

The Town of Upper Marlboro

CHARTER AMENDMENT RESOLUTION NO. __-2025

**A CHARTER AMENDMENT RESOLUTION
OF THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO,
MARYLAND, AMENDING VARIOUS SECTIONS, OF THE CHARTER OF THE
TOWN OF UPPER MARLBORO TO ALTER THE FORM OF GOVERNMENT FOR
THE TOWN OF UPPER MARLBORO FROM A BOARD OF COMMISSIONERS
FORM OF GOVERNMENT TO A COUNCIL-MANAGER FORM OF GOVERNMENT
AND TO MAKE OTHER NONSUBSTANTIVE AMENDMENTS**

WHEREAS, Article XI-E, § 4 of the Constitution of Maryland and Local Government Article, §4-301, *et seq.* of the Annotated Code of Maryland, authorize the Board of Commissioners to amend the Charter of the Town of Upper Marlboro and provide the process and procedures for doing so; and

WHEREAS, Town Charter creates a Board of Commissioners form of government and numerous sections of the Charter refer to a Board of Commissioners form of government; and

WHEREAS, the Board commissioned a Charter Review Committee to review the Town Charter and based on the recommendations from the Charter Review Committee finds that changing the form of government from a Board of Commissioners form of government to a Council-Manager form of government would result in more efficient and effective governance for the Town; and

WHEREAS, the Board of Commissioners finds that the Town would benefit from enacting this Charter amendment to amend the form of government of the Town.

Section 1. NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO, that Charter of the Town of Upper Marlboro, Maryland shall be and hereby is amended to read as follows:

The TOWN COUNCIL [[Board of Commissioners]]

Section 82-3. (Number, Selection, Term).

THE TOWN SHALL HAVE A COUNCIL-MANAGER FORM OF GOVERNMENT. All legislative powers of the Town shall be vested in a TOWN COUNCIL [[Board of Commissioners]] consisting of five COUNCIL MEMBERS[[Commissioners]] who shall be elected as hereinafter provided and who shall hold office for a term of FOUR [[two]] years and until the succeeding COUNCIL[[Board]] takes office. The regular term of the COUNCIL MEMBERS [[Commissioners]] shall expire on the second Monday in December following the election of their successors OR SHALL SERVE UNTIL THEIR SUCCESSORS QUALIFY. [[Notwithstanding anything herein to the contrary, the incumbent Commissioners serving their terms of office as previously set to expire in January of 2022 shall instead end their terms earlier on the second Monday of December of 2021 or shall serve until their successors qualify.]]

Section 82-4. (Qualification of COUNCIL MEMBERS [[Commissioners]]).

COUNCIL MEMBERS [[Commissioners]] shall have resided in the Town for at least two years immediately preceding their election, shall be qualified voters of the Town, and shall be at least 25 years of age. If, at any time such person shall NO LONGER RESIDE IN [[remove from]] the town, his or her office shall automatically become vacant.

Section 82-5. (Salary of COUNCIL MEMBERS [[Commissioners]]).

Each COUNCIL MEMBER [[Commissioner]] shall receive an annual salary which shall be equal for all COUNCIL MEMBERS [[Commissioners]] and shall be as specified from time to time by an ordinance passed by the COUNCIL [[Board]] in the regular course of its business, provided, however, that the salary specified at the time any COUNCIL MEMBER [[Board]] takes office shall not be changed during the period for which that COUNCIL MEMBER [[Board]] was elected. The ordinance making any change in the salary paid to the several COUNCIL MEMBERS [[Commissioners]], either by way of increase or decrease, shall be finally ordained prior to the general election for the members of the next succeeding COUNCIL [[Board]] and shall take effect only as to the members of the next succeeding C O U N C I L [[Board]].

Section 82-6. (Meetings of the COUNCIL [[Board]]).

The newly elected COUNCIL [[Board]] shall meet at SUCH TIME AS DETERMINED BY THE COUNCIL [[8:00 p.m. on the second Monday of December following its election for the purpose of organization and conducting other Town business]], after which the [[Board]] shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. Special meetings may be called upon the request of the MAYOR [[President]] or a majority of the members of the COUNCIL [[Board]]. All meetings of the COUNCIL [[Board]] shall be open to the public, except that the COUNCIL [[Board]] may, by majority vote, meet in closed session for any purpose then authorized by State law; and, the residents of the Town shall have a reasonable opportunity to be heard at any regular meeting in regard to any municipal question.

Section 82–7. (COUNCIL [[Board]] to be the Judge of Qualifications of its Members).

The COUNCIL [[Board]] shall be the judge of the election and qualification of its members.

Section 82–8. (Quorum).

A majority of the members of the COUNCIL [[Board]] shall constitute a quorum for the transaction of business, but no ordinance shall be approved nor any other action taken without the favorable votes of a majority of the whole number of members elected to the COUNCIL [[Board]].

Section 82–9. (Procedure of COUNCIL [[Board]]).

The COUNCIL [[Board]] shall determine its own rules and order of business. It shall keep a journal of its proceedings and enter therein the yeas and nays upon final action on any question, resolution, or ordinance, or at any other time if required by any one member. The journal shall be open to public inspection.

Section 82–10. (Vacancies in COUNCIL [[Board]]).

Vacancies in the COUNCIL [[Board]] shall be filled as provided in Section 82–32 of this charter.

Section 82–11. (Ordinances).

No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the TOWN COUNCIL [[Board of Commissioners]] held not less than six nor more than sixty days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specified future date. In cases of emergency, the provision that an ordinance may not be passed at the meeting at which it is introduced may be suspended by unanimous vote of the TOWN COUNCIL [[Board of Commissioners]]. Every ordinance, unless it is passed as an emergency ordinance, shall become effective at the expiration of twenty (20) calendar days following approval of the TOWN COUNCIL [[Board of Commissioners]]. 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.

Section 82–12. (File of Ordinances).

The complete text of each and every ordinance and resolution passed by the COUNCIL [[Board]] shall be permanently filed by the clerk and shall be kept available for public inspection.

The MAYOR [[President]]

Section 82–13. (Selection).

At their FIRST [[organizational]] meeting IN DECEMBER 2025 AND AT THEIR FIRST MEETING FOLLOWING EVERY ELECTION THEREAFTER, a majority of the COUNCIL [[Commissioners]] shall elect one of their members MAYOR AND ONE OF THEIR MEMBERS AS VICE MAYOR OF THE COUNCIL, WHO SHALL ACT AS MAYOR IN THE ABSENCE OF THE MAYOR [[President]]. The MAYOR [[President]] shall preside at all meetings of the COUNCIL [[Board]] in accordance with the accepted rules of parliamentary procedure[, except that he or she] AND may vote on any question before the COUNCIL [[Board]]. The MAYOR [[President]] shall be the ceremonial mayor of the Town and shall be identified [[either as the President of the Board of Commissioners or]] as the Town Mayor.

Section 82–14. (Salary of the MAYOR [[President]])

The MAYOR SHALL [[President may]] receive an annual salary[[in addition to that received as a Commissioner]], as set from time to time by an ordinance passed by the COUNCIL [[Board]] in the regular course of business. Provided, however, that no change shall be made in the salary for any MAYOR [[president]] during the term for which he OR SHE was elected. The ordinance making any change in the salary paid to the MAYOR [[President]], either by way of increase or decrease, shall be finally ordained prior to the general election to elect the next succeeding COUNCIL [[Board]], and shall take effect only as to the next succeeding MAYOR [[President]].

Section 82–15. (Powers and Duties).

(a) [[The President shall see that the ordinances of the Town are faithfully executed and shall be the chief executive officer and the head of the administrative branch of the Town government.]] The [[president with the approval of the]] COUNCIL [[Board]], shall appoint the TOWN MANAGER, THE CHIEF OF POLICE AND THE DIRECTOR OF PUBLIC WORKS, WHO [[heads of all offices, departments, and agencies of the Town government as established by this charter or by ordinance. All office, department, and agency heads]] shall serve at the pleasure of the COUNCIL[[President]]. THE TOWN MANAGER MAY BE REMOVED BY A RESOLUTION APPROVED BY A VOTE OF FOUR MEMBERS OF THE MAYOR AND COUNCIL. A COPY OF SUCH RESOLUTION SHALL BE SERVED IMMEDIATELY UPON THE TOWN MANAGER.

(b) HEADS OF ALL OFFICES, DEPARTMENTS AND AGENCIES OF THE TOWN GOVERNMENT AND THEIR [[All]] subordinate officers and employees, WITH THE EXCEPTION OF THE CHIEF OF POLICE AND THE DIRECTOR OF PUBLIC WORKS, [[of the offices, departments, and agencies of the Town government]] shall be appointed and removed by the TOWN MANAGER [[President]], in accordance with rules and regulations in any merit system which may be adopted by the COUNCIL [[Board]].

(c) The TOWN MANAGER [[President]] each year shall report to the COUNCIL

[[Board]] the condition of municipal affairs and make such recommendations as THE MAYOR [[he]] deems proper for the public good and the welfare of the Town.

(d) [[The President shall have supervision over the financial administration of the Town government he shall prepare or have annually a budget and [submit it to the Board. He shall supervise the administration of the budget as adopted by the Board. He shall supervise the disbursement of all monies and have control over all expenditures to assure that budget appropriation are not exceeded.]]

(e) The MAYOR [[President]] shall have such other powers and perform such other duties as may be prescribed by this charter or as may be required of him OR HER by the COUNCIL [[Board]], not inconsistent with this charter.

General Powers

Section 82-16.

(1) (*General Powers*). The COUNCIL [[Board]] 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.

(2) (*Specific Powers*). The COUNCIL [[Board]] shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this State, for the following specific purposes:

(a) (*Advertising*). To provide for advertising for the purposes of the Town, for printing and publishing statements as to the business of the Town.

(b) (*Aisles*). To regulate and prevent the obstruction of aisles in public halls, churches and place of amusement, and to regulate the construction and operation of the doors and means of egress therefrom.

(c) (*Amusements*). To provide in the interest of the public welfare for licensing, regulating, or restraining theatrical or other public amusements.

(d) (*Appropriations*). To appropriate municipal monies for any purpose within the powers of the Board.

(e) (*Auctioneers*). To regulate the sale of all kinds of property at auction within the Town and to license auctioneers excepting that such power shall exclude authority over such sales conducted pursuant to judicial or foreclosure sales to be reported to the Circuit Court and sales made by any public official pursuant to the duties of his office.

(f) *[(Band)]*. To establish a municipal band, symphony orchestra or other musical organization, and to regulate by ordinance the conduct and policies thereof.]]
(*Billboards*). To license, tax and regulate, restrain or prohibit the erection or maintenance of billboards within the Town, the placing of signs, bills and posters of every kind and description on any building, fence, post, billboard, pole, or other place within the Town.

(g) (*Bridges*). To erect and maintain bridges.

(h) (*Buildings*). To make reasonable regulations in regard to buildings and signs to be erected, constructed, or reconstructed in the Town, and to grant building permits for the same; to formulate a building code and a plumbing code and to appoint a building inspector and a plumbing inspector, and to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down.

(i) (*Cemeteries*). To regulate or prohibit the interment of bodies within the municipality and to regulate cemeteries.

(j) (*Codification*). To provide for the codification of all ordinances and resolutions which have been or may hereafter be passed.

(k) (*Community Services*). To provide, maintain, and operate community and social services for the preservation and promotion of the health, recreation, welfare, and enlightenment of the inhabitants of the Town.

(l) (*Cooperative Activities*). To make agreements with other municipalities, counties, districts, bureaus, commissions, and governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions.

(m) (*Curfew*). To prohibit the youth of the Town from being in the streets, lanes, alleys, or public places at unreasonable hours of the night.

(n) (*Dangerous Conditions*). To compel persons about to undertake dangerous improvements to execute bonds with sufficient sureties conditioned that the owner or contractor will pay all damages resulting from such work which may be sustained by any persons or property.

(o) (*Departments*). To create, change, and abolish offices, departments, or agencies, other than offices, departments, and agencies established by this Charter; to assign additional functions or duties to offices, departments or agencies, established by this Charter, but not including the power to discontinue or assign to any other office, department, or agency, any function or duty assigned by this charter to a particular office, department, or agency.

(p) (*Disorderly Houses*). To suppress bawdy houses, disorderly houses and houses of ill fame.

(q) (*Dogs*). To regulate the keeping of dogs in the Town and to provide, whether the County does not license or tax dogs, for the licensing and taxing of the same; to provide for the disposition of homeless dogs and dogs on which no license fee or taxes are paid.

(r) (*Elevators*). To require the inspection and licensing of elevators and to prohibit their use when unsafe or dangerous or without a license.

(s) (*Explosives*). To regulate or prevent the storage of gunpowder, oil, or any other explosive or combustible matter; to regulate or prevent the use of firearms, fireworks, bonfires, explosives, or any other similar things which may endanger persons or property.

(t) (*Filth*). To compel the occupant of any premises, building or outhouse situated in the Town, when the same has become filthy or unwholesome, to abate or cleanse the condition; and after reasonable notice to the owners or occupants to authorize such work to be done by the proper officers and to assess the expense thereof against such property, making it collectible by taxes or against the occupant or occupants.

(u) (*Finances*). To levy, assess, and collect ad valorem property taxes; to expend municipal funds for any public purpose; to have general management and control of the finances of the Town.

(v) (*Fire*). To suppress fires and prevent the dangers thereof and to establish and maintain a fire department; to contribute funds to volunteer fire companies serving the Town; to inspect buildings for the purpose of reducing fire hazards, to issue regulations concerning fire hazards, and to forbid and prohibit the use of fire-hazardous buildings and structures permanently or until the conditions of Town fire-hazard regulations are met; to install and maintain fire plugs where and as necessary, and to regulate their use; and to take all other measures necessary to control and prevent fires in the Town.

(w) (*Food*). To inspect and to require the condemnation of, if unwholesome, and to regulate the sale of any food products.

(x) (*Franchises*). To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies, and any others which may be deemed advantageous and beneficial to the Town. No franchise shall be granted for longer period than fifty years.

(y) (*Gambling*). To regulate, restrain or prohibit gambling.

(aa) (*Garbage*). To prevent the deposit of any unwholesome substance either on private or public property, and to compel its removal to designated points; to require

slops, garbage, ashes and other waste or other unwholesome materials to be removed to designated points, or to require the occupants of the premises to place them conveniently for removal.

(bb) (*Grants-in-Aid*). To accept gifts and grants of federal or of state funds from the federal or state governments or any agency thereof, and to expend the same for any lawful public purpose, agreeably to the conditions under which the gifts or grants were made.

(cc) (*Hawkers*). To license, tax, regulate, suppress and prohibit hawkers and itinerant dealers, peddlers, pawnbrokers and all other persons selling any articles on the streets of the Town, and to revoke such licenses for cause.

(dd) (*Health*). To protect and preserve the health of the Town and its inhabitants; to appoint a public health officer, and to define and regulate his powers and duties; to prevent the introduction of contagious diseases into the Town; to establish quarantine regulations, and to authorize the removal and confinement of persons having contagious or infectious diseases; to prevent and remove all nuisances; to inspect, regulate, and abate any buildings, structures, or places which cause or may cause unsanitary conditions or conditions detrimental to health.

(ee) (*House Numbers*). To regulate the numbering of houses and lots and to compel owners to renumber the same or in default thereof to authorize and require the same to be done by the Town at the owner's expense, such expense to constitute a lien upon the property collectible as tax monies.

(ff) (*Jail*). To establish and regulate a station house or lock-up for temporary confinement of violators of the laws and ordinances of the Town or to use the County jail for such purpose.

(gg) (*Licenses*). Subject to any restrictions imposed by the public general laws of the State, to license and regulate all persons beginning or conducting transient or permanent business in the Town for the sale of any goods, wares, merchandise, or services, to license and regulate any business, occupation, trade, calling, or place of amusement or business; to establish and collect fees and charges for all licenses and permits issued under the authority of this charter.

(hh) (*Liens*). To provide that any valid taxes, assessments or charges made against any real property within the Town shall be liens upon such property from the date they became payable.

(ii) (*Lights*). To provide for the lighting of the Town.

(jj) (*Livestock*). To regulate and prohibit the running at large of cattle, horses, swine, fowl, sheep, goats, dogs or other animals; to authorize the impounding, keeping, sale and redemption of such animals when found in violation of the ordinance in such cases provided.

(kk) (*Markets*). To obtain by lease or rent, own, construct, purchase, operate, and maintain public markets within the Town.

(ll) (*Minor Privileges*). To regulate or prevent the use of public ways, sidewalks, and public places for signs, awnings, posts, steps, railings, entrances, racks, posting handbills and advertisement, and display of goods, wares, and merchandise.

(mm) (*Noise*). To regulate or prohibit unreasonable ringing of bells, crying of goods or sounding of whistles, horns and speakers.

(nn) (*Nuisances*). To prevent or abate by appropriate ordinance all nuisances in the Town whether the same be herein specifically named or not; to regulate, to prohibit, to control the location of, or to require the removal from the Town of all trading in, handling of, or manufacture of any commodity which is or may become offensive, obnoxious, or injurious to the public comfort or health. In this connection the Town may regulate, prohibit, control the location of, or require the removal from the Town of such things as stockyards, junkyards, slaughterhouses, cattle or hog pens, tanneries, and renderies. This listing is by way of enumeration, not limitation.

(oo) (*Obstructions*). To remove all nuisances and obstructions from the streets, lanes and alleys and from any lots adjoining thereto, or any other places within the limits of the Town.

(pp) (*Parking Facilities*). To license and regulate and to establish, acquire by purchase, lease or other transfer, own, construct, operate, and maintain parking lots and other facilities for off street parking.

(qq) (*Parking Meters*). To install parking meters on the streets and public places of the Town in such places as by ordinance may be determined, and by ordinance prescribe rates and provisions for the use thereof, except that the installation of parking meters on any street or road maintained by the State [[Roads Commission]] of Maryland must first be approved by the STATE [[Commission]].

(rr) (*Parks and Recreation*). To establish and maintain public parks, gardens, playgrounds, and other recreational facilities and programs to promote the health, welfare, and enjoyment of the inhabitants of the Town.

(ss) (*Police Force*). To establish, operate, and maintain a police force. All Town policemen shall, within the municipality, have the powers and authority of constables in this State.

(tt) (*Police Powers*). To prohibit, suppress, and punish within the Town all vice, gambling, and games of chance; prostitution and solicitation therefor and the keeping of bawdy houses and houses of ill fame; all tramps and vagrants; all disorder, disturbances, annoyances, disorderly conduct, obscenity, public profanity, and drunkenness.

(uu) (*Property*). To acquire by conveyance, purchase or gift, real or leasehold property for any public purpose; to erect buildings and structures thereon for the benefit of the Town and its inhabitants; and to sell, lease, convey or otherwise dispose of or encumber any real or leasehold property when no longer needed for the public use, after having given at least twenty days' public notice thereof; to control, protect and maintain public buildings, grounds and property of the Town.

(vv) (*Regulations*). To adopt by ordinance and enforce within the corporate limits police, health, sanitary, fire, building, plumbing, traffic, speed, parking, and other similar regulations not in conflict with the laws of the State of Maryland or with this charter.

(ww) (*Sidewalks*). To regulate the use of sidewalks and all structures in, under or above the same; to require the owner or occupant of premises to keep the sidewalks in front thereof free from ice, snow or other obstructions; to prescribe hours for cleaning sidewalks.

(xx) (*Sweepings*). To regulate or prevent the throwing or depositing of sweepings, dust, ashes, offal, garbage, paper, trash or handbills, dirty liquids, or other unwholesome materials into any public way or onto any public or private property in the Town.

(yy) (*Taxicabs*). To license, tax and regulate PERSONS OPERATING A MOTOR VEHICLE FOR HIRE [[public hackmen]], taxicab DRIVERS [[men, draymen, drivers, cabmen, porters and expressmen]], and all other persons pursuing like occupations.

(zz) (*Vehicles*). To regulate and license wagons and other vehicles not subject to the licensing powers of the State of Maryland.

(aaa) (*Voting Machines*). To purchase, lease, borrow, install, and maintain voting machines for use in Town elections.

(bbb) (*Savings Clause*). The enumeration of powers in this section is not to be construed as limiting the powers of the Town to the several subjects mentioned.

Section 82–17. (Exercise of Powers).

For the purpose of carrying out the powers granted in this charter, the COUNCIL [[Board]] may pass all necessary ordinances. All the powers of the Town shall be exercised in the manner prescribed by this charter, or, if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

Section 82–18. (Enforcement).

To ensure the observance of the ordinances of the Town, the COUNCIL [[Board]] shall have the power to provide that violation thereof shall be a misdemeanor or municipal infraction, punishable as provided in Sec. 82–88 hereof.

Registration, Candidates and Elections

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Section 82–20. (Board of Supervisors of Elections).

There shall be a Board of Supervisors of Elections, consisting of three to five members including any additional member that may be designated to serve as an alternate or substitute member who shall act as a member of such Board in the absence of any one of the regularly-appointed members, as the Board in its sole discretion shall determine by written resolution as necessary and proper who shall be appointed by the MAYOR [[President]] with the approval of the TOWN COUNCIL [[Board of Commissioners]] on or before the second Tuesday in September in every even numbered year. The terms of members of the Board of Supervisors of Elections shall begin on the second Tuesday in September in the year in which they are appointed and shall run for two years. Members of the Board of Supervisors of Elections shall be qualified voters of the Town and shall not hold or be candidates for any elective office during their terms of office. The Board of Supervisors of Elections shall appoint one of its members as chair[[man]], who shall vote only in case of tie when the number of appointed and seated supervisors is four regularly-appointed members. Vacancies on the said Board of Supervisors shall be filled by the MAYOR [[President]] with the approval of the TOWN COUNCIL [[Board of Commissioners]] for the remainder of the unexpired term. The compensation of the members of the said Board of Supervisors shall be determined by the TOWN COUNCIL [[Board of Commissioners]]. Notwithstanding anything herein to the contrary, the incumbent supervisors serving their terms of office as previously set to expire in November of 2021 shall instead end their terms later on the first Monday of September of 2022 or shall serve until their successors qualify.

Section 82–21. (Removal).

Any member of the Board of Supervisors of Elections may be removed for good cause by the TOWN COUNCIL [[Board of Commissioners]]. Before removal, the member of the Board of Supervisors of Elections to be removed shall be given a written copy of the charges against THE MEMBER [[him]] and shall have a [[public]] hearing on [[them]] THE CHARGES before the TOWN COUNCIL [[Board of Commissioners]] if THE MEMBER [[he]] so requests within ten days after receiving the written copy of the charges[[against him]].

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Section 82–25. (Appeal).

If any person shall feel aggrieved by the action of the Board of Supervisors of Elections in refusing to register or in striking off the name of any person, or by any other action, such person may appeal to the TOWN COUNCIL [[Board of Commissioners]]. Any decision or action of the TOWN COUNCIL [[Board of Commissioners]] upon such appeals may be appealed to the Circuit Court for Prince George's County within thirty days of the decision or action of the

TOWN COUNCIL [[Board of Commissioners]].

Section 82–26. (Candidates).

Any person qualified to hold the office of COUNCIL MEMBER [[Commissioner]] and desiring to be a candidate for such office shall file with THE TOWN CLERK [[one of the Supervisors of Elections]] a written statement to that effect on or before the second Monday in October next preceding the election at which THAT PERSON [[he]] desires to be a candidate or THAT PERSON’S [[his]] name shall not be printed on the ballot.

The name of any qualified person may be certified for candidacy and shall be printed on the ballot upon receipt of the aforementioned written statement of candidacy and a petition of 10 or more qualified voters of said Town filed with THE TOWN CLERK [[one of the Supervisors of Elections]] on or before the second Monday in October next preceding the election or his/her name shall not be printed on the ballot. The written statement of candidacy and the nominating petition may be filed separately or together provided they are both received no later than the second Monday in October.

Section 82–27. (Election of the Board of Commissioners).

On the first Tuesday in November in 2025 [[and every odd numbered year]], the qualified voters of the Town shall elect five persons as COUNCIL MEMBERS [[Commissioners]], THREE OF WHICH TO SERVE A FOUR YEAR TERM AND TWO OF WHICH TO SERVE A TWO YEAR TERM. [[to serve for term of two years or until their successors qualify.]] THE THREE CANDIDATES RECEIVING THE HIGHEST NUMBER OF VOTES SHALL BE ELECTED TO A FOUR YEAR TERM AND THE TWO CANDIDATES RECEIVING THE NEXT HIGHEST NUMBER OF VOTES SHALL BE ELECTED TO A TWO YEAR TERM.

ON THE FIRST TUESDAY IN NOVEMBER IN 2027 AND EVERY FOURTH YEAR THEREAFTER, THE QUALIFIED VOTERS OF THE TOWN SHALL ELECT TWO PERSONS AS COUNCIL MEMBERS TO SERVE A TERM OF FOUR YEARS. THE TERM OF OFFICE FOR THE TWO COUNCIL MEMBERS SO ELECTED SHALL EXPIRE ON THE SECOND MONDAY IN DECEMBER FOLLOWING THE ELECTION AND EVERY FOURTH YEAR THEREAFTER.

ON THE FIRST TUESDAY IN NOVEMBER IN 2029 AND EVERY FOURTH YEAR THEREAFTER, THE QUALIFIED VOTERS OF THE TOWN SHALL ELECT THREE PERSONS AS COUNCIL MEMBERS TO SERVE A TERM OF FOUR YEARS. THE TERM OF OFFICE FOR THE THREE COUNCIL MEMBERS SO ELECTED SHALL EXPIRE ON THE SECOND MONDAY IN DECEMBER FOLLOWING THE ELECTION AND EVERY FOURTH YEAR THEREAFTER.

ALL ELECTED COUNCIL MEMBERS SHALL SERVE UNTIL THEIR SUCCESSORS QUALIFY.

Section 82–28. (Conduct of Elections).

It shall be the duty of the Board of Supervisors of Elections to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and ballots or voting machines. In each general election, the ballots or voting machines shall show the name of each candidate, arranged in alphabetical order with no party designation of any kind and shall indicate in such terms as may by said Board be deemed appropriate, THE COUNCIL MEMBERS [[that three Commissioners are to]] be elected. The ballots and/or voting machines shall also provide a space or spaces to permit the voter to write in name or names of additional persons. The Board of Supervisors of Elections shall keep the polls open for a minimum of twelve (12) hours, such time to be selected and announced by the said Board of Supervisors of Elections, provided that these hours fall between 7:00 a.m. and 9:00 p.m.

Section 82–29. (Special Elections).

All special Town elections shall be conducted by the Board of Supervisors of Elections in the same manner and with the same personnel, as far as practicable, as regular Town elections. In the event a special election is required pursuant to Section 82–32, the said special election shall be held not less than thirty (30) days and not more than forty–five (45) days after the vacancy is created. The newly elected COUNCIL MEMBER [[Commissioner]] shall take office on the second Monday of the month following the special election. The vote count of a special election for COUNCIL [[Commissioner]] shall be the same as provided under Section 82–30 of this Charter, as amended.

Section 82–30. (Vote Count).

After the closing of the polls, the Board of Supervisors of Elections shall determine the vote cast for each candidate or question and shall, no later than 12:00 Noon on the Thursday immediately following the election, certify the results of the election to the clerk of the Town who shall record the results in the minutes of the TOWN COUNCIL [[Board of Commissioners]]. The [[five]] candidates for COUNCIL [[Commissioners]] receiving the highest number of votes FOR THE OPEN POSITIONS in a general election shall be declared elected.

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Section 82–32. (Vacancies).

In case of a vacancy on the TOWN COUNCIL [[Board of Commissioners]] for any reason, the Board of Supervisors of Elections shall, pursuant to the provisions of Section 82–29, conduct a special election to elect some qualified person to fill such vacancy for the unexpired term, provided, however, any vacancy which occurs within 61 days of the next general election as provided for in Section 82–27 shall remain vacant until said general election. In case of a vacancy in the office of MAYOR [[President]] for any reason, the COUNCIL [[Board]] shall elect one of its members to fill the vacancy for the remainder of the unexpired term. Any vacancy in the office of the MAYOR [[President]] shall be filled by the favorable votes of a majority of the members of the COUNCIL [[Board]]. The results of any such votes shall be recorded in the

minutes of the COUNCIL [[Board]].

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Section 82–34. (Regulation and Control).

The TOWN COUNCIL [[Board of Commissioners]] shall have the power to provide by ordinance in every respect not covered by the provisions of this Charter for the conduct of registration, candidacy and elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud.

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Finance

Section 82–36. (CHIEF FINANCIAL OFFICER [[Treasurer]]).

[[There shall be a treasurer appointed by the President with the approval of the Board. He shall serve at the pleasure of the President. His compensation shall be determined by the Board]]. The TOWN MANAGER [[treasurer]] shall be the chief financial officer of the Town. The financial powers of the Town, except as otherwise provided by this Charter, shall be exercised by the TOWN MANAGER [[treasurer]] under the direct supervision of the MAYOR [[President]]. [[The treasurer appointed may be a member of the Board]].

Section 82–37. (Powers and Duties of the TOWN MANAGER [[Treasurer]]).

Under the supervision of the MAYOR [[President]], the TOWN MANAGER [[treasurer]] shall have authority and shall be required to:

- (a) Prepare [[at the request of the President]] an annual budget to be submitted by the TOWN MANAGER [[President]] to the COUNCIL [[Board]].
- (b) Supervise and be responsible for the disbursement of all monies have control over all expenditures to assure that budget appropriations are not exceeded.
- (c) Maintain a general accounting system for the Town in such form as the COUNCIL [[Board]] may require, not contrary to State law.
- (d) Submit at the end of each fiscal year, and at such other times as the COUNCIL [[Board]] may require, a complete financial report to the Board.
- (e) Ascertain that all taxable property within the Town is assessed for taxation.
- (f) Bill for and collect all taxes, special assessments charges, license fees, liens, and all other revenues (including utility revenues) of the Town, and all other revenues for whose collections the Town is responsible, and receive any funds receivable by the Town.

(g) Have custody of all public monies belonging to or under the control of the Town, except as to fines in the control of any set of trustees, and have custody of all bonds and notes of the Town.

(h) Do such other things in relation to the fiscal or financial affairs of the Town as the COUNCIL [[Board]] may require or as may be required elsewhere in this Charter.

Section 82-38. (Bond[[of Treasurer]]).

The TOWN MANAGER [[treasurer]] shall provide a bond with such corporate surety and in such amount as the COUNCIL [[Board]] by ordinance may require.

* * * *

Section 82-40. (Budget).

The TOWN MANAGER [[President]] on such date as the COUNCIL [[Board]] shall determine, but at least thirty days before the beginning of any fiscal year, shall submit a budget to the COUNCIL [[Board]]. The Budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The budget shall be a public record in the office of the TOWN MANAGER [[treasurer]], open to public inspection during normal business hours.

Section 82-41. (Budget Adoption).

Before adopting the budget the COUNCIL [[Board]] may hold a public hearing thereon upon such notice as may be deemed appropriate. The COUNCIL [[Board]] may increase, decrease or eliminate any item in the budget and may add new items thereto. The budget shall be adopted in the form of an ordinance. A favorable vote of at least a majority of the total elected membership of the COUNCIL [[Board]] shall be necessary for adoption.

Section 82-42. (Appropriations).

No public money may be expended without having been appropriated by the COUNCIL [[Board]]. 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.

Section 82-43. (Transfer of Funds).

Any transfer of funds between major appropriations for different purposes by the TOWN MANAGER [[President]] must be approved by the COUNCIL [[board]] before becoming effective.

* * * *

Section 82–45. (Appropriations Lapse After One Year; Reserve Funds).

(A) Except for appropriations for any reserve fund created pursuant to this Section, all appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered. Except as stated herein, any unexpended and unencumbered funds shall be considered as 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 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, and 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 COUNCIL [[Board]] shall be necessary for the adoption or repeal of any ordinance creating such a reserve fund.

Section 82–46. (Checks).

Except as otherwise stated herein, all checks issued in payment of salaries or other municipal obligations shall be issued and signed by the TOWN MANAGER [[treasurer]]. The COUNCIL [[Board]] may further designate from time to time by ordinance or written resolution those person(s) in addition to the TOWN MANAGER [[treasurer]] who shall be authorized to sign checks issued on behalf of the Town when the need arises and the TOWN MANAGER [[treasurer]] is unavailable. Additional person(s) authorized to sign checks shall be bonded. The COUNCIL [[Board]] shall establish by ordinance or resolution a dollar amount above which all checks made payable by the Town shall be issued and signed by two persons, the TOWN MANAGER [[treasurer]] and the MAYOR [[President]], or in either or both of their unavailability or incapacities, two other persons who shall be designated from time to time by resolution or ordinance of the COUNCIL [[Board]], which at least one of whom shall be a COUNCIL MEMBER [[Commissioner]].

* * * *

Section 82–48. (Tax Levy).

On or before the thirtieth day of June in each and every year, the COUNCIL [[Board]] shall determine the tax rate for the ensuing fiscal year, which determination shall constitute the tax levy for such year.

* * * *

Section 82–50. (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 82–49 of this Charter shall be turned over by the TOWN MANAGER [[treasurer]] to the official of the County responsible for the sale of tax delinquent property as provided in State law. All property listed thereon shall, if necessary, be sold for taxes by this County official, in the manner prescribed by State law.

* * * *

Section 82–53. (Authorization To Borrow Money).

Notwithstanding any other provisions or limitation of public general or public local law, the Town shall have the power to borrow money for any public purpose and to evidence such borrowing by the issue and sale of its general obligation bonds, or notes issued in anticipation thereof, and shall likewise have authority to borrow money in anticipation of the receipt of current taxes and to evidence such borrowing by the issuance and sale of its tax anticipation notes, payable as to principal and interest from said taxes when received, all in the manner prescribed in TITLE 19, SUBTITLE 3 OF THE LOCAL GOVERNMENT ARTICLE [[Section 31–37, inclusive, of Article 23A]] of the Annotated Code of Maryland (1957 Edition, as amended) [[title “Municipal Corporations”, sub–title “Home Rule”, subheading “Creation of Municipal Public Debt”]], provided, however, that no referendum shall be necessary for any issue of bonds made pursuant to the authority contained in this section so long as the total indebtedness of the Town shall not exceed 2% of the assessable base of real property located within said Town, and provided further that if the ordinance or ordinances authorizing the issuance and sale of any such bonds or notes shall so specify, said bonds or notes may be sold at private sale, without advertisement or publication of notice of sale or solicitation of competitive bids. In the event the COUNCIL [[Board]] considers it desirable to borrow in excess of the 2% limitation aforesaid, the ordinance proposing such exercise of borrowing power shall provide therein for a referendum if the same is petitioned by 20% of the qualified voters within 40 days of the adoption of said ordinance. In the event there is no petition for a referendum, the 2% debt limitation shall not apply except at no time shall the total indebtedness of the Town exceed 10% of the assessable base of real property located within said Town.

Section 82–53A. (Borrowing).

(a) In addition to any other borrowing powers which the Town of Upper Marlboro may possess (from whatever source derived) and notwithstanding any other provision of the Charter of the Town or limitation of law (to the extent such limitation may be removed or modified by this Charter provision), the Town shall have the power, by resolution or ordinance adopted from time to time, to borrow money to finance the cost (as defined herein) or projects for the accomplishment of any of the purposes, objects and powers of the Town of Upper Marlboro and in connection therewith to issue its revenue bonds, notes or other obligations (including revenue refunding bonds, notes or other obligations as provided in this section). The term “cost” shall include, but not be limited to, the cost of (i) acquiring, by lease

or by purchase or otherwise, all interests in property in connection therewith; (ii) financial, architectural, consulting, engineering or legal services; (iii) plans, specifications, surveys, estimated or feasibility reports; (iv) development of the property, including, without limitation, grading, road construction, and installation of water, sewers, storm drains and other utilities; (v) erection of structures, including labor, materials, equipment and administrative expenses, and any other expenses incidental thereto. Such revenue bonds shall not be general obligations of the Town of Upper Marlboro but shall be payable as to principal, interest and premium (if any) solely from and secured solely by a pledge of the tolls, receipts, rentals, and any other revenues of any type and kind whatsoever realized from or in connection with the project being financed. Such security may include, without in any way limiting the generality of the foregoing, a pledge of the revenues realized from the property, facilities, developments and improvements being financed by the revenue bonds and from existing facilities to which such new property, facilities, developments and improvements are related. The revenue bonds may be further secured by mortgage, pledge, assignment, or creation of any security interest of any kind and nature whatsoever as, in the judgment of the TOWN COUNCIL [[Commissioners of the Town]], shall be appropriate.

Such revenue bonds shall not constitute an indebtedness of the Town of Upper Marlboro to which its faith and credit or taxing power are pledged, nor shall such bonds constitute a debt of the Town within the meaning of any constitutional, statutory or charter provision, and all such revenue bonds shall contain on their face a statement to that effect.

All revenue bonds, revenue refunding bonds, revenue bond anticipation notes, and other obligations issued by the Town in accordance with this section shall have and possess all the attributes of negotiable instruments [[as provided in Section 8 of Article 31 of the Annotated Code of Maryland]], in accordance with TITLE 19 OF THE LOCAL GOVERNMENT ARTICLE [[Section 35 of Article 23A]] of the Annotated Code of Maryland. As also provided by TITLE 19 OF THE LOCAL GOVERNMENT ARTICLE [[Section 35 of Article 23A]], the principal of and interest on any such revenue bonds, revenue refunding bonds, revenue bond anticipation notes or other obligations shall be and remain exempt from taxation of any kind or nature whatsoever by the State of Maryland and by any county, municipal corporation or other political subdivision thereof.

(b) The Town shall have absolute discretion by resolution or ordinance to determine with respect to the revenue bonds of any issue: (i) The date or dates of issue; (ii) The date or dates and amount or amounts of maturity, provided only that no revenue bond or any issue shall mature later than (40) years from the date of its issue; (iii) The rate or rates of interest payable thereon and the date or dates of such payment; (iv) The form or forms, denomination or denominations, manner of execution (which may be facsimile) and the place or places of payment thereof, and of the interest thereon, which may be at any bank or trust company within or without this state; (v) Whether such revenue bonds or any part thereof shall be made redeemable before maturity and, if so, upon what terms, conditions and prices; (vi) Provisions for issuance in coupon or in registered form, or both, and for the registration of the principal only of revenue bonds having coupons attached, and for the reconversion of revenue bonds into coupon form if any such revenue bonds have been registered as to both principal and interest and for the replacement of revenue bonds which become mutilated or are lost or destroyed; and

(vii) Any other matter relating to the form, terms, conditions, issuance and sale and delivery thereof.

(c) In case any officer whose signature or a facsimile of whose signature appears on any revenue bonds or coupons shall cease to be such officer before the delivery of such revenue bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if THE OFFICER [[he]] had remained in office until such delivery.

(d) If the ordinance or ordinances authorizing the issuance of such revenue bonds shall so specify, such bonds may be sold at private sale without advertisement or publication of notice of sale or solicitation or competitive bids.

(e) If the proceeds of the revenue bonds of any issue shall, by reason of increased construction costs or error in estimates or otherwise, be less than the amount required for the purpose for which such revenue bonds are authorized, additional bonds may be like manner be issued to provide the amount of such deficiency and shall (if the authorizing resolution or ordinance for the revenue bonds first issued shall so provide or permit) be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the revenue bonds first issued. If the proceeds of such revenue bonds shall exceed the amount so required, such excess shall be deposited to the credit of any reserve fund for such revenue bonds or, if so provided in any trust agreement securing such revenue bonds, may be applied to the cost of any additional project.

(f) The Town may also provide by resolution or ordinance for the issuance and sale of its revenue refunding bonds for the purpose of refunding any revenue bonds issued under the provisions of this section, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such revenue bonds, and, if deemed advisable by the Town, for such additional purposes as may be provided or permitted by the authorizing resolution or ordinance for the revenue bonds being refunded. The issuance of such revenue refunding bonds and the details thereof, the rights of the holders thereof, and the rights, duties and obligations of the Town in respect thereto, shall be governed by the provisions of this section relating to revenue bonds, insofar as they may be applicable.

(g) The Town may also provide by resolution or ordinance: (i) for the issuance, prior to the preparation of definitive bonds, of interim certificates or temporary bonds, with or without coupons, exchangeable for definitive bonds when such definitive bonds have been executed and are available for delivery; and/or (ii) for the issuance and sale of its revenue bond anticipation notes, the principal of, interest on and premium (if any) on said notes to be made payable to the bearer or registered holder thereof out of the first proceeds of sale of any revenue bonds issued under this section. Revenue bond anticipation notes may be issued in series as funds are required and provision may be made for renewal of such notes at maturity with or without resale. The issuance of such notes and the details thereof, the rights of the holders thereof, and the rights, duties and obligations of the Town in respect thereto, shall be governed by the same provisions of this section relating to the issuance of revenue bonds in anticipation of the sale of which the notes were issued, insofar as those provisions may be applicable.

(h) (i) Revenue bonds issued under the provisions of this section may be secured by a trust agreement by and between the Town and a corporate trustee, which may be any trust company, or bank having trust powers, within or without the State. Such trust agreement may pledge or assign all or any part of the revenues from or arising in connection with any of the property, facilities or projects of the Town related to the undertaking being financed. Any such trust agreement, or resolution or ordinance authorizing the issuance of revenue bonds, may contain such provisions for the protection and enforcement of the rights and remedies of bondholders as may be deemed reasonable and proper, including covenants setting forth the duties of the Town in relation to the financing or development of any undertaking of the Town and the extension, enlargement, improvement, maintenance, operation, repair and insurance of any undertaking of the Town and the custody, safeguarding and application of moneys. Such trust agreement may set forth the rights and remedies of the bondholders and of the trustee and may restrict the individual right of action by bondholders. Such trust agreement may contain such other provisions as the Town may deem reasonable and proper for the security of the bondholders, including, without limitation, covenants pertaining to the issuance of additional parity revenue bonds upon conditions stated therein consistent with the requirements of this section. All expenses incurred in carrying out the provisions of any such trust agreement may be treated as a part of the cost of financing the undertaking of the Town in connection with which such revenue bonds have been issued.

(ii) Revenue bonds issued under the provisions of this section may be additionally secured by the pledge, mortgage, assignment, or creation of other security interest or right in, any project, the revenues derived from a project, or from any existing facilities to which such project is related.

(iii) The proceeds of the sale of revenue bonds shall be paid to the trustee under any trust agreement securing such revenue bonds and shall be disbursed in such manner and under such restrictions, if any, as may be provided in such trust agreement.

(i) Any holder of revenue bonds issued under this section or of any coupons thereto appertaining, and the trustee, except to the extent the rights herein given may be restricted by the trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights under the laws of this State or granted hereunder or under the trust agreement or the resolution or ordinance authorizing the issuance of such revenue bonds, and may enforce and compel the performance of all duties required by this section or by the trust agreement to be performed by the Town or by any officer thereof, including the fixing, charging and collecting of rentals, rates, fees, tolls and other charges.

(j) No referendum shall be necessary for any issue of revenue bonds made pursuant to the authority contained in this section.

(k) If any part or parts of this section of the Charter shall be held to be illegal or unconstitutional, the illegality or unconstitutionality shall not affect the validity of the remaining parts of this section. The MAYOR [[President]] and TOWN COUNCIL [[Board of Commissioners]] of Upper Marlboro hereby declare that they would have passed the remaining parts of this section if they had known that the part or parts thereof would be declared illegal or

unconstitutional.

Section 82–53B. (Parking Facility).

(a) Without in any way limiting the generality of Section 82–53A, the Town of Upper Marlboro shall have the power to establish a parking facility within its corporate limits and, in connection therewith, to exercise any and all of its powers from whatever source derived, together with the power (without in any way limiting the generality of the foregoing):

(i) To finance (in such manner as it may deem appropriate including, without limitation, the issuance of its revenue bonds in accordance with the provisions of Section 82–53A of the Charter) the cost of establishing the parking facility, including, without limitation, the acquisition and development of the land on which the parking facility will be situated, the acquisition and construction of the parking facility structure, and the acquisition and construction of all necessary appurtenant structures, roads, approaches and other facilities necessary or reasonably related to such parking facility.

(ii) To purchase or to lease from any person, firm or corporation (including, without limitation, any governmental entity) the land on which the parking facility is to be situated;

(iii) To appoint any person, firm, or corporation (including without limitation, any governmental entity) as its agent for planning and construction of the parking facility, including without limitation; (A) contracting for financial, architectural, consulting, engineering or legal services; (B) developing plans, specifications, surveys, estimates or feasibility reports; (C) developing the site, including, without limitation, grading, road construction, and installation of water, sanitary sewers and storm sewers, and other utilities; (D) contracting for labor, materials and equipment and administrative services required for construction of the parking facility; and (E) supervising the construction of the parking facility and taking all actions necessary to place it in operation;

(iv) To lease to any person, firm or corporation (including, without limitation, any governmental entity) all or any part of the completed parking facility or the land on which it is situated, or both;

(v) To sublease from, or to otherwise contract with, any person, firm or corporation (including, without limitation, any governmental entity), upon such terms as the town deems appropriate, for space within the parking facility for such public purposes as the TOWN COUNCIL [[Board of Commissioners of the Town]] may deem appropriate;

(vi) To fix, revise, charge and collect fees, rents and other charges of any kind and nature whatsoever from any firm, person or corporation (including, without limitation, any governmental entity) leasing or otherwise using all or any part of the parking facility and to make mandatory the payment of such fees, rents and charges; and

(vii) To convey all of its right, title and interest in the parking facility and/or

the land on which it is situated to any person, firm or corporation (including, without limitation, any governmental entity), at such times and upon such terms as the TOWN COUNCIL [[Board of Commissioners]] may deem appropriate.

(b) Without in any way limiting the generality of the foregoing, the Town shall have the power to convey, assign, mortgage, pledge, or otherwise transfer its interest in all or any part of the parking facility (including, without limitation, its right to receive fees, rents, charges and any other revenues of any kind and nature whatsoever in connection with the parking facility) as security for the revenue bonds, notes, or other obligations issued under Section 82–53A of the Charter to finance the cost of such parking facility.

(c) It is the purpose and intent of this section to authorize the Town of Upper Marlboro to undertake the acquisition and construction of a parking facility in order to relieve the serious shortage of adequate parking facilities within the corporate limits of the Town of Upper Marlboro, particularly in view of the construction of the county office building in the Town of Upper Marlboro. It is hereby found and determined that the acquisition and construction of a parking facility by the Town of Upper Marlboro, by itself or acting in conjunction with any other person, firm or corporation (including, without limitation, any governmental entity) will serve the essential public purposes of (i) relieving traffic congestion within the corporate limits of the Town of Upper Marlboro; (ii) providing adequate parking facilities to accommodate the existing parking needs of the Town of Upper Marlboro and parking needs resulting from the construction of the new county office building; (iii) facilitating the free flow of traffic within the Town of Upper Marlboro; and (iv) thus promoting the public health, welfare and safety of the residents of the Town of Upper Marlboro.

It is the purpose and intent of this section to authorize the Town of Upper Marlboro to accomplish the acquisition or construction of a parking facility in conjunction with Prince George’s County, Maryland, or in in any other way which the TOWN COUNCIL [[Board of Commissioners]] of Upper Marlboro may deem appropriate. In connection with such acquisition and construction, it shall not be necessary or required, notwithstanding any other provision of the Charter of the Town of Upper Marlboro:

(i) To take competitive bids in connection with the acquisition of land or the acquisition and construction of the parking facility or otherwise in connection with the parking facility project, or

(ii) To conduct any referendum in connection therewith; provided, however, that the Commissioners of Upper Marlboro shall determine, by resolution or ordinance, that the procedures adopted for the acquisition and construction of the parking facility are in the best interests of the citizens of Upper Marlboro.

(d) If any part or parts of this section of the Charter shall be held to be illegal or unconstitutional, the illegality or unconstitutionality shall not affect the validity of the remaining parts of this section. The M A Y O R [[President]] and TOWN COUNCIL [[Board of Commissioners]] of Upper Marlboro hereby declare that they would have passed the remaining parts of this section if they had known that the part or parts thereof would be declared illegal or

unconstitutional.

Section 82-54. (Payment of Indebtedness).

The issuance or sale of general obligation bonds, or notes in the anticipation thereof, or tax anticipation notes, authorized by Section 82-53 hereof shall constitute a pledge of the full faith and credit of the Town to the prompt payment, when due, from ad valorem taxes and such other revenues as may be described in the authorizing ordinance or ordinances, of the principal of and interest on such bonds or notes. The maturing principal of and interest on any general obligation bonds may be paid in whole or in part, from the proceeds of such benefit assessments or charges, or any combination thereof, as the COUNCIL [[Board]] may impose and collect during the life of said bonds, power and authority so to do being hereby specifically granted where appropriate to the public purpose for which said bonds may be issued, notwithstanding any limitation contained in this Charter or in any other law; but, in any event, the Town shall, if and when necessary, annually levy upon all property subject to taxation within its corporate limits ad valorem taxes sufficient to provide for the payment of the maturing principal of and interest on any such bonds or notes, without limitation as to rate or amount notwithstanding the limitation of any other law, and the issuance and sale of any such bonds or notes shall constitute a covenant to that effect.

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Section 82-56. (Purchasing and Contracts).

All purchases and contracts for the Town government shall be authorized by the COUNCIL [[Board or the President]] as provided herein. The TOWN MANAGER [[President]], as prescribed by ordinance, may be authorized to make individual purchases and execute contracts up to \$10,000 in cost so long as the duration of the purchase or contract is one year or less without prior COUNCIL [[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 COUNCIL [[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 \$75,000 shall be subject to a competitive procurement process determined by the COUNCIL [[Board]] unless the COUNCIL [[Board]], by supermajority vote of the full COUNCIL [[Board]], finds another method of procurement, as prescribed by ordinance, to be more advantageous. The TOWN MANAGER [[Board]] shall advertise for competitive sealed bids or another method of procurement in such manner as shall be prescribed by ordinance for all such competitive or other methods of procurement. Competitively procured contracts shall be awarded to the bidder or offer who offers the lowest or best bid, quality of goods and work, time of delivery or completion, and responsibility of bidders or offerors being considered. All such competitively procured and other contracts EXCEEDING [[exceed]] \$75,000 shall be in writing and approved by the COUNCIL [[Board]] before becoming effective. The COUNCIL [[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 offers. All contracts may be protected by such bonds, penalties and conditions as the Town may require.

Personnel

Section 82-57. (Clerk to the COUNCIL [[Board]]).

There shall be a clerk to the COUNCIL [[Board]]. The clerk shall be appointed by the TOWN MANAGER [[President with the approval of the Board]and shall serve at the pleasure of the President]]. The clerk shall attend every meeting of the COUNCIL [[Board]] and keep a full and accurate account of the proceedings of the COUNCIL [[Board]]. The clerk shall keep such other records and perform such other duties as may be required by this Charter or the COUNCIL [[Board]]. In the event that the clerk cannot be present for any meeting or meetings of the COUNCIL [[Board]], the TOWN MANAGER [[clerk]] shall have the authority[, with the Board's]approval[,] to assign the responsibility of attending said Board meeting(s), and the taking of minutes, to a town administrative staff member as a temporary alternate. The clerk to the COUNCIL [[Board]] shall be identified either as [[the Clerk to the Board or]] the Town Clerk.

Section 82-58. (Town Attorney).

The MAYOR [[President]] with the approval of the COUNCIL [[Board]] may appoint a Town Attorney. The Town Attorney shall be a member of the bar of the Maryland SUPREME COURT [[Court of Appeals]]. The Town Attorney shall be the legal adviser of the Town and shall perform such duties in this connection as may be required by the COUNCIL [[Board]] or the MAYOR [[President]]. THE TOWN ATTORNEY'S [[His]] compensation shall be determined by the COUNCIL [[Board]]. The Town shall have the power to employ such other legal consultants as it deems necessary from time to time.

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Section 82-59A. (Town MANAGER[[Administrator]]).

The MAYOR [[President]], with the approval of the COUNCIL [[Board]], SHALL [[may]] appoint an officer of the Town by ordinance or resolution who shall hold the title of Town MANAGER [[Administrator]] and shall have the powers and perform the duties as may be provided by THE CHARTER AND any applicable ordinances or resolutions of the Town. THE TOWN MANAGER SHALL SEE THAT THE ORDINANCES OF THE TOWN ARE FAITHFULLY EXECUTED AND SHALL BE THE CHIEF EXECUTIVE OFFICER AND THE HEAD OF THE ADMINISTRATIVE BRANCH OF THE TOWN GOVERNMENT. [[Under the Supervision of the President,]] THE [[the]] Town MANAGER [[Administrator]] shall coordinate and guide the administration of all departments, offices and agencies of the Town, except as otherwise provided by this Charter or by law. Neither the MAYOR [[President]] nor any COUNCIL MEMBER [[Town Commissioner]] shall received such appointment during the term

for which he or she shall have been elected, nor within one year after expiration of said term. [[, n]]Notwithstanding anything elsewhere in this Charter to the contrary, the Town MANAGER [[Administrator]] shall be considered subordinate to the COUNCIL [[Board]], and an at-will employee serving at the pleasure of the COUNCIL [[Board]].

Section 82-59B. (Chief of Police).

The MAYOR [[President]], with the approval of the COUNCIL [[Board]], may appoint an officer of the Town by ordinance or resolution who shall hold the office of Chief of Police. The Chief of Police shall assist the TOWN MANAGER [[President]] in the establishment and maintenance of a police department. The power to manage and operate the Town's police department shall be vested in the Chief of Police, subject to approval and oversight by the COUNCIL [[President and Board of Town Commissioners]]. It shall be the function of the Upper Marlboro Police Department to enforce the laws of the Town and, when appropriate and lawful, the laws of Prince George's County and the State of Maryland. The Chief of Police shall ensure that the police department adequately and competently fulfills its function.

SECTION 82-59C. (DIRECTOR OF PUBLIC WORKS).

THE MAYOR, WITH APPROVAL OF THE COUNCIL, MAY APPOINT AN OFFICER OF THE TOWN BY ORDINANCE OR RESOLUTION WHO SHALL HOLD THE OFFICE OF DIRECTOR OF PUBLIC WORKS. THE DIRECTOR OF PUBLIC WORKS SHALL ASSIST THE TOWN MANAGER IN THE ESTABLISHMENT AND MAINTENANCE OF A DEPARTMENT OF PUBLIC WORKS. THE POWER TO MANAGE AND OPERATE THE TOWN'S DEPARTMENT OF PUBLIC WORKS SHALL BE VESTED IN THE DIRECTOR OF PUBLIC WORKS, SUBJECT TO APPROVAL AND OVERSIGHT BY THE COUNCIL. IT SHALL BE THE FUNCTION OF THE UPPER MARLBORO DEPARTMENT OF PUBLIC WORKS TO OVERSEE ALL PUBLIC FACILITIES IN THE TOWN. THE DIRECTOR OF PUBLIC WORKS SHALL ENSURE THAT THE DEPARTMENT OF PUBLIC WORKS ADEQUATELY AND COMPLETELY FULFILLS ITS FUNCTION.

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Water and Sewers

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Section 82-71. (Charge for Connections).

The Town may make a charge, the amount to be determined by the COUNCIL [[Board]], for each connection made to the Town's water or sewer mains. This charge shall be uniform throughout the Town, but may be changed from year to year and subject to such reasonable classification of connections as the COUNCIL [[Board]] by ordinance may determine.

Arrangements for the payment of this charge shall be made before the connection is made.

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Special Assessments

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Section 82–80. (Procedure).

The procedure for making special assessments shall be as follows: (a) The cost of the project being charged for shall be assessed according to the front foot rule of apportionment or some other equitable basis determined by the COUNCIL [[Board]]. (b) The amount assessed against any project or improvement shall not exceed the value of the benefits accruing to the property therefrom. (c) When desirable, the affected property may be divided into different classes to be charged different rates, but, except for this, any rate shall be uniform. (d) All special assessment charges shall be levied by the COUNCIL [[Board]] by ordinance. Before levying any special assessment charges, the COUNCIL [[Board]] shall hold a public hearing. The TOWN MANAGER [[treasurer]] shall cause notice to be given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost, and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or their agents or attorneys, may appear before the COUNCIL [[Board]] and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by first class mail to the person in whose name the property is assessed for taxation purposes and by publication of a copy of the notice at least once in a newspaper of general circulation in the Town. The TOWN MANAGER [[treasurer]] shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificates shall be deemed proof of notice, but failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten and not more than thirty days after the TOWN MANAGER [[treasurer]] shall have completed publication and service of notice as provided in this section. Following the hearing, the COUNCIL [[Board]], in its discretion, may vote to proceed with the project and may levy the special assessment. (e) Any interested person feeling aggrieved by the levying of any special assessment under the provisions of this Charter shall have the right to appeal to the Circuit Court for Prince George's County within ten days after the levying of any special assessment by the COUNCIL [[Board]]. (f) Special assessments may be made payable in annual or more frequent installments over such period of time and in such manner as the COUNCIL [[Board]] may fix and determine. The COUNCIL [[Board]] shall determine on what date installments shall be due and payable. Interest may be charged on installments at a rate or rates to be determined by the COUNCIL [[Board]]. (g) All special assessment installments shall be overdue six months after the date on which they become due and payable. If any one installment becomes overdue, the entire amount of the special assessment shall be deemed to be overdue. All special assessments shall be liens on the property and may be collected in the same manner as Town taxes. (h) All special assessments shall be billed and collected by the TOWN MANAGER [[treasurer]].

* * * *

General Provisions

Section 82–85. (Oath of Office).

(a) Before entering upon the duties of their offices, the MAYOR [[President]], the COUNCIL MEMBERS [[Commissioners]], the Clerk, the TOWN MANAGER [[Treasurer]], the members of the Board of Supervisors of Election, and all other persons elected or appointed to any office of profit or trust in the Town government shall take and subscribe the following oath or affirmation: “I,do swear (or affirm, as the case may be), that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and Laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of..... according to the Constitution and Laws of this State.”

(b) The TOWN COUNCIL MEMBERS [[Board of Commissioners]] shall take and subscribe this oath or affirmation before the clerk of the Circuit Court for the County or before one of the sworn deputies of the clerk. All other persons taking and subscribing the oath shall do so before the MAYOR [[President]].

Section 82–86. (Official Bonds).

The TOWN MANAGER [[treasurer]] and such other officers or employees of the Town as the COUNCIL [[Board]] or this Charter may require, shall give bond in such amount and with such surety as may be required by the COUNCIL [[Board]]. The premiums on such bonds shall be paid by the Town.

* * * *

Section 82–88. (Violations).

(a) Every act of omission which is made or designated a misdemeanor by this Charter or by ordinance passed hereunder shall, unless otherwise provided, be punishable upon conviction before any Judge of the District Court of Maryland or in the Circuit Court of Prince George’s County by a fine or imprisonment in the County correctional center, or both, for a period of incarceration, fine, or both not exceeding the maximum penalty allowed by State law as determined in the discretion of the Circuit Court or the District Court Judge. The party aggrieved shall have the right to appeal as is now provided under the general laws of the State. Where the act of omission is of a continuing nature and is persisted in, a conviction for one offense shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

(b) The TOWN COUNCIL [[Board of Commissioners]] may provide that violation of any municipal ordinance shall be a municipal infraction unless that violation is declared to be a felony or misdemeanor by the laws of the State or other ordinance. For purposes of this section, a municipal infraction in a civil offense.

(c) A fine not to exceed the maximum allowable under State law may be imposed for each conviction of a municipal infraction. Repeat offenders may be assessed a fine not to exceed the maximum allowable under State law for each repeat offense, and each day a violation continues shall constitute a separate offense.

* * * *

Section 82-90.

The County Commissions for Prince George's County are hereby authorized and directed to levy six hundred dollars (\$600.00) annually for the Town of Upper Marlboro and to pay the same to the Town COUNCIL MEMBERS [[Commissioners]] of said Town; the said funds to be expended in such manner and for such purposes as the COUNCIL MEMBERS [[Commissioners]] of said Town, in their discretion deem expedient.

* * * *

Section 2. BE IT FURTHER RESOLVED that the Board finds that in addition to the other procedural charter adoption provisions found in State law, that it has held a public hearing and given at least 21-days' notice by posting the notice in a public place before adopting this resolution proposing to amend the municipal charter.

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 Commissions 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 for no 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 later of November 4, 2025 or 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 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, or in the absence of a Town Clerk, the Town Administrator, 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, or in the absence of a Town Clerk, the Town Administrator, is specifically instructed to carry out the provisions of Sections 2, 3, 4 and 5 hereof, as evidence of compliance herewith, the Town Clerk, or in the absence of a Town Clerk, the Town Administrator, 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 _____, 2025.

PASSED by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a regular meeting on the ____ day of _____, 2025

ATTEST:

THE TOWN OF UPPER MARLBORO
BOARD OF COMMISSIONERS

Sarah Franklin, President

Karen Lott, Commissioner

Charles Colbert, Commissioner

Clayton Anderson, Town Administrator

Derrick Brooks, Commissioner

CHARTER RESOLUTION CERTIFICATE

I, _____, the duly appointed, and qualified Town Manager of the Town of Upper Marlboro, a municipal corporation of the State of Maryland do hereby certify that (i) the attached copy of the Charter Amendment Resolution __-2025 is true, correct and complete; (ii) Charter Amendment Resolution __-2025 was duly adopted by the Board of Commissioners of the Town of Upper Marlboro at a regular meeting held on the _____ day of _____, 2025; (iii) said meeting was duly convened and a quorum was present and acting throughout; (iv) Charter Amendment Resolution __-2025, 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 __-2025 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 the Town of Upper Marlboro this _____ day of _____, 2025.

(SEAL)

_____, Town Administrator
The Town of Upper Marlboro