

THE TOWN OF MOUNT AIRY, MARYLAND

CHARTER AMENDMENT
RESOLUTION NO. 2021-2

A RESOLUTION TO AMEND ARTICLE IV ENTITLED "MAYOR", SECTION C4-4 ENTITLED "POWERS"; TO AMEND ARTICLE VI ENTITLED "FINANCE", SECTION C6-1 ENTITLED "CHIEF FINANCIAL OFFICER", SECTION C6-2 ENTITLED "POWERS AND DUTIES", SECTION C6-5 ENTITLED "BUDGET", SECTION C6-6 ENTITLED "BUDGET ADOPTION", SECTION C6-11 ENTITLED "CHECKS", SECTION C6-13 ENTITLED "NOTICE OF TAX LEVY; TAX BILLS", C6-14 ENTITLED "OVERDUE TAXES", SECTION C6-15 ENTITLED "SALE OF TAX-DELINQUENT PROPERTY", SECTION C6-23 ENTITLED "PURCHASING"; AND TO AMEND ARTICLE IX ENTITLED "WATER AND SEWERS", SECTION C9-14 ENTITLED "FINANCE", OF THE CHARTER OF THE TOWN OF MOUNT AIRY FOR THE PURPOSE OF CLARIFYING THE ROLES OF THE MAYOR AND TOWN ADMINISTRATOR RELATIVE TO THE HANDLING OF FINANCES, BUDGETING, AND EXPENDITURES; TO REQUIRE THE MAYOR TO SUBMIT A REGISTER OF MONTHLY EXPENDITURES TO THE TOWN COUNCIL AT ITS REGULAR MONTHLY MEETINGS; TO SPECIFICALLY TREAT LIENS AS OVERDUE TAXES AND TAX-DELINQUENT PROPERTY; TO CHANGE THE DATE BY WHICH AN INITIAL DRAFT BUDGET IS DUE TO THE COUNCIL FROM JUNE 1 TO THE REGULAR COUNCIL MEETING IN APRIL, AND IMPOSE A DEADLINE OF THE COUNCIL'S REGULAR MEETING IN JUNE BY WHICH THE COUNCIL SHALL ENACT A BUDGET; AND TO SET FORTH A PROCEDURE BY WHICH WAIVERS OF WATER AND SEWER CHARGES CAN BE APPLIED FOR, AND VEST IN THE TOWN COUNCIL THE POWER TO GRANT OR DENY SUCH REQUESTS FOR WAIVERS

WHEREAS, pursuant to Article XI-E of the Constitution of Maryland Article of the Md. Code Ann. as currently in effect and Md. Code Ann., Local Gov't. Article §4-301 *et seq.* as currently in effect, and the Town Charter, Section C12-7, the Town Council of Mount Airy, the legislative body of the Town, has the authority to amend the Charter of the Town, in accordance with the procedures set forth therein; and

WHEREAS, the Town Council has deemed it necessary and advisable to amend the Town Charter with respect to the general subject of Finance, Budgeting and Purchasing for the purpose of (1) clarifying the roles of the Mayor and Town Administrator relative to the handling of finances, budgeting and expenditures; (2) to require the Mayor to submit a register of monthly expenditures to the Town Council at its regular monthly meetings; (3) to specifically treat liens as overdue taxes and tax-delinquent property, (4) to change the date by which an initial draft budget is due to the Council from June 1 to the Council's regular meeting in April, and a deadline of the Council's regular meeting in June by which the Council shall enact a budget; and (5) to set forth a procedure by which waivers of water and sewer charges can be applied for, and vest in the Town Council the power to grant or deny such requests for waivers; and

WHEREAS, a public hearing was held on this proposed Charter Amendment on November 1, 2021 as required by Md. Code Ann., Local Gov't. Article §4-304(a)(2) before this Charter Amendment Resolution was considered for adoption; and

WHEREAS, certain changes to the Charter Amendment as originally introduced were recommended at workshops conducted by the Town Council; and

WHEREAS, this Charter Amendment was reintroduced at the Town Council's regular meeting held on May 2, 2022; and

WHEREAS, the Town Council held another public hearing on this Charter Amendment, as reintroduced with changes, on June 6, 2022; and

WHEREAS, the Town Council having determined that the proposed changes are in the best interests of the Town and its citizens, hereby enacts those changes to the Town Charter; and

WHEREAS, a complete and exact copy of this Charter Amendment Resolution shall be posted in the Town Hall building or other public place for forty (40) days following its adoption by the Council and a fair summary of the Charter amendment shall be published in a newspaper of general circulation in the Town at least four (4) times, at weekly intervals, within the forty (40) days following adoption of this Charter Amendment Resolution; and

WHEREAS, promptly after this Charter Amendment Resolution becomes effective, either as herein provided or following referendum, the Mayor of the Town shall send or cause to be sent to the Maryland Department of Legislative Services in accordance with Md. Code Ann., Local Gov't. Article §§4-308 and 4-109, the following information concerning this Charter Amendment Resolution: (i) the complete text of the Charter amendment; (ii) the date of referendum election, if any, held with respect thereto; (iii) the number of votes cast for and against this Charter Amendment Resolution by the Council or in a referendum; and (iv) the effective date of the Charter amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF MOUNT AIRY:

Section 1. That Article IV of the Town Charter entitled "Mayor", Section C4-4 entitled "Powers" be and is hereby repealed and reenacted with amendments as follows:

§C4-4. Powers.

* * *

D. Finances. The Mayor shall be the Chief Financial Officer of the Town and shall be responsible for the financial administration of the Town government. The Mayor shall consult with the Town Administrator regarding the finances of the Town.

* * *

Section 2. That Article VI of the Town Charter entitled "Finance", Section C6-1 entitled " Chief Financial Officer", Section C6-2 entitled "Powers and duties", Section C6-5 entitled "Budget", Section C6-6 entitled "Budget adoption", Section C6-11 entitled "Checks", Section C6-13 entitled "Notice of tax levy; tax bills", Section C6-14 entitled "Overdue taxes", Section C6-15 entitled "Sale of tax-delinquent property", and Section C6-23 entitled "Purchasing" be and are hereby repealed and reenacted with amendments as follows:

Article VI Finance

§C6-1. Chief Financial Officer.

The Mayor shall be the Chief Financial Officer of the Town, and the financial powers of the Town, except as otherwise provided by this Charter, shall be exercised by the Mayor. The Town Administrator shall be responsible for the day-to-day financial administration and operations of the Town government as set forth below.

§C6-2. Powers and duties.

The Mayor in consultation with the Town Administrator, in person or through ~~[his]~~ the Mayor's subordinates, shall ~~[have authority and shall be required to]~~:

- (1) Prepare an annual budget to be submitted to the Council.
- (2) ~~[Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to a]~~ Assure that budget appropriations are not exceeded.
- (3) Maintain a general accounting system for the Town in such form as state law and the Council may require.
- (4) Submit at the end of each fiscal year, and at such other times as the Council or its members may require or request, a complete financial report to the Council~~[-]~~, and shall also maintain and submit to the Council for its regular meetings each month a register of expenditures by the Town for the previous month.

* * *

§ C6-5. Budget.

The Mayor, on or before ~~[June 1]~~ the April regular meeting of the Town Council in each year, shall submit a proposed budget to the Council. 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 total of the anticipated revenues shall equal the total of the proposed expenditures. The budget shall be a public record in the Town office, open to the public

inspection by anyone. There is nothing precluding the Town Council from altering the budget in anyway as long as the budget is balanced.

§ C6-6. Budget adoption.

Before adopting the budget, the Council shall hold a public hearing after notice in some newspaper or newspapers having general circulation within the Town and on the Town's webpage. The hearing shall be held on or after the fifth day and on or before the 15th day after the notice is published and on or before the 14th day before the date required by law for the imposition of the tax rate, and the hearing may coincide with any meeting required by state law concerning the setting of the property tax rate. The Council may insert new items or may increase or decrease the items of the budget. Where the Council shall increase the total proposed expenditures, it shall also increase the total anticipated revenue to at least equal such total proposed expenditures. The budget shall be prepared and adopted in the form of an ordinance. A favorable vote of at least a majority of the total membership of the Council shall be necessary for adoption. The Budget Ordinance shall not be subject to veto and shall take effect upon passage by the Council. It may be adopted after the hearing and on the same day or at a later day if the day, time and location of consideration are announced at the hearing. The budget shall be approved on or before the June regular meeting of the Town Council.

* * *

§ C6-11. Checks.

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by the Town Administrator or Mayor.

* * *

§ C6-13. Notice of tax levy; tax bills and liens.

- A. From the effective date of the budget, the amount stated therein as the amount to be raised by the property tax shall constitute a determination of the amount of the tax levy in the corresponding tax year.
- B. Immediately after the levy is made by the Council in each year, the Town Clerk shall give notice of the making of the levy by posting a notice thereof in some public place or places in the Town. He or she shall make out and mail or deliver in person to each taxpayer or his or her agent at his or her last known address a bill or account of the taxes due from him or her. This bill or account shall contain a statement of the amount of real and personal property with which the taxpayer is assessed, the rate of taxation, the amount of taxes or liens due, and the date on which the taxes or liens will bear interest. Failure to give or receive any notice required by this section shall not relieve any taxpayer of the responsibility to pay on the dates established by this Charter all taxes or liens levied on

property.

- C. A lien for an unpaid water and sewer bill may be put on hold if a payment plan has been agreed upon by the Town and the responsible party.

§ C6-14. Overdue liens and taxes.

The taxes provided for in § C6-13 of this Charter shall be due and payable on the first day of July and shall be overdue and in arrears on the first day of the succeeding October. They shall bear interest while in arrears at the rate of 2/3 of 1% for each month or fraction of a month thereafter until paid. The Council by ordinance may allow a discount for taxes paid prior to October 1. All taxes not paid and in arrears after the first day of the following January shall be collected as provided in § C6-15.

§ C6-15. Sale of lien and tax-delinquent property.

A list of all property on which the Town taxes or liens have not been paid and are in arrears as provided by § C6-14 of this Charter shall be turned over to the official of Carroll County or Frederick County responsible for the sale of tax delinquent property by the Mayor as provided in state law. All property listed thereon shall be sold by this county official in the manner prescribed by state law.

* * *

§ C6-23. Purchasing.

- A. All purchases by Town government shall be approved by the Mayor or the Town Administrator, and shall follow purchasing procedures established in the Town Code. If either the Town Administrator or the Mayor is unavailable, then the Council President may conduct this duty.
- B. The Council may provide by ordinance for rules and regulations regarding the use of competitive bidding and contracts for municipal purchases and construction and repair contracts.
- C. No elected official and/or Town employee shall be reimbursed for expenses not authorized and accounted for in the budget.
- D. Only the Mayor or Town Administrator may authorize use of the Town credit card. The Mayor in consultation with the Town Administrator shall designate staff members permitted to utilize the Town credit card and Town accounts at local businesses. All uses of the Town credit card are subject to Subsection A. above.

Section 3. That Article IX of the Town Charter entitled "Water and sewers", Section C9-14 entitled "Finance" be and is hereby repealed and reenacted with amendments as follows:

§ C9-14. Finance.

For the purpose of financing and paying for the construction, operation, maintenance, repair, overhead and property depreciation of the water supply system, water plant, sanitary sewerage system, sewage treatment plant, stormwater sewers and any other improvements provided for under the provisions of this subtitle, the Town of Mount Airy shall have the power:

- A. To issue bonds in accordance with the provisions of § C6-18 of this Charter.
- B. To assess the cost of water, sewer or stormwater mains or any part thereof on the property abutting on the water, sewer and stormwater mains in accordance with § C10-2 of this Charter.
- C. To charge and collect such service rates, water rents, ready-to-serve charges or other charges as may be necessary for water supplied and for the removal of sewage. These charges are to be billed and collected by the Mayor, and, if water bills are uncollected within 30 days, the water may be turned off. All charges shall be a lien on the property, collectible in the same manner as Town taxes.

D. Waiver of Charges

- (1) The waiver of a water bill in its entirety may be authorized by the Town Council upon application of the property owner or occupant. A waiver will be considered by the Town Council in open session, without disclosure of the property address, the name or contact information of the applicant, or amounts due for which applicant seeks a waiver. The Town Council may authorize a payment plan for charges where the Town Council does not authorize a waiver of the water bill.
- (2) If no waiver is issued and no payment plan is agreed upon, and the charges thereafter remain unpaid, then the property in connection with the unpaid bill shall be considered in default, and the Town may impose a lien on the property and collect same as unpaid taxes, in accordance with the Town Code and Town policy.

Section 4. That any provisions of the Town Charter inconsistent with these amendments be and are hereby repealed.

BE IT RESOLVED BY THE AUTHORITY AFORESAID, that this Charter Amendment Resolution shall take effect on the 26th day of July, 2022, on the fiftieth (50th) day after adoption of this Charter Amendment Resolution by the Council unless petitioned to referendum in

accordance with Md. Code Ann., Local Gov't. Article §§4-304(d) and 4-307 on or before the fortieth (40th) day following its adoption.

Approved this 6th day of June, 2022 by a vote of 3 in favor and 2 opposed.

ATTEST:



Pamela Reed, Secretary



Jason Poirier, President of the Council

ATTEST:



Pamela Reed, Secretary



Larry Hushour, Mayor

REVIEWED AND APPROVED AS TO LEGAL FORM AND SUFFICIENCY.
This 6th day of June, 2022.

Thomas V. McCarron /s/

Thomas V. McCarron, Town Attorney

Note: Matter underlined is new material to be added to existing law. Matter in [brackets] and ~~striketrough~~ is proposed to be deleted from existing law.