BOARD OF COMMISSIONERS
FOR THE
TOWN OF UPPER MARLBORO

EMERGENCY ORDINANCE:	2019-05
SESSION:	Regular Town Meeting
INTRODUCED:	Monday June 10, 2019
DATE ENACTED:	June 10, 2019

AN EMERGENCY ORDINANCE RELATING TO ADOPTING AND APPROVING BUDGET AMENDMENTS FOR THE FISCAL YEAR 2019 BUDGET

WHEREAS, the Town of Upper Marlboro (the "Town") is a municipal corporation of the State of Maryland expressly authorized by Maryland Code Annotated, Local Government ("LG") Art., § 5-205(b)(1) to expend any municipal funds for any purpose deemed to be public and to affect the safety, health and general welfare of the municipality and its occupants; and

WHEREAS, pursuant to Md. Code Ann., LG Article, Section 5-205(b)(4), a municipality may spend money for a purpose different from the purpose for which the money was appropriated or spend money not appropriated at the time of the annual levy if approved by a two-thirds vote of all the individuals elected to the legislative body; and

WHEREAS, the Charter of the Town of Upper Marlboro (the "Town Charter"), Section 82-41 prescribes that the budget shall be adopted in the form of an ordinance, and that a favorable vote of at least a majority of the total elected membership of the Board shall be necessary for adoption; and

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

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

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

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

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

WHEREAS, the Board of Town Commissioners has previously approved Ordinance No. 2018-03 on May 28, 2018, which in Section 4 thereof states that all budget amendments transferring monies between general classifications of expenditures or appropriations as reflected in the budget ordinance shall be submitted to the Board for approval, from time to time, by ordinance pursuant to Md. Code Ann., Art. 23A, §2(b), now codified as Md. Code Ann., LG Article, Section 5-205(b)(4); and

WHEREAS, the Board of Town Commissioners finds that it is necessary to amend Ordinance No. 2018-03 by allocating and appropriating funds for the following reason: The Town had not received the over $723,600 anticipated from the Red-Light Camera Program; and

WHEREAS, the Board of Town Commissioners finds that it is necessary to amend Ordinance No. 2018-03 by reallocating Town funds and to limit expenditures in several Town Departments.

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

Section 1. The Fiscal Year 2019 Budget Ordinance 2018-03, as restated in the center column below, and as divided into the following indicated major anticipated revenue funds or having the estimated amounts at the time of the tax levy as indicated herein below, is hereby amended and readopted as indicated in the far-right column below as follows:

REVENUE SOURCE	ADOPTED FY 19 BUDGET AMOUNT	AMENDED FY19 BUDGET AMOUNT
Taxes	$474,658	$474,658
Intergovernmental	$50,925	$40,750
Grant		$6,000
Fines, License and Permits	$897,600	$94,000
Other	$30,000	$21,750
From Unrestricted Funds	$235,314	$566,162
From Designated Funds	$150,453	$150,453
Total Revenues:	$1,838,950	$1,356,355

Section 2. The total of the anticipated revenues and any estimated fund balance available for expenditure during the fiscal year within each of the aforesaid categories of the FY 2019 Budget Ordinance 2018-03, as amended by this FY 2019 Amendatory Budget Ordinance 2019-05 shall equal or exceed the total of the proposed expenditures within the following general classification of expenditure or major appropriations having the amounts as indicated herein below, is hereby amended and readopted as indicated in the far-right column below as follows:

EXPENDITURES	FY19 ADOPTED BUDGET AMOUNT	FY 19 AMENDED BUDGET AMOUNT
General Government	$640,304	$656,161
Public Safety	$739,686	$240,140
Highways and Streets	$458,961	$460,054
Total Expenditures:	$1,838,951	$1,356,355

AND BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that except for the revenue and expenditure amounts provided hereinabove in Sections 1 and 2 as amendments, the remaining provisions of the FY 2019 Budget Ordinance 2018-03 shall remain in full force and effect as if written word for word within this Ordinance and readopted herein.

AND BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that the tax levy for Fiscal Year 2019 for the Town of Upper Marlboro and all other taxes, liens and/or fees prescribed therein shall remain as previously approved and adopted in the FY 2019 Budget Ordinance 2018-03.

AND BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that due to the necessity for timely passage of Emergency Ordinance 2019-05, the Charter provision requiring that an ordinance may not be passed at the meeting at which it is introduced is hereby suspended by unanimous vote of the Board of Commissioners, and that this Emergency Ordinance shall become effective immediately following approval by the Board of Commissioners.

AND BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that pursuant to the Town Charter this Emergency Ordinance shall be posted in the Town office and this FY 2019 Amendatory Budget Ordinance 2019-05 or a fair summary thereof, shall be published once in a newspaper of general circulation in the Town.

AYES: 3 NAYES: Ø ABSENT: Ø

INTRODUCED in a public session of the Board of Commissioners on this 10th day of June, 2019:

Town Clerk

ORDAINED, APPROVED AND finally passed by the Board of Commissioners of the Town of Upper Marlboro, Maryland on this 10th day of June, 2019, by:

Attest:

M. David Williams, Town Clerk

THE TOWN OF UPPER MARLBORO
BOARD OF COMMISSIONERS

Tonga Turner, President

Linda Pennoyer, Commissioner

Wanda Leonard, Commissioner

Reviewed and Approved for Legal Sufficiency

Kevin J. Best, Esq.

Date: 7-1-19