



Town of Upper Marlboro

BOARD OF TOWN COMMISSIONERS WORK SESSION

14211 School Lane, Upper Marlboro, Maryland, 20772

Tuesday, September 13, 2022 at 7:15 PM

AGENDA

This meeting will be conducted via Zoom Video Teleconference. As the Town Hall remains closed to the general public at this time, interested citizens may participate by video (*Participants must sign-in with the Clerk*):

<https://uppermarlboromd-gov.zoom.us/j/88376039749?pwd=Q3p0TlIPcDdaYUpCelVWaTJXS3FXQT09>

Webinar ID: 883 7603 9749 ; **Passcode:** 697126; **Audio Dial-in only:** 301 715 8592

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

WORK SESSION AGENDA: 7:15 PM

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. Review of Agenda**
 - [A.](#) Closed Session Summary From August 30, 2022
- 5. Business**
 - [A.](#) Rolling Agenda (Board Discussion)
 - [B.](#) Financial Charter Change (Board Discussion)
 - [C.](#) Draft RFPs for Cleaning & Media (Board Discussion)
 - [D.](#) Recruitment & Retention (Board Discussion)
 - [E.](#) Police Office Space (Board Discussion)
 - [F.](#) Art Council Bylaws (Board Discussion)
 - [G.](#) Blended Meeting Discussion (Board Discussion)
 - [H.](#) Ordinance 2022-05 Establishment of Vacant Property & Agricultural Taxes
 - [I.](#) Administrative & Staff Items
- 6. Preliminary Approval of Next Meeting Agenda**
- 7. Adjournment**

Video of the Work Session will be posted to the Town YouTube Channel within 7 business days of the meeting.

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

CLOSED SESSION SUMMARY SHEET TO BE READ INTO RECORD

Date: August 30, 2022

Time: 7:15 PM

Location: Virtual

Closed Under Annotated Code:

Under General Provisions Article 3-305(b) (3) "To consider the acquisition of real property for a public purpose and matters directly related thereto"; (14) "Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process."

The Board of Town Commissioners propose to go into Closed Session on Tuesday, August 30, 2022 following the Special Town Meeting to discuss the purchase and possible acquisition of 14601 Main Street, Upper Marlboro, Maryland 20772.

Those Who Voted To Go Into Closed Session:

President Franklin, Commissioner Colbert, Commissioner Duckett, Commissioner Hanchett & Commissioner Lott

Unanimous Of Elected Officials In Attendance:

Yes

Those In Attendance;

President Franklin, Commissioner Colbert, Commissioner Duckett, Commissioner Hanchett, Commissioner Lott, Town Administrator Kyle Snyder, Chief David Burse, Public Works Director Darnell Bond & Town Clerk John Hoatson.

Actions Taken: No Votes Were Taken, Please See Relevant Notes:

None

Topics Discussed:

Potential purchase of the property.

Relevant Notes: None

| Topic | Discussion Start | Introduction | Agenda | Approval | Outcome | Notes |
|-------------------------------------|------------------|--------------|------------|------------|---------|-------|
| Financial Policies | 8/9/2022 | 8/23/2022 | 9/13/2022 | 9/27/2022 | | |
| Procurement Ordinance | 8/9/2022 | 8/23/2022 | 9/13/2022 | 9/27/2022 | | |
| Charter Change Financial | 8/9/2022 | 8/23/2022 | 9/13/2022 | 9/27/2022 | | |
| Vacant Property & Agricultural Tax | 8/9/2022 | 8/23/2022 | 9/13/2022 | 9/27/2022 | | |
| Branding | 9/13/2022 | | | 9/27/2022 | | |
| Charter Change Government Structure | 9/13/2022 | 9/27/2022 | 10/11/2022 | 10/25/2022 | | |
| Vision Plan | 9/13/2022 | 9/27/2022 | 10/11/2022 | 11/22/2022 | | |
| Ethics Committee | 9/13/2022 | | | | | |
| Parking Ordinance | 10/11/2022 | 10/25/2022 | 11/8/2022 | 11/22/2022 | | |
| Property Standards | 11/8/2022 | 11/22/2022 | 12/13/2022 | 12/27/2022 | | |
| Conference Room Agreement | 11/8/2022 | 11/8/2022 | 11/8/2022 | 11/22/2022 | | |
| Elections Ordinance | 12/13/2022 | 12/27/2022 | 1/10/2023 | 1/24/2023 | | |
| SCWG Workgroup | | | | | | |
| Events Policy | | | | 7/26/2022 | | |
| Vendor Fee Resolution | | | | 7/26/2022 | | |
| Overtime Pay Policy | | | | 7/26/2022 | | |
| Drug Testing Policy | | | | 7/26/2022 | | |

Town of Upper Marlboro
Rolling Agenda 2022-2023

Section 5, Item A.

| | | | | | | |
|---------------------------------|--|--|-------------------|-------------------|--|--|
| FIP Grant Award | | | | 7/26/2022 | | |
| Citation Policy | | | | 7/26/2022 | | |
| Entertainment Tax | | | 10/11/2022 | 10/25/2022 | | |
| PD Employment Agreements | | | | | | |

**The Town of Upper Marlboro
CHARTER AMENDMENT RESOLUTION NO. 01-2022**

A CHARTER AMENDMENT RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO, MARYLAND AMENDING SECTION 82-45 (LAPSE OF APPROPRIATIONS), OF THE CHARTER OF THE TOWN OF UPPER MARLBORO, MARYLAND THEREBY AUTHORIZING THE CREATION OF CERTAIN RESERVE OR OTHER NON-LAPSING FUNDS TO BE MADE AVAILABLE FOR UNANTICIPATED OR EXTRAORDINARY EXPENSES THAT MAY BE INCURRED, OR FOR ANY OTHER SPECIFIC INTENDED PURPOSE AS AUTHORIZED BY STATE STATUTE OR ORDINANCE; AND AUTHORIZING THE BOARD TO APPROPRIATE FUNDS FROM ANY RESERVE ESTABLISHED FOR UNANTICIPATED, EMERGENCY OR EXTRAORDINARY EXPENSES PROVIDED IN THE BUDGET OR OTHER ORDINANCE TO MEET EXTRAORDINARY OR UNANTICIPATED EXPENDITURES; AND PROVIDING THAT RESERVE FUNDS SHALL NOT LAPSE AT THE END OF THE BUDGET YEAR BUT SHALL REMAIN AVAILABLE UNTIL APPROPRIATED AND EXPENDED; AND AMENDING SECTION 82-56 (PURCHASING AND CONTRACTS) OF THE CHARTER OF THE TOWN OF UPPER MARLBORO, MARYLAND TO AUTHORIZE THE PRESIDENT OF THE TOWN BOARD OF COMMISSIONERS TO MAKE CERTAIN PURCHASES AND EXECUTE CERTAIN CONTRACTS AT OR BELOW \$10,000.00 WITHOUT BOARD APPROVAL; AND BY PRESCRIBING THAT THE BOARD BY SUPERMAJORITY VOTE MAY DETERMINE A DIFFERENT METHOD OF COMPETITIVE PROCUREMENT AND SHALL PROVIDE BY ORDINANCE FOR CERTAIN RULES AND REGULATIONS TO CONDUCT COMPETITIVE PROCUREMENT THROUGH REQUESTS FOR PROPOSALS, NEGOTIATED BIDS AND PROPOSALS, AND OTHER FORMS OF PURCHASING; AND BY SUBJECTING ALL CONTRACTS AND PURCHASES EXCEEDING \$75,000 TO BE APPROVED IN WRITING AND MADE USING COMPETITIVE OR OTHER PROCUREMENT METHODS; AND GENERALLY RELATING TO PURCHASING AND CONTRACTS, RESERVE FUNDS AND MUNICIPAL FINANCE

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO, MARYLAND adopted pursuant to the authority of Article XI-E, § 4 of the Constitution of the State of Maryland and the Local Government Article, § 4-301 *et seq.* of the Annotated Code of Maryland, to amend Sections 82–45 (Appropriations Lapse After One Year), and 82-56, (Purchasing and Contracts) of the Charter of The Town of Upper Marlboro to authorize the creation by ordinance of certain non-lapsing reserve funds by the Board of Commissioners and to further authorize the Board of Commissioners and the President to make

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certain purchases and enter into certain contracts, and to provide that certain alternative forms of competitive bidding or other procurement methods including sealed bids and requests for proposals be used when procuring goods and services for the Town.

WHEREAS, currently the Town Charter states in Section 82-45 that all appropriations shall lapse at the end of the budget year to the extent that they have not been expended or lawfully encumbered and that any unexpended and unencumbered funds shall be considered a surplus at the end of the budget year and shall be included among the anticipated revenues for the next succeeding budget year; and

WHEREAS, the Government Finance Officers Association (“GFOA”) recommends, at a minimum, that general-purpose governments, regardless of size, maintain unrestricted budgetary fund balances in their general funds of no less than two months of regular general fund operating revenues or regular general fund operating expenditures; and

WHEREAS, the Board further finds that a reasonable level of unreserved, unappropriated fund balance or a reserve consistent with prudent budgeting practices, necessary to ensure the orderly operation of the government, provides a cushion for unforeseen expenditures or revenue shortfalls and helps to ensure that adequate cash flow is available to meet the cost of operations; and

WHEREAS, the Board further finds that reserve funds having specific intended purposes may provide a mechanism for legally saving money to finance all or part of future infrastructure, equipment, emergency relief, and other requirements; and

WHEREAS, the Maryland Municipal League in a paper entitled “Municipal Government Finances” published in 2012 regarding municipal financing of capital projects states that:

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Several strategies can be implemented to provide adequate funding under the pay-as-you-go approach. For example, a municipality could allocate several years' appropriations to a reserve fund, usually a capital projects fund, to accumulate sufficient resources for costly projects. In addition, some jurisdictions earmark a certain percentage of property tax proceeds or other specific revenues to fund capital activities. For example, the municipality may accumulate the proceeds from one cent of the property tax rate in a capital fund or reserve revenues from the sale of fixed assets. Finally, some municipalities may dedicate a specific annual appropriation for a capital projects fund, such as \$100,000 for a smaller municipality or \$1,000,000 for a larger city and treat the allocation as a routine expense. Capital projects reserves also provide an additional source of interest revenue to the municipality; and

WHEREAS, the Board further finds that the Town would benefit from enacting this Charter amendment to conform the Town Charter and future financial and budgetary practices with sound financial and procurement practices as recommended by MML and GFOA, and to modify and make more efficient the purchasing and contracting requirements of the Town Charter.

Section 1. NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO on this ___ day of October 2022, that Section 82-45 (Appropriations Lapse After One Year), and Section 82-56, (Purchasing and Contracts) of the Charter of The Town of Upper Marlboro, Maryland shall be and are hereby amended to read as follows:

Finance

Section 82-45. (Appropriations Lapse After One Year; RESERVE FUNDS).

(A) EXCEPT FOR APPROPRIATIONS FOR ANY RESERVE FUND CREATED PURSUANT TO THIS SECTION, ~~[[A#]]~~ ALL appropriations shall lapse at the end of the budget year to the extent that they have not been expended or lawfully encumbered. **EXCEPT AS STATED HEREIN, ~~[[Any]]~~ ANY** unexpended and unencumbered funds shall be considered a surplus at the end of the budget year and shall be included among the anticipated revenues for the next succeeding budget year. **AN APPROPRIATION FOR A RESERVE FUND OR SIMILAR NON-LAPSING**

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FUND SHALL CONTINUE IN FORCE UNTIL EXPENDED, REVISED OR REPEALED, OR THE ENTIRE FUND IS DISSOLVED WITH ANY SURPLUS OR UNEXPENDED FUNDS TO BE TRANSFERRED TO THE GENERAL FUND.

(B) A RESERVE FUND OR FUNDS MAY BE ESTABLISHED BY ORDINANCE. SUCH RESERVE FUNDS MAY BE USED FROM TIME TO TIME FOR SUCH PURPOSES AS (I) CAPITAL EXPENDITURES, I.E., EQUIPMENT, FACILITIES, LAND ACQUISITION, STREET CONSTRUCTION AND THE LIKE, (II) TO GUARANTEE THE TEMPORARY CONTINUATION OF SERVICES DIRECTLY AFFECTED BY A LOSS OF SUPPORTING BUDGETED REVENUES, (III) TO PROVIDE FOR LONG TERM INVESTMENTS, AND (IV) TO PROVIDE DISASTER OR EMERGENCY RELIEF FOR RESIDENTS, PROPERTY OWNERS, AND BUSINESSES OF THE TOWN OF UPPER MARLBORO. A FAVORABLE VOTE OF AT LEAST A MAJORITY OF THE ENTIRE BOARD SHALL BE NECESSARY FOR THE ADOPTION OR REPEAL OF AN ORDINANCE CREATING SUCH A RESERVE FUND.

Section 82-56. (Purchasing and Contracts).

All purchases and contracts for the Town government shall be authorized by the Board or the President as provided herein. The President, as prescribed by ordinance, may be authorized to make individual purchases and execute contracts up to \$~~[[2,000]]~~ **10,000** in cost so long as the duration of the purchase or contract is one year or less without prior Board approval if such contracts or purchases were previously authorized by a budget ordinance or approved within any detailed budget documents supporting said budget ordinance. The Board shall provide by ordinance for rules and regulations regarding the use of sealed competitive bidding, request for proposals, negotiated proposals, negotiated bids and other forms of bids or offers, **AND ANY OTHER CONTRACTUAL MATTERS** as appropriate, for all Town purchases and contracts in keeping with good procurement practices and fiscal responsibility. All expenditures for contracts and purchases with an anticipated cost of more than ~~[[ten thousand dollars (\$10,000)]]~~ **\$75,000** shall be subject to **A competitive** ~~[[sealed bidding]]~~ **PROCUREMENT PROCESS DETERMINED BY THE BOARD** unless the Board, by ~~[[unanimous]]~~ **SUPERMAJORITY** vote of the full Board, finds another method of procurement, **AS PRESCRIBED BY ORDINANCE**, to be more advantageous. The Board shall ~~[[advertise]]~~ **ADVERTISE** for competitive sealed bids **OR ANOTHER METHOD OF PROCUREMENT** in such manner as shall be prescribed by ordinance for all such competitive ~~[[sealed bids]]~~ **OR OTHER METHODS OF PROCUREMENT**. ~~[[Competitive sealed bidding]]~~ **COMPETITIVELY PROCURED** contracts shall be awarded to the bidder **OR OFFEROR** who offers the lowest or best bid **OR OFFER**, quality of goods and work, time of delivery or completion, and responsibility of bidders **OR OFFERORS** being considered. All such ~~[[competitive sealed bidding]]~~ **COMPETITIVELY PROCURED AND OTHER CONTRACTS EXCEEDING \$75,000** shall **BE IN WRITING AND** approved by the Board before becoming effective. The Board shall have the right to reject all bids, **PROPOSALS OR OFFERS** and re-advertise. The Town, at any time in its discretion, may employ its own force for the construction or reconstruction of public improvements without advertising for (or re-advertising for) or receiving bids **OR**

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OFFERS. All contracts may be protected by such bonds, penalties and conditions as the Town may require. ~~[[For each fiscal year ending in a five or zero, the Board may adjust by ordinance the dollar amount the President is authorized to contract for or the dollar amount subject to competitive sealed bidding in an amount that may not exceed the cumulative Consumer Price Index for all urban consumers published by the United States Department of Labor for the preceding five or ten year period, or since the last adjustment was otherwise established by ordinance pursuant to this section.]]~~

* * *

Section 2. **BE IT FURTHER RESOLVED** that the Board finds that in addition to the other procedural charter adoption provisions found in State law, the General Assembly of Maryland passed HB 615 during the 2018 session effective July 1, 2018, requiring the legislative body of a municipality to hold a public hearing and give at least 21-days’ notice by posting the notice in a public place before adopting a resolution initiated by the legislative body that proposes an amendment to the municipal charter; and

Section 3. **BE IT FURTHER RESOLVED** that this Charter Amendment Resolution is adopted on the aforementioned date, and that upon adoption by the Board of Commissioners of The Town of Upper Marlboro, Maryland a complete and exact copy of this Charter Amendment Resolution shall be posted in the Town Office for a period of at least forty (40) days following the date of its adoption. Additionally, a fair summary of the proposed Amendment shall be published in a newspaper of general circulation in The Town of Upper Marlboro not less than four (4) times at weekly intervals within the forty (40) days following the adoption of this Charter Amendment Resolution.

Section 4. **BE IT FURTHER RESOLVED** that the Amendment initiated in this Charter Amendment Resolution shall take effect and shall become and be considered the Charter of The Town of Upper Marlboro, upon the fiftieth day after being so ordained or passed unless on or before the fortieth day after being so adopted and passed a referendum petition meeting the

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requirements of State law shall be presented to the Board of Commissioners of The Town of Upper Marlboro, Maryland or mailed to it by certified mail, return receipt requested, bearing a postmark from the United States Postal Service.

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

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

INTRODUCED by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a regular meeting on the _____ day of _____, 2022.

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PASSED by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a regular meeting on the _____ day of _____, 2022.

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 Hatchett, Commissioner

CHARTER RESOLUTION CERTIFICATE

I, JOHN HOATSON, the duly appointed, and qualified Clerk to the Board of Commissioners of the Town of Upper Marlboro, a municipal corporation of the State of Maryland, do hereby certify that (i) the attached copy of Charter Amendment Resolution 01-2022 is true, correct and complete; (ii) Charter Amendment Resolution 01-2022 was duly adopted by the Board of Commissioners of the Town of Upper Marlboro at a regular meeting held on the ____ day of _____, 2022; (iii) said meeting was duly convened and a quorum was present and acting throughout; (iv) Charter Amendment Resolution 01-2022, after having been introduced and fully discussed, was duly adopted, by a majority of Commissioners elected to the body and voting in the affirmative; and (v) Charter Amendment Resolution 01-2022 has not been subsequently amended, modified or repealed and remains in full force and effect as of the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of Town of Upper Marlboro this ____ day of _____, 2022.

(SEAL)

John Hoatson, Town Clerk
The Town of Upper Marlboro

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CHARTER AMENDMENT TIMELINE

DATE 21-DAY HEARING NOTICE POSTED: _____

DATE OF HEARING: _____

DATE OF INTRODUCTION: _____ (May be same as hearing)

DATE PASSED/POSTED: _____ (May be same as introduction)

40-DAY POSTING END DATE: _____

FAIR SUMMARY NEWSPAPER (x 4)

WEEKLY PUBLICATION DATES: _____

EFFECTIVE (50TH DAY) DATE: _____

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

ORDINANCE: 2022-06
SESSION: Regular Town Meeting
INTRODUCED: XXXXXXXXXX

**AN ORDINANCE GOVERNING THE PURCHASE AND RELATED TO THE USE OF
COMPETITIVE BIDDING, PURCHASING AND CONTRACTING FOR ALL TOWN
PROCUREMENTS.**

WHEREAS, pursuant to LG Art., § 5-202 of the State Code and § 82-16(1) of the Town Charter, the Board of Commissioners shall have the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or this charter as it may deem necessary for the good government of the Town; for the protection and preservation of the Town’s property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and visitors thereto and sojourners therein; and

WHEREAS, pursuant to Md. Ann. Code, Article 23A, § 2, the Town of Upper Marlboro (hereinafter, “the Town”) has the general authority to pass such ordinances not contrary to the Constitution of Maryland, public general law, and

WHEREAS, the Charter of the Town of Upper Marlboro (the “Charter”) in Section 82-56 (Purchasing and Contracts) mandates that the Board of Commissioners adopt an ordinance consistent with said Section, and

WHEREAS, the Board finds it in the best interest of the Town of Upper Marlboro to enact a new and comprehensive procurement ordinance as provided herein.

NOW, THEREFORE, the Board of Commissioners of the Town of Upper Marlboro, State of Maryland, does enact Ordinance 2022-XX:

SECTION 1. Purpose.

The purpose of this ordinance is to:

- (a) Provide for fair and equitable treatment of all persons involved in public purchasing by the Town;
- (b) Ensure the maximum purchasing value of public funds in procurement; and

(c) Provide safeguards for maintaining a procurement and disposition system of quality and integrity.

SECTION 2. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings set forth in this section:

- A. **Public Improvement** - Any improvement undertaken by the Town, including construction or reconstruction in whole or in part of any road, bridge, street, building or water, sewer or storm drain facility or any similar structure or facility necessary in carrying out the activities of the Town government.
- B. **Contractual Services** - Includes all types of services required by the Town, but not furnished by its own employees, except professional services which are by their nature not subject to competition.
- C. **Purchasing Agent**- The Town Administrator or Department Head, as applicable.
- D. **Supplies** - Includes all commodities, materials, equipment and all other articles or things furnished to be used by any department or Town official or employee.

SECTION 3. Specific Regulations.

- A. **Under Twenty Thousand Dollars (\$20,000.00).** Expenditures for supplies, materials, equipment, construction of public improvements or contractual services involving less than Twenty Thousand Dollars (\$20,000.00) shall be made by a department head, provided the amount of the procurement is within the budget.
- B. **Twenty Thousand Dollars (\$20,000.00) and above.** Except as otherwise provided in this section, expenditures for supplies, materials, equipment, construction of public improvements or contractual services involving Twenty Thousand Dollars (\$20,000.00) or more, shall be made as provided in §3-4.
- C. **Sole-source procurement.** A contract involving Twenty Thousand Dollars (\$20,000.00) or more may be awarded without competitive bidding when the Town Administrator determines, after a review of available resources and the receipt of a written recommendation of the department head where applicable, that there is only one source for the required item or service. The Town Administrator or department head shall negotiate, as appropriate, regarding price, delivery, and terms. Sole-source procurement shall be approved by the Board.
- D. **Professional Services.**
 - 1. For architectural, engineering, surveying, and planning services, anticipated to be greater than Twenty Thousand Dollars (\$20,000.00), the Town Administrator shall obtain at least three (3) proposals when practical. The Town Administrator shall submit the proposals, with a recommendation, to the Board for its determination. Services anticipated to be in amounts less than Twenty Thousand Dollars (\$20,000.00) shall be subject to the provisions of Subsection A hereof.

2. All contracts for other professional services, such as accounting, auditing, legal and insurance, anticipated to be in excess of Twenty Thousand Dollars (\$20,000.00) shall not be subject to competitive bid requirements but shall be approved on an individual basis by the Board. Services below Twenty Thousand Dollars (\$20,000.00) shall be subject to the provisions of Subsection A hereof.
- E. No anticipated contract or purchase shall be divided to avoid the requirements of §3-2.
- F. When the advertisement for sealed bids is impractical, unreasonable, or disadvantageous to the Town, the Purchasing Agent may institute an alternative method by utilizing the open market. The Purchasing Agent shall obtain at least three (3) price quotes or offers and present them to the Board with a recommendation. The Board may reject the bids or offers or accept such as is in the best interests of the Town.

Emergency purchases.

- A. An emergency for purposes of this chapter shall be deemed to exist when a breakdown in equipment, machinery, and/or a threatened curtailment of essential services or a dangerous condition develops, or when any unforeseen circumstance arises causing curtailment or diminution of an essential services.
- B. In cases or emergency, the Purchasing Agent may directly purchase the required supplies or services. The Purchasing Agent shall, whenever practical, obtain three (3) competitive informal bids and order from the lowest responsible bidder. The Mayor shall be notified of the emergency, and a written record shall be prepared as promptly as possible concerning the circumstances of the emergency. A tabulation of any bids and the amount expended shall be presented to the Mayor and Board at its next meeting.
- C. The Purchasing Agent shall endeavor to reduce emergency purchases to a minimum by use of service contracts or other arrangements for standby services.

Written Contracts.

All supplies, contractual services, and capital improvements, where the estimated cost exceeds Twenty Thousand Dollars (\$20,000.00), or a multi-year contract, shall be purchased by formal written contract with the lowest responsible bidder as detailed in XX. The following procedures shall be observed:

- A. The Purchasing Agent shall cause appropriate written specifications to be prepared. The Town may, but is not required to, use "value engineering" and/or "design/build" clauses in specifications and contracts for construction projects of sufficient size to offer reasonable opportunities for cost reduction.
- B. Advertisement to prospective bidders shall be given in at least one issue of a newspaper having general circulation in the Town at least fifteen (15) days before the date for the opening of bids. The Purchasing Agent may also advertise in any publication, website or other platform which is particular to the proposed project. Such advertisement shall include a general description of the supplies or contractual services involved or the capital improvement to be undertaken and shall state where bid forms and specifications may be obtained and the place and time of opening bids.

- C. Bids shall be opened publicly by the Purchasing Agent and recorded by the Town Clerk. The Purchasing Agent shall review and evaluate the bids then make a recommendation to the Board at its next meeting. The Board, by motion, shall award the contract to the lowest or best responsible bidder, except that the Board may reject all bids, parts of all bids or all bids for any one or more items included in the proposed contract, or waive technical defects whenever, in its judgment, the public interest will be served thereby.
- D. All contracts shall be signed on behalf of the Town by the Mayor or Purchasing Agent.

Negotiated Adjustments.

If the lowest responsible bid exceeds the available funds as certified by the Clerk-Treasurer, the Town Administrator is authorized to negotiate an adjustment of the bid price in order to bring the bid within the amount of available funds when:

- A. This can be achieved without materially changing the scope of the procurement; and
- B. When time or economic considerations preclude solicitation of work of a reduced scope.
- C. Any such negotiated adjustment shall be based only on eliminating independent deductive items specified in the invitation for bids.
- D. Regardless of the amount by which the bid exceeds available funds, the Town may reduce the scope of the project during the budget year and allow for completion of the project in the next budget year.

Lowest responsible bidder.

- A. In determining the lowest responsible bidder, the Town shall consider:
 1. The ability, capacity, and skill of the bidder to perform the contract or provide the service required;
 2. Whether the bidder can perform the contract or provide the service promptly or within the time specified without delay or interference;
 3. The character, integrity, reputation, judgment, experience, and efficiency of the bidder;
 4. The quality of performance of previous contracts or services, with the Town and/or with references provided;
 5. The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;
 6. Whether the bidder is in arrears on debt or contract or is a defaulter on surety or whether the bidder's taxes or assessments are delinquent;
 7. Such other information as may have a bearing on the decision to award the contract.
- B. The Town reserves the right to disqualify any bidder, whether an individual or an entity, who has been debarred or suspended from consideration for contracts by Carroll County or any other State or local governmental entity.

Correction or withdrawal of bids.

Correction or withdrawal of inadvertently erroneous bids before or after bid opening, or cancellation of awards based on such bid mistakes, may be permitted by the Town Administrator under the following conditions:

- A. Bids with mistakes discovered before bid opening may be modified or withdrawn upon written notice received by the Town before the time of bid opening;
- B. After bid opening, no changes in bid totals, prices, or other provisions prejudicial to the Town's interest or to fair competition shall be permitted;
- C. In lieu of bid correction, a bidder alleging a material mistake of fact may be permitted to withdraw its bid if:
 - 1. The mistake is clearly evident on the face of the bid document; or
 - 2. The bidder submits evidence which adequately demonstrates that a mistake of fact was made.
- D. All decisions to permit bids to be corrected or withdrawn based on bid mistakes shall be at the Town's sole discretion.

Cooperative Purchasing.

In lieu of the competitive bid process outlined in §3-4, the Town Administrator may participate in cooperative or "piggyback" purchasing with other governments or intergovernmental associations, providing the public notice for the bid or contract is in accordance with the rules and regulations of the soliciting entity.

Purchase order procedures.

- A. All purchase orders will be signed by the Town Administrator or his or her
- B. Before any payment on a delivery will be made, the Purchasing Agent will ensure that the item or services have been delivered in good condition.

Sale of any items, including supplies, equipment, and other materials.

- A. The Purchasing Agent is authorized to exchange or trade-in obsolete equipment or surplus supplies in part of full payment for new supplies or equipment.
- B. The Purchasing Agent may sell any Town owned items, including supplies, equipment and other materials which are determined to be surplus, obsolete, or no longer needed.
- C. This provision shall not apply to materials sold to the general public, including commemorative items, collectible items, items marked with the Town Seal or name.

Credit Cards.

Certain employees may be authorized to utilize debit or credit card accounts established by the Town via Financial Policy adopted via Resolution. These accounts shall not be used for personal business by any such employee. Receipts and all other documentation of any credit card use shall be provided to the Town's finance team as soon as practicable after the use.

Additional provisions.

- A. Except as provided in §3-3, no elected official, department head, Town Administrator, or Clerk-Treasurer is authorized to enter into any contract for non-budgeted items for the Town without the approval of the Board, and the Town shall not be liable on any such contract.
- B. No elected official shall direct that the Town Administrator, or department head, procure goods or services from any specific person or entity except as provided by this chapter.

SECTION 4. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this chapter, it being the intent of the Town that this chapter shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase or portion thereof.

SECTION 5. Section Headings, Chapter Headings, Titles.

Section headings, chapter headings, titles, etc., are for the purpose of description or ease of use and do not form a part of the text of this Ordinance or any Code or test adopted hereby.

SECTION 6. Existing Liabilities.

This Ordinance shall not discharge, impair, or release any contract, obligation, duty, liability, or penalty whatever existing on the date of its enactment. All suits and actions, both civil and criminal pending or which may hereafter be instituted for causes of action now existing or offenses already committed against any law or ordinance affected by the adoption of this Ordinance shall be instituted, proceeded with, and prosecuted to final determination and judgment as if this Ordinance had not become effective.

SECTION 7. BE IT FURTHER ENACTED AND ORDERED that this Ordinance shall take effect twenty (20) calendar days after its final approval by the Board of Commissioners of the Town of Upper Marlboro, Maryland.

SECTION 8. BE IT FURTHER ENACTED AND ORDERED that this Ordinance shall repeal and replace Ordinance 2011-02 passed on July 5th, 2011.

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 Resolution, and that said Resolution is in full force and effect and has not been amended or repealed.

In witness whereof, I have hereunto set my hand and seal of the municipal corporation, this _____ day of _____, 2022.

John Hoatson, Town Clerk



Town of Upper Marlboro

Town Hall, 14211 School Lane
Upper Marlboro, MD 20772

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

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

Policy on Town Credit Cards, Invoice Payments, and Deposits --DRAFT--

Policy Goal

The Goal of this policy is to ensure a strong checks & balances system within the financial institution of the Town of Upper Marlboro to ensure Town tax dollars are being spent in a responsible and appropriate manner. This policy does not supersede or replace Ordinance 2011-02 Procurement or the Town Charter, this policy is meant to enhance these pieces of legislation.

Position Responsibilities

Below are each positions' general responsibilities in terms of this policy:

President/Mayor: Oversees the Town's fiscal well-being and expenditures. 2nd signer of checks over \$5,000

Treasurer: Primary signer of all checks, reviews monthly Treasurer's reports.

Board: Board of Town Commissioners for the Town of Upper Marlboro, approves purchases as required by legislation.

Town Administrator: Serves as the Department head for General Government, and serves as the lead staff member for the Town's Financial operations. Has access to Town Bank accounts, and works with the Treasurer, Mayor, and Town Accounting Firm on the higher-level financial operations of the Town.

Bookkeeper: Assists the Town Administrator with the day-to-day financial record keeping and operations.

Chief of Police: Serves as the Department head for Public Safety and is responsible for all Public Safety expenditures.

Director of Public Works: Serves as the Department head for Public Works and is responsible for all Public Works expenditures.

Town Clerk's Office: Responsible for the receiving and all bill and invoices that are delivered via the US Postal Service or other means. Also accepts payments made at Town Hall.

Section 1 Procurement Practices

It is the responsibility of all Town elected officials and Town staff below procurement guidelines are strictly followed. These guidelines are directly from Ordinance 2022-06 Procurement.

Under \$2,000: Department heads are authorized to make purchases under \$2,000

Between \$2,000 and \$10,000: Department heads must obtain at least three proposals or prices and make a recommendation to the President/Mayor.

Between \$10,000 and \$75,000: Requires a minimum of three written quotes or proposals and formal Board approval. A Resolution shall be required for multi-year all contracts and/or purchases over \$10,000.

Over \$75,000: Requires a competitive selection process with Board approval.

Section 2 Town Credit Cards & Line of Credit

Card Issuance: Each Town Department Head is assigned a Town Credit Card in their name for procurement for their respective Town department. The President shall also be issued a credit card for emergency/large purchases only.

Card Limits: Department head credit cards shall be set at a \$5,000 limit. The President's card shall have a \$20,000 limit.

Card Statement Reconciliation: The Town Administrator shall provide department heads with statements to attach receipts and invoices of purchases on that statement. Each purchase shall be deducted from a line item in the Department's budget.

Payment: The Town Administrator shall ensure the cards are payed off on a monthly and routine basis.

Additional Credit Cards & Lines of Credit: An opening of a line of credit, or credit card, requires the approval of the Board of Town Commissioners. The below additional credit accounts are "grandfathered":

- Home Depot Card: Due to the nature of the Public Works department and the concentration of spending at this particular store, it was deemed beneficial to set up a Home Depot credit card with a limit of \$2,000.
- Patuxent Nursery: Due to the nature of the Public Works department and the concentration of spending for landscaping, and the close proximity of this vendor, it was deemed beneficial to set up a Home Depot credit card with a limit of \$2,000.

Card User: Email Delivery of receipt: credit card user will email copy of receipt at time of purchase to bill.com inbox. <mailto:uppermarlboro@bill.com>. Credit card user will handwrite on the receipt: CC (credit Card), department (GG, PS, PW), plus description of good and services purchased.

Bill.com Receipt Processing: Contract accountants will code bills to the budget, add invoice description and assign approval route.

Payment: Town Administrator will pay monthly credit card balances in full on vendors website directly from bank at month end, credit card payments will not be made from Bill.com.

Reconciliation: On the first business day of the new month, Town Administrator will email contract accountants monthly activity statements for Home Depot and Sona Bank.

Town Administrator will share credit card statements with department heads on the first day of the new month for support and coding. Department heads will review credit card charges and scan any missing credit card receipts to bill.com inbox by the 4th business day of the new month. Contract accountants will reconcile scanned and coded credit card receipts in Bill.com to the monthly statement and provide the Town Administrator with an email outlining any missing credit card charges by the 5th business day of the new month.

Invoice Approval and Budget coding: Town Department heads will review and approve receipt details and budget coding and in their approval queue by the 8th business day of the month. Town Administrator will review, provide any changes needed to preliminary credit card email and respond to contract accountant credit card email by 8th business day of the month. In the event the approval email is not received from the Town Administrator by the 8th business day of the new month the contract accounts have the authority to code approve credit card charges based on the preliminary coding email. Contract accountant will add any missing activity to bill.com and approve and mark paid in the system.

Document Retention: Any paper credit card receipts and coding support will be maintained by the Town Administrator in a file cabinet for the annual financial statement audit.

Section 3 Processing of Invoices & Payment

Receiving & Distribution: The Town Clerk's Office shall process all incoming invoices that arrive by USPS. This is the preferred method of delivery of invoices. When an invoice arrived by mail or to the Town's general email account, the Town Clerk's Office will forward them to the bookkeeper who will upload them into Town's financial software for approval of department heads. Department heads who receive invoices by email or in person do not need to submit them to the clerk, but still submit them to the bookkeeper and/or financial software system for payment.

Authorization of Payment: Department heads are responsible for all invoices coming from their Department's budget. All invoices coming from line items in their budget must be reviewed and approved prior to being submitted to the bookkeeper and/or financial software system for payment. The bookkeeper cannot authorize any invoices.

Payment: Upon receiving invoices, the bookkeeper shall prepare checks to be signed and attach them to the invoice that they are paying. The checks and invoices shall then be reviewed by the Town Administrator prior to being released for signature by the Treasurer and/or President. Once signed, checks/payments are to be issued out promptly. Payment shall be made within 30 days of the invoice date.

Overdue Invoices: The Town Administrator shall notify the Treasurer of any invoices intentionally, or mistakenly, left unpaid past the 30 days of the date of the invoice as soon as it is known.

Section 4 Deposits

Mailed & Walk-In Payment: The Town accepts cash, check, and money order payments at Town Hall. Payments, and their receipts, and then deposited into a locked drop box. This secure deposit box shall be attached to the structure of Town Hall to prevent easy removal. The Town

Administrator/Bookkeeper shall have the primary set of keys, and the Town Administrator a back-up set. The Town Clerk or any other personnel should not have access to this box. The Town Administrator/Bookkeeper shall, at least once per week, process the deposits from the box, and deposit them at the bank.

Credit Card Payments: There is one terminal at Town Hall for in-person or over the phone payments. The Town charges a 3.5% processing fee for all credit card transactions. If a payment is made in person with a credit card, two receipts shall be printed from the terminal. A copy shall go to the customer and the signed copy is attached to a copy of the payment information sheet outlining what the charge is for and placed in the deposit box. If payment is made by phone, only one receipt needs to be printed, attached to the payment information sheet, and dropped in the deposit box. The daily summary printout shall be placed in the deposit box as well, so that receipts can be reconciled by day.

Section 5 Town Parking Meters

Parking Meter Coin Collection: The Chief of Police and the Code/Parking Officer are charged with ensuring parking meter coins are collected on a regular basis, not to exceed two weeks in between collection. The current parking meter coin collection equipment the Town has purchased allows for the collector to not have access to the coins. The Chief of Police is responsible for the parking meter coin collection key that grants access to coins.

Coin collection is to be done by at least two staff members, preferably the Code Officer and one Police Officer. When emptying meters, staff is required to swipe the IPS “Coin Collection Card” at each meter emptied so that the system registers the coins being emptied. The coin cart collection bins are to be locked with a keyed lock, of which only the Town Administrator/Bookkeeper will have. Coin canisters from the meters will be emptied into the cart which fills the locked collection bins. Once collection is complete, the bins will be brought to the bookkeeper to be emptied into sealed coin deposit bags and deposited at the bank that same day. After the bank processes the coins and a deposit is made into the Town’s bank account, the bookkeeper shall reconcile it with the IPS Parking system record of coins collected to ensure accuracy. The Code Officer will then double check the IPS system to ensure all meters have been registered as emptied immediately following each collection.

Parking Meter Credit Card Payment: Payments made by credit cards are to be reconciled by the bookkeeper by checking the bank statements and the IPS system’s records on a monthly basis.

Section 6 Penalties and Investigation

This policy communicates the actions to be taken for suspected misconduct committed, encountered, or observed by employees and volunteers. Like all entities, the Town of Upper Marlboro faces many risks associated with fraud, abuse, and other forms of misconduct. Our Town is committed to establishing and maintaining a work environment of the highest ethical standards. Achievement of this goal requires the cooperation and assistance of every employee and volunteer at all levels of the Town.

Whistleblower Protection: The Town will consider any reprisal against a reporting individual an act of misconduct subject to disciplinary procedures. A “reporting individual” is one who, in good faith, reported a suspected act of misconduct in accordance with this policy, or provided to a law

enforcement officer any truthful information relating to the commission or possible commission of a federal offense or any other possible violation. A simple email to all Commissioners, the Town Administrator, and the Town Attorney regarding possible fraud is considered enough of a notification of possible wrongdoing.

Reporting Procedure: If an employee of the Town of Upper Marlboro has a reasonable belief that an employee or the Town has engaged in any action that violates any applicable law, or regulation, including those concerning accounting and auditing, or constitutes a fraudulent practice, the employee is expected to immediately report such information by following the procedures as detailed in the personnel handbook.

Disciplinary Action: Disciplinary actions are guided by Town of Upper Marlboro Personnel Handbook.

Investigation: The Town Attorney shall work with the Town's auditing firm to conduct an investigation into possible fraud or misconduct should the need arise.

DRAFT



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 Facilities Cleaning Firm

RFP # UM 2022-03

Project Overview: The Town of Upper Marlboro is seeking proposals from firms to handle the cleaning services for two Town-owned buildings described below.

Description of Work – Town Hall Building (square footage: 4,500)

14211 School Lane Upper Marlboro MD 20772

Timeframe of Services (Monday-Friday 1pm- 6:30pm)

Bi-Weekly Services:

The general areas to be serviced twice a week include the following: Lobby & Entrance, Restrooms, General Office Areas, Private Offices, Meeting Rooms, and Hallways.

1. Empty wastebaskets, replace liner, recycle material in proper receptacles (if applicable)
2. Dust and disinfect (where appropriate) furniture, including desktops, computer equipment, tables, and chairs with treated cloth
3. Vacuum carpeting and runners
4. Damp mop all tile floors
5. Clean with sanitary spray and polish to a shine all dispensers, mirrors, sinks, and faucets
6. Wipe clean and polish all splash areas
7. Scrub toilet and urinal interiors with a liquid abrasive and flush afterwards, clean all toilet exteriors and surrounding areas
8. Fill paper towel dispensers and add toilet paper to holders. Leave one extra roll of toilet paper in each stall
9. Sweep floor, apply solution, clean around wall, under toilets and urinals. Wet mop entire floor surface
10. Clean and sanitize drinking fountains and door handles
11. Clean and remove fingerprints from door glass and interior office windows, and from all glass-topped furniture
12. Remove trash recycling to appropriate outside dumpster
13. Remove cobwebs, dust all topped surfaces, and clean baseboards
14. Inspect area; secure doors and lights (doors found locked shall be re-locked).

Bi-Annual Services:

1. Wax and buff tile and
2. Interior and exterior window washing

Annual Service:

1. Shampoo carpets.

Description of Work – Public Works Office Building (square footage: 800)

5335 Judges Drive Upper Marlboro MD 20772

Timeframe of Services (Monday-Friday 8am-9pm)

1. Empty wastebaskets, replace liner, recycle material in proper receptacles (if applicable)
2. Dust and disinfect (where appropriate) furniture, including desktops, computer equipment, tables, and chairs with treated cloth
3. Vacuum carpeting and runners (where applicable)
4. Damp mop all tile floors
5. Clean with sanitary spray and polish to a shine all dispensers, mirrors, sinks, and faucets
6. Wipe clean and polish all splash areas
7. Scrub toilet and urinal interiors with a liquid abrasive and flush afterwards
8. Fill paper towel dispensers and add toilet paper to holders. Leave one extra roll of toilet paper in restroom
9. Sweep floor, apply solution, clean around wall, under toilets and urinals. Wet mop entire floor surface
10. Clean and sanitize drinking fountains and door handles
11. Clean and remove fingerprints from door glass and interior office windows, and from all glass-topped furniture
12. Remove trash recycling to appropriate outside dumpster
13. Inspect area; secure doors and lights (doors found locked shall be re-locked).

Budget: The monthly cost of the services should not exceed \$600.00 per month.

Deadline: Responses to this RFP are to be submitted by Monday October 31st, 2022, at 5pm. 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 December 15th, 2024. Town Elected Officials will participate in the process of selecting the appropriate firm. Proposals will be evaluated based on:

- Adequacy of the proposed methodology of the vendor
- Skill and experience of key personnel
- Demonstrate company experience
- Other technical specifications (designated by program requesting proposals)
- Compliance with administrative requirements of the request for proposal format, due date etc.
- Results of communications with references supplied by vendor
- Ability/commitment to meeting time deadlines
- Cost
- Minority – or women-owned business status of vendor
- Business located within Town limits or local to Upper Marlboro area.
- Other (specified by program)

Rejection Of Submissions: The Town reserves the right to do the following: reject any or all submissions, waive informalities and irregularities in the submissions received, and accept any portion of any submission if deemed in the best interest of the Town.

Incurring Cost: The Town is not liable for any cost incurred by entities prior to executing a contract or purchase order.

Anti-Lobbying Provision: Vendors must indicate through written promise within the proposal cover letter that Proposer's officers, employees, agents, consultants or lobbyists will not attempt to lobby or influence a vote or recommendation related to the Vendor's proposal submitted in

response to this RFP; directly or indirectly, through any contact with Town Commissioner or other Town officials between the date that the request is sent out and the date the contract resulting here from is awarded by the Board of Town Commissioners. Such behavior may be immediate cause for rejection of the Vendor's proposal.

Point of Contact: Darnell Bond, Director of Public Works, can be reached at 301-627-6905 or dbond@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

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Request for Proposals

Town of Upper Marlboro Media Relations Firm

RFP # UM 2022-02

Project Overview: The Town of Upper Marlboro is seeking proposals from firms to assist and guide the Town on to manage Town relationships with the media and ensure quality and accurate dissemination of information; act as Town’s official spokesperson with the media; respond to crisis outbreaks; provide proactive media relations; facilitate news conferences and prepare all necessary materials as needed; proactively promote Town accomplishments and activities.

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

- Social Media Strategy and Messaging
- Crisis Communications
- Event Promotion and Publicity
- Media Outreach
- Media Training and Coaching for Elected Officials & Staff
- 24/7 On-Call Availability for Emergencies

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

- Extensive crisis communications expertise, including crises that threatened public safety and/or corporate reputation.
- Ability to manage multiple issues and priorities on deadline.
- Experience serving as a senior press aide to a mayor, governor, or other governmental executive leader, including serving as that official’s media spokesperson or press secretary.
- Prior experience as a print or broadcast journalist preferred.
- 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 demonstrable working relationships with media outlets in the Washington-Baltimore media markets.
- Prior experience working closely with local law enforcement preferred.
- Individual or firm must have prior experience working within the Washington, DC region, including Prince George’s and/or Montgomery counties.
- Individual or firm must be able to work independently, but also thrive as part of a fully functional team.
- Experience with assisting with the development of social media outreach on platforms including but not limited to Facebook, Twitter, Instagram, TikTok, Nextdoor, and YouTube.

Budget: The Town is looking for individuals or firms who bill at an hourly rate, with an average monthly cost of \$800.00 per month.

Deadline: Responses to this RFP are to be submitted by **Monday October 31st, 2022**, at 5pm. 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 December 15th, 2024. 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 public 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 by hourly rate, and monthly retainer fee is applicable.

Rejection Of Submissions: The Town reserves the right to do the following: reject any or all submissions, waive informalities and irregularities in the submissions received, and accept any portion of any submission if deemed in the best interest of the Town.

Anti-Lobbying Provision: Vendors must indicate through written promise within the proposal cover letter that Proposer's officers, employees, agents, consultants or lobbyists will not attempt to lobby or influence a vote or recommendation related to the Vendor's proposal submitted in response to this RFP; directly or indirectly, through any contact with Town Commissioner or other Town officials between the date that the request is sent out and the date the contract resulting here from is awarded by the Board of Town Commissioners. Such behavior may be immediate cause for rejection of the Vendor's proposal.

Incurring Cost: The Town is not liable for any cost incurred by entities prior to executing a contract or purchase order.

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.



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Janice Duckett
 Treasurer

Karen Lott
 Commissioner

Sarah Franklin
 President

Thomas Hanchett
 Commissioner

Vacant
 Commissioner

Re: Employee Recruitment & Retention

As our local area and marketplace has become increasingly more competitive it has and could continue to yield our town less qualified candidates as well as undesired attrition amongst our current workforce. While our budget may not always accommodate the candidates we desire, there are remedies through incentives and benefits that have proven to retain tenured employees and level the playing field when recruiting new employees.

The following are recommendations for discussion and consideration, some of which we can implement almost immediately while others may require a closer look during our budgeting discussions.

- competitive salaries (annual or bi-annual market rate assessments)
- performance based bonuses
- retirement plan contribution increases based on years of service
- supplemental retirement plan (457B Governmental)
- disability insurance - leave donation
- EAP (Employee Assistance Program)
- employee voluntary legal plan coverage
- pet insurance (we love our pets)
- workforce training workshops/curriculums
- tuition reimbursement (tied to agreed upon years of service)
- mileage pay for general government or personal use of car for Town business
- employee recognition programs (publicly acknowledge our employees accomplishments)
- birthday/milestone recognition (half day off consideration)

By-laws of the Town of Upper Marlboro Arts Council

ARTICLE I— NAME, LOCATION

This Council shall be known as the Town of Upper Marlboro Arts Council (Arts Council). The Arts Council is a committee formed by the Town of Upper Marlboro's Board of Commissioners pursuant to Town Charter Section 82-17 and Ordinance 2012-02. These by-laws, and any amendments thereto, become effective when approved by the Town Board.

ARTICLE II— MISSION

The Upper Marlboro Arts Council is dedicated to increasing appreciation of the arts, cultivating creative exploration, and supporting diverse cultural artistic expression and accessibility of the arts for the enrichment of community life. The Arts Council works to advocate for culture and the arts and to educate and inform the public. The Council's goals are to foster meaningful engagement, promote and invest in art, and to collaborate and liaison between artists, art and cultural organizations, businesses, government, and educational interests in community spaces.

ARTICLE III— MEMBERS

Section 1: In December of each even-numbered year the Board of Commissioners appoints a minimum of seven members for two-year terms, effective January 1 of that year. The Arts Council will choose a minimum of seven voting members from their membership, these members shall be known as the Voting Board. Any additional roles and responsibilities will be chosen by a majority vote of Arts Council members.

Section 2: Resignation and Vacancy: A member may resign their position while not necessarily resigning membership by submitting a letter to the Voting Board which shall be read into the official minutes. Vacancies occurring in any office shall be filled for the remainder of the term by electing a substitute at the regular meeting following the resignation.

ARTICLE IV— ASSOCIATE MEMBERS

Associate Members are individuals who express an interest in and who participate and contribute to the mission of the Arts Council.

ARTICLE V— MEETINGS

Section 1: Meetings will be held at the Town Hall or virtually unless the Voting Board announces in advance another location.

Section 2: Monthly Meetings: General, monthly meetings will be held the first (1st) Monday of each month. Special meetings may be called by order of the Chairperson. Members shall be notified in advance.

Section 3: A proposed monthly or special meeting agenda will be provided to the Council, in advance.

Section 5: Quorum: A quorum for the meetings shall be five (5) Arts Council members. Arts Council members absent for personal or family crisis may elect to vote by proxy ballot. The Voting Board shall be the final rule on the presence of a quorum.

Section 6: All meetings shall be open to the public, with notice to the public given in advance.

ARTICLE VI— ASSIGNED DUTIES

Voting Board — The voting board shall have executive supervision over the activities within the scope provided by these bylaws. Once members of the Voting Board shall preside at all meetings, submit a quarterly report of the activities to the Board of Town Commissioners, and submit a budget request each March. Council expenditures will be processed through the Board of Commissioners, the Chairperson, or the Town liaison to the Council as required by the Procurement Ordinance of the Town of Upper Marlboro. The fiscal year shall be July 1 through June 30.

ARTICLE VIII - PARLIAMENTARY PROCEDURE

Except as otherwise specified in these by-laws, all meetings shall be conducted according to Robert’s Rules of Order, relaxed. The order of business at any regular meeting of the membership shall be:

- Attendance will be taken
- Reading or disposal of the minutes of the previous meeting
- Reports by officers and committees
- Unfinished business
- New business
- Adjournment

ARTICLE IX: AMENDMENTS

These by-laws may be amended or revised by proposal of the Council members and approved by a majority vote at a regular meeting. The amendment shall then be adopted, modified or rejected at the succeeding regular meeting of the membership. By-law revisions must be approved by the Town Board of Commissioners before becoming effective.

ARTICLE X - DISSOLUTION

In the event of the dissolution of the Council, the Council’s collections, assets, properties, and records shall be turned over to the Board of Town Commissioners.

ARTICLE XI - EFFECTIVE DATE

These by-laws shall become effective on _____.

APPROVED by the Board of Commissioners of the Town of Upper Marlboro, Maryland at their regular, monthly Town Meeting, on this _____ day of _____, 2022, by:

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

ORDINANCE: 2022-05 **DRAFT**
SESSION: Regular Town Meeting
INTRODUCED: August 23rd, 2022
DATE ENACTED: _____

AN ORDINANCE REQUIRING THE REGISTRATION OF CERTAIN VACANT BUILDINGS AND LOTS; REQUIRING CERTAIN OWNERS TO REGISTER A LOCAL AGENT; ALLOWING FOR CERTAIN EXCEPTIONS, WAIVERS AND APPEALS TO BE GRANTED; PROVIDING FOR CERTAIN ENFORCEMENT ACTIONS, LIENS AND PENALTIES; AND GENERALLY RELATING TO THE TAXATION, LICENSING AND REGISTRATION OF REAL PROPERTY AND ADOPTING A VACANT PROPERTY AND TAX CLASSIFICATION ORDINANCE; DEFINING VACANT DEVELOPED REAL PROPERTY FOR TAX CLASSIFICATION PURPOSES; AUTHORIZING THE REVISION OF ESTABLISHED FEES BY RESOLUTION; ALLOWING FOR CERTAIN EXCEPTIONS, WAIVERS AND APPEALS TO BE GRANTED; CREATING, DEFINING AND DESIGNATING CERTAIN TAX CLASSIFICATIONS FOR RESIDENTIAL, COMMERCIAL, VACANT DEVELOPED AND AGRICULTURAL USE REAL PROPERTY SITUATED WITHIN THE TOWN AND SUBJECT TO MUNICIPAL TAXATION; PROVIDING FOR CERTAIN ENFORCEMENT ACTIONS, LIENS AND PENALTIES; AND GENERALLY RELATING TO THE TAXATION, LICENSING AND REGISTRATION OF REAL PROPERTY

WHEREAS, The Town of Upper Marlboro is an incorporated municipality governed pursuant to Article XI-E of the Constitution of Maryland; and

WHEREAS, pursuant to LG Art., § 5-202 of said State Code, the Board of Commissioners has the authority to pass such ordinances as it deems necessary to assure the good government of the municipality, to protect and preserve the municipality’s rights, to secure persons and property from danger and destruction, and to promote the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, pursuant to LG Art., § 5-205(d)(1) of the Annotated Code of Maryland, the legislative body of the Town may establish and collect reasonable fees and charges for franchises, licenses, or permits granted by the municipality; or, associated with the exercise of a governmental or proprietary function exercised by a municipality; and

WHEREAS, pursuant to LG Art., § 5-205(d)(2) of said State Code, and § 82-16(2)(hh) of the Town Charter, the legislative body of the Town is further empowered to pass ordinances to provide that any valid taxes, assessments or charges made against any real property within the Town shall be liens upon such property from the date they became payable; and

WHEREAS, pursuant to Section 5-202 of the Local Government Article of Md. Ann. Code, the legislative body of a municipality in this State shall have general power to pass such ordinances, not contrary to the Constitution of Maryland or public general law, as they may deem necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property,

and privileges, to preserve peace and good order, to secure persons and property from destruction, and to protect the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, pursuant to Article 15 of the Maryland Declaration of Rights, as initially adopted in 1867, “every person in the State, or person holding property therein, ought to contribute his proportion of public taxes for the support of the Government, according to his actual worth in real or personal property;” and

WHEREAS, pursuant to Section 82-47 of the Charter of the Town of Upper Marlboro (the “Charter”), all real property and all tangible personal property within the corporate limits of the Town, or personal property which may have a situs there by reason of the residence of the owner therein, shall be subject to taxation for municipal purposes, and the assessment used shall be the same as that for State and County taxes, and that authority is given by said section to impose taxes only on property over which the Maryland Constitution or any act of the General Assembly grants taxing authority to the Town of Upper Marlboro or to any municipality in the State of Maryland; and

WHEREAS, below is an extract of the 2022-2023 list of county and municipal tax rates, and property tax rates in effect on July 18, 2022, published by the Maryland State Department of Assessments and Taxation (“SDAT”):

| JURISDICTION | REAL PROPERTY TAX | | | PERSONAL PROPERTY TAX | | |
|--------------------------------|-------------------|--------|-------|-----------------------|--------|-------|
| | Town | County | State | Town | County | State |
| Upper Marlboro - Noncommercial | 0.3400 | .9430 | .1120 | .5300 | 2.3530 | .0000 |
| Upper Marlboro - Commercial | 0.5600 | .9430 | .1120 | .5300 | 2.3530 | .0000 |

All rates are shown per \$100 of assessment; the State Utility Tax rate is 0.2800 while Town’s and County’s is currently 2.1000; and

WHEREAS, property tax rates are set by each unit of government, such as the State, counties, and incorporated cities and towns, for properties assessed (i.e., valued) by the State enabling said governments to set tax rates at the level required to fund governmental services of which said rates may be increased, decreased, or remain the same from year to year; however, should a proposed tax rate increase the total property tax revenues for a given class of real property, the governing body must advertise that fact and hold a public hearing on the new tax rate pursuant to Tax-Property Article, §6-308 of the Md. Ann. Code, which is called the Constant Yield Tax Rate process; and

WHEREAS, pursuant to the Tax-Property Article, §6-303(a) of the Md. Ann. Code, if not otherwise prohibited by said Article, the governing body of a municipal corporation may set separate rates for any classes of property that is subject to the municipal corporation property tax, in each year after the date of finality (i.e., January 1) and before the following July 1, the governing body of each municipal corporation annually shall set the tax rate for the next taxable year on all assessments of property subject to municipal corporation property tax; and

WHEREAS, pursuant to the Tax-Property Article, §6-303(c) of the Md. Ann. Code, unless otherwise provided by the governing body of the municipal corporation there shall be a single municipal corporation property tax rate for all real property subject to municipal corporation property tax; and

WHEREAS, the Town currently has only two (2) classes of real property, despite having the authority to create multiple classifications as provided in the Tax-Property Article, §6-203(a) of the Md. Ann. Code whereby a “municipal corporation may impose municipal corporation property tax on those classes of property that it selects [i.e., the municipality itself is authorized to create and designate] to be subject to municipal corporation property tax;” and

WHEREAS, there are fourteen (14) administrative land use codes used by the Maryland State Department of Assessments and Taxation to describe every lot or parcel of real property as follows: agricultural, apartment, commercial, commercial condominium, commercial/residential, (residential) condominium, country club, exempt, exempt commercial, industrial, marsh, residential, residential/commercial, and town house; however, unlike the counties, the municipalities are not restricted to any enumerated statutory list or description when choosing to define classes of real property for municipal taxation purposes; and

WHEREAS, the Board finds that the City of Mount Rainier has created a vacant developed real property tax in order to facilitate and streamline the sale of vacant developed properties to new owners and the Town of Upper Marlboro wishes to enact a similar tax; and

WHEREAS, the Board further finds that residential property is a necessity of life to the inhabitant from which the owner-occupant or tenant derives little to no income, unlike commercial, agricultural, vacant developed, or industrial property, and that such a classification of real property is rationally related to an important governmental purpose in relieving the tax burden on residential property owners thereby making housing more affordable, and promoting the policies of making the Town a more sustainable, livable and family-oriented community.

NOW, THEREFORE, the Board of Commissioners of the Town of Upper Marlboro, State of Maryland, does ordain and enact the following:

Part 1 – VACANT PROPERTY REGISTRATION PROGRAM

Section 1. Vacant Property Registration.

A. Intent and scope. The Board of Commissioners (the “Board”) finds that the proliferation of vacant and abandoned buildings, structures, dwellings and lots in Upper Marlboro causes a deterioration of neighborhoods and areas within the Town and has a negative impact on the value of property in close proximity to the vacant and abandoned buildings, structures, dwellings and lots. The Board further finds that vacant and abandoned buildings, structures, dwellings and lots often cause a serious threat to the safety and welfare of the residents of the Town and erode the quality of life of all who live and work in the Town, and such properties are frequently places of infestation of rodents, vermin, insects, wild animals and other health-threatening creatures and diseases, provide shelter to criminals and vagrants who use such places to evade the police and to conduct illicit activities, and are a nuisance to children and adults alike.

B. Definitions.

For purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them as follows:

Lot means an area of land designated as a separate parcel or unit of land on a legally recorded subdivision plat or deed filed among the land records of Prince George’s County and assigned a property tax account identification number that is assigned to one or more such units or parcels of land.

Occupied building or structure means any building or structure wherein one or more persons actually conducts a business or resides in all or any part of the building as the business occupant, or as the legal or equitable owner/occupant or tenant on a permanent, non-transient basis, or any combination of the same. For purposes of this section, evidence offered to prove that a building is so occupied may include, but shall not be limited to, the regular receipt of delivery of regular mail through the United States Postal Service; proof of continual telephone, electric, gas, heating, water and sewer services; or a valid Town business license.

Owner means any person, partnership, limited-liability company, corporation or other entity who, alone or jointly with others, shall have legal title to any premises, with or without accompanying actual possession thereof; or who shall have charge, care or control of any dwelling unit as a cooperative shareholder or as executor, administrator, trustee, receiver or guardian of the estate or as a mortgagee in possession, title or control, including but not limited to a bank or lending institution, regardless of how such possession, title or control was obtained.

Vacant building or structure means a building or structure where no person or persons actually currently conduct a business or reside or live in any part of the building or structure as the legal or equitable owner or tenant-occupant, or owner-occupant, or tenant on a permanent, non-transient basis.

Vacant developed property means a lot or parcel of land that has a vacant building except as provided in Section 3 (Exemptions) below.

Vacant lot means a lot without a building or other valid and approved improvement which has an assessed value for taxation purposes as determined by the State of Maryland, Department of Assessments and Taxation.

C. Annual registration of vacant buildings or lots; local agent; registration fees.

1. Vacant building or lot registration. Any owner of any building or lot which has been vacant for more than 120 consecutive days shall file with the Town Administrator or his designee a vacant building or lot registration. Said registration shall be in a form prescribed by the Town Administrator which shall include the street address and parcel number of each such vacant building or lot, the names and addresses of all owners, in accordance with Subsection C.1(a) through (g) below, and any other information deemed necessary by the Town Administrator. In no instance shall the registration of a vacant building or lot and the payment of registration fees be construed to exonerate the owner, agent or responsible party from responsibility for compliance with any other building code or Town ordinance requirement. The registration fee(s), as required herein, shall be billed by the Town Treasurer or designee and shall be paid by January 1 of each year. For purposes of this section, the following shall also be applicable:

(a) If the owner is a corporation, the names and addresses of the officers of the corporation shall be provided and shall be accompanied by the name of the resident agent filed with the Maryland Department of Assessments and Taxation;

- (b) If the owner is a limited-liability company, the name and address of the managing member shall be provided;
- (c) If the owner is an estate, the name and address of the executor or administrator of the estate shall be provided;
- (d) If the owner is a trust, the name and address of all trustees, or grantors shall be provided;
- (e) If the owner is a partnership, the names and addresses of all partners with an interest of 10% or greater shall be provided;
- (f) If the owner is any other form of unincorporated association, the names and addresses of all principals or co-owners with an interest of 10% or greater shall be provided; or
- (g) If the owner is an individual person, the name and address of that individual person shall be provided.

2. Local agent.

- (a) If none of the persons listed in Subsection C.1(a) through (g) above are within the State, the registration statement also shall provide the name and address of a person who resides within the State and who is authorized to accept service of process on behalf of the owners.
- (b) The registration statement shall designate a responsible, local party or agent for purposes of notification in the event of an emergency affecting the public health, safety or welfare.

3. Fee.

- (a) The owner or owners of any vacant property located within the corporate limits shall be responsible to register and pay the annual nonrefundable registration fee of \$250; thereafter, said fee shall be billed by the Town Treasurer annually on November 1. The Board may revise or increase registration fees established under this section by written resolution, provided such fee does not exceed \$750.
- (b) One vacant building or lot registration may be filed to include all vacant buildings situated upon a single property of an owner so registering or on a series of abutting or adjoining vacant lots. The fee of \$250 shall apply to the property upon which the buildings are situated or multiple vacant lots adjoining one another. A separate fee need not be paid for each building upon a single property or for more than one lot in a series of abutting or adjoining vacant lots.
- (c) Appeal rights. The owner shall have the right to appeal the imposition of the registration fees to the Board of Commissioners upon filing an application in writing to the Town Administrator no later than 30 calendar days from the date of the billing statement. On appeal, the owner shall bear the burden of providing proof that the building is occupied, or the lot is improved with a building or assessed structure. The decision of the Board may not be appealed as an administrative agency decision by filing a petition for judicial review but shall be enforced pursuant to Subsection k.
- (d) One-time waiver of registration fee. A one-time waiver of the registration fee for up to 90 days may be granted by the Town Administrator upon application of the owner and upon review and advice of the Town Attorney, within 30 calendar days from the date of the bill for the registration fee, or if denied by the Town manager, upon appeal to the Board, if the owner:

1. Demonstrates with satisfactory proof that he/she is in the process of demolition, rehabilitation, or other substantial repair of the vacant building; and demonstrates the anticipated length of time for the demolition, rehabilitation, or other substantial repair of the vacant building; or
2. Demonstrates he/she is actively attempting to sell or lease the property during the vacancy period; and
3. Is current on all registration fees and all other financial obligations and/or debts owed to the Town which are associated with the vacant property.

F. One-year waiver. Upon application by the owner and satisfaction of Subsection e above, the Town Administrator may grant a one-time, one-year waiver of the registration fee, or if denied by the Town Administrator, upon appeal to the Board, if the owner is a nonprofit or tax-exempt organization.

G. Delinquent registration fees as a lien.

1. After the owner is given notice of the amount of the registration fee due, except for those owners that have properly perfected an appeal as provided above, and the owner fails to pay the amount due, said amount shall constitute a debt due and owing to the Town.
2. Any registration fees, when accrued or overdue, pursuant to this Section, and any penalties assessed hereto shall be considered a lien in favor of the Town on the applicable property and may be collected and enforced in the same manner as delinquent or accrued real property taxes.

H. Duty to amend registration statement. If the status of the registration information changes during the course of any calendar year, it is the responsibility of the owner, responsible party or agent for the same to contact the Town Administrator or designee within 30 days of the occurrence of such changes and advise the town manager in writing of those changes.

I. Exceptions. This section shall not apply to any building or lot owned by the United States, the State, the County, nor to any of their respective agencies or political subdivisions.

J. Duty of Town Administrator to maintain and notify. The Town Administrator or his designee shall maintain the vacant building or lot registrations in the normal course of business and shall notify the Town chief of police who shall notify local fire and ambulance services of all locations on the registry.

K. Enforcement.

1. Penalties for offenses. Any owner, or agent of an owner acting on behalf of the owner, who fails to register a vacant building or lot or to pay any fees required to be paid pursuant to the provisions of this section, within 30 days after they become due, shall constitute a municipal infraction violation punishable upon conviction thereof by a fine in the amount of \$1,000 for each failure to register, or for each failure to pay a required vacant building or lot registration fee.
2. Other enforcement. The registration of a vacant building or vacant lot or absence thereof shall not preclude action by the Town to obtain a court order to force abatement, maintenance or removal of a public nuisance or any other violation found on any vacant lot or building pursuant to any other provisions of this code of ordinances or other law. The Town shall have the right to remove litter, trash, noxious weeds, tall grass, unsanitary or flammable waste materials and to do such other maintenance or work as is necessary to bring the property into compliance with the general ordinances of the Town of Upper

Marlboro. The cost of these actions shall be paid for by the owner. The Town shall send the invoice or bill for the costs of such work by certified mail, return receipt requested, and by regular mail to the owner’s last known address or by any other means reasonably calculated to bring the bill to the owner’s attention. Should the owner fail to pay the bill within one (1) month after it is presented or mailed, the costs shall be considered a lien against the property and may be collected in the same manner as real property taxes. Nothing in this Section shall be construed to limit the Town from seeking any other legal damages or equitable and declaratory relief permitted by law to enforce this code of ordinances in a court of competent jurisdiction in this state.

L. Violations

Unless provided otherwise, any violation of this Part 1 shall be deemed a municipal infraction. The penalty for such violation shall be a \$250.00 fine for an initial offense together with a suspension of the license for no more than 90 days and \$500.00 for each repeat offense together with a revocation of the license. Each day any violation continues shall be a separate offense.

Part 2 - REAL PROPERTY TAXES AND CLASSIFICATIONS

Section 2. Real Property Classifications

A. Effective for the tax year beginning July 1, 2023, and for each tax year thereafter unless altered by a subsequent enactment of the Board of Commissioners, the classifications of property subject to municipal taxation, with respect to those properties, businesses or utilities located within the municipal boundaries of the Town of Upper Marlboro, shall be as follows:

| <u>PROPERTY CLASSIFICATIONS</u> | <u>*FY ‘24 RATE/\$100</u> |
|------------------------------------|---------------------------|
| 1. COMMERCIAL REAL PROPERTY, | 0.56 |
| 2. NONCOMMERCIAL REAL PROPERTY, | 0.34 |
| 3. AGRICULTURAL USE REAL PROPERTY, | 0.25 |
| 4. VACANT REAL PROPERTY, | 1.25 |
| 5. BUSINESS PERSONAL PROPERTY, AND | 0.53 |
| 6. PUBLIC UTILITY PROPERTY | 2.10 |

(These rates may have been established by previous legislation and are indicated herein for informational purposes only. Prior to this ordinance, which shall apply beginning in FY '24 (July 1, 2023), all real property has been taxed at the same or different rates as two (2) classes distinguished as to commercial or noncommercial real property.)*

B. Real property that is lawfully used or leased substantially for residential dwelling purposes shall be classified as noncommercial real property. All other real property shall be classified as commercial real property, agricultural real property or vacant real property as defined by this ordinance or State law. Property that is exempt from taxation shall remain exempt regardless of classification by the Town.

C. The Treasurer or their designee shall notify the Special Assistant to the Director of the Maryland State Department of Assessments and Taxation of the action taken under the provisions of this ordinance and offer a copy hereof as soon as possible, but no later than December 1, 2022.

D. The Treasurer or their designee shall coordinate with the State Department of Assessments and Taxation

regarding the requirement to obtain constant yield tax rate certifications for the net assessable real property base for the two (2) separate classes of real property created by this ordinance, no later than February 1, 2023, and each year thereafter.

Section 3. Vacant Developed Real Property Tax; Exemptions

- A. The definitions prescribed in Sections 1 and 2 above shall apply to this Section.
- B. The municipal tax rate for vacant developed property shall be the amount established by the ordinance setting the tax rate for that fiscal year on assessments of property subject to municipal property tax.
- C. A lot or parcel shall be subject to the vacant developed property tax rate if it has a building that is registered or designated by the Town Administrator as a vacant building in accordance with Section 1.
- D. For mixed-use commercial and residential properties with a vacant commercial portion, the vacant developed property tax rates shall apply only to the assessed value of the improved area containing the vacant commercial portion, which shall be determined by multiplying the total assessed value of the improvements by the percentage of the improved area consisting of the vacant commercial portion.
- E. The vacant developed property tax rates shall not apply to a lot or parcel with a vacant building if the property also has an occupied building that has an above grade area equal to or greater than that of a vacant building.
- F. Vacant developed property shall not be subject to the vacant developed property tax rate when it is under active construction or undergoing active rehabilitation, renovation or repair and there is a valid building permit to make the building fit for occupancy. The exemption from the vacant developed property tax rate under this paragraph shall not exceed a total of two years while the property remains under the ownership of one person, or related persons.
- G. The Town Administrator shall transmit to the Prince George's County tax assessor a list of the property subject to the vacant developed property tax by May 1st of each year, and the vacant developed property tax rate will be levied upon the properties the following fiscal year.
- H. When a property becomes occupied or exempt from the vacant developed property tax rate pursuant to Subsection F, the owner shall notify the Town Administrator of the matter as may be prescribed by regulation approved by formal resolution or ordinance. If the request for termination of the vacant developed property tax rate is approved, determination shall be effective the following fiscal year.
- I. If the vacant developed property tax rate is paid on the property because of an error on the part of the Town, the municipal property tax paid in excess of the taxes due under the regular municipal rate shall be refunded. Refunds pursuant to this subsection shall not exceed the value of the excess payment for the period of one year.
- J. The Town Administrator will, upon request, provide written notice to the lenders for prospective purchasers of vacant, developed property, that property will not be subject to the vacant. Develop

property tax rate commencing the following fiscal year if the property is occupied or requirements of Subsection E.

- K. Exemptions. A residential property that becomes vacant as a result of the death of an owner of the property who resided that property, for whom the property was their domicile at the time of their test, shall not constitute a vacant developed property for a period of two years after the date of death. To qualify for this death exemption, a representative of the estate of the deceased must provide the Town Administrator with a copy of the death certificate and proof that on the date of death, the deceased resided at the property, or the property was their domicile. Domicile means the place where a person has his or her true fixed permanent home, habitation and principal establishment without any present intention of removing there from and to which place he or she has the intent to return when absent.

- L. Temporary Exemptions for Accidental Damage. In occupied residential property that becomes uninhabitable as a result of a fire or flood, unless intentionally caused by the owner or his or her agent or natural death, disaster shall not constitute a vacant developed property for a period of two years after the incident that caused the property to become uninhabitable. To qualify for this exemption, the owner must provide satisfactory proof to the Town Administrator that the property is uninhabitable as a result of a fire, flood, or natural disaster and the date of the fire, flood, or natural disaster occurred. Examples of records that constitutes satisfactorily proof include, but are not limited to, police and fire reports, insurance company correspondence, and claims documentation, news and weather reports, photographs, videos and code enforcement inspection records.

AND BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that pursuant to the Town Charter, this Ordinance shall be posted in the Town office and a fair summary of it shall be published once in a newspaper of general circulation in the Town and effective 20 days after passage by the Board.

AYES: _____ NAYES: _____ ABSENT: _____

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that any prior ordinances adopting and enacting any provision of this Ordinance or any other ordinance or resolution previously adopted pertaining to a subject or subjects embodied by the title of this Ordinance or the provisions found in conflict herein shall be deemed amended, repealed and/or superseded by the provisions of this Ordinance, as applicable, and should a previously enacted ordinance cover a provision or subject that is not covered by this Ordinance, it shall remain in full force and effect unless it directly conflicts with the express language of this Ordinance.

INTRODUCED in a public session of the Board of Commissioners on this _____ day of _____, 2022.

ORDAINED, APPROVED AND finally passed by the Board of Commissioners of the Town of Upper Marlboro, Maryland on this _____ day of _____, 2022, 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 Hatchett, Commissioner

Reviewed and Approved for Legal Sufficiency

Kevin J. Best, Esq.

Date: _____