

CHARTER RESOLUTION 24-CR-01

CHARTER RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF UNIVERSITY PARK, PURSUANT TO THE AUTHORITY OF ARTICLE XI-E OF THE CONSTITUTION OF MARYLAND AND §4-301 ET SEQ. OF LOCAL GOVERNMENT ARTICLE, ANNOTATED CODE OF MARYLAND, TO AMEND THE CHARTER OF THE TOWN OF UNIVERSITY PARK BY REPEALING AND RE-ENACTING ARTICLE IV, "POWERS OF MAYOR AND COMMON COUNCIL", SECTION 401, "POWERS AND DUTIES OF MAYOR", AND ARTICLE VI, "FINANCE" SECTION 607, "CHECKS", AND BY ENACTING ARTICLE VII, "ADMINISTRATION", SECTION 710, "TOWN ADMINISTRATOR", TO AUTHORIZE THE EXERCISE OF DAY-TO-DAY ADMINISTRATION FOR THE TOWN BY A TOWN ADMINISTRATOR, TO MAKE RESULTING CHANGES, AND TO CLARIFY THAT ALL OFFICE, DEPARTMENT AND AGENCY HEADS SERVE AT THE PLEASURE OF THE MAYOR AND COMMON COUNCIL

Section 1: Be it resolved and ordained by the Mayor and Common Council of University Park that Article IV, "Powers of Mayor and Common Council", Section 401, "Powers and Duties of Mayor", of the Charter of the Town of University Park be repealed, re-enacted and amended to read as follows:

Section 401 Powers and Duties of Mayor.

(a) General. The Mayor shall see that the ordinances of the Town are faithfully executed, ~~[and]~~ shall be the chief executive officer ~~[and the head of the administrative branch]~~ of the Town government AND SHALL OVERSEE THE ADMINISTRATION BY THE TOWN ADMINISTRATOR OF THE DAY TO DAY AFFAIRS OF THE TOWN.

(b) Appointments. The Mayor, with the approval of the Common Council, shall appoint the TOWN ADMINISTRATOR, AND THE headS of all offices, departments and agencies of the Town government as established by this Charter, or by Ordinance. All office, department and agency heads shall serve at the pleasure of the Mayor AND COUNCIL. ~~[The Police Chief shall serve at the pleasure of the Mayor and Common Council.]~~ All subordinate officers and employees of the offices, departments, and agencies of the town government shall be appointed and removed by the TOWN ADMINISTRATOR WITH NOTICE TO THE Mayor in accordance with the rules and regulations which may be adopted by the Common Council. Each officer,

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW

~~[Brackets]~~ indicate matter deleted from existing law

****Asterisks**** indicate provisions of existing law which have been omitted from resolution and remain

holding appointment on the effective date of this Charter, shall continue to hold office for such term as the Mayor and Common Council shall designate or until a successor is duly appointed.

(c) Council Meetings. The Mayor shall serve as a non-voting presiding officer at all meetings of the Mayor and Common Council, but may participate in debate or discussion on any matter on the agenda. In the event of an evenly divided vote on any matter before the Common Council, the Mayor may cast the deciding vote thereon.

(d) Vetoes. The Mayor shall have the power to veto ordinances, resolutions, rules, regulations and orders passed by the Common Council as provided in Section 311.

(e) Finances. The Mayor and Common Council shall supervise the financial administration of the Town government in accordance with the provisions of Article VI. The Mayor shall also supervise the administration of the budget as adopted by the Common Council to assure that budget appropriations are not exceeded.

(f) Other. The Mayor shall have such other powers and perform such other duties as may be prescribed by this Charter or as required by the Common Council through Ordinance or otherwise, but not inconsistent with this Charter.

(G) DELEGATION. WHILE RETAINING FINAL AUTHORITY, THE MAYOR MAY DELEGATE CERTAIN FUNCTIONS AND DUTIES SPECIFIED IN THIS SECTION TO A SPECIFIED DESIGNEE UPON APPROVAL OF THE COUNCIL BY ORDINANCE.

Section 2: Be it resolved and ordained by the Mayor and Common Council of University Park that Article VI, "Finance", Section 607, "Checks", of the Charter of the Town of University Park be repealed, re-enacted and amended to read as follows:

Section 607 Checks

All checks issued in payment of salaries or other municipal obligations shall be signed by the Treasurer or, in [his] THEIR absence, by the mayor OR THE TOWN ADMINISTRATOR.

Section 3: Be it resolved and ordained by the Mayor and Common Council of University Park that Article VII, "Administration", Section 710, "Town Administrator", of the Charter of the Town of University Park be enacted to read as follows:

Section 710 TOWN ADMINISTRATOR

(A) CREATION AND APPOINTMENT – THE POSITION OF TOWN ADMINISTRATOR IS CREATED. THE TOWN ADMINISTRATOR SHALL BE APPOINTED BY THE MAYOR WITH THE APPROVAL OF A MAJORITY OF THE COUNCIL.

(B) REMOVAL – THE TOWN ADMINISTRATOR SHALL SERVE AT THE PLEASURE OF THE MAYOR AND COUNCIL AND MAY BE REMOVED BY A RESOLUTION APPROVED BY THE MAYOR AND A MAJORITY VOTE OF THE COUNCIL.

(C) POWERS AND DUTIES – THE TOWN ADMINISTRATOR SHALL BE THE CHIEF ADMINISTRATIVE OFFICER OF THE TOWN AND SHALL SUPERVISE THE DAY-TO-DAY OPERATIONS OF THE TOWN. THE TOWN ADMINISTRATOR SHALL:

(1) DIRECT AND SUPERVISE THE ADMINISTRATION OF ALL DEPARTMENTS, OFFICES AND AGENCIES OF THE TOWN ON A DAY-TO-DAY BASIS, EXCEPT AS OTHERWISE PROVIDED BY THIS CHARTER OR BY LAW. RECOMMEND ADMINISTRATIVE POLICIES, REGULATIONS AND PROCEDURES FOR APPROVAL BY THE COUNCIL. MONITOR IMPLEMENTATION OF ADOPTED POLICIES AND PRACTICES RELATED TO TOWN OPERATIONS

(2) SERVE AS THE POINT OF CONTACT AND RESOURCE FOR QUESTIONS AND NEEDS OF THE MAYOR AND COUNCIL AND ENSURE EFFECTIVE COMMUNICATION BETWEEN THE MAYOR, COUNCIL, DEPARTMENT HEADS AND STAFF

(3) PROVIDE STAFF SUPPORT SERVICES FOR THE MAYOR AND COUNCIL MEMBERS

(4) ATTEND ALL MEETINGS OF THE MAYOR AND COUNCIL, UNLESS EXCUSED THEREFROM BY THE MAYOR, AND ATTEND, WHEN NECESSARY, ALL MEETINGS OF THE COMMITTEES OF THE COUNCIL. PROVIDE ADMINISTRATIVE SUPPORT TO THE MAYOR FOR MEETING AGENDA DEVELOPMENT AND SCHEDULING AND TO MAYOR AND COUNCIL ON MEETING AGENDA CONTENT, COVER REPORTS, MOTIONS AND HEARINGS.

(5) IN COLLABORATION WITH THE CHIEF OF POLICE, ENSURE THAT ALL LAWS AND ORDINANCES ARE FAIRLY AND EQUITABLY ENFORCED.

(6) ASSIST THE MAYOR, WITH THE SUPPORT OF THE TOWN TREASURER, TO PREPARE THE BUDGET ANNUALLY AND SUBMIT IT TO THE COUNCIL AS REQUIRED BY CHARTER SECTION 602 FOR APPROVAL AND BE RESPONSIBLE FOR THE ADMINISTRATION OF THE BUDGET AFTER ITS APPROVAL AND ADOPTION. RECEIVE AND REVIEW ALL DEPARTMENT HEAD BUDGET REQUESTS AND PROVIDE A RECOMMENDATION AS TO THE REQUESTS TO THE MAYOR. SUPERVISE THE PERFORMANCE BY TREASURER IN BUDGET PREPARATION PROCESS. MONITOR APPROVED BUDGET (EXPENDITURES AND REVENUE) AND REPORT PERIODICALLY EITHER DIRECTLY OR THROUGH THE TREASURER TO MAYOR AND COUNCIL.

(7) EVALUATE DEPARTMENT HEAD PERFORMANCE AT LEAST ANNUALLY AND PROVIDE THE EVALUATIONS TO THE MAYOR. COLLABORATE WITH THE MAYOR TO DESIGN A PLAN FOR PERFORMANCE IMPROVEMENT AND MONITORING OF DEPARTMENT HEADS WHEN ADVISABLE. RECOMMEND ADVERSE DISCIPLINARY ACTION OF DEPARTMENT HEADS TO THE MAYOR AND COUNCIL FOR CONSIDERATION WHEN APPROPRIATE.

(8) PROVIDE A BOND WITH CORPORATE SURETY IN SUCH AMOUNT AS THE MAYOR AND COUNCIL MAY REQUIRE, AT THE EXPENSE OF THE TOWN.

(9) ENSURE THAT DEPARTMENT HEADS PERFORM ANNUAL PERFORMANCE EVALUATIONS FOR ALL STAFF, AND THAT DEPARTMENT HEADS EFFECTIVELY APPLY APPROVED PERSONNEL MANAGEMENT PRACTICES

(10) RECOMMEND STAFF DEVELOPMENT AND WORKFORCE PLANNING TO THE MAYOR.

(11) CONDUCT THE SEARCH PROCESS FOR DEPARTMENT HEAD OPENINGS AND RECOMMEND CANDIDATES TO THE MAYOR.

(12) ENSURE EFFECTIVE STAFF HIRING, ONBOARDING PROCESSES AND PROVIDE FINAL APPROVAL OF DEPARTMENT HEAD DECISIONS ON STAFF HIRING.

(13) REVIEW AND APPROVE, WITH PRIOR NOTICE TO THE MAYOR, THE DISCIPLINE OR DISMISSAL OF SUBORDINATE OFFICERS AND EMPLOYEES BY DEPARTMENT HEADS. ALL STAFF PERFORMANCE ISSUES ARE TO BE HANDLED IN ACCORDANCE WITH THE PERSONNEL POLICIES AND PROCEDURES.

(14) MAKE INVESTIGATIONS INTO THE AFFAIRS OF THE TOWN OR ANY DEPARTMENT THEREOF. INVESTIGATE ALL COMPLAINTS IN RELATION TO ALL MATTERS CONCERNING THE ADMINISTRATION OF THE GOVERNMENT OF THE TOWN AND IN REGARD TO SERVICE MAINTENANCE BY THE PUBLIC UTILITIES IN THE TOWN AND SEE THAT FRANCHISES, PERMITS, AND PRIVILEGES GRANTED BY THE TOWN ARE FAITHFULLY OBSERVED.

(15) DEVOTE ENTIRE WORK TIME TO THE DISCHARGE OF OFFICIAL DUTIES. OUTSIDE EMPLOYMENT IS NOT ALLOWED EXCEPT AS AUTHORIZED IN WRITING BY THE MAYOR AND COUNCIL.

(16) PERFORM SUCH DUTIES AS MAY BE REQUIRED OF HIM/HER BY THE MAYOR AND COUNCIL NOT INCONSISTENT WITH ANY LAWS OR ORDINANCES.

(17) BE COMPLETELY REMOVED FROM THE NOMINATION OR ELECTION OF ANY PUBLIC OFFICIAL IN THE TOWN OR IN PRINCE GEORGE'S COUNTY AND ENGAGE IN NO POLITICAL ACTIVITY WHATSOEVER WITH REGARD TO TOWN ELECTIONS.

Section 4: Be it further resolved that this resolution is adopted after at least 21 days of prior public notice of the public hearing and shall become effective fifty days after enactment by the Mayor and Common Council of University Park, unless petitioned to referendum in a manner prescribed by law. If any section, subsection, provision, sentence, clause, phrase or word of this Charter Resolution is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Charter Resolution, it being the intent of the Town that the remainder of the Charter Resolution shall be and shall remain in full force and effect, valid and enforceable.

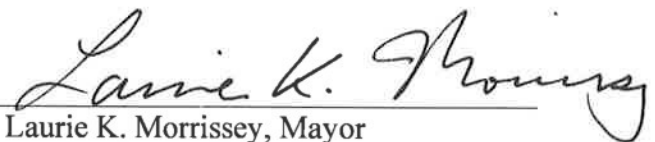
Section 5: Be it further resolved that a complete and exact copy of this proposed Charter amendment shall be posted on the entrance door of the Town Hall of University Park, 6724 Baltimore Avenue, University Park, Maryland, for a period of not less than forty (40) days, and a fair summary of this Charter amendment shall be published at least four times on four successive weeks within that forty day period in a newspaper having general circulation in the Town.

APPROVED this 18th day of September, 2024.

ATTEST:

MAYOR AND COMMON COUNCIL
TOWN OF UNIVERSITY PARK


Alicandra Kegeman, Town Clerk

By: 
Laurie K. Morrissey, Mayor

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY

Suellen M. Ferguson, Town Attorney