

Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772

Board of Town Commissioners

WORK SESSION

May 26, 2020 – 7:00 p.m.

AGENDA

Work Sessions are open to public observation; however, participation is at the discretion of the Board.

This meeting will be conducted via Zoom Video Teleconference. As the Town Hall remains closed to the general public at this time, interested citizens may participate by video: <https://us02web.zoom.us/j/88231121947>
Video Meeting ID: 882 3112 1947, or, Audio Dial-in only: 301-715-8592 US.
Participants must sign-in with the Clerk.

Roll Call

Pledge of Allegiance

Business

- 1) Ordinance 2020-05 Town Operating Budget for FY2021 (Board discussion)
- 2) Ordinance 2020-06 Establish Rates for FY2021 Tax Levy (Board discussion)
- 3) Review of RFP#UM 2020-05: Government Relations Firm/ submissions (discussion)
- 4) RFP#UM 2020-03: Accounting Firm (Board discussion)
- 5) Declaration of Emergency 2020-03 & Courthouse Re-opening Plan (Board vote)
- 6) Employee Handbook/updates (Board discussion)
- 7) General Commissioner & Administrative Staff items:

Closed Session: (Board vote to close open session)

Under General Provisions Article 3-305(b)(1): To discuss . . . any other personnel matter that affects one or more specific individuals; and, General Provisions Article 3-305(b)(7): "To consult with counsel to obtain legal advice"

Business

Board to discuss employee salaries and other matters involving proposed Town Organizational Charts.

Closed Session statement will be delivered at the next Town Meeting on June 9, 2020.

Adjournment

*All meetings are subject to closure in accordance with the State Open Meetings Act—House Bill 217
See back of Agenda for Public Comment Procedures*

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

ORDINANCE: 2020-05
SESSION: Regular Town Meeting
INTRODUCED: May 12, 2020
DATE ENACTED: _____

AN ORDINANCE relating to adopting and approving the budget for the fiscal year 2021 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 the Local Government (“LG”) Article, § 5-205 of the Annotated Code of Maryland (“State 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; and

WHEREAS, every municipal legislative body is further expressly delegated ordinance making powers pursuant to said section of the State Code 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; and

WHEREAS, the Town of Upper Marlboro for fiscal year 2021 is exempt from the notice and hearing requirements of the Maryland Constant Yield Tax Rate Law (Code, Tax-Property Art., Section 6-308); and

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”); and

WHEREAS, the fiscal year for each municipal corporation in the State of Maryland is mandated by Code, LG Article, Section 16-101, and Charter, Section 82-39 to begin on July 1 of a calendar year and end on June 30 of the next calendar year; and

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; and

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; and

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; and

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; and

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

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

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

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

WHEREAS, Charter, Section 82-48 mandates that prior to June 30th in each and every year the Board shall determine the tax rates 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 AND ENACT AS FOLLOWS:

Section 1. The Fiscal Year 2021 Budget Ordinance (“FY2021 Budget Ordinance”) shall be divided into the following major anticipated revenue funds or groups having the estimated amounts as indicated below:

<u>REVENUE SOURCE</u>	<u>BUDGET AMOUNT</u>
Taxes	\$860,000.00
Intergovernmental	\$36,145.00
Fines, License and Permits	\$362,849.00
Other	\$15,000.00
Grants	\$192,317.00
From Designated Funds	\$238,500.00
Total Revenues	\$1,705,311.00*

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 FY2021 Budget Ordinance shall equal or exceed the total of the proposed expenditures within the following general classifications of expenditures as set forth in the appropriations with the amounts as indicated below:

<u>EXPENDITURES</u>	<u>BUDGET AMOUNT</u>
General Government	\$836,655.00
Public Safety	\$532,350.00
Public Works Department	\$336,306.00
Total Expenditures	\$1,705,311.00

Section 3. Notwithstanding this budget ordinance, the FY2021 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 FY2021 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 FY2021 Budget was approved.

Section 4. All budget amendments transferring monies between general classification of expenditure or appropriations as reflected in this FY2021 Budget Ordinance shall be submitted to the Board for approval, from time to time, by ordinance. Budget changes or amendments occurring within certain specified sub-categories or the various detailed items not reflected herein but shown in the Detailed Budget shall be approved from time to time by the President subject to review and approval by the Board as recorded in the journal of its proceedings.

AND BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that the levies for Fiscal Year 2021 for the Town of Upper Marlboro shall be liens from and after July 1, 2020 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 that all tax rates currently in effect, as or to be established by Ordinance 2020-06, shall remain so unless changed at a future date 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 it hereby finally sets, ratifies and establishes the compensation of all regular Town staff positions via this annual budget ordinance enacted herein, in accordance with the pay chart below:

Paygrade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
1	32,000	32,960	33,920	34,880	35,840	36,800	37,760	38,720	39,680	40,640
2	35,000	36,050	37,100	38,150	39,200	40,250	41,300	42,350	43,400	44,450
3	39,000	40,170	41,340	42,510	43,680	44,850	46,020	47,190	48,360	49,530
4	44,000	45,320	46,640	47,960	49,280	50,600	51,920	53,240	54,560	55,880
5	50,000	51,500	53,000	54,500	56,000	57,500	59,000	60,500	62,000	63,500
6	57,000	58,710	60,420	62,130	63,840	65,550	67,260	68,970	70,680	72,390
7	65,000	66,950	68,900	70,850	72,800	74,750	76,700	78,650	80,600	82,550
8	74,000	76,220	78,440	80,660	82,880	85,100	87,320	89,540	91,760	93,980

AND BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this ordinance shall become effective at the expiration of twenty (20) calendar days 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 this ordinance shall be posted in the Town Hall office, and this FY 2021 Budget Ordinance or a fair summary of it shall be published once in a newspaper of general circulation in the Town.

AYES: _____ NAYES: _____ ABSENT: _____

ORDAINED, APPROVED AND finally passed by the Board of Commissioners of the Town of Upper Marlboro, Maryland on this _____ day of _____, 2020, by:

Attest:

THE TOWN OF UPPER MARLBORO
BOARD OF COMMISSIONERS

Linda Pennoyer, President

Kai Bernal-LeClaire, Commissioner

M. David Williams, Town Clerk

Wanda Leonard, Commissioner

Reviewed and Approved for Legal Sufficiency

Kevin J Best, Town Attorney

Date: _____

**Town of Upper Marlboro
FY2020 Condensed Budget
July 2020 - June 2021**

Income

Revenue

Fines, Licenses & Permits

6154 Franchise Fee	\$	16,000.00
6280 Trader's License Fees	\$	1,000.00
6350 Permits/Rentals	\$	15,500.00
6355 Parking Meters	\$	290,666.00
6381 Parking Fines/Penalties	\$	21,000.00
6550 Pub/Edu/Govt Broadcasting	\$	2,500.00
Total Fines, Licenses, Permits	\$	346,666.00

Grants

6530 Grants

6530.2020-01 FIP	\$	22,027.00
6530.2020-02 Conservation Energy Grant	\$	-
6530.2020-03 State Police Aid	\$	17,317.00
6530.2020-04 Community Open Space Grant	\$	100,000.00
Total 6530 Grants	\$	139,344.00

Intergovernmental

6240 Financial Corporation Tax	\$	9,145.00
6260 Highway User Fee	\$	25,000.00
6310 Disposal Fee Rebate	\$	2,000.00
Total Intergovernmental	\$	36,145.00

Other

6390 Interest Earnings	\$	5,000.00
6392 Sale of Property	\$	1,500.00
6394 Miscellaneous Revenue	\$	6,500.00
6396 Special Events/Donations	\$	2,500.00

Taxes

6100 Real Estate Taxes	\$	275,000.00
6101 Personal Property Taxes	\$	390,000.00
6230 Income Taxes	\$	160,000.00
Total Taxes	\$	825,000.00

Total Revenue	\$	1,362,655.00
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Capital Improvement

9000 Capital Improvement	
9000.2020-01 State Bond Bill	\$ -
9000.2020-02 Transfer of Reserve	\$ 100,000.00
Total Capital Improvement	\$ 100,000.00

Total Income	\$ 1,462,655.00
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Expenses

8000 General Government

8030 Salaries - Commissioners	\$ 11,400.00
8035 Salaries	\$ 232,205.00
8073 Accounting	\$ 20,000.00
8074 Audit	\$ 20,000.00
8075 Payroll Processing	\$ 5,000.00
8077 Public Notices	\$ 1,800.00
8080 Bank Charges	\$ 20,000.00
8086 Staff Development & Training	\$ 2,500.00
8090 Postage	\$ 1,200.00
8092 Printing	\$ 7,500.00
8095 Community Events & Receptions	\$ 10,000.00
8110 Legal	\$ 55,000.00
8115 Computer Software & Support	\$ 9,000.00
8120 Insurance	\$ 12,000.00
8130 Supplies	\$ 5,000.00
8131 Ofc Equipment R&M	\$ 1,000.00
8160 Telephone	\$ 8,000.00
8165 Utilities	\$ 12,000.00
8175 Public Property Maintenance	\$ 8,000.00
8180 Grants & Awards	
8180.01 FIP	\$ 22,027.00
8180.02 Park Conservation Grant	\$ -
8180.03 Community Open Space Grant	\$ 130,000.00
Total 8180 Grants & Awards	\$ 152,027.00
8185 Historical Committee	\$ 750.00
8191 CERT	\$ 1,000.00
8200 Other	\$ 2,500.00
8205 Consulting Fees	\$ 46,000.00
8210 Payroll Tax Expenses	\$ 100,000.00

9001 Capital Improvement

9000.01 Town Hall Upgrades	\$ -
9000.02 Match Monies	\$ -

9000.2020-01 Parcel Acquisition	\$	-
9000.2020-02 Construction & Maintenance	\$	-
9000.05 Annexation	\$	30,000.00
Total 8230 Capital Improvement	\$	30,000.00
Total 8000 General Government	\$	773,882.00

8250 Public Safety

8260 Salaries	\$	294,000.00
8261 Overtime	\$	2,000.00
8273 Uniforms	\$	1,000.00
8274 Weapons & Duty Equipment	\$	3,500.00
8275 Staff Training	\$	300.00
8277 Substance Testing/Pre Employment	\$	-
8280 Supplies	\$	4,200.00
8281 Association Dues	\$	500.00
8282 PS Insurance	\$	5,000.00
8290 Payroll Tax Expenses	\$	58,550.00
8300 Vehicle Repairs	\$	1,000.00
8301 Vehicle Maintenance	\$	3,000.00
8302 Vehicle Fuel	\$	2,500.00
8320 Other	\$	2,000.00
8325 GOCCP State Aid	\$	17,317.00
8330 Capital Improvement		
8330.01 Technology	\$	-
8330.02 Vehicles	\$	-
8330.03 Debt Service (FY2020)	\$	33,000.00
Total 8330 Capital Improvement	\$	33,000.00
Total 8250 Public Safety	\$	427,867.00

8350 Public Works

8360 Salaries	\$	115,120.00
8361 Overtime	\$	500.00
8370 Payroll Tax Expenses	\$	35,000.00
8375 Uniforms	\$	750.00
8377 Dues	\$	250.00
8380 Other	\$	750.00
8383 PW Insurance	\$	6,500.00
8390 Streets Maintenance	\$	3,000.00
8391 Weather Related Expenses	\$	2,500.00

8400 Highway Lighting	\$	21,500.00
8405 Vehicle Repairs	\$	2,000.00
8410 Vehicle Maintenance	\$	1,000.00
8415 Vehicle Fuel	\$	2,500.00
8487 Substance Testing	\$	-
8490 Utilities	\$	3,000.00
8491 PWF-Maint/Repairs/Beautificatio	\$	9,000.00
8493 Portajohn	\$	1,200.00
8545 Sanitation	\$	56,336.00
8550 Capital Improvement		
8550.01 Annexation Upgrades	\$	-
8550.02 Seasonal Upgrades	\$	-
8550.03 Energy Conservation	\$	-
Total 8550 Capital Improvement	\$	-
Total 8350 Public Works	\$	260,906.00
Total Expenses	\$	1,462,655.00
Net Operating Income	\$	-



Town of Upper Marlboro

Town Hall, 14211 School Lane
Upper Marlboro, MD 20772

Tel: (301) 627-6905
Fax: (301) 627-2080

info@uppermarlboromd.gov
www.uppermarlboromd.gov

Mailing address: P.O. Box 280 • Upper Marlboro, MD 20773-0280

MEMORANDUM

To: Board of Town Commissioners
From: Kyle Snyder
Date: Thursday May 21, 2020
Re: Ordinance 2020-06, Taxes, and Constant Yield Tax Rate

Commissioners,

As the Town has introduced Ordinance 2020-06 establishing Town tax rates for FY2021, I just wanted to take the time to bring up a topic the Town has not really had a need to focus on over the past few decades, Maryland's Constant Yield Tax Rate (CYTR). The Town had not had to consider it much due to both the small scale of our taxable base and our low tax rate, which has kept the Town "Exempt" from the State's CYTR guidelines. However, as the Town has started to re-shape its tax-rate structure with the addition of a new Commercial tax rate, and with the potential of annexation Phase II & III more than doubling the Town's current tax base, I believe it is time the Board begin to discuss and understand the CYTR process.

Overview of Maryland's Constant Yield Tax Rate provided by SDAT:

Although setting of the local property tax rates is the task of elected officials, Maryland's Constant Yield Tax Rate Provision gives property owners a voice in the process before the final tax rates are determined. This is done by requiring each taxing jurisdiction to give advance notice and hold public meetings prior to the rate setting if they are considering a tax rate higher than the Constant Yield Tax Rate.

The Constant Yield concept is that, as assessments rise, the tax rate should drop to the point that the revenue derived from the property tax stays at a constant level from one year to the next, thus assuring a "constant yield" from this tax source. The Constant Yield Tax Rate is simply a property tax rate that, when applied to new assessments, will result in the taxing authority receiving the same revenue in the coming taxable year that was produced in the prior taxable year. The Constant Yield Tax Rate is a State Law that exists solely for the benefit of the taxpayer. It represents a clear and direct opportunity for citizen input to influence the level of property taxation.

Prior to February 15, the Department of Assessments and Taxation (SDAT) notifies the counties, Baltimore City, and municipal taxing authorities of the tax rate that would produce the same revenue from the property tax as was produced the year before. The rates certified to the local governments are known as the "Constant Yield Tax Rates" and are based on the new, net assessable base for that jurisdiction. New property or construction added to the rolls for the first time is subtracted from the

Kai Bernal-LeClaire
Commissioner/Treasurer

Wanda Leonard
Commissioner

Linda Pennoyer
Commissioner/President

calculation and allowances for abatements and other deletions are deducted in arriving at the net assessable base for this purpose.

The local taxing authority cannot set a tax rate that exceeds that Constant Yield Tax Rate until first advertising its intent to do so. The notice must meet certain specifications. The taxing authority may, at its option, mail a copy of the notice to each taxpayer instead of publishing an advertisement.

The taxing authority must meet on the day and time shown in the notice. This meeting must be held between 7 and 21 days after the advertisement is published. The hearing must be held on or before June 17th. Afterward, the taxing authority may adopt a resolution or ordinance adopting a property tax rate in excess of the Constant Yield Tax Rate, but if the ordinance or resolution adjusting this tax rate is not approved on the day of the public hearing, the day, time, and place where the resolution or ordinance will be scheduled for consideration and approval must be announced at the public hearing.

The Department of Assessments and Taxation is charged with the responsibility of administering the Constant Yield Tax Rate Provisions. In addition to calculating the rate, the Department also oversees and monitors the advertising requirements. If violations are detected, the Department must report them to the Attorney General who must investigate and take appropriate legal action to effect compliance.

Below are the CYTRs that were sent/recommended to the Town in February by SDAT, and as you can see they have assessed the Town’s tax base about 5% higher than last year (this is being seen across the County), and therefore they are recommending the Town’s tax rate be lowered slightly to come into line with last years estimated revenues.

JURISDICTION	7/1/19 NET ASSESSABLE REAL PROPERTY BASE		7/1/19 TAX RATE	=	7/1/9 POTENTIAL REVENUE	÷	7/1/20 NET ASSESSABLE REAL PROPERTY BASE	=	7/1/20 CYTR	
Prince George's County in Upper Marlboro	\$89,744,288	x	0.923	=	\$828,340	÷	\$92,991,650	=	0.8908	County
UM Noncommercial Real Property	\$52,489,451	x	0.24	=	\$125,975	÷	\$53,577,961	=	0.2351	Town
UM Commercial Real Property	\$31,738,762	x	0.52	=	\$165,042	÷	\$33,711,668	=	0.4896	Town

With the Town planning to keep tax rates the same, this is estimated to generate roughly an additional \$13,000 in tax revenue. As this additional revenue is under the \$25,000 limit, the Town remains exempt from the CYTR guidelines. The Town has proposed a budget with conservative tax revenue figures based off of historical figures, however it is likely the Town may see higher tax revenues based off of SDAT’s estimates. A comparison is below:

<u>SDAT Estimated Tax Revenue:</u>	<u>Revenues Proposed in FY21 Budget</u>
Non-Commercial (Residential): \$128,587	Non-Commercial (Residential): \$116,363
Commercial: \$175,300	Commercial: \$158,636
Total: \$303,887	Total: \$275,000
<i>Next year's total for personal property tax revenue alone is estimated at \$828,846 if Annexation Phases II & III are fully completed.</i>	

County Tax Differential:

You may have noticed the County's Tax rate on properties within the municipalities, this differs municipality to municipality based off the types and amounts of services the municipality provides, and how much the County has to support. For example, the Town of Eagle Harbor offers almost no services (no police or public works), so the County is responsible fully for these services. Their county tax rate is \$0.99 (higher than ours). The City of Laurel provides such a high level of services (Police, Public Works, Permitting & Inspections) that the County provides almost no services to Laurel residents, and their County tax rate is at a much lower \$0.81. As our Town expands and funds more police coverage and other services, the County tax rate will decrease, we are looking at a goal of \$0.87 range which is average for municipalities.

This County tax rate funds M-NCPPC, the Board of Education, Stormwater Management, and general County Services.

The average tax rate for municipalities in Prince George's County is \$0.5578 per \$100. The table below shows the rates of all municipalities (Per \$100 of Assessed Value) from lowest to highest:

1 Upper Marlboro	0.2400
2 College Park	0.3250
3 Glenarden	0.3579
4 Bowie	0.4000
5 Brentwood	0.4000
6 Capitol Heights	0.4130
7 North Brentwood	0.4400
8 Fairmount Heights	0.4600
9 Eagle Harbor	0.4727
10 Cheverly	0.5100
11 Landover Hills	0.5200
12 Berwyn Heights	0.5300
13 University Park	0.5380
14 Forest Heights	0.5473
15 Seat Pleasant	0.5800
16 Edmonston	0.5978
17 Cottage City	0.6090
18 Hyattsville	0.6300
19 Riverdale Park	0.6540
20 New Carrollton	0.6625
21 Laurel	0.7100
22 Bladensburg	0.7400
23 Morningside	0.7800
24 Greenbelt	0.8125
25 District Heights	0.8175
26 Mt. Rainier	0.8300
27 Colmar Manor	1.0400

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

ORDINANCE: 2020-06
SESSION: Regular Town Meeting
INTRODUCED: May 12, 2020
DATE ENACTED: _____

AN ORDINANCE TO ESTABLISH TAX RATES FOR THE FISCAL YEAR 2021 TAX LEVY

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, the Charter of the Town of Upper Marlboro (the “Town Charter”), Section 82–16(2)(v) (Finances), states that the Board shall have the power to pass ordinances not contrary to the laws and Constitution of this State in order 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; and

WHEREAS, the Town Charter, Section 82–47 (Taxable Property) states all real property and all tangible personal property within the corporate limits of the Town, or personal property which may have a situs there by reason of the residence of the owner therein, shall be subject to taxation for municipal purposes, and the assessment used shall be the same as that for State and County taxes; and

WHEREAS, the Town Charter, Section 82–48 (Tax Levy) states that on or before the thirtieth day of June 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; and

WHEREAS, pursuant to Ordinance 2018-08, effective for the tax year beginning July 1, 2019, and for each tax year thereafter unless altered by a subsequent enactment of the Board of Commissioners, the classifications of property subject to municipal taxation, with respect to those properties, businesses or utilities located within the municipal boundaries of the Town of Upper Marlboro, shall be as follows: (i) commercial real property, (ii) noncommercial real property, (iii) business personal property, and (iv) public utility property; 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, pursuant to Section 82-39 *et seq.* of the Town Charter, the Board of Town Commissioners plans to approve a separate annual budget ordinance consistent with this Ordinance.

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

That the tax rates for Fiscal Year 2021 for all real, personal and other property which is subject to taxation by the Town of Upper Marlboro are hereby established, levied and approved to be as follows:

Residential Real Property	\$ 0.24	per \$100.00 of assessed valuation;
Commercial Real Property	\$ 0.52	per \$100.00 of assessed valuation;
Business Personal Property	\$ 0.45	per \$100.00 of assessed valuation;
Public Utility Property	\$ 0.75	per \$100.00 of assessed valuation;

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 2021 for the Town of Upper Marlboro and all other taxes, liens and/or fees prescribed herein shall remain as approved to be incorporated and adopted within the FY 2021 Budget Ordinance 2020-05.

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 Ordinance shall be posted in the Town office and a fair summary of it shall be published once in a newspaper of general circulation in the Town and effective 20 days after passage by the Board.

AYES: _____

NAYES: _____

ABSENT: _____

INTRODUCED in a public session of the Board of Commissioners on this _____ day of _____, 2020.

ORDAINED, APPROVED AND finally passed by the Board of Commissioners of the Town of Upper Marlboro, Maryland on this _____ day of _____, 2020, by:

Attest:

THE TOWN OF UPPER MARLBORO
BOARD OF COMMISSIONERS

Linda Pennoyer, President

Kai Bernal-LeClaire, Commissioner

M. David Williams, Town Clerk

Wanda Leonard, Commissioner

Reviewed and Approved for Legal Sufficiency

Kevin J Best, Town Attorney

Date: _____



Town of Upper Marlboro

Town Hall, 14211 School Lane
Upper Marlboro, MD 20772

Tel: (301) 627-6905
Fax: (301) 627-2080

info@uppermarlboromd.gov
www.uppermarlboromd.gov

Mailing address: P.O. Box 280 • Upper Marlboro, MD 20773-0280

THE TOWN OF UPPER MARLBORO, MARYLAND
DECLARATION OF A LOCAL STATE OF EMERGENCY
TOWN EMERGENCY ORDER NO. 03-2020

WHEREAS, on March 5, 2020, Maryland Governor Larry Hogan initially declared a state of emergency in response to concerns about the novel Coronavirus (COVID-19); and

WHEREAS, in accordance with the Md. Code Ann., Public Safety Art., Section 14-111, a local State of Emergency may be declared by the principal executive officer of a political subdivision; and

WHEREAS, in accordance with Emergency Ordinance 2020-04 (Emergency Operations), the President of the Town may declare a Local State of Emergency for a 30-day period; and

WHEREAS, an initial Emergency Declaration was declared on March 25th, 2020, with an extension approved by the Board of Town Commissioners at the April 28th Board Work session; and

WHEREAS, the Governor issued Order Number 20-05-13-01, dated May 13, 2020, (Amending and Restating the Order of May 6, 2020, Allowing Reopening of Certain Businesses and Facilities, Subject to Local Regulation) which specifically authorized political subdivisions to issue more restrictive orders than issued by the Governor including requiring any businesses, organizations, establishments, or facilities to close or modify their operations; and/or requiring individuals to remain indoors or to refrain from congregating; and

WHEREAS, despite any Local Orders that may be issued, the Governor's latest order among other restrictions continues to prohibit: (i) large gatherings of more than 10 people, (ii) worship services that exceed 50% of a Religious Facility's Maximum Occupancy, (iii) shopping where the total number of persons permitted in a Retail Establishment at any one time shall not exceed 50% of that Retail Establishment's Maximum Occupancy, (iv) obtaining Personal Services where customers patronizing certain businesses such as barbers are required to do so by appointment basis only, wear Face Coverings, clean and disinfect the service areas, and not exceed 50% of the Personal Service Establishment's Maximum Occupancy; and

WHEREAS, the Governor's latest order further requires public compliance with (i) applicable Local Orders, (ii) the State Health Secretary's Directives, (iii) applicable social distancing guidelines published by the CDC and Md. Health Dept., and any orders issued by any applicable Local Health Officer pursuant to the Order of the Governor of the State of Maryland Number 20-04- 05-02, dated April 5, 2020, entitled "Delegating Authority to Local Officials to Control and Close Unsafe Facilities", as it may be amended from time to time; and

WHEREAS, the County Executive has issued a Local Order known as Executive Order No. 8-2020 on May 14, 2020 that essentially maintains the health emergency *status quo* under a new locally issued Stay-at-Home Order having similar mandates as those that were in place just prior to the issuance of the Governor's issued Order Number 20-05-13-01; and

Kai Bernal-LeClaire
Commissioner/Treasurer

Wanda Leonard
Commissioner

Linda Pennoyer
Commissioner/President



Town of Upper Marlboro

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WHEREAS, the President does hereby find that it is in the best interest of public safety and the protection of property that the exercise of certain rights be temporarily limited and that the conditions of this Order is designed to provide the least necessary restriction on those rights; and

NOW THEREFORE, be it resolved that on this 26th day of May 2020, President Linda Pennoyer of the Board of Commissioners for the Town of Upper Marlboro, hereby declares:

1. As of 5:00 p.m. a State of Local Emergency continues to exist within the boundaries of the Town of Upper Marlboro because of ongoing concerns about the possible spread of the Coronavirus (COVID19) existing on May 26, 2020.
2. That the Local (County) Order known as Executive Order No. 8-2020 issued on May 14, 2020 by the County Executive is hereby adopted by reference herein as if written word for word herein below and shall be applicable and enforced by the Upper Marlboro Police Department within the corporate limits of the Town.
3. The State of Local Emergency shall extend from May 26th, 2020 through July 15th, 2020, unless terminated or modified earlier.
4. All Town-owned buildings and facilities are closed to the public until the cancellation of this State of Local Emergency. Town General Government staff shall shift to one-person manning Town Hall for each business day to handle telephone calls.
5. The Town shall follow the COVID-19 Response Policy and Directive for Town personnel and visitors to Town facilities, attached hereto and incorporated by reference herein, until the cancelation of this declaration.
6. A copy of Governor's Order (NUMBER 20-05-13-01) and County Executive Order No. 8-2020 shall be made available to all occupants or attendees at any Town building and facility where public business is permitted.
7. During this State of Local Emergency, the President and Board of Town Commissioners shared responsibilities include but are not limited to taking actions authorized by the Town Charter, Town Ordinances, and State and Local Orders issued to protect the public's health, safety, and welfare.

ATTEST:

THE TOWN OF UPPER MARLBORO

M. David Williams, Town Clerk

Linda Pennoyer, President

Date: _____

Kai Bernal-LeClaire
Commissioner/Treasurer

Wanda Leonard
Commissioner

Linda Pennoyer
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COVID-19 Response Policy/Directive

This policy is intended to govern the Town of Upper Marlboro's internal response to the COVID-19 pandemic to safeguard the Town's employees and elected officials while maintaining an adequate level of continuity of operations. Chief of Staff Kyle Snyder shall coordinate the Town's response and preparation to this pandemic and work closely with Department Heads and elected officials to ensure the Town staff is protected. The below actions are being taken following the CDC and OSHA guidelines, the Americans with Disabilities Act (ADA), U.S. Equal Employment Opportunity Commission (EEOC) guidance, federal HIPAA regulations, State Health Secretary's Directives, and any applicable Local Health Officer orders. Any staff or elected officials with concerns regarding the Town's COVID-19 Response Policy are free to contact the President or Chief of Staff directly at any time.

Part 1- Self-Health Screening:

The Town has set up two self-health screening stations, one at Town Hall and one at the Public Works facility. All staff, commissioners, and visitors are required to complete a self-health screening upon initially reporting and leaving work at Town facilities each day. Any indications of a fever of 100.4 degrees or higher, coughing, or shortness of breath, and the employee should not proceed further into the facility. They should return to their vehicle and contact their supervisor immediately for further direction. The Chief of Staff will ensure the screening stations and all related equipment are thoroughly cleaned three (3) times each workday, during the morning upon opening the facility, at noon and at closing time.

Required Screening: The screening consists of taking temperature via an infrared forehead/ear thermometer upon reporting and leaving work, as well as checking boxes in the log if you are having coughing or shortness of breath. Please wipe down the equipment with provided alcohol prep wipes after use and mark the log accordingly. The name, date, time-in & temperature, time-out & temperature, and checkboxes must be completed in the log located at both screening stations.

Optional Screening: The Town will also have a wrist-blood pressure cuff and a finger pulse Oximeter (to measure blood-oxygen levels) for staff and commissioners to use at the screening stations if they wish. These vitals do not have to be recorded and are simply for the user's reference. Please wipe down the equipment with provided alcohol prep wipes after use and mark the log accordingly.

Employees who are screened at one location do not have to re-screened upon entering another facility (E.g. Public Works employees who screened themselves at Public Works do not have to re-screen themselves upon entering Town Hall that same day).

The logs will be reviewed, sealed or redacted, as appropriate, and archived from time to time by the Chief of Staff (MD EMT-B Certification). Department heads are charged with ensuring their staff follows the procedure. Failure to complete the log, destroying records, or falsifying information, endangers your co-workers and will be handled as a "Falsification of Town Records" violation under

the Employee Handbook, an “Unacceptable Violation,” or may otherwise be prosecuted as a crime. All logs and other documentation collected to carry out this directive will be marked as “Confidential” and will be treated as confidential medical information.

Part 2- Social Distancing

Social distancing means avoiding large gatherings and maintaining distance (approximately 6 feet or 2 meters) from others when possible. Strategies that the Town and its Department heads are encouraged to use include:

- Implementing flexible worksites (e.g., telework)
- Implementing flexible work hours (e.g., staggered shifts)
- Increasing physical space between staff at the worksite
- Increasing physical space between staff & residents (phone calls & emails vs. in-person)
- Implementing flexible meeting and travel options (e.g., postpone non-essential meetings or events)
- Delivering services remotely (e.g., phone, video, or web)

Part 3- Town Vehicle Usage:

No more than one Town staff member should be in the same Town-owned vehicle at the same time to prevent possible exposures. If multiple employees do need to ride together, all passengers are required to wear masks, and weather depending, windows should be down to circulate fresh air. All Town-owned vehicles shall be reasonably wiped down with disinfectant wipes daily and cleaned every week and kept tidy and neat at all times.

Part 4- Personal Protective Equipment:

The Town is constantly working to acquire and ensure an adequate stock of PPE for the staff and commissioners, including surgical masks, gloves, face shields, hand sanitizer, N95 masks. Should staff need PPE, they are to go through their Department heads.

Town staff, elected officials, and visitors must wear a mask when inside Town facilities, and when interacting in close proximity to each other or residents.

Refuse Collection: Public Works staff shall use additional PPE such as puncture-resistant gloves and face and eye protection, to prevent worker exposure to the waste streams (or types of wastes), including any contaminants in the materials, they manage. Such measures can help protect crew members from sharps and other items that can cause injuries or exposures to infectious materials. This is an OSHA standard.

Part 5- Cleaning and Disinfectant:

Town Hall is cleaned every week by a contract cleaning company. This cleaning involves wiping down all surfaces with disinfectant, as well as other routine cleanings. Staff is encouraged to wipe down their work areas with provided disinfectants before leaving if/when they report to work. An outside company will be brought in as needed to “deep clean” Town facilities. Anti-bacterial soap, and handwashing guidelines, are provided at all Town handwashing stations.

Part 6- Exposure/Positive Test Action Plan:

Town Staff who appear to have symptoms (i.e., fever, cough, or shortness of breath) upon arrival at work or who become sick during the day should immediately be separated from other staff and visitors and sent home. Town staff shall go through their medical provider/primary care physician to test for COVID-19 if necessary. Should an employee test positive, they need to notify their supervisor immediately, and the following steps will take place:

- The Chief of Staff, Department Head, and the Director of Human Resources will utilize the Self-Health screening log to determine days the employee reported to work, and ask the employee which co-workers they have been in “close contact” with within the prior two weeks. The CDC defines “close contact” as “a person that has been within six feet of the infected employee for a prolonged period of time.” The Town shall fully cooperate with State and County contact tracers, as necessary.
- An additional 80 hours (two weeks) of sick leave shall be granted to the employee to be used for COVID-19 usage. This is in addition to the employee’s regularly accrued sick leave and can only be used for COVID-19 related illness.
- As time permits, test documentation, and a doctor’s note shall be provided to the Director of Human Resources.
- The Chief of Staff shall coordinate with the Director of Human Resources to inform fellow employees of their possible exposure to COVID-19 in the workplace but maintain confidentiality as required by the Americans with Disabilities Act (ADA).
- The Chief of Staff shall coordinate with the Superintendent of Public Works to schedule a “deep cleaning” of Town Hall, Public Works, and all vehicles as soon as possible.
- Should Public Works employees be affected, the President may suspend Bulk Trash & Yard Waste collection for a period of two weeks if staffing shortages.
- Should the Police Department be affected, the Chief of Police shall coordinate as needed with the County police to ensure proper coverage of the Town.
- The President shall have the ultimate decision regarding any actions taken by the Town, subject to possible review and approval by the Board of Town Commissioners in accordance with Town law.

Please direct questions or comments to ksnyder@UpperMarlboroMD.gov or 301-609-0447.

Linda Pennoyer
President, Board of Town Commissioners
The Town of Upper Marlboro



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MEMORANDUM

To: Board of Town Commissioners
From: Kyle Snyder
Date: Thursday May 21, 2020
Re: Town Response Plan for Courthouse Reopening

Commissioners,

As you are aware, the Town is bracing for the reopening of the County Courthouse and County Offices as early as Monday June 8th, 2020, should the closure not be extended further. A reopening, or partial reopening, of the Courthouse will lead to thousands of visitors and staff back into Town. Below is the Town's plan to mitigate the risks to the Town associated with the reopening of the Courthouse, and how we plan to keep visitors and residents as safe as possible.

The Town's Plan of Action to be placed into effect on Friday June 5th:

- 1) Parking meters will be turned back on and go into regular operation on Monday June 1st.
- 2) Public Works will install Social Distancing signage in the Downtown area.
- 3) Public Works will ensure surge/event refuse containers will be deployed in the Downtown area to help collect PPE from visitors coming out of the Courthouse. Downtown will be patrolled on a routine basis for litter.
- 4) Town will provide social distancing signage for the windows of Town businesses and restaurants.
- 5) Town Police will check on businesses to ensure proper social distancing guidelines are being followed.
- 6) The Chief of Police will coordinate with the Sheriff's Office on measures being taken internally at the Courthouse regarding their reopening plan.
- 7) All Town parking meters will be sprayed with disinfectant every weekday between 11am and 1pm (between the AM and PM court hearing rushes).
- 8) Town will design and print signage to be added with tips on how to touch surfaces in public areas (gas pumps, parking meters, ATMs, ect)
- 9) Town Staff will monitor the reopening and make recommendations as needed.

Please let me know if you have any questions or concerns,

Kyle Snyder

Kai Bernal-LeClaire
Commissioner/Treasurer

Wanda Leonard
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MEMORANDUM

To: Board of Town Commissioners
From: Kyle Snyder
Date: Thursday May 21, 2020
Re: Employee/Personnel Handbook

Commissioners,

As you are aware at the May Town Meeting the Board agreed to cease utilizing the 2018 version of the Employee Handbook which was not approved by a formal resolution of the Board, and to utilize the 2011 version which was approved by the Board. It is recommended that the Town update the Handbook following the proper method, using the timeline below:

2020 Employee Handbook Update Timeline:

May 26th- June 17th: Feedback from Commissioners, Staff, and Town Attorney gathered and compiled into a revised Draft 2020 Town Personnel Handbook.

June 23rd: Board Discusses Draft Handbook, revisions made as necessary.

July 14th: Board votes to approve 2020 Handbook via Resolution at the July Town Meeting.

Kai Bernal-LeClaire
Commissioner/Treasurer

Wanda Leonard
Commissioner

Linda Pennoyer
Commissioner/President