



Town of Upper Marlboro

BOARD OF TOWN COMMISSIONERS WORK SESSION

14211 School Lane, Upper Marlboro, Maryland, 20772

Tuesday, October 11, 2022 at 7:00 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/87276292676?pwd=dEtZalhOOGJIYitQL0FpY3dzUzhoUT09>

Webinar ID: 872 7629 2676; **Passcode:** 513317; **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: 7:00 PM

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. Review of Agenda**
- 5. Business**
 - A. Financial Legislation Package - Any Questions, Comments or Changes (Board Discussion)
 - B. Government Structure - Financial & Elected Official Accountability (Board Discussion)
 - C. Ethics Board (Board Discussion)
 - D. Code of Conduct (Board Discussion)
 - E. Parking Ordinance (Board Discussion)
 - F. Entertainment Tax (Board Discussion)
 - G. A Resolution for the purpose of adopting a town personnel respect and dignity policy and amending the employee handbook of the Town of Upper Marlboro (the "Town") (Board Discussion)
- 6. General Government / Administrative Update**
 - A. New Printer (Board Discussion)
 - B. Pocket Park Electrical Installation (Board Discussion)
- 7. Preliminary Approval of Next Meeting Agenda**
- 8. 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

**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

CAPS : Indicate matter added to existing law.
[[Brackets]] : Indicate matter deleted from law.
*** : Indicate matter retained but not restated in existing law.

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:

CAPS : Indicate matter added to existing law.
[[Brackets]] : Indicate matter deleted from law.
******* : Indicate matter retained but not restated in this Resolution.

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**

CAPS : Indicate matter added to existing law.
[[Brackets]] : Indicate matter deleted from law.
******* : Indicate matter retained but not restated in this Resolution.

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**

CAPS : Indicate matter added to existing law.
[[Brackets]] : Indicate matter deleted from law.
******* : Indicate matter retained but not restated in this Resolution.

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

CAPS : Indicate matter added to existing law.
[[Brackets]] : Indicate matter deleted from law.
******* : Indicate matter retained but not restated in this Resolution.

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.

CAPS : Indicate matter added to existing law.
[[Brackets]] : Indicate matter deleted from law.
******* : Indicate matter retained but not restated in this Resolution.

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

CAPS : Indicate matter added to existing law.
[[Brackets]] : Indicate matter deleted from law.
*** : Indicate matter retained but not restated in this Resolution.

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: _____

CAPS : Indicate matter added to existing law.
[[Brackets]] : Indicate matter deleted from law.
*** : Indicate matter retained but not restated in this Resolution.

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

ORDINANCE: 2022-06
SESSION: Regular Town Meeting
INTRODUCED: September 27, 2022

**AN ORDINANCE GOVERNING AND PROVIDING RULES AND REGULATIONS
REGARDING TOWN PURCHASES AND CONTRACTS CONSISTENT WITH SECTION
82-56 OF THE TOWN CHARTER, AS AMENDED**

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, 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 to provide rules and regulations regarding all Town purchases and contracts in keeping with good procurement practices and fiscal responsibility, and consistent with said Section, and

WHEREAS, contemporaneous with this ordinance, the Board has introduced for passage Charter Amendment Resolution No. 01-2022 that amends the finance provisions of the Charter including Section 82-56 (Purchasing and Contracts); 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 hereby ordain and enact Ordinance 2022-06 as follows:

PURCHASING AND CONTRACTS

SECTION 1. Purpose.

The purpose of this Ordinance is to:

- (a) Provide for fair and equitable treatment of all persons involved in public purchasing and contracting administered by the Town;

- (b) Ensure the maximum purchasing value of public funds in procurement;
- (c) Provide safeguards for maintaining a procurement and disposition system of quality and integrity; and
- (d) Protect the Town from liability, or controversy and ensure legal sufficiency of written agreements entered into by the Town using municipal funds.

SECTION 2. Definitions.

For the purpose of this Ordinance, 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. *Employment Contract* – An agreement or term of hire that is extended from the Town as an employer to a Town employee to set the terms and conditions of their employment. While usually a written document, these agreements can also be verbal.
- C. *Contractual Services* – Includes all types of services required by the Town, but typically not furnished by its own employees, except professional services typically provided by independent contractors which are by their nature typically not subject to competition. Contracts may be oral or written.
- D. *Independent Contractor* – Includes professionals such as lawyers, accountants, contractors, subcontractors, surveyors, or auctioneers and the like who are in an independent trade, business, or profession in which they offer their services to the general public. An individual typically is an independent contractor if the Town has the right to control or direct only the result of the work and not what will be done and how it will be done.
- E. *Purchasing Agent* – The Town Administrator or Department Head, as applicable.
- F. *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 Ten Thousand Dollars (\$10,000.00)*. Expenditures for supplies, materials, equipment, construction of public improvements or contractual services involving less than Ten Thousand Dollars (\$10,000.00) shall be made by the Mayor, provided the amount of the procurement is appropriated within the approved budget and the term is for one year or less.
- B. *Ten Thousand Dollars (\$10,000.00) to Seventy-Five Thousand Dollars (\$75,000.00)*. Except as otherwise provided in this section, expenditures for supplies, materials, equipment, construction of public improvements or contractual services involving Ten Thousand Dollars (\$10,000.00) to Seventy-Five Thousand Dollars (\$75,000.00), shall be made by the Board without requiring any quotes, advertisements offering sale, proposals

or through the use of any other competitive procurement methods; however, a majority of the Board present and voting may elect to require any such competitive method so designated be used.

- C. *Seventy-Five Thousand Dollars (\$75,000.00) or above.* Except as otherwise provided in this section, expenditures for supplies, materials, equipment, construction of public improvements or contractual services involving Seventy-Five Thousand Dollars (\$75,000.00) or above, shall be subject to a competitive procurement process determined by the Board unless the Board, by supermajority vote of the full Board, finds another method of procurement, as prescribed by this Ordinance, to be more advantageous. The Board shall advertise for competitive sealed bids or another method of procurement in such manner as shall be prescribed by this Ordinance for all such competitive or other methods of procurement. All such competitively procured and other contracts exceeding Seventy-Five Thousand Dollars (\$75,000.00) shall be in writing and approved by the Board before becoming effective.
- D. *Sole-source procurement.* Notwithstanding anything herein to the contrary, a contract involving Seventy-Five Thousand Dollars (\$75,000.00) or more may be awarded without using competitive procurement methods when the Town Administrator under the supervision of the Mayor 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 reasonably available for the required item or service or there is limited time to efficiently and cost effectively accomplish both the competitive procurement process and the public service or project in need of completion. The Town Administrator or department head shall negotiate, as appropriate, regarding price, delivery, and terms. A sole-source procurement shall be approved by the Board.
- E. *Professional Services.*
1. For architectural, engineering, surveying, and planning services or the like, anticipated to be Seventy-Five Thousand Dollars (\$75,000.00) or less, the Town Administrator shall obtain multiple proposals when practical. The Town Administrator shall submit one or more proposals, with a recommendation, to the Board for its determination. Services anticipated to be in amounts less than Ten Thousand Dollars (\$10,000.00) 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 Seventy-Five Thousand Dollars (\$75,000.00) shall be subject to competitive procurement requirements but shall be approved subject to use of an alternative method of procurement as prescribed by the Board on an individual basis by the Board.
- F. *Employment Contracts.* Employees are normally recruited and hired as “at-will” employees without an employment contract and the terms of employment are governed by the Employee Handbook and other personnel policies and regulations; however, the Board may enter into employment contracts with individuals having unique skills, experience or special training and education. Employment contracts and recruitment shall not be subject to the competitive bid requirements governed by this Ordinance but

shall be approved on an individual basis in accordance with the Charter and any other applicable law or policy.

- G. *Multiple Purchases.* No anticipated contract or purchase shall be divided to avoid the requirements of Subsection 3.B.
- H. *Awarding Contracts.* 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. The Board shall have the right to reject all bids, proposals or offers and re-advertise.
- I. *Alternative Methods.* 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 one (1) price quote or offer and present it to the Board with a recommendation. The Board may reject the method, or the bids or offers or accept such as is in the best interests of the Town.

SECTION 4. Emergency Purchases.

- A. An emergency for purposes of this ordinance 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.
- D. This Section shall be construed in harmony with Section 9 of Ordinance 2020-04 (Emergency Operations), as amended.

SECTION 5. Written Contracts.

All supplies, contractual services, and capital improvements, where the estimated cost exceeds Seventy-Five Thousand Dollars (\$75,000.00), or a multi-year contract, shall be purchased by formal written contract with the lowest responsible bidder as detailed in Section 7 unless another procurement process is authorized in accordance with the Charter. 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. The Town is encouraged to liberally include reasonable termination clauses for both cause and convenience in the contracts.

- 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, including advertisement on any State mandated online procurement system. 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. Sealed 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 for supplies, contractual services, and capital improvements shall be signed on behalf of the Town by the Mayor or Purchasing Agent.

SECTION 6. Negotiated Adjustments.

If the lowest responsible bid exceeds the available funds as certified by the 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.

SECTION 7. Lowest Responsible Bidder or Offeror.

- A. In determining the lowest responsible bidder and the lowest or best bid or offer, the Town shall consider:
 1. The ability, capacity, and skill of the bidder or offeror to perform the contract or provide the service required;
 2. Whether the bidder or offeror 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 or offeror;
 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 or offeror with laws and ordinances relating to the contract or service;
 6. Whether the bidder or offeror is in arrears on debt or contract or is a defaulter on surety or whether the bidder's or offeror'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 or offeror, whether an individual or an entity, who has been debarred or suspended from consideration for contracts by the Town or any other State or local governmental entity.

SECTION 8. Correction or Withdrawal of Bids or Proposals.

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

- A. Bids or proposals 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 or proposal opening, no changes in bid or proposal totals, prices, or other provisions prejudicial to the Town's interest or to fair competition shall be permitted;
- C. In lieu of bid or proposal correction, a bidder or proposer 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 proposal; or
 2. The bidder or proposer submits evidence which adequately demonstrates that a mistake of fact was made.
- D. All decisions to permit bids or proposals to be corrected or withdrawn based on bid or proposal mistakes shall be at the Town's sole discretion.

SECTION 9. Cooperative Purchasing.

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

SECTION 10. Purchase Order Procedures.

- A. All purchase orders will be signed by the Town Administrator or his or her designee.
- 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.

SECTION 11. 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 lieu 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.

Any personal property of the Town exceeding Ten Thousand Dollars (\$10,000.00) in estimated potential market value shall be approved as surplus for disposal by the Board.

- C. This provision shall not apply to materials sold to the general public, including commemorative items, collectible items, or items marked with the Town Seal or name.

SECTION 12. Credit Cards.

Certain employees may be authorized to utilize debit or credit card accounts established by the Town in accordance with the Financial Policy adopted by 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.

SECTION 13. Additional Provisions.

- A. Except as provided in Subsection 3.A, no elected official, department head, Town Administrator, Clerk, Treasurer or subordinate employee 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 a department head, to procure goods or services from any specific person or entity except as provided by this ordinance.
- C. Every contract, purchase or binding transaction shall be documented appropriately by written contract, receipt, invoice, voucher, or memoranda delivered in hard copy or electronically to the Town's finance team.

SECTION 14. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance 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 ordinance, it being the intent of the Town that this ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase or portion thereof.

SECTION 15. Section Headings, Titles.

Section headings, and 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 16. 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 17. 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, provided that Charter Amendment Resolution 01-2022 amending Section 82-56 of the Town Charter is effective; otherwise, this Ordinance will become effective immediately after said resolution becomes effective pursuant to State law.

SECTION 18. 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 Ordinance, and that said Ordinance is in full force and effect and has not been amended or repealed.

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

John Hoatson, Town Clerk



Town of Upper Marlboro

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

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

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 and is responsible for all Public Works expenditures.

Town Clerk's Office: Responsible for the receiving and of 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-XX 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 paid 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.

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 recipes, 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 Director of Finance 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 Director of Finance 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 Director of Finance 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.



Town of Upper Marlboro

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

MEMORANDUM

To: Board of Town Commissioners
From: Kyle Snyder, Town Administrator
Date: Tuesday, October 4th, 2022
Re: Town Traffic & Parking Legislation Review

Commissioners,

The Town of Upper Marlboro has a robust set of Ordinances and Resolutions relating to traffic and parking within the Town limits, which should be reviewed and updated every 5 years or so or as conditions change. Before the Board for discussion are three pieces of legislation, the overarching Traffic & Parking Ordinance, and two Resolutions regulating parking meter fines and parking meter rates.

History of Town Parking Legislation

Before 2016, parking rates were \$0.50 per hour M-F 8 am-6 pm.

Resolution 2016-04 Passed on 7/12/2016

Increased hourly rate to \$0.75 per hour and added meter enforcement from 6pm until midnight at a lower \$0.50 per hour rate.

Unanimously Approved by President Jim Storey, Commissioner Linda Pennoyer, Commissioner Nancy Claggett

Resolution 2018-06 Passed on 2/12/2019

Increased hourly rate to \$2.50 per hour and added meter enforcement 24/7 Monday-Saturday.

Unanimously Approved by President Tonga Turner, Commissioner Linda Pennoyer, Commissioner Wanda Leonard up

Traffic & Parking Ordinance

Staff are proposing minor updates and changes to this Ordinance, primarily to fully shift the responsibility of parking & traffic duties over to the Police Department. The parking Ordinance was last overhauled in 2017.

Parking Meter Rates Resolution

Staff is proposing a new “off-peak” parking rate for the Town-owned on-street meters to help encourage visitors to come downtown and support local businesses. Currently, the Town’s parking meters charge \$2.50 per hour 24/7 except Sundays and holidays (Gov Oden Bowie Dr is free after 5

pm and on Saturday & Sunday due to the pond). The Town has the highest rate in the region, and while this makes sense while the courthouse is operating, the higher-than-average parking rate acts as a deterrent to potential visitors after hours when the courthouse is closed. A comparison chart of area on-street parking meter rates is included to the right, showing the amount of revenue collected in each respective hour of the day. Currently, roughly only less than 2% of parking revenue comes between the hours of 6pm and 6am.

The Board of Commissioners could choose to change the hours the parking fee is active, have a reduced rate, or leave it as is.

HourlyRevenue

Customer: Upper Marlboro, MD Town of
Date Range: 10/01/2021 to 10/04/2022

Hour	Coin (\$)	Credit (\$)	Coin (%)	Credit (%)	Total (\$)	Total Time Purchased (hours)
05:00:00	0.25	2.50	9.09	90.91	\$ 3	1.00
06:00:00	69.15	347.75	15.56	78.25	\$ 444	194.47
07:00:00	759.65	3,335.50	16.61	72.93	\$ 4,573	1,923.86
08:00:00	6,548.50	16,652.50	26.23	66.71	\$ 24,963	10,116.06
09:00:00	7,185.80	12,413.75	34.28	59.23	\$ 20,960	8,543.93
10:00:00	7,351.80	11,160.50	37.38	56.75	\$ 19,666	7,905.99
11:00:00	6,645.15	10,022.00	38.12	57.5	\$ 17,430	7,026.39
12:00:00	8,004.85	13,877.00	35.14	60.93	\$ 22,777	9,191.00
13:00:00	7,257.00	12,916.25	34.57	61.53	\$ 20,993	8,440.13
14:00:00	5,818.55	9,495.50	36.39	59.38	\$ 15,990	6,422.20
15:00:00	4,171.70	6,533.50	37.77	59.15	\$ 11,045	4,420.86
16:00:00	1,859.50	3,287.75	35.06	61.98	\$ 5,304	2,116.97
17:00:00	928.90	2,659.75	24.7	70.71	\$ 3,761	1,466.42
18:00:00	595.05	2,678.50	17.44	78.5	\$ 3,412	1,359.74
19:00:00	337.75	1,801.50	14.59	77.83	\$ 2,315	924.01
20:00:00	143.10	771.75	15.27	82.33	\$ 937	374.10
21:00:00	43.85	103.25	27.91	65.72	\$ 157	62.82
22:00:00	20.70	29.75	30.75	44.19	\$ 67	26.23
23:00:00	0.00	2.50	0	50	\$ 5	2.00
	\$57,741.25	\$108,091.00	34.82 %	65.18 %	\$174,802.98	70,518.18

Report Execution Time: 10/04/202

Parking Fines Resolution

Chief Burse is recommending increasing some of the parking fines based on comparisons of neighboring jurisdictions and the County’s recent increases.

Below is a chart of parking meter rates from jurisdictions around the region; selection is limited as only certain areas outside of major cities in our area have on-street parking meters. The average hourly rate of all these jurisdictions is \$1.80 per hour. This chart was researched and compiled by our summer intern Savannah Miller.

City/Town	Parking Meter Rates	Notes
City of College Park	\$1.00 per hour	Monday-Saturday 8 am-10pm except holidays
City of Hyattsville	\$0.50 per hour	8am-8pm Monday-Saturday
City of Mt. Rainier	\$1.00 per hour	10am-11pm except Sundays and holidays
City of Annapolis	\$2.00 per hour	Six days a week 10am-7:30pm, on Sundays 12pm-7:30pm
City of Alexandria, VA	\$1.75 per hour	Monday-Saturday 8am-9pm
National Harbor (Prince George’s County)	\$2.30 per hour	Monday-Saturday 7am-10pm.
Town of Upper Marlboro	\$2.50 per hour	Monday-Saturday 24/7 Gov Oden Bowie Dr Free Sat & after 5pm M-F

The Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772

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

DRAFT

ORDINANCE: 2022-05
SESSION: Regular Town Meeting
INTRODUCED: May 24, 2022

AN ORDINANCE OF THE TOWN OF UPPER MARLBORO CREATING, DEFINING AND AUTHORIZING THE LEVY AND COLLECTION OF A STATE SHARED REVENUE KNOWN AS THE ADMISSIONS AND AMUSEMENT TAX FOR CERTAIN ENTERTAINMENT AND AMUSEMENT ACTIVITIES CONDUCTED WITHIN THE TOWN AND SUBJECT TO MUNICIPAL TAXATION, AND GENERALLY RELATING TO MUNICIPAL FINANCE AND TAXATION

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 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 danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, pursuant to Tax General Article, Sections 4-102 through 4-105, and Sections 2-201 and 2-202, municipalities may levy a tax on the gross receipts of a wide variety of entertainment and amusement activities which take place within their jurisdictions and the taxable activities generally include: 1.) Use of a game of entertainment, 2.) Amounts charged for admission within an enclosure in addition to the initial charge for admission, 3.) Amounts charged for the use or rental of sporting or recreational equipment or recreational facility, and 4.) Amounts charged for refreshment, service or merchandise at any hotel room, restaurant, hall, nightclub or other similar place where dancing privileges, live music or other entertainment is provided for the patrons; and

WHEREAS, pursuant to § 4-102 (Authorization to impose tax) of the Tax – General Article of Md. Ann. Code, a municipal corporation or county (See Admissions and Amusement Tax Rate

CAPITALS : Indicate matter to be added to existing law
[Brackets] : Indicate matter to be deleted from existing law
Asterisks * * * : Indicate that text is retained from existing law but omitted herein.

Schedule, attached hereto as Exhibit A) may impose, by ordinance or resolution, a tax on: 1.) the gross receipts derived from any admissions and amusement charge in that municipal corporation; and 2.) an admission in that municipal corporation for a reduced charge or at no charge to a place if there is a charge for other admissions to the place; and

WHEREAS, the Comptroller has divided the taxable entertainment and amusement activities into 37 categories (see a complete list of activity codes and descriptions attached hereto as Exhibit B), including: athletic events, concerts, nightclubs, and use of coin-operated amusement machines, where the gross receipts from these activities may be taxed at a rate of up to 10%; however, each category may be taxed at a different rate and State authorized exemptions permitted by a municipality currently include: bowling alleys, boxing and wrestling matches, certain bingo events, charter fishing, concerts, a variety of charitable, religious, and non-profit activities, and arts and entertainment enterprises; and

WHEREAS, if the activity is also subject to the State sales tax or use tax, the combined total tax on the gross receipts may not exceed 10%, and since the State sales tax is 6%, this means that the local admissions and amusement tax may not exceed 4% on such activities as the rental of boats, golf carts, horses, skates, skis, or the sale of refreshments and merchandise when offered in connection with live entertainment; and

WHEREAS, effective June 1, 2009, electronic bingo machines and electronic tip jars are subject to a state admissions and amusement tax of 30 percent on the taxable net proceeds, and the tax is in addition to any county or municipal admissions and amusement tax which may be levied, but if the proceeds subject to tax are also subject to a county or municipal corporation tax, then the tax rate when combined must not exceed 35 percent; and

WHEREAS, in terms of distribution of the tax collected by the Comptroller, each person or firm subject to the tax is required to pay its respective taxes to the State Comptroller by the 10th of each month and the Comptroller deducts and retains an amount of revenue sufficient to cover the cost of administering the program, but the balance of the taxes collected is paid back to the respective governments from which the revenues originated within 20 days of the end of each calendar quarter; and

WHEREAS, in terms of conditions placed on the tax collected by the Comptroller, 1.) the Town's officials must notify the Comptroller at least 60 days in advance of any change in the rate of taxation of on activity; and 2.) if a municipality levies an amusement tax, the county may not levy an amusement tax on activities within the municipal boundaries; and

WHEREAS, in pursuant to § 4-1059(g) (Tax rates) of the Tax – General Art., if a county, a municipal corporation, or the Stadium Authority changes an admissions and amusement tax rate or changes a class to which a rate applies, the county, municipal corporation, or Stadium Authority shall give the Comptroller notice of the change at least 60 days before the effective date of the change; and

WHEREAS, Town Board of Commissioners finds it to be in the best interest of the Town to impose a tax on the gross receipts derived from any admissions and amusement charge or for a reduced charge or at no charge to a place if there is a charge for other admissions to the place, subject to the conditions or exemptions stated herein below.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO, STATE OF MARYLAND, DOES HEREBY ORDAIN AND ENACT THE FOLLOWING PROVISIONS REGARDING AN ADMISSIONS AND AMUSEMENT TAX TO BE LEVIED IN THE TOWN AND COLLECTED BY THE OFFICE OF THE STATE COMPTROLLER IN ACCORDANCE WITH STATE LAW AND THIS ORDINANCE:

ADMISSIONS AND AMUSEMENT TAX

Section 1. Definitions.

A. The term “admission and amusement charge,” unless expressly provided otherwise, means a charge for:

1. Admission to a place, including any additional separate charge for admission within an enclosure;
2. Use of a game of entertainment;
3. Use of a recreational or sports facility;
4. Use or rental of recreational or sports equipment; and
5. Merchandise, refreshments or a service sold or served in connection with entertainment at a nightclub or room in a hotel, restaurant, hall, roof garden or other similar place, or other place where dancing privileges, music or other entertainment is provided.

B. The term "roof garden or other similar place" shall include any room in any hotel, restaurant, hall or other place where music or dancing privileges or other entertainment, except mechanical music, radio or television alone and where no dancing is permitted, is afforded the members, guests or patrons in connection with the serving or selling of food, refreshments or merchandise.

Section 2. Admissions and amusement tax levy.

A. Pursuant to the authority of § 4-102(a)(1) of the Tax - General Article of the Annotated Code of Maryland, as amended or recodified from time to time, there is levied a tax at the rate of 10% of gross receipts derived from any admission and amusement charge in the Town of Upper Marlboro.

B. If gross receipts subject to the admissions and amusement tax are also subject to the State of Maryland sales and use tax, the total combined admission and amusement tax and sales and use tax shall not exceed 10% of the gross receipts.

C. The admissions and amusements tax levied by this Ordinance shall be collected by the Comptroller of the State of Maryland.

Section 3. Additional tax for reduced charge or free admission.

A. There is levied an admission and amusement tax on a reduced charge or free admission at the following rates:

1. \$0.05, if the charge for any other admission is \$0.50 or less;
 2. \$0.10, if the charge for any other admission is more than \$0.50, but does not exceed \$1.00;
- and
3. \$0.15, if the charge for any other admission is more than \$1.00.

B. The additional tax levied by this section shall be collected by the Comptroller of the State of Maryland.

Section 4. Exemptions.

No admissions and amusement tax shall be levied or collected on gross receipts:

A. Derived from any charge for merchandise, refreshments or a service sold or served at a place where dancing is prohibited and the only entertainment provided is mechanical music, radio or television;

B. Derived from any charge for admission to a live boxing or wrestling match; or a concert or theatrical event presented or offered by a nonprofit group that is organized and operated to present or offer an annual series of scheduled musical concerts or is organized and operated for a cultural purpose and receives a grant directly or indirectly from the Maryland State Arts Council;

C. Derived from any charge for admission to or use of:

1. A facility or equipment in connection with a bingo game that is operated in accordance with Section 13-1803 of the Criminal Law Article of the Annotated Code of Maryland;
2. A bowling alley or lane; or
3. A charter fishing boat;

D. Derived from any charge for admission or for merchandise, refreshments or a service, if the gross receipts are used exclusively for:

1. A charitable, educational or religious purpose;
2. A volunteer fire company or nonprofit rescue squad;
3. A fraternal, service or veterans' organization chartered by a grant of Congress; or
4. The improvement, maintenance, or operation of an agricultural fair, if no net earnings

inure to the benefit of any stockholder or member of the association that conducts the fair;

E. Derived from any charge for admission or for merchandise, refreshments or a service, if the gross receipts are used exclusively for community or civic improvement by a nonprofit community association that is organized and operated to promote the general welfare of the community that the association serves and the net earnings of which do not inure to the benefit of any stockholder or member of the association;

F. Derived from any charge for admission to a concert or theatrical event of a nonprofit organization that is organized to present or offer any of the performing arts.

G. The admissions and amusement tax is not reduced because any customers may have a sales and use tax exemption certificate, diplomatic exemption card or other evidence of exemption.

H. The Town government and its agencies are exempt from the admissions and amusement tax.

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.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that pursuant to § 4-1059(g) of the Tax – General Art., the Treasurer or Finance Office of the Town shall give the Comptroller notice of any change including this ordinance at least 60 days before the effective date of the change in taxation; and

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

BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this ordinance shall be posted in the Town Hall office, and this taxation ordinance or a fair summary of it shall be published once in a newspaper of general circulation in the Town.

AYES: _____ NAYES: _____ ABSENT: _____

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 Hanchett, Commissioner

Reviewed and Approved for Legal Sufficiency

Kevin J. Best, Town Attorney

Date: _____

[Exhibits – (i) Admissions and Amusement Tax Rate Schedule, and (ii) List of activity codes and descriptions]

The Town of Upper Marlboro

RESOLUTION: 2022-__
SESSION: Regular Town Meeting
DATED: September __, 2022

A RESOLUTION FOR THE PURPOSE OF ADOPTING A TOWN PERSONNEL RESPECT AND DIGNITY POLICY AND AMENDING THE EMPLOYEE HANDBOOK OF THE TOWN OF UPPER MARLBORO (THE “TOWN”)

WHEREAS, pursuant to Section 82-59 of the Charter of the Town of Upper Marlboro, the Town has the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by the Town Charter or State law and to operate the Town government; and

WHEREAS, pursuant to Section 3-708 (Threat against State or local official) a person may not knowingly and willfully make a threat to take the life of, kidnap, or cause physical injury to a State official, or a local elected official; and

WHEREAS, the Town Commissioners find that it is in the best interest of the Town to amend the Employee Handbook that has been prepared to provide the Town’s officers and employees with a general understanding of Town personnel policies, work rules and benefits, and last substantially amended and approved on August 23, 2022; and

WHEREAS, said Handbook contains a prohibition on the use of abusive, threatening, or obscene language and includes harassment (anti-harassment), workplace violence and computer policies with a complaint procedure policy to consider any issues that may affect an employee’s job performance; and

WHEREAS, said Handbook is proposed to be changed or amended to add a provision entitled “Respect in the Workplace Policy Against Discrimination and Harassment in the Work Environment including the use of Unprotected Speech.”

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners for The Town of Upper Marlboro, sitting in regular session this __ day of September 2022, *The Town of Upper Marlboro Employee Handbook, 2022 Version* is hereby amended as follows, to be apart of said Handbook and a general policy guide for all employees and officers of The Town of Upper Marlboro:

Respect and Dignity in the Workplace Policy Against Discrimination and Harassment in the Work Environment including the Use of Unprotected Speech

I. Background

The Town government believes that and Town employees, job applicants and officials should be treated with dignity and respect by other employees, including their supervisors, vendors and by the public. This includes not being subjected to abusive, foul, obscene or otherwise unprotected speech or harassing language. The Board of Commissioners similarly expects Town employees, contractors, agents, and officials to treat the public, other employees, agents and vendors with dignity and respect. Simply put, respect in the workplace is a fundamental value of the Town of Upper Marlboro (the “Town”).

Any form of discrimination or harassment based on an individual's age, ancestry, civil union, domestic partner, or marital status, color, disability, gender identity or expression, genetic information, military service, national origin, nationality, race, religion, sex, sexual orientation, veteran status, or any other characteristic protected by applicable law will not be tolerated and will result in disciplinary action, up to and including unpaid suspension and/or termination of employment. While it is not always easy to define discrimination or harassment with precision, such misconduct does include jokes, slurs, and other uninvited graphic, physical, or verbal conduct by one individual toward another.

The Town will not immediately honor requests or applications for Town services, petitions, interviews, grants or license/permits from customers, residents, vendors or other members of the public that would contravene this policy or promote bad behavior and a hostile work environment. However, the Town will comply with applicable government regulations that permit special or disparate treatment of certain citizens or residents (e.g., the disabled) when the law requires it based on an important or compelling governmental purpose.

The Town encourages applicants or employees to immediately report discrimination, harassment, retaliation, or any other inappropriate conduct or behavior to their supervisor, any other member of the Town’s management team, or any human resource representative. You should report such conduct or behavior even if you have not directly or indirectly been subjected to it yourself. All reports will be discreetly and promptly investigated by an appropriate member of the Town’s management team who is not involved in the alleged incident. The matter will be treated in confidence to the extent possible under the circumstances.

The Town cannot address incidents of discrimination, harassment, retaliation, or other inappropriate conduct or behavior it is unaware of unless you bring these incidents to our attention. Failure to report inappropriate conduct or behavior limits our ability to take steps to remedy the problem and prevent future occurrences. No one who has acted in good faith will be disciplined or otherwise retaliated against for bringing incidents of misconduct to our attention or for participating in the investigation of such incidents. The Town will not tolerate discrimination, harassment, or retaliation, and we are committed to complying with all applicable antidiscrimination and antiharassment laws.

The First Amendment protects speech even foul language and racial epithets. Fighting words are not protected speech but it is often difficult to determine what constitutes fighting words as a breach of the peace. See below case holdings on fighting words. Also, the law views police officers' over reaction to fighting words in a much dimmer light than civilians.

Normally “fighting words” (i.e., inflammatory words meant to incite immediate personal violence that possesses no social value or contribution to the expression of ideas) need to be accompanied by some sort of a threat of physical harm. Often criminal statutes make the use of unprotected fighting words an aggravating element of a crime but not the core basis for a crime. But it also depends on the forum (i.e., where the language takes place on public property as some public places are customarily viewed as places where the public can freely engage in protected speech). Of course, non-government actors such as private businesses can refuse to serve or remove anyone for any type of bad behavior or any reason whatsoever unless it relates to discriminatory treatment of a protected class of people (e.g., racial discrimination in a public accommodation such as a theater, restaurant or convenience store).

The First Amendment requires that the government not discriminate against particular viewpoints or in other words must be content neutral without regard to the substance or message. The Supreme Court has, however, upheld the idea that speech may be regulated under reasonable “Time, Place, and Manner” regulations. Time, place and manner restrictions include regulations of when, where and how someone speaks.

The U.S. Supreme Court established three different types of public forums which allow different levels of freedom of speech: (i) Traditional, or quintessential, public forums (i.e., public parks, sidewalks and areas where the public has a right to be); (ii) limited, or designated, public forums (i.e., town hall, town meetings, or the municipal building); and nonpublic forums (i.e., airport terminals, a public school’s internal mail system, and a polling place). Less can be done to restrict speech in a traditional forum, but for example, people can be removed or temporarily banned from a town hall meeting for using foul, disrespectful or inappropriate speech. (The rules for the conduct of public meetings typically address this form of bad behavior or limited speech.)

Regarding unprotected speech mentioned above, the federal and other appellate courts have had a difficult time determining whether certain epithets constitute “fighting words.” At the very least, they have reached inconsistent results. Consider the following situations in which offensive statements were found not to constitute fighting words:

- Calling a police officer a “son of a bit_h” (*Johnson v. Campbell*, 3rd Circuit, 2003).
- Yelling “fu_k you all” to police officer and security personnel at a nightclub (*Cornelius v. Brubaker*, Minnesota District Court, 2003).
- Telling a police officer: “I’m tired of this God damned police sticking their nose in shit that doesn’t even involve them” (*Brendle v. City of Houston*, Court of Appeals of the State of Mississippi, 2000).
- Telling a security officer “This is bullshit” when roused from a parking lot (*U.S. v. McDermott*, Eastern District of Pennsylvania, 1997).

However, other courts have determined that the expressions in the following situations were unprotected “fighting words:”

- Flashing a sexually suggestive sign repeatedly to a young woman driving a car (*State v. Hubbard*, Minnesota Court of Appeals, 2001).
- Yelling racial slurs at two African-American woman (*In re John M.*, Arizona Court

of Appeals, 2001).

- Repeatedly yelling the words “whore,” “harlot” and “Jezebel” at a nude woman on the beach (*Wisconsin v. Ovadal*, Wisconsin Court of Appeals, 2003).
- Calling a police officer a “white, racist motherf__ker” and wishing his mother would die (*State v. Clay*, Minnesota Court of Appeals, 1999).
- Calling a police officer a “fuc_ing asshole” in a loud voice and attempting to spit on the officer (*State v. York*, Maine Supreme Judicial Court, 1999).

The different results reached in the lower courts, including the examples mentioned above, often turn on whether an individual engages in any threatening conduct in addition to verbal assaults, then a fighting-words charge is more likely to stick. Most courts will look at the full circumstances to see if profane or insulting language was accompanied by any threatening behavior or conduct.

Profanity or insults directed at police are less likely to be considered fighting words than if they were aimed at other people. The Supreme Court has carved out an exception for “‘fighting’ words – those which by their very utterance inflict injury or tend to incite an immediate breach of the peace.” *Chaplinsky v. New Hampshire*, 315 U.S. 568, 572-3 (1942). However, the Court has indicated that the fighting words exception “might require a narrower application in cases involving words addressed to a police officer, because ‘a properly trained officer may reasonably be expected to exercise a higher degree of restraint’ than the average citizen, and thus be less likely to respond belligerently to ‘fighting words.’” *City of Houston, Tex. v. Hill*, 482 U.S. 451, 461-2 (1987); *Posr v. Court Officer Shield #207*, 180 F.3d 409 (2d Cir. 1999) (individual’s statement to officer “one day you’re gonna get yours,” spoken while in retreat, were not fighting words); *Buffkins v. City of Omaha, Douglas County*, 922 F.2d 465, 472 (8th Cir. 1991) (finding no evidence that individual caused “an incitement to immediate lawless action” by calling officer “asshole”).

If it is unclear whether an individual engaged in fighting words, the governmental official may receive qualified immunity even if the official wrongly assumes the individual uttered fighting words. Qualified immunity is a doctrine that shields government officials from liability when they do not violate clearly established constitutional or statutory law.

Town (UMPD) Special Order 19-001 adopted by reference the County’s police directives as the Town’s police general orders. Volume I of the Prince George’s County Police General Orders governs certain language violations committed by police officers and defines “abusive language” as “[h]arsh, violent, profane or derogatory language that would demean the dignity of any person.” Said General Orders define “discriminatory language” as “demeaning, derogatory or abusive language, or other unbecoming conduct relating to the race, color, national origin, gender, religion, sexual orientation, or gender identity/gender expression of a person. Said General Orders further defines “inappropriate language” as “[n]ame-calling, sarcastic remarks or other unnecessary language that serves to belittle or embarrass a citizen or otherwise inflame an employee/citizen contact.

Finally, the criminal code of Maryland defines certain hate crimes that accompany other crimes dealing with the destruction of property. Md. Ann. Code, CL art., § 10-304 (Crimes; destruction of property). The point here is that a hate crime motivated either in whole or in substantial part by another person’s or group’s race, color, religious beliefs, sexual orientation, gender, gender identity,

disability, or national origin, or because another person or group is homeless, a person requires a manifestation of physical violence in addition to hate speech.

II. Purpose

To establish the standards of behavior expected from all employees, officials and other individuals interacting in the Town workplace, at Town events, or while receiving services or performing work or duties on behalf of Town.

III. Scope

All Town employees, or elected and appointed officials, applicants for employment, paid and unpaid interns, contractors, other persons in Town workplaces, conference and event attendees and other invitees to Town premises, and other individuals performing duties or work on behalf of the Town or conducting business with the Town or its personnel.

IV. The Policy

Acceptable Behavior is expected in the workplace and regarding interactions with Town officials and employees. The Town fosters a work environment in which all employees and other individuals in the Town workplace and work environment are treated with decency and respect. Accordingly, we expect and require all individuals working or interfacing with the public on behalf of the Town or present in the Town’s facilities, workplaces or at a Town organized or regulated event to follow these principles:

- Communicate in a manner that is conducive to effective working relationships.
- Work with others to create an environment in which all are inspired to interact through mutual respect, support, and appreciation of difference.
- Carry out all assigned responsibilities to the best of your abilities and in accordance with Town policies.
- Comply with all applicable local, state, and federal laws and regulations.

Unacceptable behavior will not be tolerated. This includes, but is not limited to:

- Use of abusive language, bullying, intimidating, or otherwise interfering with the job performance of employees, officials, contractors, vendors, public meeting attendees, visitors or other individuals in the workplace, in public where municipal services are rendered, and at Town events.
- Physically threatening remarks (written or verbal).
- Engaging in aggressive or hostile acts such as shouting, assaulting, aggressively using profanity, throwing objects at another person, fighting, or intentionally damaging another person’s property.
- Engaging in behavior that could create a reasonable fear of injury, such as stalking.
- Knowingly making false representations about your work or your credentials, or about another employee, official, contractor, vendor, visitor or other individual in the workplace or work environment.

The Town may cease or delay in providing administrative or processing support for a grant or suspend a prospective grantee's grant or applicant's program participation if the individual persists in using inappropriate or profane language. For example, since the municipal building is a limited public forum, someone who comes into Town Hall requesting to interface with Town personnel on a grant or other service can be removed or asked to leave until they cease engaging in using profane language or offensive behavior before completing any necessary forms to obtain the grant, license or other municipal services. However, a Town employee or official may not use this policy to prevent an applicant from complying with any statutory or ordinance deadlines to obtain a license of permit.

Furthermore, a citizen or member of the public who abuses or harasses a Town official or employee by using abusive or disrespectful language, bullying, or intimidating behavior, or otherwise distracting, embarrassing, wasting, or interfering with the job performance of Town employees or officials may at the discretion of the employee or official be asked to immediately leave the premises and have their application or request for a grant or participation in a Town program delayed until a supervisor or senior official can intervene to properly process the request. Any person who refuses to leave the Town premises, may be escorted off the premises by a police officer.

Nothing in this policy is intended to prevent Town officials or employees from engaging in concerted activity protected by law. Any violations of this policy by Town employees or officials are grounds for disciplinary action, up to and including termination of employment. A violation of this policy by individuals who are not Town employees at Town workplaces, in public or on Town premises is cause for appropriate action in response, including but not limited to removal from Town premises, delay in service provision or possible termination of any existing contractual or grant recipient relationship. Serious alterations or breaches of the peace may be criminally prosecuted.

BE IT FURTHER RESOLVED, that said amendment to the Employee Handbook and the other provision of said handbook may be amended from time to time by the Board of Commissioners by a simple resolution provided the Handbook manuscript is updated and distributed in a timely manner; and be it,

FURTHER RESOLVED, that all officers and employees of the Town shall receive a copy of said Employee Handbook and this amendment as certified by an appropriate entry made into each personnel record and shall receive copies of the original and any amendments thereto as they are adopted and published from time to time, however, failure to receive said copies or notice of said Handbook or any amendments thereto shall not relieve or otherwise absolve an employee of his nor her duties and responsibilities as stated in said Handbook, as amended; and be it,

FURTHER RESOLVED, that all prior resolutions or parts of resolutions in conflict with this Resolution shall be considered repealed insofar as they conflict hereto; and be it,

FURTHER RESOLVED, that this Resolution shall take effect immediately following its adoption.

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

MEMORANDUM

To: Board of Town Commissioners
From: Kyle Snyder, Town Administrator
Date: Tuesday, October 4th, 2022
Re: New Town Printer

Commissioners,

As briefly discussed during the FY23 Town budget process, the Town is looking to replace the existing copier/scanner/printer located at Town Hall. The current one was purchased in 2015 and is starting to break down and requires more frequent service visits. Staff is looking at an upgraded copier with the ability to handle more functions and print on different types of paper.

The initial plan was to purchase a new copier and rehab the 2015 printer for the police department to use as the IT network is being separated. The condition of the current copier has deteriorated, and the company has offered to accept the current copier as a trade-in to put towards the below two printers.

Gen Gov Copier: Image RUNNER IRC adv 5540IIIi 60 month lease \$174.70/month.

Police Copier: Image RUNNER IRC adv 257i 60 month lease \$99.50/ month



Town of Upper Marlboro

Section 6, Item B.

Town Hall, 14211 School Lane
Upper Marlboro, MD 20772

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

info@uppermarlboromd.gov
www.uppermarlboromd.gov

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

MEMORANDUM

To: Board of Town Commissioners
From: Kyle Snyder, Town Administrator
Date: Tuesday, October 4th, 2022
Re: Pocket Park Electrical Installation

Commissioners,

As you are aware, we have begun making improvements to the pocket park. The next step in the process is to have an electrical drop installed at the lot to power future lighting and other items involved with the park redevelopment, but also downtown holiday lighting, events, and potential on-street car charging stations. The Town reached out to several contractors, but only one sent a proposal.

Cost: Initial proposals state the project will cost \$6,400. Staff is asking the Board to consider approving staff to spend no more than \$8,000 to allow for some flexibility. If decides to move this project forward, the Board can make the motion at the October Town Meeting to approve the purchase.

Funding: Initially, funding will come from the \$175,000 bond bill issued back in 2019; however, the Town has applied for a \$7,000 grant from PEPCO, which will fund this project if awarded.

Attached: Proposal received from C&S General Contractor



GENERAL CONTRACTOR

WHERE A STELLAR JOB IS OUR GOAL

CHRISTOPHER SIMMS OWNER/OPERATOR

6025 Paternoster lane
Hughesville MD 20637
csgeneralcontractor@gmail.com
301- 751- 0567 /301-751-7044

UPPER MARLBORO PRATT STREET POWER

14801 PRATT STREET, UPPER MARLBORO, MD 20772

7.13.21

C&S GENERAL CONTRACTORS COMPLETED THE FOLLOWING SCOPE OF WORK / ELECTRICAL WORK

Provide and install 200-amp electrical service on empty lot.
Provide and install new 200-amp, 30 space, outdoor main breaker panel.
Provide and install new 200-amp PEPCO meter base.
Provide (8) weatherproof receptacles at panel location.
Weatherproof enclosures and panel mounting structure provided by others.
Permit fees included

TOTAL COST DUE 6,400

Sincerely,
General Contractor