



Town of Upper Marlboro

MARCH REGULAR TOWN MEETING

14211 School Lane, Upper Marlboro, Maryland, 20772

Tuesday, March 28, 2023 at 7:00 PM

AGENDA

This Meeting Will Be Blended: In Person At Town Hall & Zoom Video Teleconference.

<https://uppermarlboromd-gov.zoom.us/j/83633822546?pwd=Z2FYNgkzSINVUUFqMkw4WTZIOGFVZz09>
Passcode: 376257; **Webinar ID:** 836 3382 2546; **Dial-in only:** 301-715-8592

Notice of Closed Session

Under General Provisions Article 3-305(b)(1) "To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals" (7)"Consult with council to obtain legal advice".

The Board of Commissioners propose to go into Closed Session on Tuesday, March 28, 2023, following the March Regular Town Meeting to discuss personnel matters with regards to the FY 24 Budget & Wednesday, March 29, 2023 | 7:00 PM to discuss annexation.

REGULAR TOWN MEETING AGENDA: 7:00 PM

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. Review of Agenda**
- 5. Public Comment Period: Resident may comment once for general public comment either before or after business agenda.**
- 6. Consent Agenda**
 - A. Meeting Minutes
 - [B.](#) Financial Report
 - [C.](#) Public Safety Report
 - [D.](#) Public Works Report
 - [E.](#) Administrative Report
- 7. Reports**
 - A. Arts Council Committee Report
 - B. CERT Committee Report
 - C. Events Committee Report
 - D. Green Team Committee Report
 - E. Greenwill Consulting Committee Report
 - F. Historical Committee Report
 - G. Sustainable Communities Committee Report
 - H. Commissioner Reports
- 8. Business**

Public comment will be taken prior to Business line items (3 minutes per item)

 - A. Town Tax Rate & Budget Comment Period

- [B.](#) Resolution 2023-04 Economic Development Workgroup (Board Vote)
- [C.](#) Resolution 2023-05 PAMC Trail Design (Board Vote)
- [D.](#) Ordinance 2023-01 Budget Amendment (Board Vote)
- [E.](#) Ordinance 2023-02 Elections (Board Vote)
- [F.](#) Government Relations Firm RFP (Board Vote)
- [G.](#) Arts Council & Events Committee Events (Board Vote)
- [H.](#) Opioid Settlement Participation (Board Vote)

9. Administrative Updates

10. Public Comment

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

11. Preliminary Approval of Next Meeting Agenda

12. Motion To Go Into Closed Session

PUBLIC COMMENT PROCEDURES

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

Agendas for meetings are posted on our website and notices of legislative items are also posted on the Town's social media accounts (Facebook, Twitter & Instagram).

Our meetings are open to the public, and we ask that residents who want to comment to please follow the rules that have been established by **"RESOLUTION 2022-05: A RESOLUTION FOR THE ADOPTION OF NEW RULES OF ORDER AND REGULATIONS FOR PUBLIC MEETINGS OF THE BOARD OF COMMISSIONERS FOR THE TOWN OF UPPER MARLBORO."**

Citizen Input:

- Members of the public may speak for three (3) minutes, during Public Comment Time, at Regular Town meetings of the Board of Commissioners according to procedures established by the Board.
- A sign-up sheet will be placed on the side table in the room for people to sign-in if they wish to speak. They will be called to speak at the podium in the order in which they were signed-in. If the meeting is held virtually, the public will be able to "raise their hand" or chat with the Town Clerk to sign up to speak.
- Each speaker is limited to one presentation per agenda item allowing for public comment per meeting and a maximum timed limit of three (3) minutes unless another limit is established.
- If the subject matter does not pertain to Town business the Mayor shall advise the individual and/or make recommendations as to how they may get the issue addressed.
- Citizens speaking on agenda items shall restrict their comments to the subject matter listed.
- Citizens speaking on non-agenda items shall only speak on matters pertaining to Town business or issues which the Board would have the authority to act upon if brought forth as an agenda item.
- The Board may not act upon or discuss any issue brought forth as a non-agenda item; except to: Make a statement of specific factual information given in response to the inquiry, or a recitation of existing policy in response to the inquiry.
- Proper respect, decorum, and conduct shall prevail at all times. Impertinent, slanderous, misleading, or personal attacks are strictly prohibited. Violators may be removed from the Commission chambers.
- No placards, banners or signs may be displayed in the Board chambers or Town Hall. Exhibits relating to a presentation are acceptable.
- Arguing, intimidation or other disruptive behavior is prohibited. Discussion and/or debate are acceptable only on items specifically listed on the agenda, or that are municipal issues and must be complete within the three-minute comment period allotted to the speaker.

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

When the meeting is held on a virtual platform, please sign-in with your First and last name and raise your hand to comment on an item.

All meetings are subject to closure in accordance with the State Open Meetings Act—House Bill 17.



Town of Upper Marlboro

Town Hall, 14211 School Lane Tel: (301) 627-6905 info@uppermarlboromd.gov
Upper Marlboro, MD 20772 Fax: (301) 627-2080 www.uppermarlboromd.gov
Mailing address: P.O. Box 280 • Upper Marlboro, MD 20773-0280

Town of Upper Marlboro February 2023 Treasurer Report Budget vs. Actuals: FY23 Budget July 2022 - July 2023

	Total		
	ACTUAL	BUDGET	OVER (UNDER) BUDGET
Income			
Revenue			
4000 Property Taxes	1,147,846	1,399,540	(251,694)
4200 Fines, Licenses, Permits	392,059	270,376	121,683
4300 Intergovernmental	25,391	59,899	(34,508)
4400 Miscellaneous Revenue	18,360	75,000	(56,640)
4500 Grants	713,468	1,662,610	(949,142)
Total Revenue	\$ 2,297,123	\$ 3,467,425	\$ (1,170,302)
Expenses			
5000 General Government	556,356	815,202	(258,846)
6000 Public Safety	495,482	706,194	(210,712)
7000 Public Works	350,407	504,344	(153,937)
8000 Grants & Awards	330,639	1,441,685	(1,111,046)
Total Expenses	\$ 1,732,884	\$ 3,467,425	\$ (1,734,541)
NET INCOME	\$ 564,240	\$ -	\$ 564,240



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Town of Upper Marlboro February 2023 Treasurer Report Budget vs. Actuals: FY23 July 2022 - June 2023

Key Monthly Items

1. FY23 YTD Increase in fund balance is 564K
2. 8 months into the fiscal year, revenues raised are on pace to match budgeted amounts. from operating revs, fines revenue is exceeding budget significantly, income tax collections are behind, along with grant revenues.
3. Expenses YTD are at 50% of annual budget, expectation through Feb is 66% grant spending to date accounts for the majority of expense savings
4. Cash balance is at approximately 6 months of budgeted spending, target is 6 months of cash reserves.

Bank Accounts

1000 Checking Account (Premis) 6968	247,623
1001 Petty Cash	650
1010 Payroll Account (Premis) 6976	1,526
1015 PGFSB Small Checking (Premis) 4960	1
1020 ICS Sweep Account (Premis)	86,749
1040 Parking Meter Checking (M&T)	185,453
1045 Speed & Red Light (M&T) 0013	159,993
1050 ARPA Checking 4957	250,000
1117 WesBanco (CD)	105,142
1140 MLGIP (MM)	794,719
Total Bank Accounts	\$ 1,831,855



Town of Upper Marlboro Police Department

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

David A. Burse
Chief of Police

For ALL Police Calls dial 911 or the Non-Emergency number at 301-352-1200

Police Reports can be obtained In-Person or By Mail for a fee of \$10.00 at the Prince George's County Police Records Division located at 4923 43rd Avenue, 3rd Floor Hyattsville, Maryland 20781. Phone: 301-985-3638

Monthly Town Police Department Report For the Month of February 2023

Incidents Reported in Town:

Suspicious Person 1	Check on Welfare 2	Family Dispute 4
Commercial Alarm 1	Tampering Call 1	Theft Call 2
Vehicle Accident 5	Vandalism Call 1	Disorderly Call 1
Suspicious Auto 1	Traffic Complaint 1	Domestic Call 2
Break-in Report 1	Unknown Trouble 1	Theft Call with Arrest 1

Chief Burse participated in the Prince George's Chiefs Association meeting.

Chief Burse, Sgt. Irby and Pfc. Anderson conducted high visibility patrols throughout the Town.

Chief Burse provided testimony to Maryland State Senator's on Senate Bill 0840, Protecting Against Hate Crimes Grant Funding.

Chief Burse participated in the weekly Prince George's County Police Crime meeting.

Chief Burse participated in the Division 2 Coffee Club Meeting.

Chief Burse, Sgt. Irby and Cpl. Johnson participated in the Coffee with a Cop meeting.

Chief Burse provided testimony to Maryland State Senator's on Senate Bill 0409, Police Accountability Boards and Administrative Charging Committees.

Chief Burse and Cpl. Johnson participated in the weekly Conduent meeting.

Chief Burse and Mayor Franklin had a meeting with Judge Cotton at the Courthouse.

Chief Burse participated in the Building Security Meeting at the Courthouse with Sheriff Carr.



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Date: Sunday March 19, 2023

Subject: Public Works' Status Report

RE: February 2023 – Monthly Status Report

Public Works Related

- PWF and PWD selected top candidate of the third round of interviews. After background check, Mr. Raynor started in late February.
- All supplies for Green Team received and turned over ahead of volunteer days.

Maintenance and Beautification

- PWD oversaw service to TH generator.
- PWC continued maintenance of Town equipment.
- PWC completed pruning of trees at the Town parking lot.
- PWC performed a 1-day litter blitz around Town.
- PWC completed numerous installs around the office and pw yard.
- PWC picked up and delivered loads of pallets to community garden.

Street and Sidewalk / Mead & Hunt Update

- PWC worked with CC Officer Stewart to fix broken/ loose meters along Pratt St and Gov Oden Bowie Dr.
- MDOT Sidewalk and curb upgrades continued in early February. Due to ROE restrictions, work slowed to a crawl.
- PWC began street sweeping and drain clearing on Pratt, Main, and Water Streets.
- Mead and Hunt Currently has a signed contract and change order. Kickoff meeting was held In February to outline first list of to-do's.
- PWD reviewed and sent edits to Mead and Hunt representatives to locate and establish boundaries for certain roads.

Weather Related Activities

- French Drain and trench at PW yard re-dug ahead of extended period of rain.

Refuse Accumulations

- Bulk day accumulations for solid wastes (Landfill) are 3.29 tons. Bulk day accumulations for yard waste collections are 0.58 tons. There were no dump body rentals for the month.

Sincerely,

Darnell F. Bond III
Public Works Director

Sarah Franklin
President

sfranklin@uppermarlbormd.gov

Janice Duckett
Commissioner / Treasurer
jduckett@uppermarlbormd.gov

Thomas Hanchett
Commissioner
thanchett@uppermarlbormd.gov

Karen Lott
Commissioner
klott@uppermarlbormd.gov

Charles Colbert
Commissioner
ccolbert@uppermarlbormd.gov



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MEMORANDUM

To: Board of Town Commissioners
From: Kyle Snyder, Town Administrator
Date: Tuesday March 14th, 2023
Re: March 2023 Monthly General Government Report

Commissioners,

Below is the update on some of the projects and statistics from the Town of Upper Marlboro General Government undertaken in February 2023.

General Government staff has been busy working on both preparing the Fiscal Year 2024 Budget process, as well as preparing for Marlboro Day Parade & Festival 2023.

Major Projects Underway	
Event Planning	Staff are gearing up for Marlboro Day Parade & Festival 2023 (Sat 5/14)
Codification	Town Staff and Town Attorney met with Municode has advanced the Town’s project moving forward. Town is awaiting a 1 st draft of the code for initial review and feedback.
Property Purchase	The Town is working with the State DNR, M-NCCP, the property owner, to purchase 27 acers of forest property located at 5510 Old Crain Highway which has been listed for sale by the owner. This property included a large section of right of way of the Chesapeake Beach Railroad & future trail. The Town’s acquisition of the property would be fully funded by the State Program Open Space. The Board will be discussing a property procurement ordinance in the coming months. If acquired, the property can be used for a segment of the CB Trail, and any other recreation and conservation based activities.
Grant Applications	Town has applied for a \$550,000 stormwater management grant from the Chesapeake Bay Foundation to assist with curb and drainage upgrades to School and Wilson Lanes. Additional public safety grants are being applied for as well.
Playground	Permitting submitted to the County, the construction completion date is set for mid-May 2023. Town Administrator is holding bi-weekly meetings with the contractor as we go through the permitting and scheduling the construction timeline. We are looking at a July opening for the Phase 2 Playground, and a later summer opening of the splash pad (depending on WSSC permitting).
Point of Sale System	The Town has installed and begun using a new Point of Sale (POS) system at Town Hall to better track and manage payments made at Town Hall. The new system includes a small cash drawer and the ability for staff to take credit card payments without handling visitor’s credit card.
ParkMobile	Test transactions have gone through, once it is checked signage will go up with the next month or so along with a press release and social media campaign.
Annexation	Working with Town Annexation Legal team on drafting Annexation Resolution 2023-01 for Phase 3 Annexation. Mailing have gone out to all properties;

	Commissioners are setting up door knocking efforts. Town is making good progress with several different developments planned and the property owners.
State Highway Projects	SHA continues to work on the Downtown sidewalk upgrade project, with a planned completion date of March 2023. There are issues with one property owner not signing or being responsive to SHA right of way agreements that is resulting in nearly 50% of the project not being completed. The Town has tried to work with SHA and property owners but to no avail as of yet.

Office Statistics:

- Phone Call Volume: 1,119 incoming calls (average of 59 calls per working day M-F)
- Room Rentals: 1
- Notaries: 2
- Parking Permits: 51
- Food Truck Permits: 0

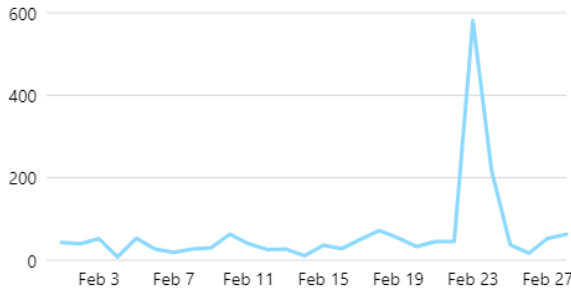
Outreach Statistics:

Facebook & Instagram-

Page and profile visits

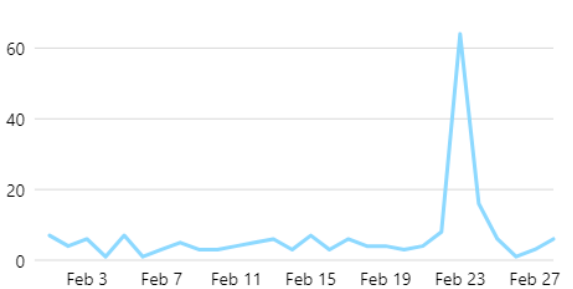
Facebook Page visits ⓘ

1,798 ↑ 45.5%



Instagram profile visits ⓘ

193 ↑ 20.6%



Reach

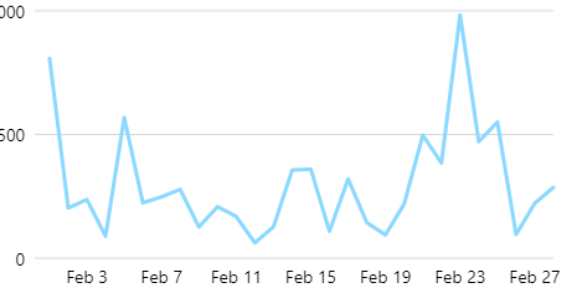
Facebook Page reach ⓘ

51,997 ↑ 252.2%



Instagram reach ⓘ

2,322 ↓ 5%



Town of Upper Marlboro

RESOLUTION: 2023-04
SESSION: Regular Town Meeting
INTRODUCED: February 28, 2023
DATE: March 28th, 2023

RESOLUTION BY THE BOARD OF TOWN COMMISSIONERS TO ESTABLISH, APPROVE AND MAINTAIN AN UPPER MARLBORO ECONOMIC DEVELOPMENT WORKGROUP (UMEDW)

WHEREAS, the Board of Commissioners of the Town of Upper Marlboro has authority pursuant to Ordinance 2019-02: Authorizing Creation and Governance of Committees and Other Town Bodies, and, Section 82-16 (1) General Powers; and (2)(p) and (2)(rr) Specific Powers, of the Town Charter to create departments to further the public interest of the Town, and to establish programs to promote the health, welfare, and enjoyment of the inhabitants of the Town; and

WHEREAS, in 2013 the Board of Commissioners passed Resolution 2013-06 to Designate the Town as a Sustainable Community with the Department of Housing and Community Development of the State of Maryland, and giving authorization to the sitting President/Mayor to execute documents and take any action necessary to carry out the intent of the resolution; and

WHEREAS, the Board of Commissioners has established goals and initiatives to strengthen the Town's downtown commercial district by coordinating with residents, businesses, and commercial property owners; and

WHEREAS, the former Sustainable Communities Workgroup was established in 2014 to administer the Town's portion of disbursing Legacy Grant funds and to maintain the Town's designation as a Sustainable Community; and

WHEREAS, the Board of Commissioners wishes to formally form a workgroup to assist the Town with the Economic Development of Downtown Upper Marlboro and other commercial areas within Town limits; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Town of Upper Marlboro sitting in regular session this 28th day of March, 2023.
the following:

1. That the Board of Commissioners has determined that it is in the public interest to create a Town of Upper Marlboro Economic Development Workgroup (UMEDW)

2. The Workgroup shall be appointed by the Board of Town Commissioners and shall be made up of five board members. Once appointed, the Board members shall select their own Chair, and forward their selection to the Board of Town Commissioners. The standing Town Commissioner on the UMEDC cannot serve as the Chair of the Board. The Board of Directors shall be made up of the below category of members, with no single member representing more than two of the stated constituencies (who are at least 18 years of age):
 - One current Town resident of the Town of Upper Marlboro.
 - One Property Owner who owns commercially zoned real property within the Town’s corporate limits who is in good standing with Town, County, and State regulations.
 - One Business Owner who owns or manages a registered business within the Town limits which is in good standing with Town, County, and State regulations.
 - One standing Town Commissioner of the Town of Upper Marlboro.
 - One additional stakeholder with interests within either the Town limits or just outside Town limits.

Additional Members- Town Staff, Maryland-National Capitol Parks & Planning Staff, relevant State Agency staff, and other stakeholders may work with and assist the Governing Board and provide guidance and resources as well as assist the Governing Board, but do not have a formal vote or decision-making capability. The Town Board of Commissioners may formally appoint a designated Town-staff person to assist and be a liaison to the UMBEDC.

3. That the mission of the Workgroup is to a) manage the Town’s DHCD Sustainable Community Designation. b) Oversee the Town’s Business Improvement Grant Program by advertising it to all businesses within the qualifying area, walking applicants through the process, voting to approve applications during workgroup meetings, and submitting the proper payment request to the Town Administrator. c) Coordinate with the Town to begin the research and identify steps to create a stand-alone 501-3© Downtown Upper Marlboro Economic Development Corporation.
4. That the Workgroup shall report to the Board of Town Commissioners, at least quarterly, on their work and submit a proposed budget to the Mayor/President during the month of March of each year.
5. That the meetings of the Workgroup are subject to and in compliance with the Maryland Open Meetings Act, Chapter 3, Sections 3-102 and 3-303.
6. That the Workgroup adopts bylaws, and other policies needed to carry out its missions and duties, within 45 days of appointment, as it deems appropriate for final approval by the Board.

INTRODUCED AND PASSED by the Board of Commissioners for the Town of Upper Marlboro, Maryland at a Public Meeting held on March 28, 2023.

ATTEST:

THE TOWN OF UPPER MARLBORO

John Hoatson, Town Clerk

Sarah Franklin, President

Date: _____

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 _____ day of _____, 2023.

John Hoatson, Town Clerk

The Town of Upper Marlboro

RESOLUTION: 2023-05
SESSION: Regular Town Meeting
DATE: March 28th, 2023

A RESOLUTION OF THE BOARD OF COMMISSIONERS FOR THE TOWN OF UPPER MARLBORO TO APPROVE AN APPLICATION FOR A PLANNING ASSISTANCE TO MUNICIPALITIES AND COMMUNITIES (“PAMC”) GRANT OFFERED BY THE PRINCE GEORGE’S COUNTY PLANNING DEPARTMENT TO PROVIDE TECHNICAL TO CONDUCT A FEASIBILITY STUDY AND PRELIMINARY DESIGNS OF A SEGMENT OF THE CHEASAPEAK BEACH RAILROAD TRAIL.

WHEREAS, the Planning Assistance to Municipalities and Communities (PAMC) program is offered by The Maryland-National Capital Park and Planning Commission (M-NCPPC), Prince George's County Planning Department, Community Planning Division, Neighborhood Revitalization Section and its purpose is to provide technical planning services at no cost to the community using Prince George’s County Planning Department expertise, and/or fund projects conducted by paid consultants; and,

WHEREAS, PAMC projects benefit municipalities and communities that may have limited planning resources but are committed to revitalization and enhancement of the appearance and function of their communities, and the number of projects approved each year will vary based on staff availability and the PAMC budget; and,

WHEREAS, The Town of Upper Marlboro is in need of a Feasibility and Design Study to move forward with the construction of the segment of the planned Chesapeake Beach Rail Road trail between MD 725 and Old Crain Highway; and,

WHEREAS, the Town wishes to submit an application to the Prince George’s County Planning Department’s Planning Assistance to Municipalities and Communities Program (“PAMC”); and,

WHEREAS, successful applicants do not directly receive or manage PAMC funds for consultant services, and approved projects will be managed by M-NCPPC PAMC program planners, who will prepare a Scope of Services for the approved project (in collaboration with the applicant); review bids and select the on-call consultant; execute a Memorandum of Understanding (MOU) with the selected consultant; and manage the project, including the disbursement of contract funds for consultant payment; and,

WHEREAS, the Town Board of Commissioners finds that this project will bring meaningful opportunities to both promote a health active lifestyle, as well as connect the different neighborhoods of both the Town and Greater Upper Marlboro Area, and:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE

The Town of Upper Marlboro

TOWN OF UPPER MARLBORO that the Board, supports and approves the submission of an application, attached hereto as Exhibit 1, to the PAMC program and approves the final submission of the application, subject to any non-substantive revisions to the application to be made by the President/Mayor, which may be deemed appropriate.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon passage and that the President/Mayor is authorized to execute the subject application and any related documents.

PASSED by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a regular meeting on the ____ day of _____, 2023.

ATTEST:

THE TOWN OF UPPER MARLBORO

John Hoatson, Town Clerk

Sarah Franklin, President

Date: _____

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 ____ day of _____, 2023.

John Hoatson, Town Clerk

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

ORDINANCE: 2023-01
SESSION: Regular Town Meeting
INTRODUCED: February 28th, 2023
DATE ENACTED: _____

**AN ORDINANCE RELATING TO ADOPTING AND APPROVING BUDGET
AMENDMENTS FOR THE FISCAL YEAR 2023 BUDGET**

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

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

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

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

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

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

WHEREAS, the Town Charter, Section 82-43 prescribes that any transfer of funds between

major appropriations for different purposes by the President must be approved by the Board before becoming effective; and

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

WHEREAS, the Board of Town Commissioners has previously approved Ordinance No. 2022-03 on June 7th, 2022 which in Section 4 thereof states that all budget amendments transferring monies between general classifications of expenditures or appropriations as reflected in the budget ordinance shall be submitted to the Board for approval, from time to time, by ordinance pursuant to Md. Code Ann., Art. 23A, §2(b), now codified as Md. Code Ann., LG Article, Section 5-205(b)(4); and

WHEREAS, the Board of Town Commissioners finds that it is necessary to amend Ordinance No. 2022-03 by allocating and appropriating funds for the following reason: To adjust revenue line items with more accurate estimates, and enhancing or decrease allocations between departments of expenditure line items, due to the elimination of certain staff positions; and

WHEREAS, the Board of Town Commissioners finds that it is necessary to amend Ordinance No. 2022-03 by reallocating Town funds and limiting expenditures in several Town Departments.

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

Section 1. The Fiscal Year 2023 Budget Ordinance 2022-03, as restated in the center column below, and as divided into the following indicated major anticipated revenue funds or having the estimated amounts at the time of the tax levy as indicated herein below, is hereby amended and readopted as indicated in the far-right column below as follows:

<u>REVENUE SOURCE</u>	<u>ADOPTED FY 23 BUDGET AMOUNT</u>	<u>AMENDED FY23 BUDGET AMOUNT</u>
Taxes	\$1,399,540	\$1,399,540
Fines, License and Permits	\$190,000	\$444,407
Intergovernmental	\$299,899	\$299,899
Miscellaneous Revenue	\$75,000	\$75,000
Total Revenues:	\$1,964,439	\$2,218,846

Section 2. The total of the anticipated revenues and any estimated fund balance available for expenditure during the fiscal year within each of the aforesaid categories of the FY 2020 Budget Ordinance 2022-03, as amended by this FY 2023 Amendatory Budget Ordinance 2023-01 shall equal or exceed the total of the proposed expenditures within the following general classification of expenditure or major appropriations having the amounts as indicated herein below, is hereby amended and readopted as indicated in the far-right column below as follows:

<u>EXPENDITURES</u>	<u>FY23 ADOPTED BUDGET AMOUNT</u>	<u>FY 23 AMENDED BUDGET AMOUNT</u>
General Government	\$815,202	\$815,202
Public Safety	\$568,283	\$568,283
Public Works	\$484,344	\$484,344
Transfer to CIP	\$96,610	\$96,610
Speed & Red-Light Program	\$0	\$254,407
Total Expenditures:	\$1,964,439	\$2,218,846

Section 3. That the Board of Town Commissioners approves and authorizes the Mayor and Chief of Police to hire one additional police officer funded by Speed & Red-Light Program and execute the document to purchase the below items from the Speed & Red-Light Program:

Enter into a Master Lease Purchase Agreement with Tax-Exempt Leasing Corp., an Illinois corporation, in the purchase and outfitting of one unmarked police Ford Explorer with a total cost not to exceed the President/Mayor is authorized to execute the subject Master Lease Purchase Agreement totaling \$119,000 spread over four Town fiscal years with bi-annual payments not to exceed \$12,0001. Attachment B, and

Authorize the purchase of a Public Safety Mini Matrix Message Board from Millennium Products Inc, a Florida Corporation, to exceed \$22,000. This product will provide a quick system to communicate to residents and visitors in the event of an emergency, and reduce the Town’s cost to rent for events. Attachment C

Authorize the purchase of Modular Vehicle Barrier-3X System from Advanced Security Technologies LLC, not to exceed \$25,000. This product will reduce the Town’s dependence on renting large trucks and barriers to keep Town events safe and an easy and effective road closure device. Attachment D

AND BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that except for the revenue and expenditure amounts provided hereinabove in Sections 1 and 2 as amendments, the remaining provisions of the FY 2023 Budget Ordinance 2022-03 shall remain in full force and effect as if written word for word within this Ordinance and readopted herein.

AND BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that the tax levy for Fiscal Year 2023 for the Town of Upper Marlboro and all other taxes, liens, and/or fees prescribed therein shall remain as previously approved and adopted in the FY 2023 Budget Ordinance 2022-03.

AND BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that pursuant to the Town Charter this Ordinance shall be posted in the Town office and this FY 2023 Amendatory Budget Ordinance 2023-XX or a fair summary thereof, shall be published once in a newspaper of general circulation in the Town.

AYES: _____

NAYES: _____

ABSENT: _____

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

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

Attest:

THE TOWN OF UPPER MARLBORO
BOARD OF COMMISSIONERS

Sarah Franklin, President

Janice Duckett, Commissioner

Charles Colbert, Commissioner

Karen Lott, Commissioner

John Hoatson, Town Clerk

Thomas Hanchett, Commissioner

Reviewed and Approved for Legal Sufficiency

Kevin J. Best, Esq.

Date: _____

Town of Upper Marlboro
July 2022 - January 2023 Mid-Year Budget Adjustment

	Total			Adjustments
	Actual	Budgeted	Budget	
Income				
Revenue				0
4000 Taxes				0
4010 Real Estate Taxes Residential	181,801	211,360	-29,559	
4020 Real Estate Taxes Commercial	203,522	207,745	-4,223	
4100 Personal Property Taxes	25,552	47,435	-21,883	
4121 PPT FY2021	30		30	
4122 PPT FY2022	732		732	
4150 PPT Public Utilities	441,394	588,000	-146,606	
4310 Income Taxes	65,222	345,000	-279,778	
Total 4000 Taxes	\$ 918,253	\$ 1,399,540	-\$ 481,287	
4200 Fines, Licenses, Permits				0
4220 Town Permits	12,929	1,500	11,429	
4230 Business License	3,515	18,000	-14,485	
4240 Parking Meters	112,431	125,000	-12,569	25,000
4250 Speed & Red Light Cameras	161,074	80,376	80,698	\$ 10,000
4260 Parking Fines/Penalties	33,708	30,000	3,708	
4280 Pub/Edu/Govt Broadcasting	5,393	2,500	2,893	
4290 Trader's Franchise Fees	1,626	13,000	-11,374	
Total 4200 Fines, Licenses, Permits	\$ 330,677	\$ 270,376	\$ 60,301	
4300 Intergovernmental				0
4320 Highway User Fee	9,685	31,399	-21,714	
4330 State Police Aid	5,272	18,000	-12,728	\$ 3,086
4340 Financial Corporation Tax		9,000	-9,000	
4350 Disposal Fee Rebate	1,038	1,500	-462	
Total 4300 Intergovernmental	\$ 15,995	\$ 59,899	-\$ 43,904	
4400 Miscellaneous Revenue				0
4420 Interest Earnings	11,175	1,500	9,675	
4430 Town Hall Services - Misc Rev	2,419	2,000	419	
4440 Transfer from Reserve		61,500	-61,500	
4450 Special Events/Donations	0	10,000	-10,000	
Total 4400 Miscellaneous Revenue	\$ 13,593	\$ 75,000	-\$ 61,407	
4500 Grants	28,772	96,610	-67,838	
4520 State StreetScape		425,000	-425,000	
4530 FIP		50,000	-50,000	
4550 Federal- ARPA	331,788	275,000	56,788	
4560 DHCD Circuit Rider Grant		50,000	-50,000	
4570 MD DNR 21	130,000	199,000	-69,000	
4580 MD DNR 22	60,000	192,000	-132,000	
4590 Bond Bill	20,000	275,000	-255,000	
4600 County DPW&T Grant		100,000	-100,000	
MISC Grants				60,000
Total 4500 Grants	\$ 570,560	\$ 1,662,610	-\$ 1,092,050	
Total Revenue	\$ 1,849,078	\$ 3,467,425	-\$ 1,618,347	

Total Income

\$	1,849,078	\$	3,467,425	-\$	1,618,347
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Gross Profit

\$	1,849,078	\$	3,467,425	-\$	1,618,347
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Section 8, Item D.

Expenses				
5000 General Government				0
5105 GG Commissioner Salaries	18,154	19,000		-846
5110 GG Salaries	121,834	348,010		-226,176
5120 GG FICA	11,197	18,370		-7,173
5130 GG Health/Life/Dental Benefits	16,761	25,000		-8,239
5150 GG Pension Benefits	25,505	37,542		-12,037
5300 GG Professional Services				0
5310 GG Accounting	29,872	28,000		1,872
5320 GG Audit		20,000		-20,000
5330 GG Payroll Processing	2,730	5,000		-2,270
5340 GG Town Attorney & Legal	28,374	50,000		-21,627
5350 GG IT Support & Equipment	24,113	3,600		20,513
5360 GG Media Relations	2,143	14,400		-12,257
5370 GG Government Relations	21,300	36,000		-14,700
5380 GG Human Resources Services	27,150	11,000		16,150
5390 GG Planning Firm	8,850	50,000		-41,150
Total 5300 GG Professional Services	\$ 144,531	\$ 218,000	-\$	73,469
5400 GG Operating				0
5200 GG Insurance & Benefits	17,717	12,000		5,717
5415 GG Merchant Services Fees	23,247	20,000		3,247
5435 GG Training	6,969	7,000		-31
5440 GG Dues & Subscriptions	14,505	12,500		2,005
5445 GG Postage	1,305	2,000		-695
5450 GG Printing	13,778	15,000		-1,222
5455 GG General Supplies	12,424	15,000		-2,576
5465 GG Town Hall Office Phones	7,352	5,000		2,352
5480 GG Town Hall Utilities	9,775	12,000		-2,225
5485 GG Town Hall Repair & Maintenance	3,467			3,467
5490 GG Other	482	2,010		-1,528
5495 GG Contributions		20,000		-20,000
Total 5400 GG Operating	\$ 111,019	\$ 122,510	-\$	11,491
5900 GG Committee Expenses				0
5905 Events Committee	200	4,590		-4,390
5910 CERT Team		900		-900
5915 Historical Committee		1,340		-1,340
5925 Green Team		1,800		-1,800
5930 TOUM Event	938	3,000		-2,062
5935 Trunk or Treat	3,167	1,800		1,367
5940 Marlboro Day		5,220		-5,220
5945 Old Crain Hwy Centennial	5,108	3,160		1,948
5950 Happy Leaf Festival	134	3,160		-3,026
5955 Winter Holiday	2,270	1,800		470
Total 5900 GG Committee Expenses	\$ 11,817	\$ 26,770	-\$	14,953
Total 5000 General Government	\$ 460,818	\$ 815,202	-\$	354,384
				\$ -

6000 Public Safety			0			SP
6000C Code Enforcement			0			
6100C Code Vehicle Maintenance		2,222	-2,222			
6200C Code Parking Meter Maintenance	2,820	3,000	-180			
Total 6000C Code Enforcement	\$ 2,820	\$ 5,222	-\$ 2,402			
6110 PS Salaries	236,021	435,682	-199,661	\$ (30,161)		
6111 PS Overtime	7,834		7,834	\$ 5,000	\$ 2,834	
6120 PS FICA	19,223	18,361	862			
6130 PS Health Benefits	12,684	19,000	-6,316			
6150 PS Pension Benefits	25,905	13,540	12,365			
6200 PS Uniforms	3,211	4,000	-789	\$ (3,211)	\$ 3,211	
6210 PS Weapons & Duty Equipment	7,736	2,000	5,736	\$ 5,736		
6220 PS Training & Memberships	1,084	2,000	-916			
6230 PS Pre Employment	2,658	3,000	-342	\$ (2,658)	\$ 2,658	
6260 PS Mobile Technology	2,500	5,000	-2,500			
6270 PS Supplies	1,498	1,000	498			
6300 PS Professional Services	6,180	18,200	-12,020			
6400 PS Occupancy	277	6,000	-5,723			
6500 PS General Supplies	753	3,500	-2,747			
6700 PS Vehicle Repairs	1,494	7,778	-6,284			
6720 PS Insurance	8,356	6,000	2,356	\$ (1,500)	\$ 1,500	
6725 Traffic Safety CIP (New)				\$ 24,285		
6850 PS Speed Camera Fees	33,665	80,376	-46,711			
6880 PS Debt Service	47,464	57,535	-10,071		\$ 31,000	
6900 PS GOCCP Police State Aid	12,516	18,000	-5,484	\$ 3,086		
PS FY2022 ARPA Funds		2,335		\$ 10,000		
Total 6000 Public Safety	\$ 433,879	\$ 706,194	-\$ 272,315	\$ 10,577	\$ 10,000	
7000 Public Works			0			
7110 PW Salaries	136,102	259,990	-123,888	\$ (17,884)		
7111 PW Overtime	3,771		3,771	\$ 6,000		
7120 PW FICA	10,090	18,361	-8,271			
7130 PW Health-Life-Dental	26,115	52,593	-26,478	\$ (2,000)		
7150 PW Pension Benefits	16,789	6,500	10,289			
7240 Public Works Operating			0			
7210 PW Waste Collection/Disposal Fees	1,535	4,500	-2,965			
7220 PW Waste Disposal/Contractor	25,908	47,000	-21,092			
7230 PW Recycling	4,175	9,500	-5,326			
7250 PW Maint/Repairs/Beautification	11,884	15,000	-3,116	\$ 1,500		
7260 PW Training & Memberships - Dues	75	4,800	-4,725	\$ (1,500)		
7270 PW Other	181	2,000	-1,819			
7280 PW Streets Maintenance	10,049	3,500	6,549	\$ 10,384		
7300 PW- Professional Services		2,500	-2,500			
7340 PW Vehicle Maintenance	4,125	9,500	-5,375			
7350 PW Utilities	2,979	3,500	-521			
7360 PW Mobile Phone	519	2,000	-1,481			
7370 PW Small Tools & Equipment	5,060	6,000	-940			

7385 PW Uniforms	110	3,000	-2,890		
7390 PW Weather Related Expenses		4,500	-4,500	\$	1,500
7400 PW Streetlight Electricity	16,733	22,000	-5,267		
7410 PW Insurance	4,987	6,000	-1,013	\$	2,000
7420 PW Mosquito Control	1,104	1,600	-496		
7430 PW Debt Service	20,000	20,000	0		
Total 7240 Public Works Operating	\$ 109,422	\$ 166,900	-\$ 57,478		
Total 7000 Public Works	\$ 302,290	\$ 504,344	-\$ 202,054	\$	-

Section 8, Item D.

Section 8, Item D.

8000 Grants & Awards		96,610	-96,610	
8180 FIP		50,000	-50,000	
8500 Resident Assistance	4,057	15,000	-10,943	
8600 StreetScape	38,733	525,000	-486,267	
8700 Community Playground	260,000	755,075	-495,075	
Misc Grants				60,000
Total 8000 Grants & Awards	\$ 302,789	\$ 1,441,685	-\$ 1,138,896	
Total Expenses	\$ 1,499,776	\$ 3,467,425	-\$ 1,967,649	
Net Operating Income	\$ 349,302	\$ 0	\$ 349,302	

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

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

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 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 2023-01 shall replace and repeal Ordinance 2001-02 (Elections).

Adopted this _____ day of _____, 2023.

ATTEST:

THE TOWN OF UPPER MARLBORO

John Hoatson, Town Clerk

Sarah Franklin, President

Date: _____

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 _____ day of _____, 2023.

John Hoatson, Town Clerk

Town of Upper Marlboro



Town Hall, 14211 School Lane Tel: (301) 627-6905 info@uppermarlboromd.gov
Upper Marlboro, MD 20772 Fax: (301) 627-2080 www.uppermarlboromd.gov
Mailing address: P.O. Box 280 • Upper Marlboro, MD 20773-0280

Request for Proposals

Town of Upper Marlboro Government Relations Firm

RFP # UM 2023-02

Project Overview: The Town of Upper Marlboro is seeking proposals from firms to assist and guide the Town with intergovernmental relations on the Federal, State, and County Level. This firm should have a solid understanding of the organization and dynamics of both the State of Maryland government and its elected officials, as well as Prince George’s County government and its elected officials.

Scope of Work: Qualified applicants should be able to provide the below services to the Town:

- To advocate for the Town of Upper Marlboro during Maryland Legislative Sessions
- Strengthening partnerships with Local and State governments.
- Implementation of strategy for overall effective representation and growth within the State of Maryland and Prince George’s County.
- Educating the members of the Maryland General Assembly and Prince Georges County Government of the Town’s goals and initiatives.
- Provide frequent updates to staff and Town elected officials.
- Monitoring of both State and County Legislation pertaining to the Town or its initiatives.
- Developing lobbying strategies relating to economic development and revenue generation.
- Attend in-person meeting or conference calls as needed.
- General influential support

Level of Experience: Applicant firms must have the following experience:

- Extensive experience working with elected officials for the State of Maryland and Prince George’s County.
- Experience working at least five (5) Maryland Legislative Sessions
- Extensive experience working with a small/medium municipality.
- Ability to manage multiple issues and priorities on deadline.
- Individual or firm must have a thorough understanding of local, state, and/or federal government operations, including the legislative process.
- Individual or firm must have prior experience working within the Washington, DC region, including Prince George’s County.
- Individual or firm must be able to work independently, but also thrive as part of a fully functional team

Budget: The annual budget for this service shall not exceed \$36,000.

Deadline: Responses to this RFP are to be submitted by **Tuesday May 2nd, 2023** at 9am. By Mail: Town of Upper Marlboro P.O. Box 280 Upper Marlboro MD 20773. By Email: Info@UpperMarlboroMD.gov. In-Person: Upper Marlboro Town Hall 14211 School Lane Upper Marlboro MD 20772.

Selection Process and Criteria: This RFP is for a 24-month contract with the Town, with the option for renewal beginning July 1st, 2025 Town Elected Officials will participate in the process of selecting the appropriate firm. Proposals will be evaluated based on:

1. The firm's understanding of effective government relations needs for municipal governments
2. The firm's availability to render services to the Town every month
4. Three references (with link) for past public relations experience with government organizations.
5. Budget, to be broken down into a monthly retainer fee.

Point of Contact: Kyle Snyder, Town Administrator, can be reached at 301-627-6905 or ksnyder@UpperMarlboroMD.gov with any questions.

Thank you for your interest in this Request for Proposals from the Town of Upper Marlboro.



Town of Upper Marlboro

Town Hall, 14211 School Lane Tel: (301) 627-6905 info@uppermarlboromd.gov
Upper Marlboro, MD 20772 Fax: (301) 627-2080 www.uppermarlboromd.gov
Mailing address: P.O. Box 280 • Upper Marlboro, MD 20773-0280

MEMORANDUM

To: Board of Town Commissioners
From: John Hoatson, Town Clerk
Date: Tuesday, March 14, 2023
Re: Town of Upper Marlboro Arts Council Events

Commissioners,

Below are the proposed events the Town of Upper Marlboro Arts Council wants to host.

- **Community Paint at Marlboro Day on May 13, 2023.** On-site team - TBD. Jaymes Ballard led the community paint last year.
- **Artist Pop-up on Sunday, September 10, 2023 | 1-5 pm on the Plaza off Main Street,** that will feature local visual art and some performing art, including spoken word/poetry slam, sound therapy, etc.), much like last year behind the library.
- **Food/culinary arts experience on Saturday, November 4th, 2023 | 7-9 pm,** tentatively in the multipurpose room at Trinity Church in downtown Upper Marlboro. This event will feature local chefs and wineries and conclude with a sip & paint over dessert.

ANTHONY G. BROWN
Attorney General



Section 8, Item H.
CANDACE McCLAREN EDWARDS
Chief of Staff

CAROLYN A. QUATTROCKI
Deputy Attorney General

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

FACSIMILE NO.

WRITER'S DIRECT DIAL NO.

February 28, 2023

Dear Eligible Maryland Subdivision:

I write to provide you with an update on the recent developments in the opioids litigation. As you are likely aware, at the end of 2022, the Office of the Attorney General provisionally signed on to four new national opioids settlements with Teva Pharmaceuticals (manufacturer), Allergan plc (manufacturer), Walmart (pharmacy chain), and Walgreens (pharmacy chain). Final approval of these settlements is contingent upon sufficient participation among eligible subdivisions and the entry of acceptable consent judgments reflecting the settlement agreements' terms. To that end, you will be receiving soon a subdivision sign-on packet from Rubris, the settlement implementation administrator. Subdivisions must return the subdivision participation forms included in the packet by April 18, 2023 in order to receive full payment under the settlements.

Also included in the sign-on packet will be a State-Subdivision Agreement to govern the intrastate allocation of payments received by the State from these settlements, and I attach it here also. As several subdivisions have suggested, we are proposing the same intrastate allocation terms already agreed upon by the State and its subdivisions in the 2022 Janssen and distributors settlements. As before, subdivisions will receive 70 percent of the total abatement funding allocated to Maryland, with 25 percent coming directly from the Settlement Administrator, and another 45 percent of the total abatement funding distributed to subdivisions in the form of non-competitive grants from the Maryland Department of Health. The State will receive the remainder of the money allocated to Maryland under the settlements.

We are proposing only a single addition to the agreement that reflects feedback we have received from subdivisions and the Opioid Operational Command Center in the last year. The addition requires reasonable cooperation in implementing the settlements, mainly by the identification of the individuals who manage funds received from the settlements. Over the last year, a number of subdivisions have asked for greater opportunity for coordination and guidance with respect to the most effective utilization of settlement funds for the benefit of Marylanders, and we believe that this additional provision will help facilitate the State's efforts to provide that guidance and coordination.

We will notify you of upcoming briefings for subdivisions and other stakeholders on the structure and payment terms of the new settlements. In the meantime, please feel free to contact your outside counsel or my office (Brian Edmunds can be reached at 410-576-6578 or bedmunds@oag.state.md.us) if you have questions or concerns.

Finally, as I have mentioned to some of you, my Office decided last year not to join the CVS settlement at that time. Given CVS' large role in dispensing opioids in Maryland and the breadth of its release to include its subsidiaries Caremark and Aetna, we are taking a closer look before making a final decision about CVS.

We look forward to continuing to work with you as we all try to combat this deadly opioids epidemic and provide relief for Marylanders who continue to suffer from its harms.

Sincerely,

A handwritten signature in black ink, appearing to read "A.G. Brown". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Anthony G. Brown

STATE-SUBDIVISION AGREEMENT BETWEEN THE STATE OF MARYLAND AND PARTICIPATING LOCAL GOVERNMENTS ON PROCEEDS FROM SETTLEMENT OF OPIOIDS LITIGATION AGAINST TEVA, ALLERGAN, WALMART, AND WALGREENS

INTRODUCTION

WHEREAS, the State of Maryland (“State”) and its participating subdivisions previously reached a STATE-SUBDIVISION AGREEMENT BETWEEN THE STATE OF MARYLAND AND LOCAL GOVERNMENTS ON PROCEEDS RELATING TO THE SETTLEMENT OF OPIOIDS LITIGATION, effective January 21, 2022 (the “2022 State-Subdivision Agreement”) (Exhibit A), that applied by its terms to the Janssen and Distributors National Settlement Agreements;

WHEREAS, the General Assembly implemented the terms of the 2022 State-Subdivision Agreement by enacting legislation codified at Md. Code Ann., State Finance & Procurement, Section 7-311(g) (2022);

WHEREAS, the State and its participating subdivisions wish at this time to participate in the Teva Global Opioids Settlement Agreement (December 20, 2022) (“Teva Agreement”), the Allergan Public Global Opioid Settlement (December 20, 2022) (“Allergan Agreement”), the Walmart Settlement Agreement (November 14, 2022), and the Walgreens Settlement Agreement (December 9, 2022), subject to the terms of these agreements (referred to collectively, hereinafter, as the “2022 Agreements”); and

WHEREAS, the State and its participating subdivisions wish to incorporate the terms of the 2022 State-Subdivision Agreement as closely as possible in this STATE-SUBDIVISION AGREEMENT BETWEEN THE STATE OF MARYLAND AND PARTICIPATING LOCAL GOVERNMENTS ON PROCEEDS FROM SETTLEMENT OF OPIOIDS LITIGATION AGAINST TEVA, ALLERGAN, WALMART, AND WALGREENS (“2023 State-Subdivision Agreement”);

The State and its participating subdivisions agree as follows:

SECTION I (INCORPORATION)

- a. Except as otherwise specified in Section II below, the terms of the 2022 State-Subdivision Agreement are incorporated into this 2023 State-Subdivision Agreement as if fully set forth herein and shall apply to the State’s and its participating subdivisions’ receipt and holding of funds from the 2022 Agreements and their expenditure of funds received.

SECTION II (SPECIFIC CHANGES)

- a. The definition of “Executive Director,” section I (g) of the 2022 State-Subdivision Agreement, is not incorporated in this 2023 State-Subdivision Agreement. Instead, “Executive Director” for purposes of this 2023 State-Subdivision Agreement, shall refer to the Special Secretary for Opioids Response or her designee or such other person designated by the Governor or by law to direct the Opioid Operational Command Center or any successor agency having substantially similar responsibilities and duties.
- b. The definition of “National Settlement Agreements,” section I (n) of the 2022 State-Subdivision Agreement, is not incorporated in this 2023 State-Subdivision Agreement. Instead, “National Settlement Agreements” for purposes of this 2023 State-Subdivision Agreement, shall mean the

Teva Global Opioids Settlement Agreement (December 20, 2022) (“Teva Agreement”), the Allergan Public Global Opioid Settlement (December 20, 2022) (“Allergan Agreement”), the Walmart Settlement Agreement (November 14, 2022), and the Walgreens Settlement Agreement (December 9, 2022), and shall include any and all amendments or corrections to those agreements issued on or before February 15, 2022.

- c. Section II(a) of the 2022 State-Subdivision Agreement is incorporated in this 2023 State-Subdivision Agreement, except that this agreement shall be dated April 15, 2023 and shall be effective on that date for all purposes under the National Settlement Agreement. Subdivisions that return Subdivision Settlement Participation Forms under the National Settlement Agreement shall be deemed to consent to this Agreement.
- d. Section III(b) of the 2022 State-Subdivision Agreement is not incorporated in this 2023 State-Subdivision Agreement. Instead, the following is substituted in its place: Any Subdivision receiving settlement proceeds pursuant to Section IV(a)(3) of this Agreement may use up to 15 percent received from the Walmart Agreement, the Teva Agreement, and/or the Allergan Agreement to pay for past Opioid Remediation consistent with Permitted Uses, subject to the accounting requirements of the National Settlement Agreement and the provisions of Section VI(a) of the State-Subdivision Agreement, as incorporated herein. Any Subdivision receiving settlement proceeds pursuant to Section IV(a)(3) of this Agreement may use up to 5 percent received from the Walgreens Agreement to pay for past Opioid Remediation consistent with Permitted Uses, subject to the accounting requirements of the National Settlement Agreement and the provisions of Section VI(a) of the State-Subdivision Agreement, as incorporated herein.
- e. In the event of any other potential conflict between the terms of the National Settlement Agreements and the provisions of the 2022 State-Subdivision Agreement incorporated by Sections I and II of this 2023 State-Subdivisions Agreement, this 2023 State-Subdivision shall be construed to reflect, as nearly as permissible, the terms of the 2022 State-Subdivision Agreement.

SECTION III (ADDITIONAL PROVISIONS)

- a. The subsections of this Section III shall govern the 2023 State-Subdivision Agreement in addition to and notwithstanding any inconsistent provisions of the 2022 State-Subdivision Agreement.
- b. Subdivisions shall cooperate reasonably with the Attorney General, the Secretary, and the Executive Director regarding the statewide coordination of planning, activities, expenditures, and reporting under the 2022 State-Subdivision Agreement, this 2023 State-Subdivision Agreement, and the National Settlement Agreements, including by providing contact information for persons responsible for the management and expenditure of funds received under opioids settlements.