

Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772

Board of Town Commissioners

WORK SESSION

Tuesday, April 23, 2019 – 7:00 p.m.

AGENDA

Work Sessions are open to public observation, however,
public participation is at the discretion of the Board

Roll Call

Pledge of Allegiance

Commissioner & Staff Reports

- Commissioner Leonard
- Commissioner Pennoyer
- President Turner
- Clerk's Office

Business

- 1) Oath of Office (UMPD Officer Samuel Irby)
- 2) Town Operating Budget FY2020 (Board discussion)
- 3) Ordinance 2019-03: Establishing Rates for FY2020 Tax Levy (discussion)
- 4) Resolution 2019-05: Town Hall Facility Use (Board discussion)
—includes updated: Facility Use Regulations, Rate Chart, and Application
- 5) Ordinance 2019-02: Authorizing Town Committees (Board discussion)
- 6) General/Administration issues

Adjournment

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

Wanda Leonard
Commissioner

Tonga Y. Turner
Commissioner/ President

Linda Pennoyer
Commissioner/ Treasurer

Town of Upper Marlboro

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QUALIFICATION OF POLICE OFFICER FOR THE TOWN OF UPPER MARLBORO

I, _____ do swear that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland and support the Constitution and Laws thereof, and that I will to the best of my skill and judgment, diligently and faithfully without partiality or prejudice execute the Office of Police Officer for the Town of Upper Marlboro according to the Constitution and Laws of this State and the Laws of the Town of Upper Marlboro.

signature / Police Officer

Subscribed to and sworn before me this _____ day of _____, 2018.

signature / President, Board of Town Commissioners

signature / Chief of Police

signature / Witness

Wanda Leonard
Commissioner

Tonga Y. Turner
Commissioner/ President

Linda Pennoyer
Commissioner/ Treasurer

PHONE: 301-627-6905 • FAX: 301-627-2080
E-MAIL: info@uppermarlboromd.gov • WEBSITE: uppermarlboromd.gov
MAILING ADDRESS: P.O. Box 280 • Upper Marlboro, Maryland 20773



Town of Upper Marlboro

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Town of Upper Marlboro FY2020 Condensed Draft Budget July 2019 - June 2020

Income

Revenue

Fines, Licenses & Permits

6154 Franchise Fee	25,000
6280 Trader's License Fees	1,200
6350 Permits/Rentals	41,000
6355 Parking Meters	450,000
6381 Parking Fines/Penalties	50,000
6550 Pub/Edu/Govt Broadcasting	11,500

Total Fines, Licenses, Permits **578,700**

Community Development Grants

6530.01 FIP	59,510
6530.02 MNCPPC=Grant	40,140
6530.03 Assigned Fund Municipal Capital	50,000
6530.04 Conservation Energy Grant	25,000
6530.05 State Bond Bill	175,000
6530.06 State Police Aid	9,839

Total Grants **359,489**

Intergovernmental

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

Total Intergovernmental **41,315**

Other

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

Total Other **32,450**

Taxes

6100 Real Estate Taxes	298,239
6101 Personal Property Taxes	335,475



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6230 Income Taxes	179,495
Total Taxes	813,209
Total Revenue	1,825,163
Capital Outlay	
9000 Capital Outlay Balance	300,000
Total Transfer from Funds	249,308
Total Income	2,074,471

Expenses

8000 General Government

8030 Salaries - Commissioners	3,600
8035 Salaries	413,555
8073 Accounting	9,500
8074 Audit	16,000
8075 Payroll Processing	5,200
8071 Public Notices	3,100
8080 Bank Charges	11,000
8083 Official Use	15,000
8086 Staff Development & Training	12,000
8090 Postage	3,000
8092 Printing	10,000
8095 Community Events	15,000
8110 Legal	30,000
8115 Computer Software & Support	7,500
8120 Insurance	4,500
8130 Supplies	4,000
8131 Ofc Equipment R&M	3,000
8160 Telephone	7,000
8165 Utilities	8,500
8175 Bldg Maintenance - Town Hall	7,000
8180 Grants & Awards (FIP)	59,510
8185 Historical Committee	1,500
8191 CERT	1,500
8200 Other	2,500
8205 Consulting Fees	45,000



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8210 Payroll Tax Expenses	109,604
8230 Capital Outlay - Assigned Municipal Capital Fund	50,000
8230.01 Town Hall Upgrades	10,000
8230.02 Technology Upgrades	13,000
8230.03 State Bond Bill	175,000
Total 8230 Capital Outlay - AMCF	248,000
8231 Contingency Fund	120,000
Total 8000 General Government	1,176,069

8250 Public Safety

8260 Salaries	296,000
8261 Overtime	5,000
8273 Uniforms	9,000
8274 Weapons & Duty Equipment	4,000
8275 Staff Training	2,000
8277 Substance Testing/Pre Employment	800
8280 Supplies	2,500
8281 Association Dues	1,000
8282 PS Insurance	19,500
8290 Payroll Tax Expenses	57,741
8300 Vehicle Repairs	6,000
8301 Vehicle Maintenance	6,000
8302 Vehicle Fuel	6,000
8320 Other	2,000
8330 Capital Outlay - Other	
8330.01 Capital Outlay - Technology	12,000
8330.02 Capital Outlay - Vehicles	75,000
Total 8330 Capital Outlay	87,000
Total 8250 Public Safety	504,541

8350 Public Works

8360 Salaries	153,610
8361 Overtime	6,000



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8370 Payroll Tax Expenses	56,381
8375 Uniforms	3,500
8377 Dues	750
8380 Other	1,500
8383 PW Insurance	8,500
8390 Streets Maintenance	5,000
8391 Weather Related Expenses	3,000
8400 Highway Lighting	26,000
8405 Vehicle Repairs	2,000
8410 Vehicle Maintenance	2,000
8415 Vehicle Fuel	6,000
8487 Substance Testing	200
8490 Utilities	1,000
8491 PWF-Maint/Repairs/Beautification	14,000
8493 Portajohn	1,200
8545 Sanitation	58,220
8550 Capital Outlay (Hwys & Streets)	
8550.01 Capital Outlay –Streets &Sidewalks	5,000
8550.03 Capital Outlay - H&S Equipment	15,000
8550.04 Energy Conservation	25,000
Total 8514 Capital Outlay (Hwys & Streets)	<u>45,000</u>
Total 8350 Public Works	<u>393,861</u>
Total Expenses	<u>2,074,471</u>
Net Operating Income	-

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

ORDINANCE: 2019-03 **DRAFT-1**
SESSION: Regular Town Meeting
INTRODUCED: April 16, 2019
DATE ENACTED: _____, 2019

AN ORDINANCE TO ESTABLISH TAX RATES FOR THE FISCAL YEAR 2020 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, 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 2020 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 2020 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 2020 Budget Ordinance 2019-04.

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 _____, 2019.

ORDAINED, APPROVED AND finally passed by the Board of Commissioners of the Town of Upper Marlboro, Maryland on this _____ day of _____, 2019, by:

Attest:

THE TOWN OF UPPER MARLBORO
BOARD OF COMMISSIONERS

Tonga Turner, President

Linda Pennoyer, Commissioner

M. David Williams, Town Clerk

Wanda Leonard, Commissioner

Reviewed and Approved for Legal Sufficiency

Kevin J. Best, Esq.

Date: _____

Proposed Ordinance 2019-03 Timeline:

Introduction:	April Regular Town Meeting	04/16/2019
Public Comment & Board Discussion:	April Board Work Session	04/23/2019
Passage/Board vote:	May Regular Town Meeting	05/14/2019

Town of Upper Marlboro

RESOLUTION: 2019-05 **DRAFT-1**
SESSION: Regular Town Meeting
DATE: _____, 2019

RESOLUTION BY THE BOARD OF COMMISSIONERS FOR THE TOWN OF UPPER MARLBORO TO AUTHORIZE AND ESTABLISH A RATE SCHEDULE AND USER REGULATIONS FOR THE PUBLIC USE OF THE MEETING ROOMS, FACILITY COMMON AREA AND GROUNDS OF THE UPPER MARLBORO TOWN HALL LOCATED AT 14211 SCHOOL LANE, UPPER MARLBORO, MARYLAND 20772

WHEREAS, Section 82-16(2)(1) (Community Services) of the Town Charter authorizes the Board to provide, maintain, and operate community and social services for the preservation and promotion of the health, recreation, welfare, and enlightenment of the inhabitants of the Town; and

WHEREAS, the Town of Upper Marlboro has been actively establishing Town Committees within its corporate boundaries whose membership require meeting space to conduct Town business; and

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

WHEREAS, the Town of Upper Marlboro desires to offer the Town Hall meeting space(s) for area citizens and organizations, as well as, in-town and area civic associations; and

WHEREAS, THE BOARD OF COMMISSIONERS HAS DETERMINED THAT there is a need to establish and approve a Facility Use Agreement packet to include an Application, User Regulations, Rental Rate Schedule and a Hold Harmless Agreement for the public's use of the Town Hall Meeting Rooms, Facility and/or Grounds located at 14211 School Lane, Upper Marlboro, Maryland 20772.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO that as of May 14, 2019, the attached Facility Use Agreement packet will be used for all Town Hall Facility user requests. These fees and regulations will remain in effect until a new resolution is passed.

Town of Upper Marlboro

AND BE IT FURTHER RESOLVED the President of the Board of Town Commissioners reserves the right to authorize or deny application requests, and/or, waive or impose additional fees as seen fit.

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

Attest:

THE TOWN OF UPPER MARLBORO
BOARD OF COMMISSIONERS

Tonga Y. Turner, President

Linda Pennoyer, Commissioner

M. David Williams, Town Clerk

Wanda Leonard, Commissioner

CERTIFICATION

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

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

M. David Williams, Town Clerk



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Regulations Governing Use of the Town of Upper Marlboro Meeting Room(s), Facility and Grounds

The Upper Marlboro Town Hall building and surrounding grounds are both owned and maintained by The Town of Upper Marlboro public funds. The Board of Commissioners is interested in guaranteeing the use of meeting space to residents. The Town also serves as a historical and cultural center for the greater Upper Marlboro area. In order to promote the public interest, the Town agrees to allow the residents of the Town, and of the greater Upper Marlboro area, to use the Town Hall meeting area(s) and its surrounding grounds for civic and cultural purposes under the terms and conditions as follows:

1. The attached Indemnity/Hold Harmless Agreement is signed and agreed to by all present;
2. The agreement application is properly filled out and signed by the group's leader, and submitted with payment at least one week prior to the event (*cash, money order, check or major credit cards are accepted.*)
3. Meeting rooms will normally be available for use from 5:00 pm to 10:00 pm during the business week. Weekend event requests require Board approval on a case-by-case basis.
4. The Town Hall Facility is a smoke-free environment; No alcohol or illicit drugs may be consumed or served; Beer and wine allowed only with prior approval by the Board of Town Commissioners. Consumption of beer or wine while on Town Hall property requires the presence of a Town police officer. No open flames are allowed; If refreshments are to be served, tables must be protected with a water proof covering;
5. No admission fees or other charges may be collected for any function; No goods or services may be offered or sold;
6. Town Hall and the grounds must be left in the same condition as it was found;
7. Any damage to the Town Hall Facility, its contents, furnishings and/or grounds must be compensated for;
8. Youth organizations must be supervised by at least one adult over the age of 21;
9. The capacity of Conference Room is determined by fire regulations and must not exceed 39 if using chairs and table(s); 83 without **The entire facility capacity is ??? people.** Doors to the meeting room must remain unlocked at all times;
10. In-Town events, residents, staff, businesses, civic groups, committees and clubs have priority use of the Town Hall Meeting Rooms and/or Grounds. Fees for out-of-Town, and some In-Town, groups are applied according to the current rate schedule (*see Resolution 2019-05.*)
11. Subject to the needs of the Town, In-Town residents or business owners may schedule use two months in advance; all others may schedule one month in advance;
12. No refunds for cancellations. No rescheduling of booked dates once agreement is approved;
13. Groups that are legal entities must name the Town as an insured on their insurance policy.
14. Please use a separate form for each meeting date. However, only one Hold Harmless Agreement form per fiscal year is required (*our fiscal year is July 1—June 30.*)
15. The President of the Board of Town Commissioners reserves the right to waive rental fees/hours at his/her discretion.

Linda Pennoyer
Commissioner/ Treasurer

Tonga Y. Turner
Commissioner/ President

Wanda M. Leonard
Commissioner



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I have read and understand these regulations and agree to abide by them.

Signature of applicant (date of this request)

Name of group/organization

Contact information (phone & email)

Date you are requesting the room to be reserved
(FY2019: July 1, 2018—June 30, 2019)

Start time: _____ Duration: _____

Meeting Room(s) & Grounds RATE CHART

*(entire Facility includes: Meeting Room(s), Lobby,
Kitchenette and/or Outdoor Grounds)*

Area Civic Associations:

(outside Town's corporate boundaries)

Meeting Room(s) only = \$75 per hour
Entire Facility = \$125 per hour

Max 3 hours — requires \$100 refundable deposit

Town Residents, Committees & Staff :

First 2 hours FREE

Meeting Room(s) only = \$50 per hour

Entire Facility = \$75 per hour

Max 5 hours — requires \$100 refundable deposit

Non-resident:

(outside Town's corporate boundaries)

Meeting Room(s) only = \$100 per hour

Entire Facility = \$150 per hour

Max 5 hours — requires \$250 refundable deposit

- If facility is locked upon arrival, please call our Town Police Department at 301-273-5901 to gain access.
- Enter through the side entrance (glass door) that faces School Lane.
- Please lock the School Lane entrance once all members of your event have arrived.
- Exit your event through the Conference Room fire exit directly into the parking lot.

Please provide 2 separate checks: One for rental fee & One for deposit *(deposit returned after event)*

TOTAL rental fee due: \$ _____

TOTAL deposit required: \$ _____

Make checks payable to: Town of Upper Marlboro. Please fill out a separate form for each rental date.

Mail to: Town of Upper Marlboro, P.O. Box 280, Upper Marlboro, MD 20773

PLEASE NOTE: No refunds for cancellations. No rescheduling of booked dates once agreement is approved.

Linda Pennoyer
Commissioner/ Treasurer

Tonga Y. Turner
Commissioner/ President

Wanda M. Leonard
Commissioner

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

ORDINANCE: 2019-02 **DRAFT-1**
SESSION: Regular Town Meeting
INTRODUCED: April 16, 2019

AN ORDINANCE TO AUTHORIZE AND PROVIDE FOR THE APPOINTMENT AND GOVERNANCE OF ALL COMMITTEES AND OTHER BODIES NOT OTHERWISE PRESCRIBED BY THE CHARTER OR OTHER LAW TO PROVIDE FOR CERTAIN PRACTICES, PROCEDURES AND GOVERNANCE OF SUCH BODIES; BY PRESCRIBING AND PROVIDING FOR THE MEMBERSHIP, CREATION AND COMPOSITION OF CERTAIN BODIES; BY PROVIDING FOR CERTAIN APPOINTMENT PROCEDURES, COMPENSATION AND BUDGETING, TERMS OF APPOINTMENT AND REMOVAL, CONDUCT OF MEETINGS, APPOINTEE LIABILITY AND INDEMNIFICATION, COMMUNICATIONS; AND GENERALLY RELATING TO THE PRACTICES, PROCEDURES AND REQUIREMENTS FOR APPOINTED BODIES OF THE TOWN OF UPPER MARLBORO

WHEREAS, the Board of Commissioners of the Town of Upper Marlboro has authority pursuant to state law and Section 82-17 (Exercise of Powers) of the Town Charter to create committees and other bodies to further the public interest of the Town; and

WHEREAS, Section 82-16(2)(p) (Departments) of the Town Charter authorizes the Board to create, change, and abolish offices, departments, or agencies, other than offices, departments, and agencies established by said Charter; to assign additional functions or duties to offices, departments or agencies, established by said Charter, but not including the power to discontinue or assign to any other office, department, or agency, any function or duty assigned by said Charter to a particular office, department, or agency; and

WHEREAS, Section 82-16(2)(l) (Community Services) of the Town Charter authorizes the Board to provide, maintain, and operate community and social services for the preservation and promotion of the health, recreation, welfare, and enlightenment of the inhabitants of the Town.

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

the following:

**TOWN OF UPPER MARLBORO COMMITTEE AND OTHER APPOINTED BODIES
PRACTICES AND PROCEDURES ORDINANCE**

SECTION 1: AUTHORITY, PURPOSE, SCOPE AND DEFINITIONS.

A. Authority. Pursuant to Title 5, Subtitle 2 of the Local Government Article of the Md. Ann. Code, and Sections 82-16(2)(p) and 82-17 of the Town Charter, the Board of Commissioners and the President shall be authorized pursuant to this Ordinance or any other duly enacted ordinance to create and establish certain offices, committees and other appointive bodies as deemed necessary to serve the best interests of the Town.

B. Purpose. In addition to authority stated in Subsection A, the purpose of this Ordinance is to authorize and set forth the practices, procedures and requirements for all Town appointed bodies serving the Town. Every committee or other appointed body shall have a specific statement of purpose and function as approved by the Appointing Authority or otherwise prescribed by law. Unless otherwise prescribed by Charter, ordinance or resolution, the size of each body shall be dictated by its duties and responsibilities as determined by the appointing authority or bylaws approved by the Board of Commissioners.

C. Scope. Unless otherwise provided elsewhere in the ordinances of the Town, the Town Charter or by authorized resolution, the provisions of this Ordinance shall apply to all committees or other appointed bodies established by Charter, separate legislation of the Board of Commissioners, or by order of the President, as permitted by law.

D. Definitions. The following definitions shall apply to this Ordinance:

- (1.) "Appointing authority" means the Board of Commissioners or the President, as permitted by the Town Charter or State law.
- (2.) "Appointed official" means a person designated by an Appointing Authority to occupy a Town office or perform some delegated power, function or duty on behalf of the Town government.
- (3.) "Committee" means an ad hoc or standing body or individual to whom either the President or the Board of Commissioners have delegated or committed a particular duty in the expectation of their acts or recommendations being confirmed by the Appointing Authority. A committee's purpose may be solely advisory in nature. A committee may also include a standing group of persons with managerial, supervisory, governmental, planning or investigatory functions having certain expressly delegated powers or functions.

SECTION 2: PRACTICES, PROCEDURES AND GOVERNANCE.

A. General. All appointees of the various committees and other appointed bodies of the Town, shall abide by the rules, policies and practices stated in this Ordinance or by any other duly approved ordinance, resolution, including any approved organizational bylaws, or order to ensure the proper conduct of Town business, proper administrative interaction with agencies outside of the municipality, and proper administration of employees, appointees and other bodies of the Town of Upper Marlboro.

B. Reports. At each Town regular or other designated meeting, a report from each committee or other appointed body shall be made by the chairperson or other proper designee to the Board of Commissioners.

C. Limitations. Unless otherwise provided by State law, the Town Charter, an ordinance or written resolution, including any organizational bylaws passed pursuant to this Ordinance, or another enabling ordinance, a committee or other appointed body shall not have any authority to act on behalf of the Board of Commissioners or the President, nor shall such committees or other appointed bodies conduct hearings or take testimony or public comment unless specifically authorized by resolution or recorded motion of the Board of Commissioners or as otherwise permitted by law. Organizational bylaws shall be approved by the Board of Commissioners.

D. Compensation and budget.

(1.) Appointed body members shall receive no compensation, although they may be reimbursed for actual expenses incurred in the performance of their duties in accordance with appropriations for the various bodies or purposes as made by the Board of Commissioners.

(2.) In general, an individual committee or other body may not always have a defined budget. If a committee or other appointed body anticipates a need to expend funds not currently budgeted, it may request such funds through the President's office. Such a request is subject to a review and evaluation of need, availability of funds, and approval by the President and Board. For those bodies having budgeted funds set aside for their purposes, no contract shall be entered into except as authorized by Town procurement law.

E. Qualifications. The President shall appoint all members of any appointed bodies created by ordinance or authorized resolution unless otherwise prescribed by other law. Unless prescribed otherwise by law including any approved bylaws of the body, all bodies shall have appointees who shall meet the following qualifications for appointment: (i.) A member shall be a resident of the Town, (ii.), a member shall not be a person employed by or under contract to the Town except as a non-voting member or liaison, and (iii.) a member shall not be a convicted felon, unless otherwise waived by a unanimous vote of the Board of Commissioners.

F. Terms of appointment and removal. Unless otherwise prescribed by law, the terms of appointment for the various appointed bodies shall generally be one year; however, certain appointments may be for two years. Bodies formed for specific purposes may not have definite terms and may exist only until the ordained or ordered purpose is accomplished. The following requirements shall also apply to terms of appointment, and removal or suspension of members:

(1.) Upon appointment and as a condition thereof, an Appointed Official shall take and subscribe to the oath or affirmation of office as provided for in Section 82-85 of the Town Charter;

(2.) Members are free to resign at any time, should their personal circumstances prevent continued effective service. A letter of resignation or other writing shall be submitted to the Town Clerk but the resignation shall not become effective until approved by the Appointing Authority; and

(3.) Excessive absenteeism, excluding short term illness or necessary travel, is cause for removal of a committee member or other appointee. Unless otherwise prescribed by law, a body's appointee may be removed from office for cause or without cause by the President.

G. Meetings. The body or committee chairperson shall be responsible for setting the proposed meeting agenda, unless the body decides on another procedure. A commissioner may be assigned to coordinate with each body and may assist in drafting the agenda, scheduling meetings, and in the preparation and distribution of meeting materials. The following operating policies and procedures shall also apply:

(1.) Except for those committees and other bodies that have adopted their own bylaws or rules of procedure, as approved by the Board of Commissioners, and unless otherwise specified by law, the most recent edition of Robert's Rules of Order shall generally be followed when conducting meetings;

(2.) All committee and other body meetings shall be open to the public after reasonable notice is given and conducted in accordance with the State of Maryland's Open Meetings Law. A body may convene in closed session only for those reasons set forth in State Government Article, Section 10-508(a) of the Annotated Code of Maryland and a body should consult with the Town Clerk prior to considering doing so;

(3.) Certain bodies may have standing meeting times, while others may meet on an "as needed" basis. Unless otherwise prescribed by law, each committee or body may meet as frequently as necessary to carry out its responsibilities. A body may also cancel a meeting from time to time if there are no agenda items in need of consideration or if a quorum cannot attend. A quorum for conducting business shall be a simple majority of the membership of the committee or other body;

(4.) Minutes should be brief and essentially reflect decisions, motions, consensus, votes or recommendations of the body. A copy of the minutes should be sent to the Town Clerk for custodial purposes, who shall forward a copy to the Appointing Authority; and

(5.) The Board of Commissioners recognizes the importance of civil discourse at all levels of the government including for those who volunteer their time and services on behalf of the Town. Bodies and committees should conduct themselves so as to maintain public confidence in their municipal government and in the performance of the public trust. Disruptive behavior may result in removal by the chair of any person responsible for such behavior.

SECTION 3: LIABILITY AND INDEMNIFICATION; COMMUNICATIONS.

A. Member liability. Appointed officials or members of a Town appointed body are considered municipal officials, regardless of whether they receive compensation. Subject to certain exceptions and limitations, state law allows a municipality to indemnify its officials and employees from personal financial loss, while acting in a discretionary capacity, without malice, and within the scope of the official's authority. The Town has purchased liability insurance policies for this purpose and intends to indemnify and defend its duly appointed committee or other body members in substantially the same manner as its other appointed and elected officials.

B. Email usage. The use of electronic mail creates certain issues related to the state open meetings and public records laws. There is no distinction in the law between written and electronic records. As a result, it is likely that email messages written or received in the capacity of a committee or body member are public records which must be made available for public inspection in the same manner as hardcopy documents. Use of one's own home computer and personal email accounts may not exempt such communications depending on the context. Unless subject to a privilege provided for by law, employees and committee members acting in their official capacity should have no expectation of privacy in their use of electronic mail for town purposes. Appointees are encouraged to establish or obtain separate email accounts from the Town or another provider dedicated solely for their use as a Town official.

C. Public Speaking. An individual appointed member has a right to speak publicly as a private citizen but should not purport to represent the Town, the body or committee or exercise the authority of the body or committee except when specifically authorized by that body to do so. If members identify themselves as members when speaking as private citizens, it may be perceived that they speak for the body or committee. Such a perception should be avoided.

BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this ordinance shall become effective at the expiration of twenty (20) calendar days following approval by the Board of Commissioners.

BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town

of Upper Marlboro, Maryland that this Ordinance shall be posted in the Town Hall office, and it or a fair summary thereof, shall be published once in a newspaper of general circulation in the Town.

Adopted this _____ day of _____, 2019.

Attest:

THE TOWN OF UPPER MARLBORO,
BOARD OF COMMISSIONERS

Tonga Y. Turner, President

Linda Pennoyer, Commissioner

M. David Williams, Town Clerk

Wanda Leonard, Commissioner

Reviewed and Approved for Legal Sufficiency

Kevin J. Best, Esq.

Date: _____

Proposed Ordinance 2019-02 Timeline:

Introduction:	April Regular Town Meeting	04/16/2019
Public Comment & Board Discussion:	April Board Work Session	04/23/2019
Passage/Board vote:	May Regular Town Meeting	05/14/2019