

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 C6-3 ENTITLED “BOND”, SECTION C6-5 ENTITLED “BUDGET”, SECTION C6-6 ENTITLED “BUDGET ADOPTION”, SECTION C6-8 ENTITLED “TRANSFER OF FUNDS”, 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 TRANSFERRING FROM THE POSITION OF MAYOR TO THE TOWN ADMINISTRATOR THE POSITION OF CHIEF FINANCIAL OFFICER, ALONG WITH CERTAIN DUTIES RELATED TO THE FINANCES OF THE TOWN, BUDGETING, AND PURCHASING, 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 MARCH 1, AND IMPOSE A JUNE 1 DEADLINE BY WHICH THE COUNCIL SHALL ENACT A BUDGET, TO REQUIRE NOTIFICATION TO THE TOWN COUNCIL OF CERTAIN TRANSFERS OF FUNDS, AND TO CHANGE THE LATE PENALTY ON OVERDUE LIENS AND TAXES FROM 2/3RDS OF 1% TO 1% PER MONTH

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) transferring from the position of Mayor to the Town Administrator the position of Chief Financial Officer, along with certain duties related to the finances of the Town, budgeting and purchasing; (2) to specifically treat liens with overdue taxes and tax-delinquent property, (3) to change the date by which an initial draft budget is due to the Council from June 1 to March 1, and June 1 as the date by which the Council shall enact a budget,(4) require notification to the Town Council of certain transfers of funds; and (5) to change the late penalty on overdue liens and taxes from 2/3rds of 1% to 1% per month; 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, 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.]~~

[E]D. Other powers and duties. The Mayor shall have such other powers and perform such other duties as may be prescribed by this Charter or as may be required of him by the Council, not inconsistent with this Charter.

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 C6-3 entitled "Bond", Section C6-5 entitled "Budget", Section C6-6 entitled "Budget adoption", Section C6-8 entitled "Transfer of funds", 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", 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]~~ Town Administrator 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 Town Administrator, who shall be responsible for the day to day financial administration and operations of the Town government. The Mayor shall be the elected Chief Financial Officer with only the powers prescribed in this Charter.

§C6-2. Powers and duties.

The ~~[Mayor]~~ Town Administrator, shall have authority and shall ~~[be required to]~~:

- (1) Prepare an annual budget ~~[to be submitted to]~~ in consultation with the Mayor and Town Council.
- (2) ~~[Supervise and be responsible for]~~ Review, approve or disapprove all expenditures and the disbursement of all moneys [and have control over all expenditures] to assure that budget appropriations are not exceeded.
- (3) Approve ~~[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 , complete or a part thereof, to the Council or its members. Any report requested by the Council or its members shall be giver to the requestor within 6 business days from the receipt of the request.
- (5) Ascertain that all taxable property within the Town is assessed for taxation.
- (6) Collect all taxes, special assessments, license fees, liens and all other revenues, including water revenues, of the Town and all other revenues for whose collection the Town is responsible and receive any funds receivable by the Town.
- (7) Have custody of all public moneys belonging to or under the control of the Town, except as to funds in the control of any set of trustees and have custody of all bonds and notes of the Town.
- (8) Do such other things in relation to the fiscal or financial affairs of the Town as he deems necessary or as the Council may require or as may be required elsewhere in this Charter.

§C6-3. Bond.

The [~~Mayor~~] Town Administrator, as Chief Financial Officer of the Town, shall provide a bond with such corporate surety and in such amount, but not less than \$5,000, as the Council by ordinance may require.

* * *

§ C6-5. Budget.

The [~~Mayor~~] Town Administrator, on or before [~~June~~] March 1 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.

§ 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. 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 June 1st.

* * *

§ C6-8. Transfer of funds.

Any transfer of funds between major appropriations for different purposes by the [~~Mayor~~] Town Administrator must be approved by the Council before becoming effective. The Council shall be notified by the Town Administer, or town staff of any transfer of funds, either major or minor, at the next scheduled Town council meeting after the transfer of funds.

* * *

§ C6-11. Checks.

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by the ~~[Mayor]~~ Town Administrator. The Council President or other town officer appointed by the Town Administrator may conduct this duty if the Council President or Town Administrator is unavailable.

* * *

§ 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 shall make out and mail or deliver in person to each taxpayer or his agent at his last known address a bill or account of the taxes due from him. 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 his or her property.
- C. A lien for an unpaid water and sewerage 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 for the Town government shall be made by the ~~[Mayor]~~ Town Administrator or town officer in charge of purchasing.
- 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 shall be reimbursed for expenses related to town activities or for items purchased without prior approval from the town administrator or allowed for in the budget, or require its officers or employees of the town to purchase any item or loan them a piece of town property for personal use. Costs related to the purchase of alcohol shall not be a reimbursable expense under any circumstance for an elected official or an employee of the town.
- D. No elected official shall have access or use any credit card issued to the town for any reason.
- E. Reimbursement to town employees are limited to unforeseen expenses related to town events only and only if they have not been offered a town credit card for the day of the event. Expenses related to such items shall be limited to a total of \$100.00 dollars for the day. Procedures for reimbursement of expenses established by the town shall be followed when a request for reimbursement is made.

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. Reduction and Waiver of Charges

(1) A reduction or waiver of charges can only be issued by the Water and Sewer Commission or the Town Officer in charge of water system billing with approval from the town council or town administrator. A charge shall only be reduced or waived for proven financial hardship or a proven leak after the meter.

(2) If no reduction or waiver is issued or a payment plan is agreed upon and the bill remains unpaid, then the property in connection with the unpaid bill, shall be considered in default of a property lien, and the town shall take every effort to recover the unpaid balance, including the sale of the property for an unpaid lien.

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 21st day of December, 2021, fifty (50) days 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 within 40 days following its adoption.

Approved this 1st day of November, 2021 by a vote of _____ in favor and _____ opposed.

ATTEST:

Pamela Reed, Secretary

Jason Poirier,
President of the Town Council

ATTEST:

Pamela Reed, Secretary

Jason Poirier, Acting Mayor

REVIEWED AND APPROVED AS TO LEGAL FORM AND SUFFICIENCY.
This 1st day of November, 2021.

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.