

1 Designation of Clerk and Treasurer as separate  
2 offices, duties of each  
3 Sponsored by:  
4

5 LEGISLATIVE RESOLUTION 08-06  
6

7 Charter Resolution of the Town of University Park, Maryland, pursuant to the authority  
8 of Article XI-E of the Constitution of Maryland and Section 13 of Article 23A of the Annotated  
9 Code of Maryland, as amended, to amend certain provisions of the Charter of the Town of  
10 University Park, by repealing and re-enacting Article III, "Mayor and Common Council",  
11 Section 311, "Enactment of Ordinance", Article V, "Registration, Nomination and Elections",  
12 Section 504, "Elections", Article VI "Finance", Section 602 "Budget", Section 607 "Checks",  
13 Section 610 "Notice of Tax Levy", Section 612 "Sale of Tax Delinquent Property", Section 618  
14 "Purchasing and Contracts", Article VII, "Administration", Section 701 "Clerk-Treasurer", and  
15 Article VIII "Public Ways and Sidewalks", Section 803 "Construction of Sidewalks, Curbs, etc."  
16 and Section 806 "Collections" of said Charter, and by adding a new Section 709 "Treasurer" to  
17 separate the offices of Clerk and Treasurer, and to state the duties of each office, and to effect  
18 certain conforming changes.

19 WHEREAS, the duties of the Clerk and Treasurer are currently described in the Charter  
20 of the Town as being performed by the same person; and

21 WHEREAS, the duties of the Clerk and of the Treasurer are in fact performed by two  
22 individuals, each of whom has their prescribed set of duties and obligations, and

23 WHEREAS, it is appropriate to amend the Charter to recognize that the Clerk and  
24 Treasurer are separate offices that are performed by two individuals, each with their prescribed

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EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW

[Brackets] indicate matter deleted from existing law

\*\*Asterisks\*\* indicate provisions of existing law which have been omitted from resolution and remain

1 set of duties and obligations; and

2 WHEREAS, it is appropriate that the two positions be separately described, so that the  
3 division of responsibility is clear for purposes of accountability and evaluation.

4 Section 1: NOW THEREFORE be it resolved and ordained by the Mayor and Common  
5 Council of University Park that Article III, Section 311, "Enactment of Ordinances" of the  
6 Charter of the Town of University Park be repealed and re-enacted as follows:

7 Section 311 Enactment of Ordinances.

8 (a) through (c) \* \* \* \*

9 d) Referendum. If, before the expiration of twenty (20) calendar days following approval  
10 of any Ordinance by the Mayor or passage of any Ordinance over the Mayor's veto, a petition is  
11 filed with the Clerk [~~Treasurer~~] containing the signatures of not less than twenty percentum  
12 (20%) of the qualified voters of the Town and requesting that the Ordinance, or any part thereof,  
13 be submitted to a vote of the qualified voters of the Town for their approval or disapproval, the  
14 Common Council shall have the Ordinance, or the part thereof requested for referendum,  
15 submitted to a vote of the qualified voters of the Town at the next regular town election or, in the  
16 Council's discretion, at a special election occurring before the next regular election. No  
17 Ordinance, or the part thereof requested for referendum, shall become effective following the  
18 receipt of such petition until and unless approved at the election by a majority of the qualified  
19 voters voting on the question. An emergency Ordinance, or the part thereof requested for  
20 referendum, shall continue in effect for sixty (60) days following receipt of such petition. If the  
21 question of approval or disapproval of any emergency Ordinance, or any part thereof, has not  
22 been submitted to the qualified voters within sixty (60) days following receipt of the  
23 petition, the operation of the Ordinance, or the part thereof requested for referendum, shall be  
24 suspended until approved by a majority of the qualified voters voting on the question at any  
25 election. Any Ordinance, or part thereof, disapproved by the voters, shall stand repealed. The  
26 provisions of this section shall not apply to any Ordinance, or part thereof, passed under the  
27 authority of Sections 614 and 616, levying property taxes for the payment of indebtedness. The  
28 provisions of this section shall be self-executing, but the Common Council may adopt ordinances  
29 in furtherance of these procedures.

30  
31 (e) Suspension of Ordinance. An Ordinance may be suspended if one-half of the voters of the  
32 Town who voted at the last general election sign a petition demanding suspension of such  
33 Ordinance. The petition shall be filed within thirty (30) days after enactment of the Ordinance  
34 with the Clerk [~~Treasurer~~]. The Mayor and Common Council shall reconsider the Ordinance. If  
35 they decide not to repeal it, they shall submit it to a vote of the qualified voters of the Town at  
36 the next election. If the next election shall occur more than ninety (90) days after the decision of  
37 the Mayor and a Common Council, the Mayor and Common Council shall call a special election  
38 to decide whether the proposed Ordinance shall become law. The Ordinance shall

1 become operative only if a majority of the votes cast at the election are favorable to it.

2 Section 2: Be it further resolved and ordained by the Mayor and Common Council of  
3 University Park that Article V, Section 504, " Registration, Nomination and Elections" of the  
4 Charter of the Town of University Park be repealed and re-enacted as follows:

5 Section 504. Registration, Nomination and Elections.

6 (a) Through (e) \* \* \* \*

7 (f) Within twenty-four (24) hours after the polls are closed, the Supervisors shall tabulate the  
8 vote cast for each candidate or, if appropriate, question, and shall certify the results to the  
9 Clerk[~~Treasurer~~] of the Town who shall record the results in the minutes of the proceedings  
10 of the Mayor and Common Council. The Clerk[~~Treasurer~~] shall notify the Mayor, each  
11 member of the Common Council, and all candidates for office of the results of the election.  
12 The candidate for each office with the highest number of votes shall be declared by the  
13 Chairman of the Supervisors of Elections to be elected to the office for which he is a  
14 candidate.

15 (g) through (h) \* \* \* \*

16 (i) Contested elections.

17  
18 (i) Petition of contest. Any person wishing to contest the results of an election shall  
19 file a petition with the Clerk[~~Treasurer~~] within two (2) days after the results of  
20 the election are certified to the Mayor and Common Council, which petition shall  
21 set forth in writing one or more of the following grounds:  
22 \* \* \* \* \*

23 (ii) through (iv) \* \* \* \*

24 (j) \* \* \* \*

25 (k) All ballots will be retained in the custody of the Clerk[~~Treasurer~~] for a period of not less  
26 than six (6) months from the date of election.  
27

28  
29 Section 3: Be it further resolved and ordained by the Mayor and Common Council of  
30 University Park that Article VI, Section 602, "Budget" of the Charter of the Town of University  
31 Park be repealed and re-enacted as follows:

32 Section 602. Budget

1 The Mayor shall prepare and submit a budget to the Council, on such date as the Council by  
2 Ordinance shall determine, but no later than the first day of April before the beginning of any  
3 fiscal year. The budget shall provide a complete financial plan for the budget year and shall  
4 contain estimates of anticipated revenues, including projected surplus revenues as defined in  
5 Section 606, and proposed expenditures for the coming year. The total of the anticipated  
6 revenues shall equal or exceed the total of the proposed expenditures. The budget shall be a  
7 public record in the office of the [~~Clerk~~]-Treasurer], open to public inspection by anyone at  
8 reasonable times during normal business hours.

9  
10 Section 4: Be it further resolved and ordained by the Mayor and Common Council of

11 University Park that Article VI, Section 607, "Checks" of the Charter of the Town of University  
12 Park be repealed and re-enacted as follows:

13 Section 607. Checks

14  
15 All checks issued in payment of salaries or other municipal obligations shall be signed by  
16 the [~~Clerk~~]-Treasurer, or in his absence, by the Mayor.

17  
18 Section 5: Be it further resolved and ordained by the Mayor and Common Council of

19 University Park that Article VI, Section 610, "Notice of Tax Levy" of the Charter of the Town of  
20 University Park be repealed and re-enacted as follows:

21 Section 610. Notice of Tax Levy

22  
23 Each year after the tax levy is made, a bill or account of the taxes due from him shall be mailed  
24 or delivered in person to each tax payer or his agent at his last known address on or before  
25 August 15. This bill or account shall contain a statement of the amount of real property as well  
26 as business personal property with which the taxpayer is assessed, the amount of taxes due and  
27 the date on which the taxes will bear interest. Failure to give or receive notice required by this  
28 section shall not relieve any taxpayer from the responsibility to pay all taxes levied on his  
29 property when due. The [~~Clerk~~]-Treasurer shall notify the residents of University Park of the  
30 municipal tax rate by publication in the Town newsletter or by such other means as he deems  
31 appropriate.

32  
33  
34 Section 6: Be it further resolved and ordained by the Mayor and Common Council of

35 University Park that Article VI, Section 612, "Sale of Tax Delinquent Property" of the Charter of  
36 the Town of University Park be repealed and re-enacted as follows:

37 Section 612. Sale of Tax Delinquent Property

1  
2 A list of all property on which the Town taxes have not been paid and which are in  
3 arrears as provided by Section 611 of this Charter shall be submitted by the [Clerk-]Treasurer to  
4 the official of the county responsible for the sale of tax delinquent property as provided in the  
5 State law. All property listed thereon shall, if necessary, be sold for taxes by this county official  
6 in the manner prescribed by State law or set forth in Article 81 of the Annotated Code of  
7 Maryland, as amended.

8  
9 Section 7: Be it further resolved and ordained by the Mayor and Common Council of  
10 University Park that Article VI, Section 618, "Purchasing and Contracts" of the Charter of the  
11 Town of University Park be repealed and re-enacted as follows:

12 Section 618. Purchasing and Contracts

13  
14 a) Purchases for the Town government shall be made by the [Clerk-]Treasurer under the  
15 direction of the Mayor and Common Council. The Common Council may establish by  
16 Ordinance, rules and regulations regarding purchasing procedures including the use of  
17 competitive bids.

18  
19 b) \* \* \* \*

20  
21 Section 8: Be it further resolved and ordained by the Mayor and Common Council of  
22 University Park that Article VII, Section 701, "Clerk-Treasurer" of the Charter of the Town of  
23 University Park be repealed and re-enacted as follows:

24 Section 701. Clerk[~~Treasurer~~]

25  
26 (a) The Clerk[~~Treasurer~~] shall be appointed by the Mayor and approved by the Common  
27 Council

28 and shall serve at the pleasure of the Mayor and Common Council.

29 (b) The Mayor and Common Council may fix such compensation for the Clerk[~~Treasurer~~] as  
30 they deem just and necessary.

31 (c) The Clerk[~~Treasurer~~] shall maintain the records of the Town, which shall be open to  
32 inspection to interested persons at reasonable times during normal business hours, AND SHALL  
33 PERFORM SUCH ADDITIONAL DUTIES AS ASSIGNED BY THE MAYOR AND  
34 COUNCIL. [~~The Clerk-Treasurer shall receive all taxes, special assessments, license fees, liens~~  
35 ~~and all other revenues, including "utility revenues" of the Town, for whose collection the Town~~  
36 ~~is responsible, and any funds receivable by the Town. The Clerk-Treasurer shall have custody of~~  
37 ~~all funds belonging to or under the control of the Town, except as to funds in the control of any~~  
38 ~~Trustees. All Town monies shall be kept or may be invested in any manner authorized for~~  
39 ~~municipalities by State law and approved by the Mayor and Council. The Treasurer shall be~~

1 responsible for dispersing funds of behalf of the Town in accordance with the direction of the  
2 Mayor and Common Council.]

3  
4 Section 9: Be it further resolved and ordained by the Mayor and Common Council of  
5 University Park that Article VII, Section 709, "Treasurer" of the Charter of the Town of  
6 University Park be adopted as follows:

7 Section 709. TREASURER

8  
9 (A) THE TREASURER SHALL BE APPOINTED BY THE MAYOR AND APPROVED BY  
10 THE COMMON COUNCIL AND SHALL SERVE AT THE PLEASURE OF THE MAYOR  
11 AND COMMON COUNCIL.

12  
13 (B) THE MAYOR AND COMMON COUNCIL MAY FIX SUCH COMPENSATION FOR  
14 THE TREASURER AS THEY DEEM JUST AND NECESSARY.

15  
16 (C) THE TREASURER SHALL RECEIVE ALL TAXES, SPECIAL ASSESSMENTS,  
17 LICENSE FEES, LIENS AND ALL OTHER REVENUES, INCLUDING "UTILITY  
18 REVENUES" OF THE TOWN, FOR WHOSE COLLECTION THE TOWN IS  
19 RESPONSIBLE, AND ANY FUNDS RECEIVABLE BY THE TOWN. THE TREASURER  
20 SHALL HAVE CUSTODY OF ALL FUNDS BELONGING TO OR UNDER THE CONTROL  
21 OF THE TOWN, EXCEPT AS TO FUNDS IN THE CONTROL OF ANY TRUSTEES. ALL  
22 TOWN MONIES SHALL BE KEPT OR MAY BE INVESTED IN ANY MANNER  
23 AUTHORIZED FOR MUNICIPALITIES BY STATE LAW AND APPROVED BY THE  
24 MAYOR AND COUNCIL. THE TREASURER SHALL BE RESPONSIBLE FOR  
25 DISPERSING FUNDS OF BEHALF OF THE TOWN IN ACCORDANCE WITH THE  
26 DIRECTION OF THE MAYOR AND COMMON COUNCIL.

27  
28 Section 10: Be it further resolved and ordained by the Mayor and Common Council of  
29 University Park that Article VIII, Section 803, "Construction of Sidewalks, Curbs, Etc." of the  
30 Charter of the Town of University Park be adopted as follows:

31 Section 803. Construction of Sidewalks, Curbs, Etc.

32  
33 In the event the Town decides to construct or improve sidewalks, curb, gutters, roadbeds, or  
34 streets in University Park, they shall observe the following procedure:

35 (a) through (c) \* \* \*

36  
37 (d) The owners appearing at the hearing shall have the opportunity to express their views on  
38 the proposed improvements. The decision made by the Mayor and Common Council shall be  
39 final and conclusive, provided, however, that no street improvements to be paid for by special  
40 assessments shall be made under this section unless and until the consent in writing of the

1 owners of fifty-one percent (51 %) of the abutting lots on each street proposed or improvement  
2 shall be filed with the Clerk~~[-Treasurer]~~, and further provided that no sidewalks construction to  
3 be paid for by special assessments shall be made under this section unless and until the consent  
4 in writing of the owners of sixty-six percent (66%) of the abutting lots on each side of the street  
5 proposed for sidewalk construction shall be filed with the Clerk~~[-Treasurer]~~.

6  
7 (e) \* \* \* \*

8  
9 Section 11: Be it further resolved and ordained by the Mayor and Common Council of  
10 University Park that Article VIII, Section 806, "Collections" of the Charter of the Town of  
11 University Park be adopted as follows:

12 Section 806. Collections

13  
14 The [~~Clerk~~]Treasurer of University Park shall be charged with the prompt collection and  
15 safekeeping of the monies collected pursuant to assessment for specific improvements under  
16 Section 805. The funds shall be kept as a separate account and fund in such bank or banks as the  
17 Mayor and Common Council may designate. No part of these funds shall be used for any other  
18 purpose than to liquidate the certificates of indebtedness, and interest thereon, issued for the cost  
19 and necessary expenses incident thereto in the construction of sidewalks, curbs, gutters and  
20 roadbed and street improvements. Certificates, when paid, shall be cancelled and properly kept  
21 and filed among the papers of the Town.

22  
23 Section 12: Be it further resolved that this resolution shall become effective fifty days  
24 after enactment by the Mayor and Common Council of University Park, Maryland, unless  
25 petitioned to referendum in a manner prescribed by law.

26 Section 13: Be it further resolved that a complete and exact copy of this proposed  
27 Charter amendment shall be posted on the entrance door of the Town Building of University  
28 Park, 6724 Baltimore Avenue, University Park, Maryland, for a period of not less than forty (40)  
29 days, and a fair summary of this Charter amendment shall be published at least four times on  
30 four successive weeks within that forty day period in a newspaper having general circulation in  
31 the community.

32 APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

33  
34 ATTEST:

MAYOR AND COMMON COUNCIL

TOWN OF UNIVERSITY PARK

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\_\_\_\_\_  
Daniel R. Baden, Treasurer

By: \_\_\_\_\_  
John Rogard Tabori, Mayor

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY

\_\_\_\_\_  
Suellen M. Ferguson, Town Attorney