

1 **MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE**

2 **CHARTER AMENDMENT RESOLUTION NO. 2022-04**

3 **A RESOLUTION OF THE MAYOR AND COMMISSIONERS OF THE TOWN OF**
4 **PERRYVILLE, MARYLAND, TO AMEND CERTAIN PROVISIONS OF THE CHARTER OF**
5 **THE TOWN OF PERRYVILLE TO ALTER CERTAIN TERMINOLOGY RELATING TO**
6 **THE MAYOR AND COMMISSIONERS OF THE TOWN AND OTHER ARCHAIC**
7 **TERMINOLOGY; ALTERING CERTAIN PROVISIONS OF THE CHARTER RELATING TO**
8 **THE TOWN'S PERSONNEL SYSTEM; PROVIDING FOR THE APPOINTMENT OF A**
9 **TOWN ADMINISTRATOR AND SPECIFYING THE DUTIES AND RESPONSIBILITIES OF**
10 **THE ADMINISTRATOR; RENUMBERING CERTAIN PROVISIONS; AND GENERALLY**
11 **RELATING TO AMENDMENTS TO THE CHARTER OF THE TOWN OF PERRYVILLE.**

12 **BY** repealing and reenacting, with amendments
13 Charter of the Town of Perryville
14 (as published in the Perryville Town Code)
15 Article VII, Personnel
16 Sections C7-1, C7-2, C7-3, C7-4, C7-5 and C7-6

17
18 **BY** adding
19 Charter of the Town of Perryville
20 (as published in the Perryville Town Code)
21 Article VII, Personnel
22 Section C7-3

23
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<p style="text-align: center;">EXPLANATION:</p> <p>CAPITALS INDICATE MATTER ADDED TO EXISTING LAW ((Double Parenthesis)) indicate matter deleted from existing law. <u>Underlining</u> indicates amendments to bill. Strike Out indicates matter stricken from bill by amendment or deleted from the law by amendment. *** indicates matter not affected by this Ordinance and omitted</p>
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27 **SECTION 1. BE IT RESOLVED BY THE MAYOR AND COMMISSIONERS OF THE TOWN**
28 **OF PERRYVILLE** that Sections C7-1, C7-2, C7-3, C7-4, C7-5 and C7-6 of Article VII, Personnel, of
29 the Charter of the Town of Perryville (as published in the Perryville Town Code), are repealed and
30 reenacted, with amendments, to read as follows:

ARTICLE VII
Personnel

§ C7-1. Town Attorney.

There shall be a Town Attorney appointed by the MAYOR AND Commissioners. ((He)) THE TOWN ATTORNEY shall serve at the pleasure of the MAYOR AND Commissioners. ((His)) THE TOWN ATTORNEY'S compensation shall be determined by the MAYOR AND Commissioners. The Town Attorney shall be a member of the bar of the Maryland Court of Appeals. The Town Attorney shall be the legal advisor of the Town and shall perform such duties in this connection as may be required by the Commissioners. The Town shall have the power to employ other legal consultants as it deems necessary from time to time.

§ C7-2. Authority to employ personnel.

The MAYOR AND Commissioners shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by this Charter or other state law and to operate the Town government. THE MAYOR AND COMMISSIONERS SHALL APPOINT A TOWN ADMINISTRATOR, AND THE MEMBERSHIP OF ALL BOARDS AND COMMISSIONS OF THE TOWN. ALL EMPLOYEES SUBORDINATE TO THE TOWN ADMINISTRATOR SHALL BE EMPLOYED AND REMOVED FROM EMPLOYMENT CONSISTENT WITH LAW AND IN ACCORDANCE WITH THE RULES AND REGULATIONS OF ANY PERSONNEL MERIT SYSTEM WHICH MAY BE ADOPTED BY THE MAYOR AND COMMISSIONERS.

§ ((C7-3)) C7-4. Merit system for appointments and promotions.

The Town may provide by ordinance or resolution for appointment and promotions in the administrative service on the basis of merit and fitness. To carry out this purpose, the MAYOR AND Commissioners shall have the power to adopt such rules and regulations governing the operation of a merit system as it deems desirable or necessary. Among other things, these rules and regulations may provide for competitive examinations, the use of eligible lists, a classification plan, a probation period, appeals by employees included within the classified service from dismissal or other disciplinary action and vacation and sick leave regulations.

§ ((C7-4)) C7-5. Retirement and pension systems.

The Town shall have the power to do all things necessary to include its officers and employees, or any of them, within any retirement system or pension system under the terms of which they are admissible, and to pay all or part of the cost of any such retirement or pension system out of the general funds of the Town.

§ ((C7-5)) C7-6. Compensation of employees.

The compensation of all officers and employees of the Town (exclusive of the MAYOR AND Commissioners) shall be set from time to time by the MAYOR AND Commissioners.

79 § ((C7-6)) C7-7. **Employee benefit programs.**

80
81 The Town is authorized and empowered, by ordinance, to provide for or participate in hospitalization
82 or other forms of benefit or welfare programs for its officers and employees and to expend public
83 moneys of the Town for such programs.
84

85 **SECTION 2. BE IT RESOLVED BY THE MAYOR AND COMMISSIONERS OF THE**
86 **TOWN OF PERRYVILLE** that new Section C7-3 be and it is hereby added to Article VII, Personnel,
87 of the Charter of the Town of Perryville (as published in the Perryville Town Code), to follow
88 immediately after Section C7-2, and to read as follows:

89 **ARTICLE VII**
90 **Personnel**

91
92 **§ C7-3 TOWN ADMINISTRATOR, FUNCTIONS, POWERS, AND DUTIES.**

93
94 THE TOWN ADMINISTRATOR SHALL BE RESPONSIBLE TO THE MAYOR AND
95 COMMISSIONERS FOR THE PROPER ADMINISTRATION OF ALL AFFAIRS OF THE TOWN
96 PLACED IN HIS OR HER CHARGE AND PURSUANT THERETO THE ADMINISTRATOR
97 SHALL HAVE THE FOLLOWING FUNCTIONS, POWERS, AND DUTIES:
98

- 99 A. TO BE RESPONSIBLE FOR THE EFFICIENT ADMINISTRATION OF ALL
100 ADMINISTRATIVE DEPARTMENTS OF THE TOWN GOVERNMENT.
- 101
- 102 B. TO BE RESPONSIBLE FOR THE ENFORCEMENT OF THE ORDINANCES, OFFICIAL
103 DIRECTIVES, OTHER LAWS OF THE TOWN, AND THOSE GENERAL LAWS OF THE
104 STATE APPLICABLE TO MUNICIPALITIES.
- 105
- 106 C. TO HIRE, SUSPEND, TRANSFER AND DISCHARGE TOWN EMPLOYEES EXCEPT AS
107 OTHERWISE PROVIDED BY THE MAYOR AND COMMISSIONERS.
- 108
- 109 D. TO HIRE AND MAKE APPOINTMENTS ON THE BASIS OF ADMINISTRATIVE
110 ABILITY AS WELL AS TRAINING AND EXPERIENCE IN THE WORK TO BE
111 PERFORMED.
- 112
- 113 E. TO CAUSE A PROPOSED BUDGET TO BE PREPARED ANNUALLY AND SUBMITTED
114 TO THE MAYOR AND COMMISSIONERS AND BE RESPONSIBLE FOR THE
115 ADMINISTRATION OF THE BUDGET AFTER ITS ADOPTION, ALL IN ACCORDANCE
116 WITH THIS CHARTER AND UNDER POLICIES FORMULATED BY THE. MAYOR AND
117 COMMISSIONERS.
- 118
- 119 F. TO KEEP THE MAYOR AND COMMISSIONERS ADVISED OF THE FINANCIAL
120 CONDITION AND FUTURE NEEDS OF THE TOWN AND MAKE SUCH
121 RECOMMENDATIONS TO THE MAYOR AND COMMISSIONERS FOR ADOPTION AS
122 MAY DEEM NECESSARY OR EXPEDIENT.
- 123

- 124 G. TO EXERCISE CONTROL OVER THE VARIOUS TOWN DEPARTMENTS AND
125 RECOMMEND TO THE MAYOR AND COMMISSIONERS ANY PROPOSAL THEY
126 THINK ADVISABLE TO ESTABLISH, CONSOLIDATE OR ABOLISH DEPARTMENTS.
127
128 H. TO BE RESPONSIBLE FOR THE ENFORCEMENT OF ALL TERMS AND CONDITIONS
129 IMPOSED IN FAVOR OF THE TOWN IN ANY CONTRACT OR FRANCHISE, AND
130 UPON KNOWLEDGE OF ANY VIOLATION THEREOF, REPORT THE SAME TO THE
131 MAYOR AND COMMISSIONERS FOR SUCH ACTION AND PROCEEDINGS AS MAY
132 BE NECESSARY TO ENFORCE THE SAME.
133
134 I. TO ATTEND MAYOR AND COMMISSIONERS MEETINGS WITH THE PRIVILEGE TO
135 PARTICIPATE IN DISCUSSIONS WITH MAYOR AND COMMISSIONERS IN AN
136 ADVISORY CAPACITY WITHOUT THE RIGHT TO VOTE.
137
138 J. TO INFORM THE PUBLIC CONCERNING PLANS AND ACTIVITIES OF THE MAYOR
139 AND COMMISSIONERS AND OF THE TOWN ADMINISTRATION.
140
141 K. TO BE RESPONSIBLE FOR A SYSTEM OF ACCOUNTING AND AUDITING FOR THE
142 TOWN WHICH SHALL REFLECT, IN ACCORDANCE WITH GENERALLY ACCEPTED
143 MUNICIPAL ACCOUNTING PRINCIPLES, THE FINANCIAL CONDITION AND
144 FINANCIAL OPERATION OF THE TOWN.
145
146 L. TO BE RESPONSIBLE FOR ENGINEERING, ARCHITECTURAL MAINTENANCE AND
147 CONSTRUCTION SERVICES AS MAY BE REQUIRED BY THE TOWN, WITHIN THE
148 LIMITATIONS OF THE TOWN BUDGET.
149
150 M. TO SUBMIT TO THE MAYOR AND COMMISSIONERS FOR APPROVAL,
151 APPROPRIATE RULES AND REGULATIONS GOVERNING PURCHASES ON BEHALF
152 OF THE TOWN.
153
154 N. TO DISPOSE OF PROPERTY OF THE TOWN IN ACCORDANCE WITH PROCEDURES
155 BY THE MAYOR AND COMMISSIONERS AND SUBJECT TO THE PROVISIONS OF
156 THIS CHARTER AND STATE LAW.
157
158 O. TO RECOMMEND FOR APPROVAL BY THE MAYOR AND COMMISSIONERS,
159 APPROPRIATE PERSONNEL RULES AND REGULATIONS GOVERNING OFFICERS
160 AND EMPLOYEES OF THE TOWN, SUBJECT TO THE PROVISIONS OF THIS
161 CHARTER.
162
163 P. TO CARRY OUT ALL POLICIES, DUTIES, ORDERS AND OTHER DIRECTIVES OF
164 THE MAYOR AND COMMISSIONERS.
165

166 **SECTION 3: AND BE IT FURTHER RESOLVED BY THE MAYOR AND**
167 **COMMISSIONERS OF THE TOWN OF PERRYVILLE**, that if any provision of this Resolution,
168 or the application thereof to any person or circumstance is held invalid for any reason, such invalidity
169 shall not affect the other provisions or any other application of this Resolution which can be given

170 effect without the invalid provisions or application, and to this end, all the provisions of this Resolution
171 are hereby declared to be severable.

172
173 **SECTION 4: AND BE IT FURTHER RESOLVED BY THE MAYOR AND**
174 **COMMISSIONERS OF THE TOWN OF PERRYVILLE** that the date of adoption of this
175 Resolution is December 6, 2022, and the amendment to the Charter of the Town of Perryville, hereby
176 enacted shall become effective on January 25, 2023, unless a proper petition for referendum hereon
177 shall be filed as permitted by law, provided a complete and exact copy of this Resolution shall be
178 continuously posted on the bulletin board in the Town Hall until January 15, 2023, and provided
179 further that a copy of the title of this Resolution shall be published in a newspaper of general
180 circulation in the Town of Perryville, or in any other newspaper of such general circulation, once in
181 each of the weeks beginning December 14, 2022, December 21, 2022, December 28, 2022, and
182 January 4, 2023.


183
184 **SECTION 5: AND BE IT FURTHER RESOLVED BY THE MAYOR AND**
185 **COMMISSIONERS OF THE TOWN OF PERRYVILLE**, that the Town Administrator is hereby
186 specifically commanded to carry out the provisions of Section 3 of this Resolution, and, as evidence of
187 such compliance, the Town Administrator shall cause to be maintained appropriate certificates of
188 publication of the newspaper or newspapers in which the title of the Resolution shall have been
189 published and if a favorable referendum is held on the Charter change, the Mayor shall declare the
190 Charter Amendment hereby enacted to be effective on the date provided by law.

191
192 **SECTION 6: AND BE IT FURTHER RESOLVED BY THE MAYOR AND**
193 **COMMISSIONERS OF THE TOWN OF PERRYVILLE** that as soon as the Charter Amendment
194 hereby enacted shall become effective, either as provided herein or following a referendum, the Town
195 Administrator shall send to the Department of Legislative Services of Maryland a copy of this
196 Resolution showing the number of members of the Council voting for and against it and a report on the
197 votes cast for or against the Charter Amendment hereby enacted at any referendum thereon and the
198 date of such referendum.

199
200 The above Amendment to the Charter of the Town of Perryville was enacted by the foregoing
201 Resolution which was passed at a Town Meeting of the Mayor and Commissioners of the Town of
202 Perryville on December 6, 2022, 5 members voting in the affirmative, 0 members voting in the
203 negative, 0 members abstaining and 0 members absent and the Resolution becomes effective in
204 accordance with law on the 25th day of January, 2023, if a petition for referendum has not been filed in
205 the time prescribed by law.

206
207 READ AND PASSED THIS 6th day of December, 2022.

208 ATTEST:

209
210
211 
212
213 Jackie Sample, Town Clerk

MAYOR
TOWN OF PERRYVILLE:


Matt Roath, Mayor

