto compact disc)	\$ 20.00 per disc
Notary Public	\$ 4.00 per seal
Returned Check Fee	\$ 35.00
Police Report	\$ 10.00
Vehicle Impound Release Form	\$ 50.00
Special Event Permit	\$ 75.00
Food Truck Permit	\$ 200.00
Dumpster Permit	\$ 125.00 + non-refundable deposit
Credit Card Processing Fee	3.5 percent
Church St. Lot KIOSK (long-term/daily rates)	.50 per hour (up to 10 hrs) 8 a.m.– 6 p.m.
Church St. Lot (Parking Permit)	\$ 40.00 per month — \$ 12.00 per week
Public Information Act (MDPIA) requests:	No charge up to 2 hours (research & copying)
– research/copying above 2 hours staff labor:	\$ 35.00 per hour (legal research additional)

TOWN OF UPPER MARLBORO POLICY FOR PUBLIC INFORMATION REQUESTS

effective: March 12, 2019

The Town of Upper Marlboro is a Chartered Municipality that supports, under oath, to uphold the Constitution and Laws of the State of Maryland. The Town of Upper Marlboro Charter can be found on the Town Website: www.uppermarlboromd.gov, or, on the Maryland.gov website at: <http://msa.maryland.gov/msa/mdmanual/37mun/upper/html/u.html>

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

1. The bulleted list below show the documents that are immediately available upon request.
2. The Records Custodian will reply to requests in writing, with an estimated time for delivery, or denial, within 10 days after receipt of request. All requests, whether documentation is immediately available or not, require submission of the Town's **Public Information Request Form**.
3. Submit requests to: Town of Upper Marlboro, Records Custodian, 14211 School Lane, Upper Marlboro, MD 20772, or, email to: info@uppermarlboromd.gov.
4. If paper copies totaling more than 4 pages are requested, fees will be assessed according to the Town Service Fees schedule (see attached **Resolution 2019-03**) and are payable in advance. If the total fees are not immediately known, the Town Clerk will respond within 30 days with total costs.
5. For items that are not readily available, a search and preparation fee of \$35 per hour will be applied for staff labor that exceeds the complimentary 2 hours at no charge. Research requiring Legal Counsel will be charged an hourly rate assessed per each request's specific parameters.
6. Requests will be satisfied within 30 calendar days, unless the request has been denied or information cannot be retrieved within that time period, or if the requested document(s) do not exist—in which case, the Records Custodian will respond to requests in writing and within 10 business days as to the reason for the denial or delay.
7. Should you wish to have denials for Public Information requests reviewed by the President, you may make your request known, or you may also seek judicial review under Md. Ann. Code, GP Art. §4-362, or, refer any concerns about this decision to the Public Access Ombudsman (OAG) pursuant to GP § 4-1B-01 et seq.

DOCUMENTS IMMEDIATELY AVAILABLE FROM THE TOWN CLERK

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

(see next page for guidelines on submitting requests)

GUIDELINES FOR SUBMITTING PUBLIC INFORMATION REQUESTS

FOIA or MDPIA requests will be accepted by the Town of Upper Marlboro Records Custodian, in writing or by email only (not by phone or text messaging.)

Please email, or hand-write, requests for documents listed as IMMEDIATELY AVAILABLE

For requests for documents NOT listed as IMMEDIATELY AVAILABLE, please use the Town of Upper Marlboro [MARYLAND PUBLIC INFORMATION ACT REQUEST FORM](#)

For ALL requests . . .

- Please provide your full name, address and contact information, and date of submission.
- Indicate whether you require EXAMINATION of documentation, and/or, COPIES of documents.
- Make your request as specific as possible. Details should include specific dates, and/or, time frames; document names or subject matter; and specific locations and/or addresses.
- You will receive reply from the Records Custodian within 10 days after receipt of request.

Mail to:

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

Hand-Deliver to:

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

Email to: info@uppermarlboromd.gov

Question? call: (301) 627-6905

DOCUMENTS IMMEDIATELY AVAILABLE FROM THE TOWN CLERK

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TOWN OF UPPER MARLBORO
MARYLAND PUBLIC INFORMATION ACT REQUEST FORM

REQUESTOR:

Name of Individual and/or Organization: _____

Address: _____

Phone Number(s): _____ Email: _____

INFORMATION REQUESTED:

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

SIGNATURE:

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

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

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

Signature _____ Date: _____

FOR OFFICE USE ONLY:

TO (DEPARTMENT(S)): _____

DID THE TOWN ATTORNEY REVIEW REQUEST? YES _____ No _____

REQUESTOR NOTIFIED OF RESPONSE ON: _____ BY _____

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

RECEIPT

DOCUMENTS/INFORMATION RECEIVED BY: _____ DATE: _____