BOARD OF COMMISSIONERS

FOR THE

TOWN OF UPPER MARLBORO

ORDINANCE: **10-01 Town Operating Budget for Fiscal Year 2011**

SESSION: **Budget Hearing**

INTRODUCED: **May 11, 2010**

FOR APPROVAL: **June 8, 2010**

AN ORDINANCE relating to adopting and approving the budget for the fiscal year 2011 and to establish certain procedures for reviewing and amending same, as more particularly set forth herein.

WHEREAS, the legislative body of every incorporated municipality in this State pursuant to Article 23A, Section 2(b)(2) of the Annotated Code of Maryland ("Code") is delegated express ordinance making powers to expend municipal funds for any purpose deemed to be public and which affects the safety, health, and general welfare of the municipality and its occupants,

WHEREAS, every municipal legislative body is further expressly delegated ordinance making powers pursuant to Code, Article 23A, Section 2(b)(2) to expend municipal funds provided that any funds not appropriated at the time of the annual levy, shall not be expended, nor shall any funds appropriated be expended for any purpose other than that for which appropriated, except by a two-thirds vote of all members elected to said legislative body,

WHEREAS, the Town of Upper Marlboro for fiscal year 2011 is exempt from the notice and hearing requirements of the Maryland Constant Yield Tax Rate Law (Code, Tax-Property Art., Section 6-308),

WHEREAS, the Charter of the Town of Upper Marlboro ("Charter") prescribes that the President of the Board of Commissioners ("President") at least thirty days before the beginning of the fiscal year shall submit a budget to the Board of Commissioners ("Board"),

WHEREAS, the fiscal year for each municipal corporation in the State of Maryland is mandated by Code, Article 24, Section 1-102, and Charter, Section 82-39 to begin on July 1 of a calendar year and end on June 30 of the next calendar year,

WHEREAS, Charter, Section 82-40 further prescribes that 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,

WHEREAS, Charter, Section 82-41 prescribes that before adopting the budget the Board may hold a public hearing thereon upon such notice as may be deemed appropriate and that the Board may increase, decrease or eliminate any item in the budget and may add new items thereto,

WHEREAS, Charter, Section 82-41 further 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,

WHEREAS, 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,

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

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

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

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

WHEREAS, Charter, Section 82-48 mandates that prior to June 30th in each and every year the Board shall determine the tax rate for the ensuing fiscal year, which determination shall constitute the tax levy for such year.

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

Section 1. The Fiscal Year 2011 Budget Ordinance ("FY 2011 Budget Ordinance") shall be divided into the following major anticipated revenue funds or groups having the estimated amounts as indicated below:

REVENUE SOURCE	BUDGET AMOUNT
Taxes	$551,000
Intergovernmental	$31,618
Fines, License and Permits	$121,000
Other	$87,000
From Unrestricted Funds	$109,474
From Designated Funds	$8,200
Total Revenues	$908,292

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 2011 Budget Ordinance shall equal or exceed the total of the proposed expenditures within the following general classifications of expenditures as set forth in the appropriations with the amounts as indicated below:

EXPENDITURES	BUDGET AMOUNT
General Government	$219,333
Public Safety	$347,212
Public Works Department	$341,747
Total Expenditures:	$908,292

Section 3. Notwithstanding this budget ordinance, the FY 2011 Budget shall be presented and discussed in further detail by enumerating additional sub-categories or detailed items pertaining to either revenues or expenditures as deemed necessary and expedient by the President and/or the Board (the "Detailed Budget"). Although not considered incorporated by reference or formally part of this FY 2011 Budget Ordinance, the Detailed Budget, unless subsequently modified by the President, with approval of the Board as set forth in Section 4 below, shall reflect the various items discussed therein and shall remain substantially uniform throughout the fiscal year having essentially the same format and items as presented to the Board at the town meeting wherein the FY 2011 Budget was approved.

Section 4. All budget amendments transferring monies between general classification of expenditure or appropriations as reflected in this FY 2011Budget Ordinance shall be submitted to the Board for approval, from time to time, by ordinance. Budget changes or amendments occurring within certain specified sub-categories or the various detailed items not reflected herein but shown in the Detailed Budget shall be approved from time to time by the President subject to review and approval by the Board as recorded in the journal of its proceedings.

BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town Of Upper Marlboro, Maryland that the levy for Fiscal Year 2011 for the Town of Upper Marlboro shall be as follows:

1. The tax levy be, and the same be hereby set, at $0.24 per $100 of assessed valuation of all real estate, and at $0.45 of assessed valuation for personal property, and Utility, subject to taxation by the Town of Upper Marlboro for general fund purposes, including debt service purposes;
2. All taxes levied by this ordinance shall be liens from and after July 1, 2010 and shall be due and payable as specified in Title 14 of the Tax Property Article of the Code, as amended, and Charter Section 82-50; and
3. That all fees currently in effect shall remain so unless changed at a future date by the Board of Commissioners.

BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this Ordinance shall become effective at the expiration of twenty (20) calendar days following approval by the Board of Commissioners.

BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this Ordinance shall be posted in the Town office, and this FY 2011 Budget Ordinance or a fair summary of it shall be published once in a newspaper of general circulation in the Town.

AYES: 3 NAYES: 0 ABSENT: 0

INTRODUCED and read in a public session of the Board of Commissioners on this 11th day of May, 2010

Town Clerk

ORDAINED, APPROVED AND finally passed by the Board of Commissioners of the Town of Upper Marlboro, Maryland

on this 8th day of June, 2010, by:

Joseph Hourcle, Commissioner

James Storey, Commissioner

Stephen Sonnett, President

Attest:

M. David Williams
Town Clerk