Designation of Clerk and Treasurer as separate offices, duties of each
Sponsored by:

LEGISLATIVE RESOLUTION 08-06

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

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

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

WHEREAS, it is appropriate to amend the Charter to recognize that the Clerk and 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

set of duties and obligations; and

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

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Park that Article III, Section 311, "Enactment of Ordinances" of the Charter of the Town of University Park be repealed and re-enacted as follows:

Section 311 Enactment of Ordinances.

(a) through (c) * * * *

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

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

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

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

Section 504. Registration, Nomination and Elections.

(a) Through (e) * * * *

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

(g) through (h) * * * *

(i) Contested elections.

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

* * * * * *

(ii) through (iv) * * * *

(j) * * * *

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

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

Section 602. Budget

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

Section 4: Be it further resolved and ordained by the Mayor and Common Council of University Park that Article VI, Section 607, "Checks" of the Charter of the Town of University Park be repealed and re-enacted as follows:

Section 607. Checks

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

Section 5: Be it further resolved and ordained by the Mayor and Common Council of University Park that Article VI, Section 610, "Notice of Tax Levy" of the Charter of the Town of University Park be repealed and re-enacted as follows:

Section 610. Notice of Tax Levy

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

Section 6: Be it further resolved and ordained by the Mayor and Common Council of University Park that Article VI, Section 612, "Sale of Tax Delinquent Property" of the Charter of the Town of University Park be repealed and re-enacted as follows:

Section 612. Sale of Tax Delinquent Property

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

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

Section 618. Purchasing and Contracts

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

b) * * * *

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

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

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

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

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

Section 709. TREASURER

(A) THE TREASURER SHALL BE APPOINTED BY THE MAYOR AND APPROVED BY THE COMMON COUNCILAND SHALL SERVE AT THE PLEASURE OF THE MAYOR AND COMMON COUNCIL.

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

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

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

Section 803. <u>Construction of Sidewalks, Curbs, Etc.</u>

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

(a) through (c) * * *

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

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

(e) * * * *

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

Section 806. Collections

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

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

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

APPROVED this _____ day of _____, 2009.

ATTEST: MAYOR AND COMMON COUNCIL

TOWN OF UNIVERSITY PARK

By:_____
John Rogard Tabori, Mayor

_____
Daniel R. Baden, Treasurer

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

_____
Suellen M. Ferguson, Town Attorney