

Amending Chapter 2, Administration  
Sponsored by: Councilmember Wells

LEGISLATIVE RESOLUTION 21-0-10

RESOLUTION AND ORDINANCE OF THE TOWN OF UNIVERSITY PARK TO AMEND CHAPTER 2 "ADMINISTRATION", BY REPEALING § 2-102, ANNUAL FINANCIAL STATEMENT; REPEALING AND RESERVING §2-206, "INJURY WHEN ON ACTIVE DUTY"; ENACTING §2-102, "TOWN ELECTED OFFICIAL PROHIBITION", §2-115, "PURCHASING AND CONTRACTS", §2-116, AND "ISSUANCE OF PERMITS AND LICENSES"; AND REPEALING AND RE-ENACTING §2-103, "STANDING COMMITTEES", §2-104, "EXECUTION OF CONTRACTS", §2-105, "APPOINTMENT AND DUTIES OF THE TREASURER", §2-106, "EMPLOYEE BENEFIT PLANS", §2-107, "HOMESTEAD PROPERTY TAX CREDIT", §2-108, "LINE ITEM CONTROL OF BUDGET", §2-109, "INVENTORY OF TOWN PROPERTY", §2-110, "DISPOSAL OF TOWN PROPERTY", § 2-112, "USE OF TOWN SEAL, NAME OR LOGO", §2-113, "COMPENSATION OF THE MAYOR", §2-202, "QUALIFICATIONS FOR EMPLOYMENT", §2-204, "HOURS OF DUTY", AND §2-208, "CITATIONS: AUTHORITY TO ISSUE"

WHEREAS, pursuant to §5-202 of the Local Government Article, Annotated Code of Maryland, the Mayor and Common Council of the Town of University Park have the power to pass such ordinances as deemed necessary to protect the health, safety and welfare of the residents of the municipality and to prevent and remove nuisances; and

WHEREAS, Town staff and the Town Attorney have reviewed and made certain recommendations with respect to amendment of Chapter 2, "Administration" to, in part, update various provisions and reflect current Town practice and procedures; and

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EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW

[Brackets] indicate matter deleted from existing law

\* \* Asterisks\* \* indicate existing law which are unchanged but not set forth in the ordinance

CAPITALS INDICATE MATTER ADDED BY AMENDMENT TO THE PROPOSED ORDINANCE

[Brackets] indicate matter deleted by amendment to the proposed ordinance

WHEREAS, the Mayor and Common Council have determined that the said recommendations are in the public interest and should be adopted.

Section 1: NOW THEREFORE be it resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 2 "Administration", §2-102, "Annual Financial Statement" of the Code of the Town of University Park, be repealed, with a new §2-102, "Town elected official prohibition" enacted, to read as follows:

#### ARTICLE I

~~§ 2-102. Annual financial statement.~~

~~The Council shall annually prepare and file among the records of the Town a statement of the financial condition of the Town. The statement shall include the amount of all monies available to the Council for expenditure during the fiscal year, the amount expended, the object of each expenditure, and all financial liabilities and credits of the Town. The Treasurer shall make the annual financial statement available to the public upon written request.]~~

#### §2-102 TOWN ELECTED OFFICIAL PROHIBITION

A TOWN ELECTED OFFICIAL SHALL NOT BE HIRED AS AN INDEPENDENT CONTRACTOR FOR THE TOWN.

Section 2. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 2 "Administration", §2-103, "Standing committees" of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

**§ 2-103. Standing committees.**

Each year by the first regular Council meeting in ~~[June]~~ JULY, the Council shall appoint members of the Council to one or more of the standing committees, with a designated chair for each committee. The standing committees are as follows: Police, Traffic and Public Safety; Policy, Rules and Municipal Structure; and Public Facilities and Services. Should a position on any such committee become vacant for any reason, the Council shall appoint a Council member to such position within 30 days of such vacancy. The Council, or the Mayor, with the consent of the Council, may establish such special and additional committees as appropriate. Appointments to such committees shall be governed by this section.

Section 3. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 2 “Administration”, §2-104, “Execution of contracts” of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

**§ 2-104. Execution of contracts.**

All contracts approved by the Council shall be signed by the Mayor. The ~~[Treasurer]~~ TOWN CLERK shall witness the signing of the contract, affix to it the Town Seal, and execute it.

Section 4. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 2 “Administration”, §2-105, “Appointment and duties of the Treasurer” of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

**§ 2-105. Appointment and duties of the Treasurer.**

A. General. The Treasurer shall be appointed by the Mayor and approved by the Council. The Treasurer shall serve at the pleasure of the Mayor and Council. The Treasurer shall have general supervisory and administrative authority under the Mayor, unless otherwise assigned. He/she shall be responsible for keeping the personnel records ~~[and work reports]~~ of all Town employees.

B. Purchasing. The Treasurer shall oversee all purchase orders AND ALL PURCHASES AND EXPENDITURES. ~~[Except in situations where good cause has been demonstrated to the Council, the Treasurer shall make any single purchase or expenditure of more than \$10,000 by means of sealed bids. Such bids shall be opened publicly after public notice at such time and place as the Treasurer shall determine. Whenever the State of Maryland, or any department thereof, or any Prince George's County, or the Metropolitan Washington Council of Governments or individual member government, or other local government in Maryland, has conducted a competitive bid process that is consistent with that adopted by the Town, and has awarded a contract that authorizes local governments to purchase the bid item at the bid price, the Treasurer may purchase the bid item at the bid price from the successful bidder, subject to the prior approval of the Mayor.] [A Town elected official shall not be hired as an independent contractor for the Town.]~~

C. Payment of bills. ~~[Upon orders from the Council, t]~~The Treasurer ~~[shall pay]~~ IS RESPONSIBLE FOR PROCESSING AND PAYMENT OF all bills

D. ~~[Permits and licenses. The [Treasurer] CLERK shall issue all permits and licenses required by the ordinances of the Town, unless assigned to a committee. He/she shall issue such permits and licenses only after the application has been approved by Council or one of its committees when such approval is necessary. [The Treasurer shall be responsible for providing the necessary materials to issue the permits and licenses required by the Town. The materials shall be paid for out of funds provided for the Treasurer's office.]~~

Annual report. The Treasurer shall prepare for the MAYOR AND Council an annual FINANCIAL

report THAT HAS BEEN AUDITED BY AN INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT. It shall include all monies received, disbursed, expended, and on hand during the fiscal year, up to and including the 30th of June, and all accounts receivable and payable as of that date.

Section 5. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 2 "Administration", §2-106, "Employee benefit plans" of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

**§ 2-106. Employee benefit plans.**

A. The Common Council may elect to adopt a mandatory retirement and/or savings plan in which all ~~salaries~~ ELIGIBLE employees of the Town ~~[of University Park]~~ shall participate. The Town may participate in the State of Maryland Employees' PENSION System on such terms and conditions as state law may require. The Council may adopt the terms and conditions of any such retirement, pension, or savings plan, including designation of trustees, by resolution. The said trustees shall have that discretion required by law in administering any such plans.

B. The Common Council shall adopt a health benefit/hospitalization plan in which all ~~salaries~~ PERMANENT FULL TIME employees of the Town may participate.

Section 6. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 2 "Administration", §2-107, "Homestead property tax credit" of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

**§ 2-107. Homestead property tax credit.**

A. Pursuant to Section 9-105 (e) of the Tax-Property Article of the Annotated Code of Maryland, the Homestead Property Tax Credit percentage for the Town of University Park WILL BE SET ANNUALLY BY RESOLUTION, ON OR BEFORE MARCH 25, FOR THE SUBSEQUENT TAX YEAR BEGINNING JULY 1, AT NOT LESS THAN 100% AND NOT MORE THAN 110% ~~[effective for the taxable year beginning July 1, 1991, and subsequent tax years, shall be 110%.]~~

B. The Homestead Property Tax Credit Program shall be implemented and administered in accordance with the provisions of State law and rules and regulations established by the State Department of Assessments and Taxation.

Section 7. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 2 "Administration", §2-108, "Line item control of budget"

of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

**§ 2-108. Line item control of budget.**

A. No person, without prior approval of the Mayor and Common Council, shall expend or authorize the expenditure of Town funds in an amount, or for a purpose, other than that which has been authorized in the approved Fiscal Year Budget in a line item pursuant to which the expenditure is made. Said line item expenditures may be exceeded by up to [~~\$300~~] \$1,000 at the discretion of the Mayor for necessary and unexpected expenses.

B. No person shall transfer any Town funds from one line item to another without the approval of the Mayor and Common Council.

C. No person under any circumstances shall obligate non-budgetary funds of the Town without the prior approval of the Mayor and Common Council.

Section 8. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 2 "Administration", §2-109, "Inventory of Town property" of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

**§ 2-109. Inventory of Town property.**

The Town Treasurer or designee shall keep and maintain an inventory of all capital Town property. The inventory shall be updated from time to time, but no less than once [~~every three months~~] PER YEAR ON OR BEFORE DECEMBER 31. A copy of said inventory shall be provided to each Common Council member when requested, and at least annually.

Section 9. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 2 "Administration", §2-110, "Disposal of Town property" of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

**§ 2-110. Disposal of surplus Town property.**

A. Authority for disposal. The property of the Town shall be reviewed on a periodic basis to determine if any such property is surplus, obsolete, or [~~unsuitable~~] NOT NEEDED for a public purpose. A listing of any property determined to be surplus, obsolete, or [~~unsuitable~~] NOT NEEDED shall be provided by the Mayor to the Common Council, which may DECLARE IT SURPLUS AND authorize its disposal.

B. Method of disposal. [~~Once authorized, the Mayor may dispose of said property by trade in or exchange for other needed goods, or, after notice in a newspaper of general circulation in the area, by a sealed bid process or public auction. If the value of the property to be sold at one time is~~]

~~less than \$1,000, then bids may be solicited by any or all of the following methods: direct mail request to prospective buyers; telephone; and advertisement by publication in the Town newsletter, on the Town bulletin board, and/ or on the public access channel. Sales of property under this subsection shall be based, whenever possible, upon at least three competitive bids.]~~ ONCE DECLARED SURPLUS, TOWN PROPERTY MAY BE DISPOSED OF BY ADVERTISEMENT, AUCTION, OR OTHER METHOD LIKELY TO RESULT IN THE HIGHEST RETURN.

Section 10. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 2 “Administration”, §2-112, “Use of Town Seal, Name or Logo” of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

**§ 2-112. Use of Town Seal, Name or Logo.**

No person other than those authorized by the Mayor, THE TOWN CLERK, OR OTHER PERSON DESIGNATED BY THE MAYOR and Council may affix the Official Seal of the Town to any paper or document. No person or entity may use the Town name, seal or logo, or any replica thereof, for the purpose of conveying, or in a manner reasonably calculated to convey, the false impression that such person or entity is a department, agency or instrumentality of the Town, or is authorized to represent or act for or on behalf of the Town.

Section 11. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 2 “Administration”, §2-113, “Compensation of the Mayor” of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

**§ 2-113. Compensation of the Mayor.**

~~A. [A Mayor elected or appointed to a term commencing in or after May 2012 shall receive as compensation \$15,000 per year, payable as salary on a monthly basis.]~~ A Mayor elected or appointed to a term commencing in or after June 2016 shall receive as compensation \$20,000 per year, payable as salary on a monthly basis.

**B.** The Mayor may decline the compensation set by this section.

Section 12. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 2 “Administration”, §2-115, “Purchasing and contracts” of the Code of the Town of University Park, be enacted to read as follows:

§2-115 PURCHASING AND CONTRACTS

ALL MATERIALS, SUPPLIES, SERVICES, AND EQUIPMENT OF MORE THAN \$10,000 IN VALUE AND NOT EXCLUDED IN SUBSECTION D OF THIS SECTION SHALL BE PURCHASED BY MEANS OF A COMPETITIVE BID PROCESS, AS FOLLOWS:

A. NOTICE SHALL BE PROVIDED ON THE TOWN'S WEBSITE AND ON E MARYLAND MARKETPLACE FOR A MINIMUM OF TWO WEEKS PRIOR TO THE DATE SET FOR THE OPENING OF BIDS. SAID NOTICE SHALL INCLUDE A BRIEF DESCRIPTION OF THE ITEM OR ITEMS TO BE BID, THE TIME AND LOCATION WHERE SPECIFICATIONS MAY BE OBTAINED FOR THE ITEM OR ITEMS TO BE BID, THE TIME AND DATE ON WHICH SEALED BIDS ARE TO BE RECEIVED, THE LOCATION TO WHICH BIDS ARE TO BE RETURNED AND ANY SPECIAL CONDITIONS TO WHICH THE ITEM OR ITEMS MAY BE SUBJECT. THE NOTICE SHALL CONTAIN THE TIME, DATE AND LOCATION OF THE BID OPENING, AND ALL SUCH OPENINGS ARE TO BE PUBLIC.

B. WRITTEN SPECIFICATIONS AND BID REQUIREMENTS SHALL BE PROVIDED TO ALL PARTIES RESPONDING TO THE NOTICE OF BID. THE USE OF EXCLUSIVE SPECIFICATIONS TO THE PROHIBITION OF EQUAL ITEMS IS PROHIBITED. THE TOWN RESERVES THE RIGHT TO REJECT ANY AND ALL BIDS AS IS IN ITS BEST INTEREST.

C. TABULATION OF ALL RESPONSIVE BIDS AND A RECOMMENDATION SHALL BE PROVIDED BY THE TREASURER TO THE MAYOR AND COUNCIL.

D. THE FOLLOWING ARE EXCEPTED FROM BID REQUIREMENTS:

1. ITEMS, SERVICES OR MATERIALS OF NOT MORE THAN \$10,000 IN VALUE AND AUTHORIZED IN THE APPROPRIATION ORDINANCE FOR THE CURRENT YEAR MAY BE PURCHASED ON NEGOTIATION AT THE DIRECTION OF THE MAYOR.

2. WHENEVER A FEDERAL, STATE, COUNTY OR LOCAL GOVERNMENT, OR ANY AGENCY OR UNIT THEREOF, WHOSE PURCHASING POLICIES ARE COMPARABLE TO THOSE OF THE TOWN, HAS CONDUCTED A BID AND AWARDED A CONTRACT, THE TREASURER MAY PURCHASE THE BID ITEM AT THE BID PRICE FROM THE SUCCESSFUL BIDDER, SUBJECT, WHERE REQUIRED, TO THE APPROVAL OF THE MAYOR AND COUNCIL. WHENEVER THE TREASURER ELECTS TO PURCHASE AN ITEM, SERVICE OR MATERIAL FROM A SUCCESSFUL BIDDER OF ANOTHER JURISDICTION AS PROVIDED FOR IN THIS SECTION, THE TREASURER SHALL OBTAIN A COPY OF THE JURISDICTION'S PURCHASING POLICIES. FURTHER, THE TREASURER SHALL ENTER INTO A CONTRACT WITH THE SUCCESSFUL BIDDER SETTING OUT THE TERMS AND CONDITIONS OF THE PURCHASE.

3. WHEN THE MAYOR AND COUNCIL DETERMINE THAT THE BID PROCESS SHOULD BE OVERRIDDEN FOR GOOD CAUSE SHOWN.

Section 13. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 2 "Administration", §2-116, "Issuance of permits and licenses" of the Code of the Town of University Park, be enacted to read as follows:

§2-116 ISSUANCE OF PERMITS AND LICENSES. THE CLERK SHALL ISSUE ALL PERMITS AND LICENSES REQUIRED BY THE ORDINANCES OF THE TOWN. THE CLERK SHALL ISSUE SUCH PERMITS AND LICENSES ONLY AFTER THE

APPLICATION HAS BEEN APPROVED BY COUNCIL WHEN SUCH APPROVAL IS NECESSARY.

## ARTICLE II

Section 14. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 2 "Administration", §2-202, "Qualifications for employment" of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

### **§ 2-202. Qualifications for employment.**

To be eligible for appointment as a full-time police officer or a part-time police officer an applicant must:

- A. Be a citizen of the United States;
- B. Be at least 21 years of age;
- C. Be of good moral character;
- D. Have satisfactorily completed the Police Minimum Standards Course or its equivalent for a position as a full-time officer, or be eligible to enroll in the police minimum standards course or its equivalent for a position as a part-time police officer; and
- E. Submit the names and addresses of three references who have personal knowledge of the applicant's moral character, experience, and competence for employment as a police officer.
- F. SUCCESSFULLY COMPLETE A PRE-EMPLOYMENT BACKGROUND INVESTIGATION.
- G. PASS DRUG SCREENING.
- H. PASS PSYCHOLOGICAL SCREENING
- I. PASS PRE-EMPLOYMENT PHYSICAL
- J. HAVE A MINIMUM OF 60 COLLEGE CREDITS.

Section 15. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 2 "Administration", §2-204, "Hours of duty" of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

### **§ 2-204. Hours of duty.**

The hours of active duty of all police personnel shall be established in writing by the Chief of Police and shall be nondiscriminatory. Police officers shall be on call and available for duty at all times, unless they are certified by a competent medical authority approved by the Chief of Police to be physically unable to work or have been excused by the Chief of Police or [his] designee.

Section 16. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 2 “Administration”, §2-206, “Injury when on active duty” of the Code of the Town of University Park, be repealed with the section number reserved as follows:

~~§ 2-206. RESERVED [Injury when on active duty. [Revised, effective 1-23-1994]  
If a police officer is injured while acting within the scope of his employment, and the officer is found by a competent medical authority approved by the Chief of Police to be physically unable to work, the officer shall continue to receive reimbursement from the Town during the officer's convalescence for a period up to, but not exceeding, 30 calendar days. In the case of a full-time police officer, the reimbursement shall be the difference between the officer's salary and any insurance benefits received by the officer as a result of the injury. No sick or annual leave shall be charged to the officer during the aforementioned convalescent period. In the case of a part-time police officer, the reimbursement shall be the difference between the part-time police officer's average weekly wage for the thirteen-week period immediately preceding the injury, and any insurance benefits received by the officer as a result of the injury.]~~

Section 17. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 2 “Administration”, §2-208, “Citations: authority to issue” of the Code of the Town of University Park, be repealed, re-enacted, and amended to read as follows:

§ 2-208. Citations: authority to issue.  
All full-time and part-time police officers are authorized to issue State, County, and Town citations for violations of State laws and County and Town ordinances occurring within the jurisdictional limits of the Town, and to issue written warnings for violations of Town ordinances occurring within the jurisdictional limits of the Town. No citation or warning may be rescinded by Town officials, Town employees, or Town police officers EXCEPT AS OTHERWISE PROVIDED BY LAW. Copies of all citations and warnings shall be retained by the Chief of Police for audit purposes for a minimum period of three years after the date of issuance.

Section 18. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that this Ordinance shall become effective twenty (20) days after enactment by the Mayor and Common Council of University Park.

Section 19: Be it further resolved that, after adoption, a complete and exact copy of this Ordinance shall be posted on the entrance door of the Town Building of University Park, Maryland, for a period of not less than ten (10) days, and a fair summary of this Ordinance shall be published at least once in a newspaper having general circulation in the community.

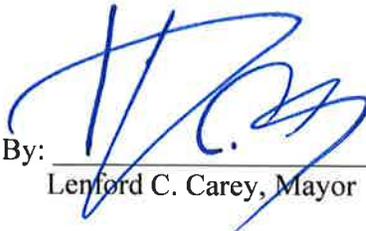
Section 20. If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the Town that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

APPROVED this <sup>2AM</sup> ~~18th~~ day of January, 2022

ATTEST:

MAYOR AND COMMON COUNCIL  
TOWN OF UNIVERSITY PARK

TC Hegeman  
TC Hegeman, Town Clerk

By:   
Lenford C. Carey, Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: Suellen M. Ferguson  
Suellen M. Ferguson, Town Attorney

# 21-O-10 Signed by LC

Final Audit Report

2022-02-09

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