

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

EMERGENCY ORDINANCE: 2024-05  
SESSION: Special Town Meeting  
INTRODUCED: December 17, 2024  
ENACTED: December 17, 2024

**AN EMERGENCY ORDINANCE AMENDING THE BUDGET FOR THE TOWN OF UPPER MARLBORO FOR THE FISCAL YEAR BEGINNING JULY 1, 2024 AND ENDING JUNE 30, 2025 (FY2025), AS ADOPTED VIA ORDINANCE 2024-01, TO PROVIDE FOR THE ACQUISITION OF TWO VEHICLES FOR THE DEPARTMENT OF PUBLIC WORKS IN ORDER TO ASSIST THE TOWN IN PROVIDING SNOW VITAL PUBLIC SERVICES AND TO ADDRESS DEBT SERVICE FOR THE POLICE DEPARTMENT**

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

WHEREAS, the Board of Commissioners of the Town of Upper Marlboro is expressly delegated ordinance-making powers pursuant to expend municipal funds, provided that any funds not appropriated at the time of the annual levy, shall not be expended, nor shall any funds appropriated be expended for any purpose other than that for which appropriated, except by a two-thirds vote of all members elected to the said legislative body; and

WHEREAS, the Board of Commissioners of the Town of Upper Marlboro adopted a budget for Fiscal Year 2025, Ordinance No. 2024-01; and

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

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

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

WHEREAS, Charter, Section 82-43 prescribes that any transfer of funds between major appropriations for different purposes by the President must be approved by the Board before becoming effective; and

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

WHEREAS, the Town Department of Public Works learned, approximately two weeks ago, that one of its vehicles upon which it relies for snow plowing operations has what is referred to as the death wobble (severe, sudden and uncontrollable shaking in the steering or vehicle's front end), is not capable of repair without the expenditure of significant funds, causing staff to conclude that the vehicle must be replaced; and

WHEREAS, the Town Department of Public Works has two other vehicles that are approximately nine and ten years old respectively, that have significant transmission and other issues, are highly unreliable, are in and out of the shop and should be replaced. The Town desires to acquire a new vehicle as the primary vehicle with these becoming back-ups; and

WHEREAS, without the two new vehicles the department of public works is not able to provide snow plowing services, clean stormdrains, collect trash, bulk and litter, and perform other required maintenance services; and

WHEREAS, the Town desires to purchase a Ford truck in the amount of \$62,548.50 and to finance the acquisition of a Ford truck in the amount of \$ 69,907.50; and

WHEREAS, the adopted FY2025 Budget does not have sufficient funds budgeted for the acquisition of the two vehicles; and

WHEREAS, the Board of Town Commissioners approved Ordinance No. 2022-03, which states that all budget amendments transferring monies between general classifications of expenditures or appropriations as reflected in the budget ordinance shall be submitted to the Board of Town Commissioners for approval, from time to time, in accordance with LG Article, Sec. 5-205(b)(4); and

WHEREAS, there is debt service related to the Police Department that was approved in connection with the adoption of the FY25 Budget; however, the monies (\$57,500.00) were mistakenly added to the 9030 PW Capital Outlay line item but should have been included in the 9010 line item for Public Safety Debt Service final budget document; and

WHEREAS, the Board of Town Commissioners finds that it is necessary to amend Ordinance 2024-01 by adjusting revenue and expenditures to reflect monies require for the purchases and outlined herein and the debt service referenced; and

WHEREAS, the Board of Town Commissioners finds that it is necessary to amend Ordinance No. 2024-01 by reallocating Town funds to provide for the acquisition of two vehicles capable of performing or assisting with snow plowing operations for the Department of Public Works.

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

**Section 1.** The Fiscal Year 2025 Budget Ordinance (“FY2025 Budget Ordinance”) shall be and hereby is amended as set forth below:

<u>REVENUE SOURCE</u>	<u>BUDGET AMOUNT</u>	<u>AMENDED BUDGET AMOUNT</u>
Taxes	\$1,577,760.00	<b>\$1,587,760</b>
Fines Licenses & Permits	\$745,000.00	
Intergovernmental	\$56,000.00	
Miscellaneous Revenue	\$122,725.00	
Grants	\$1,415,000.00	
<b>Total Revenues</b>	<b>\$3,916,485.00</b>	<b>\$3,926,485.00</b>

**Section 2.** The total of the anticipated revenues and any estimated fund balance available for expenditure during the fiscal year within each of the aforesaid categories of the FY2025 Budget Ordinance shall equal or exceed the total of the proposed expenditures within the following general classifications of expenditures as set forth in the appropriations with the amounts as indicated below:

<u>EXPENDITURES</u>	<u>BUDGET AMOUNT</u>	
General Government	\$748,680.00	\$688,680.00
Public Safety	\$1,026,600.00	
Public Works Department	\$594,900.00	\$654,900.00
Capital Improvements	\$131,305.00	\$141,305.00
Grants	\$1,415,000.00	
<b>Total Expenditures</b>	<b>\$3,916,485.00</b>	<b>\$3,926,485.00</b>

**Section 3.** Notwithstanding this budget ordinance, the FY2025 Budget shall be presented and discussed in further detail by enumerating additional sub-categories or detailed items pertaining to either revenues or expenditures as deemed necessary and expedient by the President and/or the Board (the “Detailed Budget”). Although not considered incorporated by reference or formally part of this FY2025 Budget Ordinance, the Detailed Budget, unless subsequently modified by the President, with approval of the Board as set forth in Section 4 below, shall reflect the various items discussed therein and shall remain substantially uniform throughout the fiscal

year having essentially the same format and items as presented to the Board at the Town meeting wherein the FY2025 Budget was approved.

**Section 4.** All budget amendments transferring monies between general classifications of expenditure or appropriations as reflected in this FY2025 Budget Ordinance shall be submitted to the Board for approval, from time to time, by ordinance. Budget changes or amendments occurring within certain specified sub-categories or the various detailed items not reflected herein but shown in the Detailed Budget shall be approved from time to time by the President subject to review and approval by the Board as recorded in the journal of its proceedings.

AND BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro that the President approved reducing Line Item 9030 PW Capital Outlay to \$0 and increasing Line Item 9010 PS Debt Service to \$57,500 and the approval of this Ordinance will constitute the Board’s approval of it as well; and

AND BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro that, given the emergency nature of the acquisition of the vehicles, which includes consideration of the condition of the vehicles available to the Department of Public Works, the myriad of services that Public Works must perform, the inability of staff to safely drive at least one of the vehicles, the fact that the two existing vehicles are constantly in and out of service for repairs, and winter begins in four (4) days, the Board of Commissioners finds that advertisement for sealed bids for the two trucks was impractical and disadvantageous to the Town. Accordingly, the Board of Commissioners again authorizes the acquisition of the two vehicles by using the open market, and obtaining quotes, which were presented to the Board with a recommendation by staff.

AND BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that except for the amendments to revenue and expenses provided hereinabove, the remaining provisions of the FY2025 Budget Ordinance contained in Ordinance No. 2024-01, including provisions for taxes, liens, and/or fees, shall remain unchanged and in full force and effect.

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 immediately upon adoption 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 Emergency Ordinance Amending the FY 2025 Budget 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 December, 2024, by:

Attest:

THE BOARD OF COMMISSIONERS OF THE TOWN  
OF UPPER MARLBORO, MARYLAND

\_\_\_\_\_

\_\_\_\_\_  
Sarah Franklin, President

\_\_\_\_\_  
Derrick Brooks, Commissioner

\_\_\_\_\_  
Charles Colbert, Commissioner

\_\_\_\_\_  
Karen Lott, Commissioner

\_\_\_\_\_  
Alma Prevatte, Commissioner

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