



Town of Upper Marlboro

SPECIAL TOWN MEETING

14211 School Lane, Upper Marlboro, Maryland, 20772

Tuesday, July 08, 2025 at 7:00 PM

AGENDA

This meeting will be conducted at the Town Hall and online via Zoom Video Teleconference.

<https://uppermarlbormd-gov.zoom.us/j/86847876643?pwd=4GcCOWdb8ADEAdSfg9Akf6lWoNxYBZ.1>

Webinar ID: 868 4787 6643; **Passcode:** 404232; **Audio Dial-in only:** 301 715 8592

NOTICE OF CLOSED SESSION: 6:30 PM

Pursuant to Maryland Annotated Code, General Provisions Article 3-305(b) (3) ["consult with counsel to obtain legal advice"], the Board of Commissioners proposes to go into Closed Session prior to the Special Meeting on Tuesday, July 8th, 2025, at 6:30 PM to discuss with legal counsel.

SPECIAL TOWN MEETING AGENDA: 7:00 PM

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Review of Agenda**
5. **Business**
 - A. Greenwill Consulting (Presentation)
 - B. Annexation Agreements Approval (Board Vote)
 - C. Charter Amendment Resolution 02-2025: Council-Manager Form of Government (Board Discussion)
 - D. Town Committee Reactivations (Commissioner Lott)
 - E. Continuity of Operations Plan (Town Administrator)
 - F. Ordinance 2023-02: Elections (Commissioner Hourclé)
6. **Administrative Updates**
 - A. Commissioner Reports
7. **Preliminary Approval of Next Meeting Agenda**
8. **Adjournment**

Video of the Special Town Meeting will be posted to the Town YouTube Channel within 3 business days of the meeting.

All meetings are subject to closure in accordance with the State Open Meetings Act—House Bill 217

The Town of Upper Marlboro

CHARTER AMENDMENT RESOLUTION NO. 02-2025

**A CHARTER AMENDMENT RESOLUTION
OF THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO,
MARYLAND, AMENDING VARIOUS SECTIONS, OF THE CHARTER OF THE
TOWN OF UPPER MARLBORO TO ALTER THE FORM OF GOVERNMENT FOR
THE TOWN OF UPPER MARLBORO FROM A BOARD OF COMMISSIONERS
FORM OF GOVERNMENT TO A COUNCIL-MANAGER FORM OF GOVERNMENT,
CHANGE COUNCIL TERMS TO FOUR (4) YEARS, TO ADD A RECALL PROVISION,
AND TO MAKE OTHER NONSUBSTANTIVE AMENDMENTS**

WHEREAS, Article XI-E, § 4 of the Constitution of Maryland and Local Government Article, §4-301, *et seq.* of the Annotated Code of Maryland, authorize the Board of Commissioners to amend the Charter of the Town of Upper Marlboro and provide the process and procedures for doing so; and

WHEREAS, Town Charter creates a Board of Commissioners form of government and numerous sections of the Charter refer to a Board of Commissioners form of government; and

WHEREAS, the Board commissioned a Charter Review Committee to review the Town Charter and based on the recommendations from the Charter Review Committee finds that changing the form of government from a Board of Commissioners form of government to a Council-Manager form of government would result in more efficient and effective governance for the Town; and

WHEREAS, the Board of Commissioners finds that the Town would benefit from enacting this Charter amendment to amend the form of government of the Town.

Section 1. NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO, that Charter of the Town of Upper Marlboro, Maryland shall be and hereby is amended to read as follows:

The TOWN COUNCIL [[Board of Commissioners]]

Section 82-3. (Number, Selection, Term).

THE TOWN SHALL HAVE A COUNCIL-MANAGER FORM OF GOVERNMENT. All legislative powers of the Town shall be vested in a TOWN COUNCIL [[Board of Commissioners]] consisting of five COUNCIL MEMBERS[[Commissioners]] who shall be elected as hereinafter provided and who shall hold office for a term of FOUR [[two]] years and until the succeeding COUNCIL[[Board]] takes office. The regular term of the COUNCIL MEMBERS [[Commissioners]] shall expire on the second Monday in December following the election of their successors OR SHALL SERVE UNTIL THEIR SUCCESSORS QUALIFY. [[Notwithstanding anything herein to the contrary, the incumbent Commissioners serving their terms of office as previously set to expire in January of 2022 shall instead end their terms earlier on the second Monday of December of 2021 or shall serve until their successors qualify.]]

Section 82-4. (Qualification of COUNCIL MEMBERS [[Commissioners]]).

COUNCIL MEMBERS [[Commissioners]] shall have resided in the Town for at least two years immediately preceding their election, shall be qualified voters of the Town, and shall be at least 25 years of age. If, at any time such person shall NO LONGER RESIDE IN [[remove from]] the town, his or her office shall automatically become vacant.

Section 82-5. (Salary of COUNCIL MEMBERS [[Commissioners]]).

Each COUNCIL MEMBER [[Commissioner]] shall receive an annual salary which shall be equal for all COUNCIL MEMBERS [[Commissioners]] and shall be as specified from time to time by an ordinance passed by the COUNCIL [[Board]] in the regular course of its business, provided, however, that the salary specified at the time any COUNCIL MEMBER [[Board]] takes office shall not be changed during the period for which that COUNCIL MEMBER [[Board]] was elected. The ordinance making any change in the salary paid to the several COUNCIL MEMBERS [[Commissioners]], either by way of increase or decrease, shall be finally ordained prior to the general election for the members of the next succeeding COUNCIL [[Board]] and shall take effect only as to the members of the next succeeding C O U N C I L [[Board]].

Section 82-6. (Meetings of the COUNCIL [[Board]]).

The newly elected COUNCIL [[Board]] shall meet at SUCH TIME AS DETERMINED BY THE COUNCIL [[8:00 p.m. on the second Monday of December following its election for the purpose of organization and conducting other Town business]], 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 MAYOR [[President]] or a majority of the members of the COUNCIL [[Board]]. All meetings of the COUNCIL [[Board]] shall be open to the public, except that the COUNCIL [[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.

Section 82–7. (COUNCIL [[Board]] to be the Judge of Qualifications of its Members).

The COUNCIL [[Board]] shall be the judge of the election and qualification of its members.

Section 82–8. (Quorum).

A majority of the members of the COUNCIL [[Board]] shall constitute a quorum for the transaction of business, but no ordinance shall be approved nor any other action taken without the favorable votes of a majority of the whole number of members elected to the COUNCIL [[Board]].

Section 82–9. (Procedure of COUNCIL [[Board]]).

The COUNCIL [[Board]] shall determine its own rules and order of business. It shall keep a journal of its proceedings and enter therein the yeas and nays upon final action on any question, resolution, or ordinance, or at any other time if required by any one member. The journal shall be open to public inspection.

Section 82–10. (Vacancies in COUNCIL [[Board]]).

Vacancies in the COUNCIL [[Board]] shall be filled as provided in Section 82–32 of this charter.

Section 82–11. (Ordinances).

No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the TOWN COUNCIL [[Board of Commissioners]] held not less than six nor more than sixty days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specified future date. In cases of emergency, the provision that an ordinance may not be passed at the meeting at which it is introduced may be suspended by unanimous vote of the TOWN COUNCIL [[Board of Commissioners]]. Every ordinance, unless it is passed as an emergency ordinance, shall become effective at the expiration of twenty (20) calendar days following approval of the TOWN COUNCIL [[Board of Commissioners]]. 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.

Section 82–12. (File of Ordinances).

The complete text of each and every ordinance and resolution passed by the COUNCIL [[Board]] shall be permanently filed by the clerk and shall be kept available for public inspection.

The MAYOR [[President]]

Section 82–13. (Selection).

At their FIRST [[organizational]] meeting IN DECEMBER 2025 AND AT THEIR FIRST MEETING FOLLOWING EVERY ELECTION THEREAFTER, a majority of the COUNCIL [[Commissioners]] shall elect one of their members MAYOR AND ONE OF THEIR MEMBERS AS VICE MAYOR OF THE COUNCIL, WHO SHALL ACT AS MAYOR IN THE ABSENCE OF THE MAYOR [[President]]. The MAYOR [[President]] shall preside at all meetings of the COUNCIL [[Board]] in accordance with the accepted rules of parliamentary procedure[, except that he or she] AND may vote on any question before the COUNCIL [[Board]]. The MAYOR [[President]] shall be the ceremonial mayor of the Town and shall be identified [[either as the President of the Board of Commissioners or]] as the Town Mayor.

Section 82–14. (Salary of the MAYOR [[President]]).

The MAYOR SHALL [[President may]] receive an annual salary[[in addition to that received as a Commissioner]], as set from time to time by an ordinance passed by the COUNCIL [[Board]] in the regular course of business. Provided, however, that no change shall be made in the salary for any MAYOR [[president]] during the term for which he OR SHE was elected. The ordinance making any change in the salary paid to the MAYOR [[President]], either by way of increase or decrease, shall be finally ordained prior to the general election to elect the next succeeding COUNCIL [[Board]], and shall take effect only as to the next succeeding MAYOR [[President]].

SECTION 82-14.1. (PERSONNEL ACTIONS INVOLVING ELECTED OFFICIALS).

(A) THE MAYOR OR A COUNCIL MEMBER SHALL FORFEIT AND AUTOMATICALLY BE REMOVED FROM THAT PERSON’S OFFICE IF THE MAYOR OR COUNCIL MEMBER AT ANY TIME DURING THAT PERSON’S TERM OF OFFICE:

- (1) NO LONGER MEETS THE QUALIFICATIONS FOR THE OFFICE;
- (2) IS CONVICTED OF A FELONY OR A CRIME INVOLVING MORAL TURPITUDE; OR
- (3) FAILS TO ATTEND THREE (3) OR MORE CONSECUTIVE REGULAR MEETINGS OF THE COUNCIL WITHOUT BEING EXCUSED BY THE COUNCIL.

(B) THE COUNCIL MAY, BY A VOTE OF FOUR MEMBERS, CENSURE OR EXPEL A MEMBER FROM A MEETING FOR:

- (1) THREATENING OTHER MEMBERS OF COUNCIL OR CITY EMPLOYEE;
- (2) COERCING ANY CITY EMPLOYEE INTO TAKING ILLEGAL OR

IMPROPER ACTION OR TAKING ANY RETALIATORY ACTION AGAINST ANY TOWN EMPLOYEE;

(3) ENGAGING IN DISRUPTIVE OR DISORDERLY BEHAVIOR DURING A MEETING OF THE COUNCIL; OR

(4) VIOLATING THE COUNCIL'S RULES.

SECTION 82-14.2. (RECALL OF COUNCIL MEMBERS).

(A) THE MAYOR AND COUNCIL MEMBERS SHALL BE SUBJECT TO RECALL BY A MAJORITY OF THE REGISTERED VOTERS OF THE TOWN.

(B) PETITION.

(1) IF A PETITION SIGNED BY NOT LESS THAN THIRTY PERCENT (30%) OF THE REGISTERED VOTERS OF THE TOWN SHALL BE PRESENTED TO THE CLERK REQUESTING AN ELECTION TO VOTE UPON THE RECALL OF AN OFFICE HOLDER, THE CLERK SHALL FORWARD THE PETITION TO THE BOARD OF SUPERVISORS OF ELECTIONS WHO SHALL VERIFY THAT THE PETITION HAS BEEN SIGNED BY THE REQUIRED NUMBER OF REGISTERED VOTERS OF THE TOWN. EACH PERSON SIGNING THE PETITION SHALL INDICATE THEREON BOTH THE INDIVIDUAL'S NAME AND RESIDENCE ADDRESS.

(2) NO RECALL PETITION SHALL BE FILED AGAINST AN OFFICE HOLDER UNTIL THAT PERSON SHALL HAVE BEEN IN OFFICE FOR AT LEAST THREE MONTHS, NOR SHALL ANY RECALL PETITION DEAL WITH MORE THAN ONE OFFICER HOLDER.

(3) THE COUNCIL SHALL CONSIDER THE PETITION AS OF NO EFFECT IF IT IS SIGNED BY FEWER THAN THIRTY PERCENT (30%) OF THE PERSONS WHO ARE REGISTERED TO VOTE IN MUNICIPAL ELECTIONS. IF THE PETITION FAILS TO CONTAIN THE REQUIRED NUMBER OF VALID SIGNATURES, AS DETERMINED BY THE BOARD OF SUPERVISORS OF ELECTIONS, THE PETITIONERS FOR A PERIOD OF THIRTY (30) DAYS MAY SUBMIT AS AN AMENDMENT TO THEIR ORIGINAL PETITION THE ADDITIONAL NUMBER OF VALID SIGNATURES TO MEET THE REQUIREMENTS OF THIS SECTION.

(C) EFFECT OF PETITION. IF THE BOARD OF SUPERVISORS OF ELECTIONS DETERMINES THAT THE PETITION MEETS ALL THE REQUIREMENTS OF THIS SECTION, THE COUNCIL SHALL, BY RESOLUTION, SPECIFY THE DAY, THE HOURS AND PLACE FOR A SPECIAL ELECTION TO BE HELD, NOT MORE THAN FORTY-FIVE (45) CALENDAR DAYS FROM THE DATE SAID RESOLUTION IS ADOPTED. THE RESOLUTION SHALL SPECIFY THE EXACT WORDING OF THE QUESTION WHICH IS TO APPEAR ON THE BALLOT. THE BALLOT QUESTION SHALL INCLUDE THE NAME OF THE OFFICER HOLDER IN QUESTION, THE POSITION WHICH THE ELECTED

OFFICIAL HOLDS, AND SHALL REQUEST A “YES” OR “NO” VOTE AS TO REMOVAL FROM THAT OFFICE.

(D) RESULTS OF ELECTION. IF A MAJORITY OF THE REGISTERED VOTERS IN THE SPECIAL ELECTION VOTE IN FAVOR OF RECALLING THE OFFICE HOLDER IN QUESTION, UPON CERTIFICATION OF THE RESULTS OF THE ELECTION BY THE BOARD OF SUPERVISORS OF ELECTIONS, SAID OFFICE SHALL THEREUPON BE DECLARED VACANT BY THE COUNCIL AND SHALL BE FILLED BY THE COUNCIL IN THE MANNER PRESCRIBED BY § 82-32 (VACANCIES) OF THIS CHARTER.

Section 82–15. (Powers and Duties).

(a) [[The President shall see that the ordinances of the Town are faithfully executed and shall be the chief executive officer and the head of the administrative branch of the Town government.]] The [[president with the approval of the]] COUNCIL [[Board]], shall appoint the TOWN MANAGER, THE CHIEF OF POLICE AND THE DIRECTOR OF PUBLIC WORKS, WHO [[heads of all offices, departments, and agencies of the Town government as established by this charter or by ordinance. All office, department, and agency heads]] shall serve at the pleasure of the COUNCIL[[President]]. THE TOWN MANAGER MAY BE REMOVED BY A RESOLUTION APPROVED BY A VOTE OF FOUR MEMBERS OF THE MAYOR AND COUNCIL. A COPY OF SUCH RESOLUTION SHALL BE SERVED IMMEDIATELY UPON THE TOWN MANAGER.

(b) HEADS OF ALL OFFICES, DEPARTMENTS AND AGENCIES OF THE TOWN GOVERNMENT AND THEIR [[All]] subordinate officers and employees, WITH THE EXCEPTION OF THE CHIEF OF POLICE AND THE DIRECTOR OF PUBLIC WORKS, [[of the offices, departments, and agencies of the Town government]] shall be appointed and removed by the TOWN MANAGER [[President]], in accordance with rules and regulations in any merit system which may be adopted by the COUNCIL [[Board]].

(c) The TOWN MANAGER [[President]] each year shall report to the COUNCIL [[Board]] the condition of municipal affairs and make such recommendations as THE MAYOR [[he]] deems proper for the public good and the welfare of the Town.

(d) [[The President shall have supervision over the financial administration of the Town government he shall prepare or have annually a budget and [submit it to the Board. He shall supervise the administration of the budget as adopted by the Board. He shall supervise the disbursement of all monies and have control over all expenditures to assure that budget appropriation are not exceeded.]]

(e) The MAYOR [[President]] shall have such other powers and perform such other duties as may be prescribed by this charter or as may be required of him OR HER by the COUNCIL [[Board]], not inconsistent with this charter.

General Powers

Section 82–16.

(1) *(General Powers)*. The COUNCIL [[Board]] shall have the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or this charter as it may deem necessary for the good government of the Town; for the protection and preservation of the Town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and visitors thereto and sojourners therein.

(2) *(Specific Powers)*. The COUNCIL [[Board]] shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this State, for the following specific purposes:

(a) *(Advertising)*. To provide for advertising for the purposes of the Town, for printing and publishing statements as to the business of the Town.

(b) *(Aisles)*. To regulate and prevent the obstruction of aisles in public halls, churches and place of amusement, and to regulate the construction and operation of the doors and means of egress therefrom.

(c) *(Amusements)*. To provide in the interest of the public welfare for licensing, regulating, or restraining theatrical or other public amusements.

(d) *(Appropriations)*. To appropriate municipal monies for any purpose within the powers of the Board.

(e) *(Auctioneers)*. To regulate the sale of all kinds of property at auction within the Town and to license auctioneers excepting that such power shall exclude authority over such sales conducted pursuant to judicial or foreclosure sales to be reported to the Circuit Court and sales made by any public official pursuant to the duties of his office.

(f) *[[Band]*. To establish a municipal band, symphony orchestra or other musical organization, and to regulate by ordinance the conduct and policies thereof.]]
(Billboards). To license, tax and regulate, restrain or prohibit the erection or maintenance of billboards within the Town, the placing of signs, bills and posters of every kind and description on any building, fence, post, billboard, pole, or other place within the Town.

(g) *(Bridges)*. To erect and maintain bridges.

(h) *(Buildings)*. To make reasonable regulations in regard to buildings and signs to be erected, constructed, or reconstructed in the Town, and to grant building permits for the same; to formulate a building code and a plumbing code and to appoint a building inspector and a plumbing inspector, and to require reasonable charges for permits and

inspections; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down.

(i) *(Cemeteries)*. To regulate or prohibit the interment of bodies within the municipality and to regulate cemeteries.

(j) *(Codification)*. To provide for the codification of all ordinances and resolutions which have been or may hereafter be passed.

(k) *(Community Services)*. 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.

(l) *(Cooperative Activities)*. To make agreements with other municipalities, counties, districts, bureaus, commissions, and governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions.

(m) *(Curfew)*. To prohibit the youth of the Town from being in the streets, lanes, alleys, or public places at unreasonable hours of the night.

(n) *(Dangerous Conditions)*. To compel persons about to undertake dangerous improvements to execute bonds with sufficient sureties conditioned that the owner or contractor will pay all damages resulting from such work which may be sustained by any persons or property.

(o) *(Departments)*. To create, change, and abolish offices, departments, or agencies, other than offices, departments, and agencies established by this Charter; to assign additional functions or duties to offices, departments or agencies, established by this Charter, but not including the power to discontinue or assign to any other office, department, or agency, any function or duty assigned by this charter to a particular office, department, or agency.

(p) *(Disorderly Houses)*. To suppress bawdy houses, disorderly houses and houses of ill fame.

(q) *(Dogs)*. To regulate the keeping of dogs in the Town and to provide, whether the County does not license or tax dogs, for the licensing and taxing of the same; to provide for the disposition of homeless dogs and dogs on which no license fee or taxes are paid.

(r) *(Elevators)*. To require the inspection and licensing of elevators and to prohibit their use when unsafe or dangerous or without a license.

(s) *(Explosives)*. To regulate or prevent the storage of gunpowder, oil, or any other explosive or combustible matter; to regulate or prevent the use of firearms,

fireworks, bonfires, explosives, or any other similar things which may endanger persons or property.

(t) *(Filth)*. To compel the occupant of any premises, building or outhouse situated in the Town, when the same has become filthy or unwholesome, to abate or cleanse the condition; and after reasonable notice to the owners or occupants to authorize such work to be done by the proper officers and to assess the expense thereof against such property, making it collectible by taxes or against the occupant or occupants.

(u) *(Finances)*. 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.

(v) *(Fire)*. To suppress fires and prevent the dangers thereof and to establish and maintain a fire department; to contribute funds to volunteer fire companies serving the Town; to inspect buildings for the purpose of reducing fire hazards, to issue regulations concerning fire hazards, and to forbid and prohibit the use of fire-hazardous buildings and structures permanently or until the conditions of Town fire-hazard regulations are met; to install and maintain fire plugs where and as necessary, and to regulate their use; and to take all other measures necessary to control and prevent fires in the Town.

(w) *(Food)*. To inspect and to require the condemnation of, if unwholesome, and to regulate the sale of any food products.

(x) *(Franchises)*. To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies, and any others which may be deemed advantageous and beneficial to the Town. No franchise shall be granted for longer period than fifty years.

(y) *(Gambling)*. To regulate, restrain or prohibit gambling.

(aa) *(Garbage)*. To prevent the deposit of any unwholesome substance either on private or public property, and to compel its removal to designated points; to require slops, garbage, ashes and other waste or other unwholesome materials to be removed to designated points, or to require the occupants of the premises to place them conveniently for removal.

(bb) *(Grants-in-Aid)*. To accept gifts and grants of federal or of state funds from the federal or state governments or any agency thereof, and to expend the same for any lawful public purpose, agreeably to the conditions under which the gifts or grants were made.

(cc) *(Hawkers)*. To license, tax, regulate, suppress and prohibit hawkers and itinerant dealers, peddlers, pawnbrokers and all other persons selling any articles on the streets of the Town, and to revoke such licenses for cause.

(dd) *(Health)*. To protect and preserve the health of the Town and its

inhabitants; to appoint a public health officer, and to define and regulate his powers and duties; to prevent the introduction of contagious diseases into the Town; to establish quarantine regulations, and to authorize the removal and confinement of persons having contagious or infectious diseases; to prevent and remove all nuisances; to inspect, regulate, and abate any buildings, structures, or places which cause or may cause unsanitary conditions or conditions detrimental to health.

(ee) *(House Numbers)*. To regulate the numbering of houses and lots and to compel owners to renumber the same or in default thereof to authorize and require the same to be done by the Town at the owner's expense, such expense to constitute a lien upon the property collectible as tax monies.

(ff) *(Jail)*. To establish and regulate a station house or lock-up for temporary confinement of violators of the laws and ordinances of the Town or to use the County jail for such purpose.

(gg) *(Licenses)*. Subject to any restrictions imposed by the public general laws of the State, to license and regulate 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 this charter.

(hh) *(Liens)*. To provide that any valid taxes, assessments or charges made against any real property within the Town shall be liens upon such property from the date they became payable.

(ii) *(Lights)*. To provide for the lighting of the Town.

(jj) *(Livestock)*. To regulate and prohibit the running at large of cattle, horses, swine, fowl, sheep, goats, dogs or other animals; to authorize the impounding, keeping, sale and redemption of such animals when found in violation of the ordinance in such cases provided.

(kk) *(Markets)*. To obtain by lease or rent, own, construct, purchase, operate, and maintain public markets within the Town.

(ll) *(Minor Privileges)*. To regulate or prevent the use of public ways, sidewalks, and public places for signs, awnings, posts, steps, railings, entrances, racks, posting handbills and advertisement, and display of goods, wares, and merchandise.

(mm) *(Noise)*. To regulate or prohibit unreasonable ringing of bells, crying of goods or sounding of whistles, horns and speakers.

(nn) *(Nuisances)*. To prevent or abate by appropriate ordinance all nuisances in the Town whether the same be herein specifically named or not; to regulate, to

prohibit, to control the location of, or to require the removal from the Town of all trading in, handling of, or manufacture of any commodity which is or may become offensive, obnoxious, or injurious to the public comfort or health. In this connection the Town may regulate, prohibit, control the location of, or require the removal from the Town of such things as stockyards, junkyards, slaughterhouses, cattle or hog pens, tanneries, and renderies. This listing is by way of enumeration, not limitation.

(oo) (*Obstructions*). To remove all nuisances and obstructions from the streets, lanes and alleys and from any lots adjoining thereto, or any other places within the limits of the Town.

(pp) (*Parking Facilities*). To license and regulate and to establish, acquire by purchase, lease or other transfer, own, construct, operate, and maintain parking lots and other facilities for off street parking.

(qq) (*Parking Meters*). To install parking meters on the streets and public places of the Town in such places as by ordinance may be determined, and by ordinance prescribe rates and provisions for the use thereof, except that the installation of parking meters on any street or road maintained by the State [[Roads Commission]] of Maryland must first be approved by the STATE [[Commission]].

(rr) (*Parks and Recreation*). To establish and maintain public parks, gardens, playgrounds, and other recreational facilities and programs to promote the health, welfare, and enjoyment of the inhabitants of the Town.

(ss) (*Police Force*). To establish, operate, and maintain a police force. All Town policemen shall, within the municipality, have the powers and authority of constables in this State.

(tt) (*Police Powers*). To prohibit, suppress, and punish within the Town all vice, gambling, and games of chance; prostitution and solicitation therefor and the keeping of bawdy houses and houses of ill fame; all tramps and vagrants; all disorder, disturbances, annoyances, disorderly conduct, obscenity, public profanity, and drunkenness.

(uu) (*Property*). To acquire by conveyance, purchase or gift, real or leasehold property for any public purpose; to erect buildings and structures thereon for the benefit of the Town and its inhabitants; and to sell, lease, convey or otherwise dispose of or encumber any real or leasehold property when no longer needed for the public use, after having given at least twenty days' public notice thereof; to control, protect and maintain public buildings, grounds and property of the Town.

(vv) (*Regulations*). To adopt by ordinance and enforce within the corporate limits police, health, sanitary, fire, building, plumbing, traffic, speed, parking, and other similar regulations not in conflict with the laws of the State of Maryland or with this charter.

(ww) (*Sidewalks*). To regulate the use of sidewalks and all structures in, under or above the same; to require the owner or occupant of premises to keep the sidewalks in

front thereof free from ice, snow or other obstructions; to prescribe hours for cleaning sidewalks.

(xx) *(Sweepings)*. To regulate or prevent the throwing or depositing of sweepings, dust, ashes, offal, garbage, paper, trash or handbills, dirty liquids, or other unwholesome materials into any public way or onto any public or private property in the Town.

(yy) *(Taxicabs)*. To license, tax and regulate PERSONS OPERATING A MOTOR VEHICLE FOR HIRE [[public hackmen]], taxicab DRIVERS [[men, draymen, drivers, cabmen, porters and expressmen]], and all other persons pursuing like occupations.

(zz) *(Vehicles)*. To regulate and license wagons and other vehicles not subject to the licensing powers of the State of Maryland.

(aaa) *(Voting Machines)*. To purchase, lease, borrow, install, and maintain voting machines for use in Town elections.

(bbb) *(Savings Clause)*. The enumeration of powers in this section is not to be construed as limiting the powers of the Town to the several subjects mentioned.

Section 82–17. (Exercise of Powers).

For the purpose of carrying out the powers granted in this charter, the COUNCIL [[Board]] may pass all necessary ordinances. All the powers of the Town shall be exercised in the manner prescribed by this charter, or, if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

Section 82–18. (Enforcement).

To ensure the observance of the ordinances of the Town, the COUNCIL [[Board]] shall have the power to provide that violation thereof shall be a misdemeanor or municipal infraction, punishable as provided in Sec. 82–88 hereof.

Registration, Candidates and Elections

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Section 82–20. (Board of Supervisors of Elections).

There shall be a Board of Supervisors of Elections, consisting of three to five members including any additional member that may be designated to serve as an alternate or substitute member who shall act as a member of such Board in the absence of any one of the regularly-appointed members, as the Board in its sole discretion shall determine by written resolution as necessary and proper who shall be appointed by the MAYOR [[President]] with the approval of the TOWN COUNCIL [[Board of Commissioners]] on or before the second Tuesday in September in every even numbered year. The terms of members of the Board of Supervisors of

Elections shall begin on the second Tuesday in September in the year in which they are appointed and shall run for two years. Members of the Board of Supervisors of Elections shall be qualified voters of the Town and shall not hold or be candidates for any elective office during their terms of office. The Board of Supervisors of Elections shall appoint one of its members as chair[[man]], who shall vote only in case of tie when the number of appointed and seated supervisors is four regularly-appointed members. Vacancies on the said Board of Supervisors shall be filled by the MAYOR [[President]] with the approval of the TOWN COUNCIL [[Board of Commissioners]] for the remainder of the unexpired term. The compensation of the members of the said Board of Supervisors shall be determined by the TOWN COUNCIL [[Board of Commissioners]]. Notwithstanding anything herein to the contrary, the incumbent supervisors serving their terms of office as previously set to expire in November of 2021 shall instead end their terms later on the first Monday of September of 2022 or shall serve until their successors qualify.

Section 82–21. (Removal).

Any member of the Board of Supervisors of Elections may be removed for good cause by the TOWN COUNCIL [[Board of Commissioners]]. Before removal, the member of the Board of Supervisors of Elections to be removed shall be given a written copy of the charges against THE MEMBER [[him]] and shall have a [[public]] hearing on [[them]] THE CHARGES before the TOWN COUNCIL [[Board of Commissioners]] if THE MEMBER [[he]] so requests within ten days after receiving the written copy of the charges[[against him]].

* * * *

Section 82–25. (Appeal).

If any person shall feel aggrieved by the action of the Board of Supervisors of Elections in refusing to register or in striking off the name of any person, or by any other action, such person may appeal to the TOWN COUNCIL [[Board of Commissioners]]. Any decision or action of the TOWN COUNCIL [[Board of Commissioners]] upon such appeals may be appealed to the Circuit Court for Prince George’s County within thirty days of the decision or action of the TOWN COUNCIL [[Board of Commissioners]].

Section 82–26. (Candidates).

Any person qualified to hold the office of COUNCIL MEMBER [[Commissioner]] and desiring to be a candidate for such office shall file with THE TOWN CLERK [[one of the Supervisors of Elections]] a written statement to that effect on or before the second Monday in October next preceding the election at which THAT PERSON [[he]] desires to be a candidate or THAT PERSON’S [[his]] name shall not be printed on the ballot.

The name of any qualified person may be certified for candidacy and shall be printed on the ballot upon receipt of the aforementioned written statement of candidacy and a petition of 10 or more qualified voters of said Town filed with THE TOWN CLERK [[one of the Supervisors of Elections]] on or before the second Monday in October next preceding the election or his/her name shall not be printed on the ballot. The written statement of candidacy and the nominating

petition may be filed separately or together provided they are both received no later than the second Monday in October.

Section 82–27. (Election of the Board of Commissioners).

On the first Tuesday in November in 2025 [[and every odd numbered year]], the qualified voters of the Town shall elect five persons as COUNCIL MEMBERS [[Commissioners]], THREE OF WHICH TO SERVE A FOUR YEAR TERM AND TWO OF WHICH TO SERVE A TWO YEAR TERM. [[to serve for term of two years or until their successors qualify.]] THE THREE CANDIDATES RECEIVING THE HIGHEST NUMBER OF VOTES SHALL BE ELECTED TO A FOUR YEAR TERM AND THE TWO CANDIDATES RECEIVING THE NEXT HIGHEST NUMBER OF VOTES SHALL BE ELECTED TO A TWO YEAR TERM.

ON THE FIRST TUESDAY IN NOVEMBER IN 2027 AND EVERY FOURTH YEAR THEREAFTER, THE QUALIFIED VOTERS OF THE TOWN SHALL ELECT TWO PERSONS AS COUNCIL MEMBERS TO SERVE A TERM OF FOUR YEARS. THE TERM OF OFFICE FOR THE TWO COUNCIL MEMBERS SO ELECTED SHALL EXPIRE ON THE SECOND MONDAY IN DECEMBER FOLLOWING THE ELECTION AND EVERY FOURTH YEAR THEREAFTER.

ON THE FIRST TUESDAY IN NOVEMBER IN 2029 AND EVERY FOURTH YEAR THEREAFTER, THE QUALIFIED VOTERS OF THE TOWN SHALL ELECT THREE PERSONS AS COUNCIL MEMBERS TO SERVE A TERM OF FOUR YEARS. THE TERM OF OFFICE FOR THE THREE COUNCIL MEMBERS SO ELECTED SHALL EXPIRE ON THE SECOND MONDAY IN DECEMBER FOLLOWING THE ELECTION AND EVERY FOURTH YEAR THEREAFTER.

ALL ELECTED COUNCIL MEMBERS SHALL SERVE UNTIL THEIR SUCCESSORS QUALIFY.

Section 82–28. (Conduct of Elections).

It shall be the duty of the Board of Supervisors of Elections to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and ballots or voting machines. In each general election, the ballots or voting machines shall show the name of each candidate, arranged in alphabetical order with no party designation of any kind and shall indicate in such terms as may by said Board be deemed appropriate, THE COUNCIL MEMBERS [[that three Commissioners are to]] be elected. The ballots and/or voting machines shall also provide a space or spaces to permit the voter to write in name or names of additional persons. The Board of Supervisors of Elections shall keep the polls open for a minimum of twelve (12) hours, such time to be selected and announced by the said Board of Supervisors of Elections, provided that these hours fall between 7:00 a.m. and 9:00 p.m.

Section 82–29. (Special Elections).

All special Town elections shall be conducted by the Board of Supervisors of Elections in the same manner and with the same personnel, as far as practicable, as regular Town elections. In the event a special election is required pursuant to Section 82–32, the said special election shall be held not less than thirty (30) days and not more than forty–five (45) days after the vacancy is created. The newly elected COUNCIL MEMBER [[Commissioner]] shall take office on the second Monday of the month following the special election. The vote count of a special election for COUNCIL [[Commissioner]] shall be the same as provided under Section 82–30 of this Charter, as amended.

Section 82–30. (Vote Count).

After the closing of the polls, the Board of Supervisors of Elections shall determine the vote cast for each candidate or question and shall, no later than 12:00 Noon on the Thursday immediately following the election, certify the results of the election to the clerk of the Town who shall record the results in the minutes of the TOWN COUNCIL [[Board of Commissioners]]. The [[five]] candidates for COUNCIL [[Commissioners]] receiving the highest number of votes FOR THE OPEN POSITIONS in a general election shall be declared elected.

* * * *

Section 82–32. (Vacancies).

(a) In case of a vacancy on the TOWN COUNCIL [[Board of Commissioners]] and the remaining term of the COUNCIL MEMBER’S [[Commissioner’s]] seat that is vacated is less than half of the term for which the COUNCIL MEMBER [[Commissioner]] was elected, the remaining COUNCIL MEMBERS [[Commissioners]] shall appoint a qualified resident to fill the vacancy. (See Town Charter, § 82-4 (Qualifications of COUNCIL MEMBERS [[Commissioners]])). The appointment must be made withing 45 days of the occurrence of the vacancy and shall be for the remainder of the current term. The vacancy shall be filled by public solicitation of applications. The swearing-in of an appointee shall take place at the earliest available town meeting after an appointment has been made. The swearing-in shall mark the date at which an appointee becomes a full member of the TOWN COUNCIL [[Board of Commissioners]] with all attendant powers and duties.

(1) Public Solicitation of Applications.

(A) Appointment of a successor is made by public solicitation of applications and the vacancy shall be advertised on the Town website and by way of a special mailing and/or other suitable means of public outreach within five (5) business days of the public announcement of the vacancy. The public notice shall state the deadline for submitting applications and the qualifications for serving on the TOWN COUNCIL [[Board of Commissioners]]. All applications shall have a supporting petition attached with the signatures of at least twenty (20) qualified voters of the Town.

(B) After the deadline for submissions has passed, the TOWN COUNCIL [[Board of Commissioners]] shall set a date for interviewing the applicants who are eligible to serve as a COUNCIL MEMBER [[Commissioner]]. The interviews shall be conducted individually in executive session, which may be held either during or after a regularly scheduled meeting or work session, or a special meeting called for this purpose. Selection of the preferred candidate shall be made in executive session and announced at the next town meeting and/or by other suitable means of public outreach, as needed.

(b) Special Election. In the event a vacancy occurs on the TOWN COUNCIL [[Board of Commissioners]] and the remaining term of the vacant seat on the TOWN COUNCIL [[Board of Commissioners]] is more than half of the COUNCIL MEMBER'S [[Commissioner's]] term, the Board of SUPERVISORS OF ELECTIONS [[Election Supervisors]] shall call a special election in accordance with Town Charter, §[[Sec.]] 82-29 (Special Elections). The Special Election shall not be held sooner than 30 days and not later than 45 days after the occurrence of the vacancy. A public notice of the special election shall be given as soon as feasible by a special mailing and/or by other suitable means of public outreach.

(c) Multiple Town Council Vacancies.

(1) In the event a second Town COUNCIL [[Commissioner]] vacancy occurs within three months of the first vacancy, the Town COUNCIL [[Commissioner]] may offer the vacant seat to any of the other applicants for the first vacancy without initiating a new round of public solicitation of applications.

(2) If more than one vacancy occurs within five (5) business days of the public announcement of an initial Town COUNCIL [[Commissioner]] vacancy, the COUNCIL [[Board]] shall call a special election, which shall not be held sooner than 30 days and not later than 45 days after the occurrence of the vacancy, in compliance with Town Charter § 82-29.

(d) Any vacancy in the office of the MAYOR [[President]] shall be filled by the favorable votes of a majority of the members of the COUNCIL [[Board]]. The results of any such votes shall be recorded in the minutes of the COUNCIL [[Board]].

* * * *

Section 82-34. (Regulation and Control).

The TOWN COUNCIL [[Board of Commissioners]] shall have the power to provide by ordinance in every respect not covered by the provisions of this Charter for the conduct of registration, candidacy and elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud.

* * * *

Finance

Section 82–36. (CHIEF FINANCIAL OFFICER [[Treasurer]]).

[[There shall be a treasurer appointed by the President with the approval of the Board. He shall serve at the pleasure of the President. His compensation shall be determined by the Board]]. The TOWN MANAGER [[treasurer]] shall be the chief financial officer of the Town. The financial powers of the Town, except as otherwise provided by this Charter, shall be exercised by the TOWN MANAGER [[treasurer]] under the direct supervision of the MAYOR [[President]]. [[The treasurer appointed may be a member of the Board]].

Section 82–37. (Powers and Duties of the TOWN MANAGER [[Treasurer]]).

Under the supervision of the MAYOR [[President]], the TOWN MANAGER [[treasurer]] shall have authority and shall be required to:

- (a) Prepare [[at the request of the President]] an annual budget to be submitted by the TOWN MANAGER [[President]] to the COUNCIL [[Board]].
- (b) Supervise and be responsible for the disbursement of all monies have control over all expenditures to assure that budget appropriations are not exceeded.
- (c) Maintain a general accounting system for the Town in such form as the COUNCIL [[Board]] may require, not contrary to State law.
- (d) Submit at the end of each fiscal year, and at such other times as the COUNCIL [[Board]] may require, a complete financial report to the Board.
- (e) Ascertain that all taxable property within the Town is assessed for taxation.
- (f) 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.
- (g) Have custody of all public monies belonging to or under the control of the Town, except as to fines in the control of any set of trustees, and have custody of all bonds and notes of the Town.
- (h) Do such other things in relation to the fiscal or financial affairs of the Town as the COUNCIL [[Board]] may require or as may be required elsewhere in this Charter.

Section 82–38. (Bond[[of Treasurer]]).

The TOWN MANAGER [[treasurer]] shall provide a bond with such corporate surety and in such amount as the COUNCIL [[Board]] by ordinance may require.

* * * *

Section 82–40. (Budget).

The TOWN MANAGER [[President]] on such date as the COUNCIL [[Board]] shall determine, but at least thirty days before the beginning of any fiscal year, shall submit a budget to the COUNCIL [[Board]]. The Budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The budget shall be a public record in the office of the TOWN MANAGER [[treasurer]], open to public inspection during normal business hours.

Section 82–41. (Budget Adoption).

Before adopting the budget the COUNCIL [[Board]] may hold a public hearing thereon upon such notice as may be deemed appropriate. The COUNCIL [[Board]] may increase, decrease or eliminate any item in the budget and may add new items thereto. The budget shall be adopted in the form of an ordinance. A favorable vote of at least a majority of the total elected membership of the COUNCIL [[Board]] shall be necessary for adoption.

Section 82–42. (Appropriations).

No public money may be expended without having been appropriated by the COUNCIL [[Board]]. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes named therein.

Section 82–43. (Transfer of Funds).

Any transfer of funds between major appropriations for different purposes by the TOWN MANAGER [[President]] must be approved by the COUNCIL [[board]] before becoming effective.

* * * *

Section 82–45. (Appropriations Lapse After One Year; Reserve Funds).

(A) Except for appropriations for any reserve fund created pursuant to this Section, all appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered. Except as stated herein, any unexpended and unencumbered funds shall be considered as surplus at the end of the budget year and shall be included among the anticipated revenues for the next succeeding budget year. An appropriation for a reserve fund or similar non-lapsing fund shall continue in force until expended, revised or repealed, or the entire fund is dissolved with any surplus or unexpended funds to be transferred to the general fund.

(B) A reserve fund or funds may be established by ordinance, such reserve funds may be used

from time to time for such purposes as (i) capital expenditures, i.e., equipment, facilities, and acquisition, street construction and the like, (ii) to guarantee the temporary continuation of services, directly affected by a loss of supporting budgeted revenues, (iii) to provide for long term investments, and (iv) to provide disaster or emergency relief for residents, property owners, and businesses of the Town of Upper Marlboro. A favorable vote of at least a majority of the entire COUNCIL [[Board]] shall be necessary for the adoption or repeal of any ordinance creating such a reserve fund.

Section 82–46. (Checks).

Except as otherwise stated herein, all checks issued in payment of salaries or other municipal obligations shall be issued and signed by the TOWN MANAGER [[treasurer]]. The COUNCIL [[Board]] may further designate from time to time by ordinance or written resolution those person(s) in addition to the TOWN MANAGER [[treasurer]] who shall be authorized to sign checks issued on behalf of the Town when the need arises and the TOWN MANAGER [[treasurer]] is unavailable. Additional person(s) authorized to sign checks shall be bonded. The COUNCIL [[Board]] shall establish by ordinance or resolution a dollar amount above which all checks made payable by the Town shall be issued and signed by two persons, the TOWN MANAGER [[treasurer]] and the MAYOR [[President]], or in either or both of their unavailability or incapacities, two other persons who shall be designated from time to time by resolution or ordinance of the COUNCIL [[Board]], which at least one of whom shall be a COUNCIL MEMBER [[Commissioner]].

* * * *

Section 82–48. (Tax Levy).

On or before the thirtieth day of June in each and every year, the COUNCIL [[Board]] shall determine the tax rate for the ensuing fiscal year, which determination shall constitute the tax levy for such year.

* * * *

Section 82–50. (Sale of Tax Delinquent Property).

A list of all property on which the Town taxes have not been paid and which are in arrears as provided by Section 82–49 of this Charter shall be turned over by the TOWN MANAGER [[treasurer]] to the official of the County responsible for the sale of tax delinquent property as provided in State law. All property listed thereon shall, if necessary, be sold for taxes by this County official, in the manner prescribed by State law.

* * * *

Section 82–53. (Authorization To Borrow Money).

Notwithstanding any other provisions or limitation of public general or public local law, the Town shall have the power to borrow money for any public purpose and to evidence such borrowing by the issue and sale of its general obligation bonds, or notes issued in anticipation thereof, and shall likewise have authority to borrow money in anticipation of the receipt of current taxes and to evidence such borrowing by the issuance and sale of its tax anticipation notes, payable as to principal and interest from said taxes when received, all in the manner prescribed in TITLE 19, SUBTITLE 3 OF THE LOCAL GOVERNMENT ARTICLE [[Section 31–37, inclusive, of Article 23A]] of the Annotated Code of Maryland (1957 Edition, as amended) [[title “Municipal Corporations”, sub–title “Home Rule”, subheading “Creation of Municipal Public Debt”]], provided, however, that no referendum shall be necessary for any issue of bonds made pursuant to the authority contained in this section so long as the total indebtedness of the Town shall not exceed 2% of the assessable base of real property located within said Town, and provided further that if the ordinance or ordinances authorizing the issuance and sale of any such bonds or notes shall so specify, said bonds or notes may be sold at private sale, without advertisement or publication of notice of sale or solicitation of competitive bids. In the event the COUNCIL [[Board]] considers it desirable to borrow in excess of the 2% limitation aforesaid, the ordinance proposing such exercise of borrowing power shall provide therein for a referendum if the same is petitioned by 20% of the qualified voters within 40 days of the adoption of said ordinance. In the event there is no petition for a referendum, the 2% debt limitation shall not apply except at no time shall the total indebtedness of the Town exceed 10% of the assessable base of real property located within said Town.

Section 82–53A. (Borrowing).

(a) In addition to any other borrowing powers which the Town of Upper Marlboro may possess (from whatever source derived) and notwithstanding any other provision of the Charter of the Town or limitation of law (to the extent such limitation may be removed or modified by this Charter provision), the Town shall have the power, by resolution or ordinance adopted from time to time, to borrow money to finance the cost (as defined herein) or projects for the accomplishment of any of the purposes, objects and powers of the Town of Upper Marlboro and in connection therewith to issue its revenue bonds, notes or other obligations (including revenue refunding bonds, notes or other obligations as provided in this section). The term “cost” shall include, but not be limited to, the cost of (i) acquiring, by lease or by purchase or otherwise, all interests in property in connection therewith; (ii) financial, architectural, consulting, engineering or legal services; (iii) plans, specifications, surveys, estimated or feasibility reports; (iv) development of the property, including, without limitation, grading, road construction, and installation of water, sewers, storm drains and other utilities; (v) erection of structures, including labor, materials, equipment and administrative expenses, and any other expenses incidental thereto. Such revenue bonds shall not be general obligations of the Town of Upper Marlboro but shall be payable as to principal, interest and premium (if any) solely from and secured solely by a pledge of the tolls, receipts, rentals, and any other revenues of any type and kind whatsoever realized from or in connection with the project being financed. Such security may include, without in any way limiting the generality of the foregoing, a pledge of the revenues realized from the property, facilities, developments and improvements being

financed by the revenue bonds and from existing facilities to which such new property, facilities, developments and improvements are related. The revenue bonds may be further secured by mortgage, pledge, assignment, or creation of any security interest of any kind and nature whatsoever as, in the judgment of the TOWN COUNCIL [[Commissioners of the Town]], shall be appropriate.

Such revenue bonds shall not constitute an indebtedness of the Town of Upper Marlboro to which its faith and credit or taxing power are pledged, nor shall such bonds constitute a debt of the Town within the meaning of any constitutional, statutory or charter provision, and all such revenue bonds shall contain on their face a statement to that effect.

All revenue bonds, revenue refunding bonds, revenue bond anticipation notes, and other obligations issued by the Town in accordance with this section shall have and possess all the attributes of negotiable instruments [[as provided in Section 8 of Article 31 of the Annotated Code of Maryland]], in accordance with TITLE 19 OF THE LOCAL GOVERNMENT ARTICLE [[Section 35 of Article 23A]] of the Annotated Code of Maryland. As also provided by TITLE 19 OF THE LOCAL GOVERNMENT ARTICLE [[Section 35 of Article 23A]], the principal of and interest on any such revenue bonds, revenue refunding bonds, revenue bond anticipation notes or other obligations shall be and remain exempt from taxation of any kind or nature whatsoever by the State of Maryland and by any county, municipal corporation or other political subdivision thereof.

(b) The Town shall have absolute discretion by resolution or ordinance to determine with respect to the revenue bonds of any issue: (i) The date or dates of issue; (ii) The date or dates and amount or amounts of maturity, provided only that no revenue bond or any issue shall mature later than (40) years from the date of its issue; (iii) The rate or rates of interest payable thereon and the date or dates of such payment; (iv) The form or forms, denomination or denominations, manner of execution (which may be facsimile) and the place or places of payment thereof, and of the interest thereon, which may be at any bank or trust company within or without this state; (v) Whether such revenue bonds or any part thereof shall be made redeemable before maturity and, if so, upon what terms, conditions and prices; (vi) Provisions for issuance in coupon or in registered form, or both, and for the registration of the principal only of revenue bonds having coupons attached, and for the reconversion of revenue bonds into coupon form if any such revenue bonds have been registered as to both principal and interest and for the replacement of revenue bonds which become mutilated or are lost or destroyed; and (vii) Any other matter relating to the form, terms, conditions, issuance and sale and delivery thereof.

(c) In case any officer whose signature or a facsimile of whose signature appears on any revenue bonds or coupons shall cease to be such officer before the delivery of such revenue bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if THE OFFICER [[he]] had remained in office until such delivery.

(d) If the ordinance or ordinances authorizing the issuance of such revenue bonds shall so specify, such bonds may be sold at private sale without advertisement or publication of notice of sale or solicitation or competitive bids.

(e) If the proceeds of the revenue bonds of any issue shall, by reason of increased construction costs or error in estimates or otherwise, be less than the amount required for the purpose for which such revenue bonds are authorized, additional bonds may be like manner be issued to provide the amount of such deficiency and shall (if the authorizing resolution or ordinance for the revenue bonds first issued shall so provide or permit) be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the revenue bonds first issued. If the proceeds of such revenue bonds shall exceed the amount so required, such excess shall be deposited to the credit of any reserve fund for such revenue bonds or, if so provided in any trust agreement securing such revenue bonds, may be applied to the cost of any additional project.

(f) The Town may also provide by resolution or ordinance for the issuance and sale of its revenue refunding bonds for the purpose of refunding any revenue bonds issued under the provisions of this section, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such revenue bonds, and, if deemed advisable by the Town, for such additional purposes as may be provided or permitted by the authorizing resolution or ordinance for the revenue bonds being refunded. The issuance of such revenue refunding bonds and the details thereof, the rights of the holders thereof, and the rights, duties and obligations of the Town in respect thereto, shall be governed by the provisions of this section relating to revenue bonds, insofar as they may be applicable.

(g) The Town may also provide by resolution or ordinance: (i) for the issuance, prior to the preparation of definitive bonds, of interim certificates or temporary bonds, with or without coupons, exchangeable for definitive bonds when such definitive bonds have been executed and are available for delivery; and/or (ii) for the issuance and sale of its revenue bond anticipation notes, the principal of, interest on and premium (if any) on said notes to be made payable to the bearer or registered holder thereof out of the first proceeds of sale of any revenue bonds issued under this section. Revenue bond anticipation notes may be issued in series as funds are required and provision may be made for renewal of such notes at maturity with or without resale. The issuance of such notes and the details thereof, the rights of the holders thereof, and the rights, duties and obligations of the Town in respect thereto, shall be governed by the same provisions of this section relating to the issuance of revenue bonds in anticipation of the sale of which the notes were issued, insofar as those provisions may be applicable.

(h) (i) Revenue bonds issued under the provisions of this section may be secured by a trust agreement by and between the Town and a corporate trustee, which may be any trust company, or bank having trust powers, within or without the State. Such trust agreement may pledge or assign all or any part of the revenues from or arising in connection with any of the property, facilities or projects of the Town related to the undertaking being financed. Any such trust agreement, or resolution or ordinance authorizing the issuance of revenue bonds, may contain such provisions for the protection and enforcement of the rights and remedies of bondholders as may be deemed reasonable and proper, including covenants setting forth the duties of the Town in relation to the financing or development of any undertaking of the Town and the extension, enlargement, improvement, maintenance, operation, repair and insurance of any undertaking of the Town and the custody, safeguarding and application of moneys. Such

trust agreement may set forth the rights and remedies of the bondholders and of the trustee and may restrict the individual right of action by bondholders. Such trust agreement may contain such other provisions as the Town may deem reasonable and proper for the security of the bondholders, including, without limitation, covenants pertaining to the issuance of additional parity revenue bonds upon conditions stated therein consistent with the requirements of this section. All expenses incurred in carrying out the provisions of any such trust agreement may be treated as a part of the cost of financing the undertaking of the Town in connection with which such revenue bonds have been issued.

(ii) Revenue bonds issued under the provisions of this section may be additionally secured by the pledge, mortgage, assignment, or creation of other security interest or right in, any project, the revenues derived from a project, or from any existing facilities to which such project is related.

(iii) The proceeds of the sale of revenue bonds shall be paid to the trustee under any trust agreement securing such revenue bonds and shall be disbursed in such manner and under such restrictions, if any, as may be provided in such trust agreement.

(i) Any holder of revenue bonds issued under this section or of any coupons thereto appertaining, and the trustee, except to the extent the rights herein given may be restricted by the trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights under the laws of this State or granted hereunder or under the trust agreement or the resolution or ordinance authorizing the issuance of such revenue bonds, and may enforce and compel the performance of all duties required by this section or by the trust agreement to be performed by the Town or by any officer thereof, including the fixing, charging and collecting of rentals, rates, fees, tolls and other charges.

(j) No referendum shall be necessary for any issue of revenue bonds made pursuant to the authority contained in this section.

(k) If any part or parts of this section of the Charter shall be held to be illegal or unconstitutional, the illegality or unconstitutionality shall not affect the validity of the remaining parts of this section. The MAYOR [[President]] and TOWN COUNCIL [[Board of Commissioners]] of Upper Marlboro hereby declare that they would have passed the remaining parts of this section if they had known that the part or parts thereof would be declared illegal or unconstitutional.

Section 82–53B. (Parking Facility).

(a) Without in any way limiting the generality of Section 82–53A, the Town of Upper Marlboro shall have the power to establish a parking facility within its corporate limits and, in connection therewith, to exercise any and all of its powers from whatever source derived, together with the power (without in any way limiting the generality of the foregoing):

(i) To finance (in such manner as it may deem appropriate including, without limitation, the issuance of its revenue bonds in accordance with the provisions of Section 82–

53A of the Charter) the cost of establishing the parking facility, including, without limitation, the acquisition and development of the land on which the parking facility will be situated, the acquisition and construction of the parking facility structure, and the acquisition and construction of all necessary appurtenant structures, roads, approaches and other facilities necessary or reasonably related to such parking facility.

(ii) To purchase or to lease from any person, firm or corporation (including, without limitation, any governmental entity) the land on which the parking facility is to be situated;

(iii) To appoint any person, firm, or corporation (including without limitation, any governmental entity) as its agent for planning and construction of the parking facility, including without limitation; (A) contracting for financial, architectural, consulting, engineering or legal services; (B) developing plans, specifications, surveys, estimates or feasibility reports; (C) developing the site, including, without limitation, grading, road construction, and installation of water, sanitary sewers and storm sewers, and other utilities; (D) contracting for labor, materials and equipment and administrative services required for construction of the parking facility; and (E) supervising the construction of the parking facility and taking all actions necessary to place it in operation;

(iv) To lease to any person, firm or corporation (including, without limitation, any governmental entity) all or any part of the completed parking facility or the land on which it is situated, or both;

(v) To sublease from, or to otherwise contract with, any person, firm or corporation (including, without limitation, any governmental entity), upon such terms as the town deems appropriate, for space within the parking facility for such public purposes as the TOWN COUNCIL [[Board of Commissioners of the Town]] may deem appropriate;

(vi) To fix, revise, charge and collect fees, rents and other charges of any kind and nature whatsoever from any firm, person or corporation (including, without limitation, any governmental entity) leasing or otherwise using all or any part of the parking facility and to make mandatory the payment of such fees, rents and charges; and

(vii) To convey all of its right, title and interest in the parking facility and/or the land on which it is situated to any person, firm or corporation (including, without limitation, any governmental entity), at such times and upon such terms as the TOWN COUNCIL [[Board of Commissioners]] may deem appropriate.

(b) Without in any way limiting the generality of the foregoing, the Town shall have the power to convey, assign, mortgage, pledge, or otherwise transfer its interest in all or any part of the parking facility (including, without limitation, its right to receive fees, rents, charges and any other revenues of any kind and nature whatsoever in connection with the parking facility) as security for the revenue bonds, notes, or other obligations issued under Section 82–53A of the Charter to finance the cost of such parking facility.

(c) It is the purpose and intent of this section to authorize the Town of Upper Marlboro to undertake the acquisition and construction of a parking facility in order to relieve the serious shortage of adequate parking facilities within the corporate limits of the Town of Upper Marlboro, particularly in view of the construction of the county office building in the Town of Upper Marlboro. It is hereby found and determined that the acquisition and construction of a parking facility by the Town of Upper Marlboro, by itself or acting in conjunction with any other person, firm or corporation (including, without limitation, any governmental entity) will serve the essential public purposes of (i) relieving traffic congestion within the corporate limits of the Town of Upper Marlboro; (ii) providing adequate parking facilities to accommodate the existing parking needs of the Town of Upper Marlboro and parking needs resulting from the construction of the new county office building; (iii) facilitating the free flow of traffic within the Town of Upper Marlboro; and (iv) thus promoting the public health, welfare and safety of the residents of the Town of Upper Marlboro.

It is the purpose and intent of this section to authorize the Town of Upper Marlboro to accomplish the acquisition or construction of a parking facility in conjunction with Prince George's County, Maryland, or in any other way which the TOWN COUNCIL [[Board of Commissioners]] of Upper Marlboro may deem appropriate. In connection with such acquisition and construction, it shall not be necessary or required, notwithstanding any other provision of the Charter of the Town of Upper Marlboro:

(i) To take competitive bids in connection with the acquisition of land or the acquisition and construction of the parking facility or otherwise in connection with the parking facility project, or

(ii) To conduct any referendum in connection therewith; provided, however, that the Commissioners of Upper Marlboro shall determine, by resolution or ordinance, that the procedures adopted for the acquisition and construction of the parking facility are in the best interests of the citizens of Upper Marlboro.

(d) If any part or parts of this section of the Charter shall be held to be illegal or unconstitutional, the illegality or unconstitutionality shall not affect the validity of the remaining parts of this section. The MAYOR [[President]] and TOWN COUNCIL [[Board of Commissioners]] of Upper Marlboro hereby declare that they would have passed the remaining parts of this section if they had known that the part or parts thereof would be declared illegal or unconstitutional.

Section 82–54. (Payment of Indebtedness).

The issuance or sale of general obligation bonds, or notes in the anticipation thereof, or tax anticipation notes, authorized by Section 82–53 hereof shall constitute a pledge of the full faith and credit of the Town to the prompt payment, when due, from ad valorem taxes and such other revenues as may be described in the authorizing ordinance or ordinances, of the principal of and interest on such bonds or notes. The maturing principal of and interest on any general obligation bonds may be paid in whole or in part, from the proceeds of such benefit assessments or charges, or any combination thereof, as the COUNCIL [[Board]] may impose and collect

during the life of said bonds, power and authority so to do being hereby specifically granted where appropriate to the public purpose for which said bonds may be issued, notwithstanding any limitation contained in this Charter or in any other law; but, in any event, the Town shall, if and when necessary, annually levy upon all property subject to taxation within its corporate limits ad valorem taxes sufficient to provide for the payment of the maturing principal of and interest on any such bonds or notes, without limitation as to rate or amount notwithstanding the limitation of any other law, and the issuance and sale of any such bonds or notes shall constitute a covenant to that effect.

* * * *

Section 82–56. (Purchasing and Contracts).

All purchases and contracts for the Town government shall be authorized by the COUNCIL [[Board or the President]] as provided herein. The TOWN MANAGER [[President]], as prescribed by ordinance, may be authorized to make individual purchases and execute contracts up to \$10,000 in cost so long as the duration of the purchase or contract is one year or less without prior COUNCIL [[Board]] approval if such contracts or purchases were previously authorized by a budget ordinance or approved within any detailed budget documents supporting said budget ordinance. The COUNCIL [[Board]] shall provide by ordinance for rules and regulations regarding the use of sealed competitive bidding, request for proposals, negotiated proposals, negotiated bids and other forms of bids or offers, and any other contractual matters as appropriate, for all Town purchases and contracts in keeping with good procurement practices and fiscal responsibility. All expenditures for contracts and purchases with an anticipated cost of more than \$75,000 shall be subject to a competitive procurement process determined by the COUNCIL [[Board]] unless the COUNCIL [[Board]], by supermajority vote of the full COUNCIL [[Board]], finds another method of procurement, as prescribed by ordinance, to be more advantageous. The TOWN MANAGER [[Board]] shall advertise for competitive sealed bids or another method of procurement in such manner as shall be prescribed by ordinance for all such competitive or other methods of procurement. Competitively procured contracts shall be awarded to the bidder or offer who offers the lowest or best bid, quality of goods and work, time of delivery or completion, and responsibility of bidders or offerors being considered. All such competitively procured and other contracts EXCEEDING [[exceed]] \$75,000 shall be in writing and approved by the COUNCIL [[Board]] before becoming effective. The COUNCIL [[Board]] shall have the right to reject all bids, proposals or offers and re-advertise. The Town, at any time in its discretion, may employ its own force for the construction or reconstruction of public improvements without advertising for (or re-advertising for) or receiving bids or offers. All contracts may be protected by such bonds, penalties and conditions as the Town may require.

Personnel

Section 82–57. (Clerk to the COUNCIL [[Board]]).

There shall be a clerk to the COUNCIL [[Board]]. The clerk shall be appointed by the

TOWN MANAGER [[President with the approval of the Board]and shall serve at the pleasure of the President]]. The clerk shall attend every meeting of the COUNCIL [[Board]] and keep a full and accurate account of the proceedings of the COUNCIL [[Board]]. The clerk shall keep such other records and perform such other duties as may be required by this Charter or the COUNCIL [[Board]]. In the event that the clerk cannot be present for any meeting or meetings of the COUNCIL [[Board]], the TOWN MANAGER [[clerk]] shall have the authority[, with the Board’s]approval[,] to assign the responsibility of attending said Board meeting(s), and the taking of minutes, to a town administrative staff member as a temporary alternate. The clerk to the COUNCIL [[Board]] shall be identified either as [[the Clerk to the Board or]] the Town Clerk.

Section 82–58. (Town Attorney).

The MAYOR [[President]] with the approval of the COUNCIL [[Board]] may appoint a Town Attorney. The Town Attorney shall be a member of the bar of the Maryland SUPREME COURT [[Court of Appeals]]. The Town Attorney shall be the legal adviser of the Town and shall perform such duties in this connection as may be required by the COUNCIL [[Board]] or the MAYOR [[President]]. THE TOWN ATTORNEY’S [[His]] compensation shall be determined by the COUNCIL [[Board]]. The Town shall have the power to employ such other legal consultants as it deems necessary from time to time.

* * * *

Section 82-59A. (Town MANAGER[[Administrator]]).

The MAYOR [[President]], with the approval of the COUNCIL [[Board]], SHALL [[may]] appoint an officer of the Town by ordinance or resolution who shall hold the title of Town MANAGER [[Administrator]] and shall have the powers and perform the duties as may be provided by THE CHARTER AND any applicable ordinances or resolutions of the Town. THE TOWN MANAGER SHALL SEE THAT THE ORDINANCES OF THE TOWN ARE FAITHFULLY EXECUTED AND SHALL BE THE CHIEF EXECUTIVE OFFICER AND THE HEAD OF THE ADMINISTRATIVE BRANCH OF THE TOWN GOVERNMENT. [[Under the Supervision of the President,]] THE [[the]] Town MANAGER [[Administrator]] shall coordinate and guide the administration of all departments, offices and agencies of the Town, except as otherwise provided by this Charter or by law. Neither the MAYOR [[President]] nor any COUNCIL MEMBER [[Town Commissioner]] shall receive such appointment during the term for which he or she shall have been elected, nor within one year after expiration of said term. [[, n]]Notwithstanding anything elsewhere in this Charter to the contrary, the Town MANAGER [[Administrator]] shall be considered subordinate to the COUNCIL [[Board]], and an at-will employee serving at the pleasure of the COUNCIL [[Board]].

Section 82-59B. (Chief of Police).

The MAYOR [[President]], with the approval of the COUNCIL [[Board]], may appoint an officer of the Town by ordinance or resolution who shall hold the office of Chief of Police. The Chief of Police shall assist the TOWN MANAGER [[President]] in the establishment and

maintenance of a police department. The power to manage and operate the Town’s police department shall be vested in the Chief of Police, subject to approval and oversight by the COUNCIL [[President and Board of Town Commissioners]]. It shall be the function of the Upper Marlboro Police Department to enforce the laws of the Town and, when appropriate and lawful, the laws of Prince George’s County and the State of Maryland. The Chief of Police shall ensure that the police department adequately and competently fulfills its function.

SECTION 82-59C. (DIRECTOR OF PUBLIC WORKS).

THE MAYOR, WITH APPROVAL OF THE COUNCIL, MAY APPOINT AN OFFICER OF THE TOWN BY ORDINANCE OR RESOLUTION WHO SHALL HOLD THE OFFICE OF DIRECTOR OF PUBLIC WORKS. THE DIRECTOR OF PUBLIC WORKS SHALL ASSIST THE TOWN MANAGER IN THE ESTABLISHMENT AND MAINTENANCE OF A DEPARTMENT OF PUBLIC WORKS. THE POWER TO MANAGE AND OPERATE THE TOWN’S DEPARTMENT OF PUBLIC WORKS SHALL BE VESTED IN THE DIRECTOR OF PUBLIC WORKS, SUBJECT TO APPROVAL AND OVERSIGHT BY THE COUNCIL. IT SHALL BE THE FUNCTION OF THE UPPER MARLBORO DEPARTMENT OF PUBLIC WORKS TO OVERSEE ALL PUBLIC FACILITIES IN THE TOWN. THE DIRECTOR OF PUBLIC WORKS SHALL ENSURE THAT THE DEPARTMENT OF PUBLIC WORKS ADEQUATELY AND COMPLETELY FULFILLS ITS FUNCTION.

* * * *

Water and Sewers

* * * *

Section 82–71. (Charge for Connections).

The Town may make a charge, the amount to be determined by the COUNCIL [[Board]], for each connection made to the Town’s water or sewer mains. This charge shall be uniform throughout the Town, but may be changed from year to year and subject to such reasonable classification of connections as the COUNCIL [[Board]] by ordinance may determine. Arrangements for the payment of this charge shall be made before the connection is made.

* * * *

Special Assessments

* * * *

Section 82–80. (Procedure).

The procedure for making special assessments shall be as follows: (a) The cost of the

project being charged for shall be assessed according to the front foot rule of apportionment or some other equitable basis determined by the COUNCIL [[Board]]. (b) The amount assessed against any project or improvement shall not exceed the value of the benefits accruing to the property therefrom. (c) When desirable, the affected property may be divided into different classes to be charged different rates, but, except for this, any rate shall be uniform. (d) All special assessment charges shall be levied by the COUNCIL [[Board]] by ordinance. Before levying any special assessment charges, the COUNCIL [[Board]] shall hold a public hearing. The TOWN MANAGER [[treasurer]] shall cause notice to be given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost, and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or their agents or attorneys, may appear before the COUNCIL [[Board]] and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by first class mail to the person in whose name the property is assessed for taxation purposes and by publication of a copy of the notice at least once in a newspaper of general circulation in the Town. The TOWN MANAGER [[treasurer]] shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificates shall be deemed proof of notice, but failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten and not more than thirty days after the TOWN MANAGER [[treasurer]] shall have completed publication and service of notice as provided in this section. Following the hearing, the COUNCIL [[Board]], in its discretion, may vote to proceed with the project and may levy the special assessment. (e) Any interested person feeling aggrieved by the levying of any special assessment under the provisions of this Charter shall have the right to appeal to the Circuit Court for Prince George's County within ten days after the levying of any special assessment by the COUNCIL [[Board]]. (f) Special assessments may be made payable in annual or more frequent installments over such period of time and in such manner as the COUNCIL [[Board]] may fix and determine. The COUNCIL [[Board]] shall determine on what date installments shall be due and payable. Interest may be charged on installments at a rate or rates to be determined by the COUNCIL [[Board]]. (g) All special assessment installments shall be overdue six months after the date on which they become due and payable. If any one installment becomes overdue, the entire amount of the special assessment shall be deemed to be overdue. All special assessments shall be liens on the property and may be collected in the same manner as Town taxes. (h) All special assessments shall be billed and collected by the TOWN MANAGER [[treasurer]].

* * * *

General Provisions

Section 82–85. (Oath of Office).

(a) Before entering upon the duties of their offices, the MAYOR [[President]], the COUNCIL MEMBERS [[Commissioners]], the Clerk, the TOWN MANAGER [[Treasurer]], the members of the Board of Supervisors of Election, and all other persons elected or appointed to any office of profit or trust in the Town government shall take and subscribe the following oath or affirmation: “I,do swear (or affirm,

as
the case may be), 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..... according to the Constitution and
Laws of this State.”

(b) The TOWN COUNCIL MEMBERS [[Board of Commissioners]] shall take and subscribe this oath or affirmation before the clerk of the Circuit Court for the County or before one of the sworn deputies of the clerk. All other persons taking and subscribing the oath shall do so before the MAYOR [[President]].

Section 82–86. (Official Bonds).

The TOWN MANAGER [[treasurer]] and such other officers or employees of the Town as the COUNCIL [[Board]] or this Charter may require, shall give bond in such amount and with such surety as may be required by the COUNCIL [[Board]]. The premiums on such bonds shall be paid by the Town.

* * * *

Section 82–88. (Violations).

(a) Every act of omission which is made or designated a misdemeanor by this Charter or by ordinance passed hereunder shall, unless otherwise provided, be punishable upon conviction before any Judge of the District Court of Maryland or in the Circuit Court of Prince George’s County by a fine or imprisonment in the County correctional center, or both, for a period of incarceration, fine, or both not exceeding the maximum penalty allowed by State law as determined in the discretion of the Circuit Court or the District Court Judge. The party aggrieved shall have the right to appeal as is now provided under the general laws of the State. Where the act of omission is of a continuing nature and is persisted in, a conviction for one offense shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

(b) The TOWN COUNCIL [[Board of Commissioners]] may provide that violation of any municipal ordinance shall be a municipal infraction unless that violation is declared to be a felony or misdemeanor by the laws of the State or other ordinance. For purposes of this section, a municipal infraction in a civil offense.

(c) A fine not to exceed the maximum allowable under State law may be imposed for each conviction of a municipal infraction. Repeat offenders may be assessed a fine not to exceed the maximum allowable under State law for each repeat offense, and each day a violation continues shall constitute a separate offense.

* * * *

Section 82–90.

[[The County Commissions for Prince George’s County are hereby authorized and directed to levy six hundred dollars (\$600.00) annually for the Town of Upper Marlboro and to pay the same to the Town COUNCIL MEMBERS [[Commissioners]] of said Town; the said funds to be expended in such manner and for such purposes as the COUNCIL MEMBERS [[Commissioners]] of said Town, in their discretion deem expedient.]]

* * * *

Section 2. BE IT FURTHER RESOLVED that the Board finds that in addition to the other procedural charter adoption provisions found in State law, that it has held a public hearing and given at least 21-days’ notice by posting the notice in a public place before adopting this resolution proposing to amend the municipal charter.

Section 3. BE IT FURTHER RESOLVED that this Charter Amendment Resolution is adopted on the aforementioned date, and that upon adoption by the Board of Commissions of The Town of Upper Marlboro, Maryland a complete and exact copy of this Charter Amendment Resolution shall be posted in the Town Office for a period of at least forty (40) days following the date of its adoption. Additionally, a fair summary of the proposed Amendment shall be published in a newspaper of general circulation in The Town of Upper Marlboro for no less than four (4) times at weekly intervals within the forty (40) days following the adoption of this Charter Amendment Resolution.

Section 4. BE IT FURTHER RESOLVED that the Amendment initiated in this Charter Amendment Resolution shall take effect and shall become and be considered the Charter of The Town of Upper Marlboro, upon the later of November 4, 2025 or the fiftieth day after being so ordained or passed unless on or before the fortieth day after being so adopted and passed a referendum petition meeting the requirements of State law shall be presented to the Board of Commissioners of The Town of Upper Marlboro, Maryland or mailed to it by certified mail, return

receipt requested, bearing a postmark from the United States Postal Service.

Section 5. **BE IT FURTHER RESOLVED** that when the Charter Amendment hereby initiated becomes effective, as provided herein, or following a referendum election, the Town Clerk, or in the absence of a Town Clerk, the Town Administrator, shall send separately, by certified mail, return receipt requested, to the Department of Legislative Services within 10 days after the charter resolution becomes effective, the following information concerning the Charter Amendment: (i) the complete text of this Charter Amendment Resolution; (ii) the date of the referendum election, if any held with respect thereto; (iii) the number of votes cast for and against this Charter Amendment Resolution by the Board of Commissioners of The Town of Upper Marlboro, Maryland or a referendum election; and (iv) the effective date of the Charter Amendment.

Section 6. **BE IT FURTHER RESOLVED** that the Town Clerk of the Town of Upper Marlboro, or in the absence of a Town Clerk, the Town Administrator, is specifically instructed to carry out the provisions of Sections 2, 3, 4 and 5 hereof, as evidence of compliance herewith, the Town Clerk, or in the absence of a Town Clerk, the Town Administrator, shall cause to be affixed to this Charter Amendment Resolution and to the Minutes of the Board of Commissioners Meeting in which it is adopted (i) an appropriate certificate of publication of the newspaper in which the summary of the Charter Amendment Resolution shall have been published and (ii) return receipts of the mailing referred to in Section 5, and shall further complete and execute the Certificate of Effect attached hereto.

INTRODUCED by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a regular meeting on the ____ day of _____, 2025.

PASSED by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a regular meeting on the _____ day of _____, 2025

ATTEST:

THE TOWN OF UPPER MARLBORO
BOARD OF COMMISSIONERS

Sarah Franklin, President

Karen Lott, Commissioner

Charles Colbert, Commissioner

Clayton Anderson, Town Administrator

Derrick Brooks, Commissioner

CHARTER RESOLUTION CERTIFICATE

I, _____, the duly appointed, and qualified Town Manager of the Town of Upper Marlboro, a municipal corporation of the State of Maryland do hereby certify that (i) the attached copy of the Charter Amendment Resolution __-2025 is true, correct and complete; (ii) Charter Amendment Resolution __-2025 was duly adopted by the Board of Commissioners of the Town of Upper Marlboro at a regular meeting held on the _____ day of _____, 2025; (iii) said meeting was duly convened and a quorum was present and acting throughout; (iv) Charter Amendment Resolution __-2025, after having been introduced and fully discussed, was duly adopted, by a majority of Commissioners elected to the body and voting in the affirmative; and (v) Charter Amendment Resolution __-2025 has not been subsequently amended, modified or repealed and remains in full force and effect as of the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Upper Marlboro this _____ day of _____, 2025.

(SEAL)

_____, Town Administrator
The Town of Upper Marlboro

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

ORDINANCE: 2023-02
SESSION: Regular Town Meeting
INTRODUCED: February 28, 2023
DATE ENACTED: March 28, 2023

AN ORDINANCE TO REGULATE AND PROVIDE FOR THE CONDUCT OF VOTER REGISTRATION, MAINTENANCE OF RECORDS, CONDUCT OF ELECTIONS, CERTIFICATION OF ELECTION RESULTS, AND PENALTIES RELATED THERETO; AND GENERALLY RELATING TO TOWN ELECTIONS

WHEREAS, a division of the Town Charter is entitled “ Registration, Candidates and Elections” and includes §82-19 (Voters) through §82-35 (Penalties); and

WHEREAS, Section 82–34 of the Town Charter (Regulation and Control) states that the Board of Commissioners shall have the power to provide by ordinance in every respect not covered by the provisions of said Charter for the conduct of registration, candidacy and elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud; and

WHEREAS, Ordinance 2001-2 entitled “An ordinance to regulate and provide for the conduct of voter registration, maintenance of registration records, conduct of elections, certification of election results and penalties related thereto” was enacted on October 9, 2002; and

WHEREAS, Section § 4-108 of the LG Article of Md. Ann. Code states (i) that a qualified voter may vote in a municipal election by absentee ballot, (ii) that a municipality shall provide a procedure to vote by absentee ballot, (iii) that a municipality may not require an individual to provide a reason that the individual will be unable to vote in person on election day in order to vote by absentee ballot, and (iv) that a municipality may use any method to enable absentee voters to vote, including using any facilities to transmit and receive applications for absentee ballots; and

WHEREAS, Section § 4-108.1 of the LG Article of Md. Ann. Code states that as to voting in a municipal election: (1) a person is subject to the offenses and penalties related to voting specified under § 16-201 of the Election Law Article; and (2) the State Prosecutor or the State's Attorney for the county in which the municipal election was held and where the offense is alleged to have occurred may prosecute the person for the offense; and

WHEREAS, Section 82–59 of the Town Charter (Authority to employ personnel) states that the Town shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by this Charter or state law and to operate the Town government

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

ELECTIONS

Section 1. Purpose and Authority:

A. The purpose of this Ordinance is to set forth the rules and procedures for electing or selecting the five (5) Town Commissioners for the Board of Town Commissioners, and putting advisory or referendum questions before the voters, as well as to define the roles and responsibilities of the Board of Supervisors of Elections, the Town Clerk and other employees charged with managing the municipal election and registration processes.

B. The authority to hold municipal elections is contained in Article XI-E of the Constitution and the Local Government Article of the State of Maryland Annotated Code, as amended from time to time, and certain sections of the Charter of the Town of Upper Marlboro. Although the State Elections Article is not generally applicable to municipal elections, all Town election procedures shall be subject to the relevant and controlling provisions contained in the Annotated Code of Maryland.

Section 2. Applicability:

This Ordinance applies to the process of electing and selecting the members of the Board of Town Commissioners for the Town of Upper Marlboro and the conduct of registration, candidacy for office and elections in general and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud.

Section 3. Definitions:

- A. Absentee Voting: Voting in a location other than an official polling station using a ballot not typically used in a polling place.
- B. Ballot: The means by which a resident records their vote. It may be an Electronic Ballot (generated by a voting machine) or a Paper Ballot (designed by the Town Clerk or designated employee with approval of the Board of Election Supervisors).
- C. Ballot Question: Non-binding questions the sitting Board of Town Commissioners may choose to incorporate into the ballot to receive advice or input from the Town's voters on different topics. Such questions may also include referendum questions mandated by State law.
- D. Board of Supervisors of Elections: Is composed of at least three (3) members, with a maximum of five (5) members; who shall be appointed by the Board of Commissioners by the second Tuesday in September in odd years and serve for a term of two years.

- E. Duly Authorized Agent: A person at least 18 years of age, who is not a candidate on the ballot, and is designated in writing by a qualified voter as his or her agent in picking up and delivering an absentee ballot.
- F. Election Day: The 1st Tuesday in November of every odd-numbered year as established by Charter.
- G. Election Judges: Town residents who are otherwise eligible to vote in a Town election may be appointed as needed by the Board of Supervisors of Elections to assist with conducting the election. On Election Day Members of the Board of Supervisors of Elections shall also be considered to be Election Judges for the purpose of Section 8 of this ordinance.
- H. Election Procedures Manual: A reference manual for Town Commissioner and other Town elections containing detailed instructions on preparing and conducting an election as well as standard templates and relevant legal references. Said Manual is to be approved and updated from time to time by ordinance. This Manual shall have the force of law and is regarded as both substantive rulemaking and interpretive agency guidelines on existing laws and customs pertaining to the conduct of registration, candidacy, and elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud.
- I. Prince George's County Board of Elections: the authority for conducting elections in Prince George's County under the State Election Code, which is generally inapplicable to municipal elections with certain exceptions.
- J. Provisional Voter: A resident not listed in the Voter Registration List, whose eligibility to vote must be established after casting a ballot.
- K. Public outreach: A systematic attempt and/or requirement to provide information, notice or services to a targeted group of people, such as posting to the Town website or in a newspaper of general circulation.
- L. Qualified Voter: An individual authorized under the Town Charter to vote in elections in the municipality. A qualified voter domiciled in the Town of Upper Marlboro may not generally vote in any other jurisdiction of the State using another residence.
- M. Registration: Recording one's name and other information on a list of qualified voters. See also Universal Registration and the Supplemental Voter Registration List.
- N. Sample ballot: A facsimile of a ballot used for informational purposes.
- O. Special Election: An election held on a date other than a regularly scheduled general election for the purpose of filling a Town Commissioner vacancy or conducting a referendum. A special election shall be held pursuant to the Charter or relevant State law not less than thirty (30) days and not more than forty-five (45) days after the vacancy is created.
- P. Spoiled ballot: A ballot that has been declared invalid by the Board of Supervisors of Elections, is endorsed as such by an election judge and ratified by vote of the Board of Supervisors of Elections and is excluded from the vote count in accordance with this ordinance and criteria detailed in the election procedures manual of the Town of Upper Marlboro.
- Q. Supplemental Voter Registration List: A list of voters registered to vote solely in Town elections.

- R. Town Clerk: A municipal employee and appointed official charged with a set of clerical and other responsibilities, including management of the municipal elections process. Election preparation and management may be carried out by another designated municipal employee unless the Town Charter states otherwise. Unless another employee or official is designated by written resolution of the Board, the Town Clerk shall serve as the municipal corporation liaison to the County Board of Elections and as clerk to the Town Board of Supervisors of Elections. The Town Clerk may accept documents on behalf of the Board of Election Supervisors.
- S. Universal registration: A system of qualifying voters based on residency in the State of Maryland and its political subdivisions to vote in Federal, State, County and Municipal elections by registering only once. The Town Charter also provides for the maintenance of a Supplemental Voter Registration List for those who wish to register only in Town elections.
- T. Voter Authorization Card (VAC): A card provided by the Prince George's County Board of Elections or the Town Board of Supervisors of Elections in conjunction with the voter registration lists that must be signed before a voter may proceed to cast a vote.
- U. Voter Registration List: Official primary voter registration list for the Town of Upper Marlboro obtained from the Prince George's County Board of Elections and maintained by the State of Maryland Board of Elections.
- V. Voting age: at least 18 years of age, per Section 82-19 of the Town Charter.
- W. Voting machine: A mechanical or electronic piece of equipment, including software, used to define ballots; to cast and count votes; to display and report election results; and to maintain an audit trail.
- X. Voting machine vendor: A business that sells or leases voting machines and provides the technical support to operate them.
- Y. Write-in Vote: The action of a voter permitted by the Charter to write-in the name of a person who is not a declared and certified candidate for Town Commissioner on the ballot.

Section 4. Voter Registration

- A. Every person who (a) is a citizen of the United States, (b) is at least eighteen (18) years of age, (c) has resided within the corporate limits of the Town for thirty(30) days next preceding any Town election and (d) is registered in accordance with the provisions of Section 82-24 of the Town Charter shall be a qualified voter entitled to vote at any or all Town elections.
- B. An applicant for Town registration on the Supplemental Voter Registration List shall sign a form and verify by oath the following information: (i) full name, address, date of birth, citizenship status, and date of residency in Town. When a disabled applicant is unable to come to the Town offices or designated place to sign a registration form, a supervisor or the Town Clerk may visit the disabled applicant at that person's residence to secure the signature.

Section 5. Appointment and Duties of Board of Supervisors of Elections

A. The Board of Supervisors of Elections exercises general supervision of the Town elections in accordance with Section 80-20 of the Town Charter. The Board of Supervisors of Elections shall be appointed for a two-year term by the Mayor with the approval of the Board of Town Commissioners on or before the 2nd Tuesday in September in even numbered years or the year before the general Town election. The Board may be composed of three to five members including any additional member that may be designated to serve as an alternative or substitute member who shall act as a member in the absence of any one of the regularly appointed members.

B. Members of the Board of Supervisors of Elections shall meet the qualifications stated in Section 82-20 of the Town Charter and may be removed in accordance Section 82-21 of said Charter.

C. The Board of Supervisors of Elections shall appoint one of its members as chairperson. Vacancies on the said Board of Supervisors shall be filled by the Mayor with the approval of the Board of Commissioners for the remainder of the unexpired term as needed. All persons appointed to serve as a supervisor or election judge shall take the oath or affirmation administered by the Mayor as found in Section 82–85 of the Town Charter.

D. In addition to the duties enumerated in Section 82-22 of the Town Charter, it shall be the duty of the Board to become familiar with relevant State laws, Town charter and ordinances and the Election Procedures Manual that guide the electoral process by reading said documents and attending relevant training at the State, County or municipal level; review supplemental voter registration lists and absentee voter lists; prepare the polling station and supervise the election; and tally the votes and report the election results to the sitting Board of Town Commissioners.

E. The Board of Supervisors of Elections may also appoint election judges to assist with carrying out an election. All supervisors and election judges shall be qualified voters of the Town, and the Board of Supervisors of Elections shall submit the names of all appointed elections judges to the Town Clerk prior to the election.

F. The Board of Supervisors of Elections, Chairman, and election judges shall be compensated by the Town per election in the below amounts:

- Board of Supervisors of Elections Chair \$500 per election
- Board of Supervisors of Elections Member(s) \$350 per election
- Election Judge(s) \$250 per election
 - Elections Judges who do not work a full day at the polls shall receive a percentage of this pay equal to the percentage of the Election Day that they worked.

G. The Board of Commissioners may modify the above compensation established in this Section by written resolution. The Town Clerk shall ensure compensation is issued within seven (7) days after the election date. Expenditures for their compensation and to support the duties of the Board of Supervisors shall be determined by the Board of Commissioners annually in the budget.

Section 6. Preparing for Town Elections

Town elections take place on the second Tuesday in November of every odd-numbered year and in accordance with the following:

A. Election Schedule: In September prior to the Town election, the Town Clerk shall update the election schedule for publication on the Town website in October or other suitable means of public outreach. The schedule shall contain important dates and deadlines related to the election.

B. Registration:

1. No less than six (6) months prior to a Town election, the Town Clerk shall contact the Prince George's County Board of Elections and request the development of a plan and schedule to implement universal registration, including a voter registration list and the supporting materials for the Town election, pursuant to §3-403 of the Maryland Election Law Article, as may be amended. The Town's supplemental voter registration list shall be finalized by the Town Clerk thirty (30) days prior to the election date.
2. In accordance with Section 82-24 of the Town Charter, registration with the Prince George's County Board of Elections by a voter who resides in the corporate limits of the Town and whose address is reflected on the rolls as a Town resident shall be deemed registered for the Town elections. A person continues to have the choice to register only with the Town for its elections and not to register with the Prince George's County Board of Elections.
3. Persons desiring to register only with the Town may register at Town Hall during normal working hours daily; or upon request, may receive an application by mail. Registration shall be permanent (unless lawfully purged), and no person shall be entitled to vote in Town elections unless he is registered to vote with the Board of Supervisors upon the supplemental municipal voter registry maintained by the Town at least ten (10) days prior to the election or with the Prince George's County Board of Elections in accordance with state law. In accordance with Section 82-23 of the Town Charter, the Board of Election Supervisors shall give at least two weeks' notice of every registration day or the general availability of registering at the Town Hall in a newspaper of general circulation as stated in paragraph B(1) above.
4. It shall be the duty of the Board of Supervisors of Elections to keep the registration lists up to date by striking from the lists persons known to have died, to have moved out of the Town, or who have become otherwise disqualified by the Board of Supervisors or the County Board of Elections. An individual is not qualified to be a registered voter under state law and the Charter if the individual shall have been convicted of a disqualifying crime or be under guardianship for mental disability as provided in Section 3-102(b) of the Election Article of the Annotated Code of Maryland. The Board of Election Supervisors will not enter or maintain on the rolls maintained as town-only rolls any voter registered with the County system.

C. Board of Supervisors of Elections: Recruitment of potential members of the Board of Supervisors of Elections may begin in July and August a year prior to the election by publicizing the position in suitable means of public outreach and the Town Clerk shall ensure that all members

of the Board of Supervisors of Elections receive a course of training in their duties. The training shall take place throughout the year prior to an election.

D. Town Commissioner Candidacy:

1. The Town Clerk shall provide notice of the filing deadline of an election by suitable means of public outreach no less than sixty 60 days before a general election, and no less than twenty days for a special election, as needed; provide Petitions of Candidacy and Written Intent Statement forms to residents wishing to file for Town Commissioner candidacy to be received no later than the second Monday in October of the election year; and receive and review the filed forms.
2. The Board of Election Supervisors shall prepare said forms for use by candidates in securing nominating signatures as required by § 82-28 of the Charter. Any statements of candidacy or petitions filed with a supervisor shall be promptly transmitted to the Clerk.
3. A candidate seeking to withdraw must submit to the Board of Election Supervisors a written, signed letter clearly stating the candidate's intent to withdraw within three (3) business days after the deadline for filing said forms and the names of all candidates not withdrawn in accordance with this section will remain on the ballot through the election.
4. As soon as practical before the deadline for filing of petitions and written intent statement forms, the Board of Supervisors of Elections will meet and review each one. The qualifications of the prospective candidate will be certified in accordance with the Charter. Each signature on the petition will be checked for qualified voter registration. If the petition or statement has any defects or missing information, the Chairman, another designated supervisor or the Clerk will advise the candidate of the findings. The candidate may withdraw the petition or statement, or correct the defects and resubmit the form before the filing deadline.
5. Each candidate may designate up to two (2) observers who may be present in the polling place during the period of the election and thereafter when the ballots are actually being counted and certified provided that the observer has written authorization from the candidate. Upon closing of the polls, the candidate may be one of the observers for the purposes of witnessing the vote count. A police officer may be allowed in the voting or canvassing room for purposes of order. Observers must not disrupt, or interfere with election activities and any observer including a candidate may be asked to leave by the Board of Election Supervisors if the observer is deemed to be disruptive or interfering with election activities.
6. The Town Clerk shall also advise candidates on all relevant election matters, including the election schedule, Candidates' Night, campaigning and other questions that may arise.

E. Campaign Materials and Electioneering: The Town Clerk shall inform Town Commissioner candidates of the Town's campaigning rules. Starting three weeks prior to the election, campaign literature may be distributed, and campaign signs and posters may be displayed on private property, including the Town maintained rights-of-way, with the abutting property owner's

permission. No person may canvas, electioneer or post any campaign literature or material in a polling place or within a one hundred-foot radius from the entrance and exit of the building closed to that part of the building in which voting occurs, nor shall anyone linger, be or remain within said distance of one-hundred feet of the polls except election officials and peace officers, unless it be in approaching the polls to vote or in passing along the streets in the usual and orderly manner of travel.

Campaign signs shall:

1. Not be displayed until three (3) weeks prior to the election.
2. Not create a public safety hazard.
3. Be removed within two (2) days after the election.
4. Not be attached to utility poles.
5. Displayed on designated Town right of way locations determined by the Town Administrator together with the Director of Public Works and the Chief of Police in the August prior to each election. In a Special Election the locations used in the last general election shall apply.

F. Write-in Candidates: The Town Clerk shall ensure the ballots provide adequate spaces to permit the voter to write in the name or names of additional candidates not listed on the ballot. A write-in candidate may win an election if they meet all the qualifications to be elected and serve as a Commissioner and receive at least the 5th highest vote count in a general election or the highest vote to fill a vacancy in a special election.

G. Candidates' Night: The Town Clerk shall arrange for a Candidates' Night to be held in October prior to a Town election. All qualified candidates confirmed at that time may participate in this moderated public forum to introduce themselves, briefly state their platform, if any, and answer questions from residents. A third party group or organization may also assist with this event and preferably act as moderator. A reasonable attempt shall be made to ensure the date and time chosen allows all candidates a reasonable opportunity to participate.

H. Notice of Election: In accordance with Section 82-23 of the Charter, the Town Clerk shall give at least two (2) weeks' notice of every election in a paper of general circulation, or other suitable form of public outreach, and physically post the Election Notice in three (3) public places in the Town.

I. Election Supplies: The Town Clerk shall ensure that all necessary election supplies and materials are on hand on Election Day, either for voting by paper ballot or by voting machine.

Section 7 Absentee Ballots

An eligible voter may vote by absentee ballot in a Town election for any reason, pursuant to §4-108 of the Maryland Local Government Article, as may be amended. Subject to oversight by the Board of Elections Supervisors, the Town Clerk shall prepare absentee ballots and an absentee voter list to keep an accurate record of voters who request an absentee ballot.

- A. Application: A registered voter may request an absentee ballot as early as thirty (30) days prior to the election. The request can be made electronically or by mail. Absentee ballots and accompanying envelopes are made available to any eligible voter upon request until the election, including ballots requested in writing by a duly authorized agent. Requests can be made up until the closing of the polls, however all ballots must be submitted prior to the polls being declared closed in order to be counted. Upon issuing an absentee ballot the Town Clerk shall cross that persons name off the voter registration list and mark “absentee ballot” next to the name.
- B. Lost or Destroyed Absentee ballots: No voter who has been issued an absentee ballot for an election shall be authorized to cast their ballot in any manner other than by casting an absentee ballot. Should an absentee ballot be lost or destroyed, without being returned to the Town Clerk, a second ballot may be issued. The Town Clerk shall verify that one (1) ballot is being submitted for each absentee voter. If the Town Clerk finds a voter has cast more than one absentee ballot they shall challenge these ballots. Should the absentee ballot be challenged by the Town Clerk as to the ballot being cast by the person to whom it was issued or as to the ballot being obtained and returned in accordance with the provisions of this section, the Board of Supervisor of Elections shall determine the validity of any challenged absentee ballot.
- C. When the Board of Supervisors of Elections determines from proof or investigation that any person who has marked and transmitted an absentee ballot has died before Election Day, such ballot of the deceased voter shall not be counted. However, if prior to the time of such counting and certification of the results, the Board of Supervisors of Elections shall not have determined that the absentee resident who makes a ballot had died before Election Day, such ballot shall be counted, and the fact that said absentee resident may later be shown to have been actually dead on Election Day shall not invalidate said ballot or said election after the results have been certified.
- D. Mailed Ballot Collection: A Member of the Board of Supervisors of Elections shall go to the Board of Supervisors of Elections Post Office box at the closing of the polls. If any ballots are found within they shall be considered submitted or cast prior to the closing of the polls and shall be counted.
- B. Qualified Agent: Any registered voter voting by absentee ballot may designate an agent to pick up and deliver an absentee ballot granted that they; are at least 18 years of age, are not a candidate on the ballot, sign an affidavit under penalty of perjury that the ballot was delivered to the voter who submitted the application, marked and placed in an envelope by the voter, or with assistance in the agent's presence without any undue influence; and returned to the Town by the agent.
- C. Late Absentee Ballots: Any absentee ballots received after polling has closed will be handled as a spoiled ballot.

Runoff Elections: An attempt will be made to supply any voter who voted absentee with a absentee ballot for any runoff election as soon as official copies are available, and the above regulations shall substantially apply to any runoff election.

- E. Storage of Absentee Ballots: Every absentee voter shall be listed on the absentee voter list that includes name, address, date of issuance of ballot and date of receipt of voted ballot. Voted ballots shall be kept sealed in their envelopes and stored in a secure location to be opened and tallied on Election Day.
- F. Absentee Ballot Delivery: On elections day, prior to the closing of the polls the Town Clerk shall deliver the absentee ballots to the place designated by the Board of Supervisors of Elections and shall make an accounting for the purpose of counting absentee ballots as to the number of absentee ballots issued and the number returned. The Town Clerk shall keep such record of the absentee ballots in a secure place as is kept with other voting records.

Section 8 Election Day

On Election Day all members of the Board of Supervisors of Elections shall be considered Election Judges as well as being members of the Board of Supervisors of Elections. The preparation for and the conduct of an Election Day are described in detail in the Election Procedures Manual. The polls are open between 8:00 a.m. and 7:00 p.m.

A. Preparing the Polling Station: The Town Clerk shall meet the members of the Board of Supervisors of Elections and Election Judges before polls open at 8:00 a.m. on Election Day to prepare the polling station. Preparation of the polling station includes:

1. Posting sample ballots and instructions outside and inside the polling station for public view. The sample ballot shall show names of declared candidates and questions, if any.
2. Demarcating a one hundred (100') foot perimeter around the polling station structure as a "no electioneering" zone. No campaigning by candidates or their supporters will be allowed within this area. Candidates for election may cross this line only to cast their own vote.
3. Setting up a voter "check-in" station, including readying of the voter registration lists and Voter Authorization Cards.
4. Completing set up of voting booths. If voting machines are used, the Elections Chair, with assistance from the voting machine vendor, shall verify that they are ready for use and counters set to zero. If paper ballots are used, members of the Board of Supervisors of Elections shall ensure that each booth has a pen for marking the ballot.
5. Setting up ballot boxes if paper ballots are used. Ballot boxes must be empty and ready for use. The Town Clerk shall keep the ballot box key in secure storage until the polls close.

B. Polling Station Open:

1. The Board of Supervisors of Elections supervises the polling station and may assign Election Judges to their particular stations. Upon opening of the polls, all Election Judges

shall take their assigned stations. At least one member of the Board of Supervisors of Elections shall remain at the polls at all times. At least two Election Judges shall staff the voter check-in/ registration tables. One Election Judge shall staff the voting booths and one shall staff the ballot boxes, if paper ballots are used. Physically disabled voters shall be assisted in a manner substantially consistent with the relevant provisions found in the Maryland Election Law Article, as may be amended.

2. The Elections Supervisor Chair shall be responsible for provisional voting and ensure that residents, who are not on the voter registration list, are able to cast a provisional ballot. Provisional ballots are set aside for separate tallying. Votes remain provisional until the eligibility of the voter has been established by the Prince George's County Board of Elections and the Board of Elections Supervisors.

3. The Town Clerk shall announce the closing of polls five minutes before 7:00 p.m. on Election Day. Any resident wishing to observe the tallying may remain inside the polling station when the doors are locked. No one shall be permitted to enter or re-enter the polling station while tallying is in progress.

C. Vote Count Observation and Decorum: After the last voter has voted and the polls have closed, and before the canvassing or counting begins, candidates and members of the public may be permitted to enter the room where the votes will be counted. Once the counting begins, the door to the counting room will be closed and no one will be allowed to enter until the votes have been tallied. Once inside the room, anyone wishing to leave will not be readmitted until the counting has concluded. The use of electronic devices, other than those being used by the Board of Supervisors of Elections for counting, will not be permitted in the polling room during the counting of the votes. Anyone who violates the restrictions set forth herein may be, at the discretion of the election judges, ejected from the proceedings.

If paper ballots are used:

1. The ballot box key shall be returned to the Elections Supervisor Chair by the Town Clerk to open the ballot boxes.
2. The Elections Supervisor Chair shall remove ballots from the ballot box and organize them for tallying assisted by other members of the Board of Supervisors of Elections.
3. The Elections Chair shall read out aloud how each ballot was voted, including write-in votes and ballot questions (if any).
4. Two members of the Board of Supervisors of Elections will independently tally the votes cast for each candidate and results of each ballot question.
5. In the case of an irregular or potentially spoiled ballot, the Elections Supervisor Chair shall consult with two other members of the Board of Supervisors of Elections to determine if the ballot is valid or spoiled in accordance with criteria detailed in this ordinance and the election procedures manual of the Town of Upper Marlboro. If spoiled, the ballot shall be marked "void" and set aside. A designation of a voided ballot shall be ratified by a majority of all supervisors prior to certification and shown to any challenger but shall not leave the hand of the member of the Board of Supervisors of Elections.

6. When all regular ballots are tallied, the Elections Supervisor Chair shall open the sealed envelopes with absentee ballots and count them. The absentee ballots shall be added to the tally of regular ballots. The result is compared with the tallied check marks on the County voter registration list and the Town supplemental voter list to ensure that the total number of voters agrees with the total number of ballots cast.
7. Provisional votes shall be tallied separately and set aside until the qualification of each provisional voter can be verified.
8. Voted ballots shall be placed in envelopes, sealed and signed across the seal by three members of the Board of Supervisors of Elections. Said envelopes, marked voter registration list and Voter Authorization Cards shall be kept in a secure place until they are delivered to the Prince George's County Board of Elections for certification.
9. Tally sheets shall be verified, signed and dated by the Elections Supervisor Chair and members of the Board of Supervisors of Elections. Tally sheets, together with spoiled ballots, those not distributed and not used shall be placed in envelopes, sealed, signed across the seal by at least three members of the Board of Supervisors of Elections and returned to the Town Clerk.

If voting machines are used:

1. The Elections Chair, with two other members of the Board of Supervisors of Elections, shall open the voting machines and unroll the tally sheets.
2. The machine count shall be verified by at least two members of the Board of Supervisors of Elections. Under the supervision of the Elections Chair, members of the Board of Supervisors of Elections shall tally record sheets from each voting machine once the machine votes have been tallied, the Elections Chair shall open the sealed envelopes with absentee ballots and count them. The absentee ballots shall be added to the tally of regular ballots. The result is compared with the tallied check marks on the County voter registration list and the Town supplemental voter registration list to ensure that the total number of voters agrees with the total number of ballots cast.
3. Provisional votes, cast by paper ballot, must be tallied separately, and returned separately to the Prince George's County Board of Elections to be certified.
4. Tally sheets shall be verified against the total count of the signed voter authorization cards, a count of check marks on the County voter registration list, and a count of checks on the Town supplemental registration list.
5. Voting machine tally sheets and absentee ballots shall be placed in envelopes, sealed, and signed across the seal by at least three members of the Board of Supervisors of Elections.
6. Voting machines shall be locked and sealed and keys placed in a sealed envelope for safekeeping until the voting machines are picked up by the vendor.

Canvassing absentee ballots:

1. The official receiving an absentee ballot shall note date and time of receipt and initial on the front of the envelope. If a date stamp is used, the stamp is endorsed with the initials of the person accepting receipt. The envelope shall not be opened by anyone at time of receipt. The ballots received prior to the closing of the polls will be placed in a locked

file. Ballots received at the town office will be delivered to the custody of the Town Clerk as soon as practicable. The name of the person doing this will be entered in the register described below.

2. On election day, the Board of Election Supervisors will maintain all absentee ballots in a separate, secure file box with the related application materials until the polls close. No absentee ballot received by mail can be counted unless it was postmarked no later than Election Day.

D. Recount and Tie Votes: The Board of Commissioners has jurisdiction and power to hear and determine any appeals, to review and correct the actions of the Board of Election Supervisors and to order the recanvassing, recounting and re-certification of the results of any election. The Board of Supervisors of Elections may conduct a recount if it discovers or suspects a defect or error in its procedures prior to the deadline for certifying the results in accordance with the Charter. In the case of a tie vote, the Board of Commissioners shall order and provide a run-off election between the tied candidate within twenty-one (21) days of the initial election.

E. Announcement of Election Results: The Elections Supervisor Chair shall announce the five candidates receiving the highest number of votes as Commissioners-elect or the candidate in a special election with the highest vote. The Elections Supervisor Chair shall also announce the results of any Ballot Questions.

F. Statement of Election Results: After the closing of the polls, the Board of Supervisors of Elections shall determine the vote cast for each candidate or question and shall, no later than 12:00 Noon on Thursday immediately following the election, certify the results of the election to the Clerk of the Town who shall record the results in the minutes of the next Town Meeting of the Board of Commissioners. The five candidates for Commissioners receiving the highest number of votes in a general election shall be declared elected.

G. Certifying Election Results and Eligibility to Serve:

1. After tallying the votes, the voter registration lists, Voter Authorization Cards, and voted ballots, shall be retained by the Town for a period of at least six (6) months or in accordance with any approved and applicable records retention schedules.

2. The Charter does not confer upon the Board of Election Supervisors the power or responsibility for determining whether a successful candidate is qualified to serve, as distinct from initially determining whether a qualified candidate is qualified to stand for election at the time a petition is filed. Section 82-7 of the Charter empowers the Board of Commissioner to be the judge of the election and qualification of its members and Section 82-25 affords any person who feels aggrieved by the actions of the Board of Supervisors of Elections with the right to appeal the action to the Board of Commissioners. Therefore, the Board of Election Supervisors certifies elected candidates to the Clerk based exclusively upon the votes cast by registered voters qualified to vote, but certification is without prejudice to the jurisdiction of any other appropriate body or court to ascertain the eligibility of the successful candidate to serve in the capacity to which the individual was elected.

Section 9 Ballot Questions

Pursuant to Ordinance 2019-08, the sitting Board of Town Commissioners may, by Resolution or the qualified voters may petition to add non-binding questions to an election ballot to receive advice or input from the Town's voters on different topics. Said Resolution should list each question and provide detailed background information and a statement as to why this topic is important. The Resolution should be approved no more than thirty (30) days prior to the election date. Ballot questions shall be included in the sample ballot and posted in a paper of general circulation, or other suitable form of public outreach.

Section 10 Additional Items, Meetings, Penalties and Disqualifications

A. Assistance To Voters: Any registered voter who requires assistance to vote by reason of blindness, disability, or inability to read the English language or write may be given assistance by a person of the voter's choice, not to include the voter's labor union or employer. Any person rendering assistance pursuant to this subsection shall execute a certification to be included in the instructions.

B. Voting Secrecy: The Board of Elections shall provide an enclosure to vote that ensures secrecy in the marking of the ballots and shall count the ballots only after the close of the polls as scheduled.

C. Meetings. The Board of Elections may meet at regular intervals and may hold special meetings as may be required and all such meetings shall be publicly advertised and open to the public in accordance with the Md. Open Meetings Act. The Board's internal deliberations are generally governed by Robert's Rules of Order, Revised.

D. Disputes and Appeals. Upon appeal of an action of the Board of Supervisors of Elections, the Board of Commissioners will attempt to resolve any disputes over candidate or voter qualifications, voter registration and related matters by hearing at which witnesses may be asked to appear and provided sworn testimony. Affected persons may be advised or accompanied by legal counsel. The Board may also draw upon the investigative unit of the Town Police for additional information it needs to develop facts for decision.

C. Penalties: Any person who shall violate any of the provisions of this Article shall, upon conviction, be sentenced to pay a fine of not more than one thousand dollars (\$1,000) or be sentenced to imprisonment for not more than six (6) months, or both, in the discretion of the court. Any person who:

(1) fails to perform any duty required of him or her under the provisions of the Town Charter, §§ 82-19 through 82-35, inclusive, or this Article passed thereunder, or

(2) in any manner willfully or corruptly violates any of the said provisions of the Charter or any ordinances passed thereunder pertaining to any registration, candidacy, or election, or

(3) willfully or corruptly does anything which will or will tend to affect fraudulently any registration, candidacy, or election, shall be deemed guilty of a misdemeanor, punishable as provided in this Section.

D. Disqualifications. Any officer or employee of the Town government who is convicted of a misdemeanor under the provisions of this Section shall immediately upon conviction thereof cease to hold such office or employment.

Section 10 Severability

If any section, subsection, paragraph, sentence, clause, or word contained in this Ordinance shall be declared invalid for any reason, such decision shall not affect the remaining portion of this Ordinance, which shall remain in full force and effect and to this end the provisions of the Ordinance are hereby declared to be severable.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners for the Town of Upper Marlboro, Maryland, that this Ordinance 2023-02 shall replace and repeal Ordinance 2001-02 (Elections).

Adopted this 28th day of March, 2023.

ATTEST:

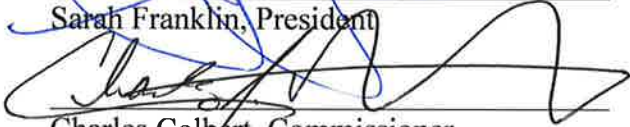

John Hoatson, Town Clerk

Date:

3-28-23

THE TOWN OF UPPER MARLBORO


Sarah Franklin, President


Charles Colbert, Commissioner


Janice Duckett, Commissioner

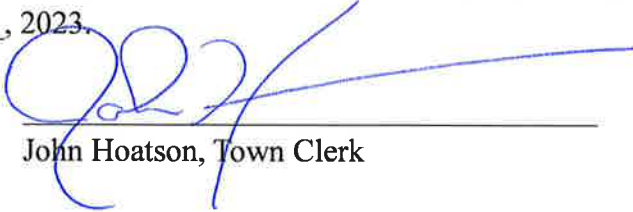

Thomas Hanchett, Commissioner


Karen Lott, 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 Ordinance, and that said Ordinance 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 28 day of March, 2023.



John Hoatson, Town Clerk

