

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

2 **CHARTER AMENDMENT RESOLUTION NO. 2022-03**

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 BUDGETING, EXPENDITURES, PAYMENT FOR TOWN OBLIGATIONS,**
9 **PROCUREMENT AND BORROWING AUTHORIZATION; AND GENERALLY RELATING**
10 **TO AMENDMENTS TO THE CHARTER OF THE TOWN OF PERRYVILLE.**

11 **BY** repealing and reenacting, with amendments
12 Charter of the Town of Perryville
13 (as published in the Perryville Town Code)
14 Article VI, Finance
15 Sections C6-2, C6-3, C6-4, C6-5. C6-6, C6-7, C6-8, C6-9, C-11, C6-13, C6-16 and C6-19
16
17

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW
((Double Parenthesis)) indicate matter deleted from existing law.
Underlining 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

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20 **SECTION 1. BE IT RESOLVED BY THE MAYOR AND COMMISSIONERS OF THE TOWN**
21 **OF PERRYVILLE** that Sections C6-2, C6-3, C6-4, C6-5. C6-6, C6-7, C6-8, C6-9, C-11, C6-13, C6-
22 16 and C6-19 of Article VI, Finance, of the Charter of the Town of Perryville (as published in the
23 Perryville Town Code), are repealed and reenacted, with amendments, to read as follows:

ARTICLE VI
Finance

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25
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27 **§ C6-2. Preparation of budget.**
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29 On such date as the MAYOR AND Commissioners shall determine, but at least thirty-two (32) days
30 before the beginning of any fiscal year, the MAYOR AND Commissioners shall prepare a budget. The
31 budget shall provide a complete financial plan for the budget year and shall contain estimates of
32 anticipated revenues and proposed expenditures for the coming year. The total of the anticipated
33 revenues shall equal or exceed the total of the proposed expenditures. The budget shall be a public
34 record in the office of the Town, open to public inspection by anyone during normal business hours.
35

36 **§ C6-3. Adoption of budget.**
37

38 Before adopting the budget, the MAYOR AND Commissioners shall hold a public hearing thereon
39 after two (2) weeks' notice thereof in some newspaper or newspapers having general circulation within
40 the Town. The MAYOR AND Commissioners may insert new items or may increase or decrease the
41 items of the PROPOSED budget ((until adoption of the budget)) UP TO THE TIME THE BUDGET IS
42 ADOPTED. Where the MAYOR AND Commissioners shall increase the total proposed expenditures,
43 it shall also increase the total anticipated revenues in an amount at least equal to such total proposed
44 expenditures. The budget shall be prepared and adopted in the form of an Ordinance. A favorable vote
45 of a quorum of the MAYOR AND Commissioners shall be necessary for adoption.
46

47 **§ C6-4. Appropriations.**
48

49 No public money may be expended without having been appropriated by the MAYOR AND
50 Commissioners. From the effective date of the budget, the several amounts stated therein as proposed
51 expenditures shall be and become appropriated to the several objects and purposes named therein.
52

53 **§ C6-5. Transfer of funds.**
54

55 Any transfer of funds between appropriations for different purposes proposed by ((a)) THE MAYOR
56 OR A Commissioner must be approved by the ((Town)) MAYOR AND Commissioners BY
57 ORDINANCE before becoming effective. TRANSFERS OF FUNDS BETWEEN GENERAL
58 CATEGORIES OF EXPENDITURES MUST BE APPROVED BY BUDGET AMENDMENT
59 ORDINANCE. TRANSFERS OF FUNDS BETWEEN LINE ITEMS WITHIN THE SAME
60 GENERAL CATEGORY OF EXPENDITURE SHALL NOT BE DEEMED A TRANSFER OF
61 FUNDS BETWEEN APPROPRIATIONS FOR DIFFERENT PURPOSES. BUDGET "CHANGES"
62 ALLOWED WITHIN DEPARTMENT GENERAL EXPENDITURE CATEGORIES SUCH AS, BUT
63 NOT LIMITED TO, "SALARIES," EMPLOYMENT TAXES, BENEFITS," "OTHER
64 EXPENDITURES" AND "CAPITAL OUTLAY," MAY BE MADE WITHOUT A BUDGET
65 AMENDMENT ORDINANCE IF THE CHANGES ARE APPROVED BY THE MAYOR AND
66 COMMISSIONERS.
67

68 **§ C6-6. Overexpenditures prohibited.**
69

70 No officer or employee shall during any budget year expend or contract to expend any money or incur
71 any liability or enter into any contract which by its terms involves the expenditure of money for any
72 purpose, in excess of the amounts appropriated for or transferred to that general classification of
73 expenditure pursuant to this Charter. Any contract, verbal or written, made in violation of this section
74 shall be null and void. Nothing in this section contained, however, shall prevent the making of
75 contracts or the spending of money for capital improvements to be financed in whole or in part by the
76 issuance of bonds, FOR REPAYMENT OF OTHER DEBT SERVICE, nor the making of contracts of
77 lease or for services for a period exceeding the budget year in which such contract is made, when such
78 contract is permitted by law.
79
80

81 § C6-7. **Lapse of appropriations.**

82
83 All appropriations shall lapse at the end of the budget year to the extent that they shall not have been
84 expended or lawfully encumbered. Any unexpended and unencumbered funds shall be considered a
85 surplus at the end of the budget year and shall be included among the anticipated revenues AND
86 RESERVES for the next succeeding budget year.

87
88 § C6-8. **Issuance and signing of checks.**

89
90 All checks issued in payment of salaries or other municipal obligations shall be issued and signed by
91 ((the Secretary and shall be countersigned by)) EITHER the Mayor OR THE COMMISSIONERS. ((In
92 the absence or disability of either of these officials, any Commissioner may sign checks in lieu of one
93 (1) of the above signatures.)) At least two (2) signatures shall be required for each check.
94 NOTWITHSTANDING THE FOREGOING, THE TOWN MAY PROCESS PAYROLL SALARIES
95 AND ASSOCIATED DEDUCTIONS, AND MAKE PAYMENT FOR OTHER TOWN
96 OBLIGATIONS, THROUGH THE USE OF DIRECT DEPOSITS/ACH OR OTHER ELECTRONIC
97 TECHNOLOGY.

98
99 § C6-9. **Taxable property.**

100
101 All real property and all personal property within the corporate limits of the Town, or personal
102 property which may have a situs there by reason of the residence of the owner therein, shall be subject
103 to taxation for municipal purposes; provided, however, that household furniture and effects held for
104 household use of the owners or members of ((his)) THE OWNER'S family and not held or employed
105 for the purposes of profit or in connection with any business, profession or occupation shall not be
106 subject to taxation for municipal purposes. The assessment used for municipal taxation shall be the
107 same as that for state and county taxes.

108
109 § C6-11. **Notice of tax levy; assessment.**

110
111 A. Immediately after the levy is made by the MAYOR AND Commissioners in each year,
112 the Town Clerk shall give notice of the making of the levy by posting a notice thereof AND
113 THE ADOPTED BUDGET ON THE TOWN'S WEBSITE AND AT TOWN HALL ((in
114 some public place or places in the Town)). ((He)) THE TOWN shall PROVIDE FOR THE
115 PREPARATION, ((make out and mail or deliver)) THE MAILING OR DELIVERING in
116 person to each taxpayer or ((his)) THE TAXPAYER'S agent at ((his)) THE TAXPAYER'S
117 OR AGENT'S last known address, a bill or account of the taxes due from ((him)) THE
118 TAXPAYER. This bill or account shall contain a statement of the amount of real and
119 personal property with which the taxpayer is assessed, the rate of taxation, the amount of
120 taxes due and the date on which the taxes will bear interest. Failure to give or receive any
121 notice required by this section shall not relieve any taxpayer of the responsibility to pay on
122 the dates established by this Charter all taxes levied on his property.

123
124 B. All ((levies)) REAL AND PERSONAL PROPERTY TAXES shall be ((assessed))
125 LEVIED by the MAYOR AND Commissioners in accordance with the laws of the State of
126 Maryland and appropriate public hearings shall be conducted, with prior notice being given
127 thereof, when required by law as a result of a proposal to increase the tax rate or the constant

128 yield tax rate within the Town. No public hearings shall be required by this Charter other
129 than those required by the applicable laws of the State of Maryland or the United States
130 government.

131

132 **§ C6-13. Sale of tax delinquent property.**

133

134 A list of all property on which the Town taxes have not been paid and water and sewage charges which
135 have not been paid and which are in arrears as provided by § C6-12 of this Charter shall be turned over
136 by the Town ((Clerk)) to the official of the county responsible for the sale of tax delinquent property as
137 provided in state law. All property listed thereon shall, if necessary, be sold for taxes by this county
138 official, in the manner prescribed by state law.

139

140 **§ C6-16. Authorization to borrow.**

141

142 The Town shall have the power to borrow money for any proper public purpose and to evidence such
143 borrowing by the issue of its general obligation bonds, notes, or other certificates OR EVIDENCE of
144 indebtedness in a manner prescribed in this Charter or the Maryland Code. Notwithstanding any
145 provisions in the Maryland Code to the contrary, bonds of the ((municipal corporation)) TOWN may
146 be sold privately to a financial institution or other party after requesting and receiving a bid price for
147 said bonds from at least three potential buyers, at least one of which must be a commercial bank
148 authorized to conduct business in the State of Maryland. No public advertisement soliciting bids for
149 said bonds shall be required. In addition to borrowing by issuance of bonds and tax anticipation notes,
150 the Town may also borrow funds for a period of up to one year in an amount not to exceed one million
151 dollars by executing a note or other certificate OR EVIDENCE of indebtedness, after approval of a
152 resolution adopted at a public hearing by the Mayor and Commissioners. Such additional form of
153 borrowing shall not require adoption of an ordinance. Such borrowing by resolution may be renewed
154 for additional periods not exceeding one year for each renewal. Each renewal shall require adoption of
155 a new resolution by the Mayor and Commissioners at a public meeting. NOTHING IN THE SECTION
156 SHALL PROHIBIT OR PRECLUDE THE TOWN FROM BORROWING MONEY FOR A PUBLIC
157 PURPOSE AS PART OF A LOCAL GOVERNMENT BORROWING PROGRAM MAINTAINED
158 BY STATE OR FEDERAL AGENCIES. BONDS MAY BE PART OF A PUBLIC OFFERING
159 THROUGH A STATE AGENCY.

160

161 **§ C6-19. Purchasing procedures.**

162

163 ((Purchases for the Town government shall be made by the Town Clerk under the direction of the
164 Commissioners. The Commissioners shall have the power to provide by ordinance for rules and
165 regulations regarding purchasing procedures such as the use of competitive bids.)) THE MAYOR
166 AND COMMISSIONERS SHALL PROVIDE BY ORDINANCE FOR RULES AND
167 REGULATIONS REGARDING PURCHASING PROCEDURES SUCH AS AUTHORITY FOR
168 THE MAKING OF PURCHASES AND THE USE OF COMPETITIVE BIDS.

169

170 **SECTION 2: AND BE IT FURTHER RESOLVED BY THE MAYOR AND**
171 **COMMISSIONERS OF THE TOWN OF PERRYVILLE**, that if any provision of this Resolution,
172 or the application thereof to any person or circumstance is held invalid for any reason, such invalidity
173 shall not affect the other provisions or any other application of this Resolution which can be given

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

176
177 **SECTION 3: AND BE IT FURTHER RESOLVED BY THE MAYOR AND**
178 **COMMISSIONERS OF THE TOWN OF PERRYVILLE** that the date of adoption of this
179 Resolution is _____, 202____, and the amendment to the Charter of the Town of
180 Perryville, hereby enacted shall become effective on _____, 2023, unless a proper
181 petition for referendum hereon shall be filed as permitted by law, provided a complete and exact copy
182 of this Resolution shall be continuously posted on the bulletin board in the Town Hall until
183 _____, 2023, and provided further that a copy of the title of this Resolution shall
184 be published in a newspaper of general circulation in the Town of Perryville, or in any other newspaper
185 of such general circulation, once in each of the weeks beginning _____, 202____,
186 _____, 202____, _____, 202____, and _____, 202____.

187
188 **SECTION 4: AND BE IT FURTHER RESOLVED BY THE MAYOR AND**
189 **COMMISSIONERS OF THE TOWN OF PERRYVILLE**, that the Town Administrator is hereby
190 specifically commanded to carry out the provisions of Section 3 of this Resolution, and, as evidence of
191 such compliance, the Town Administrator shall cause to be maintained appropriate certificates of
192 publication of the newspaper or newspapers in which the title of the Resolution shall have been
193 published and if a favorable referendum is held on the Charter change, the Mayor shall declare the
194 Charter Amendment hereby enacted to be effective on the date provided by law.

195
196 **SECTION 5: AND BE IT FURTHER RESOLVED BY THE MAYOR AND**
197 **COMMISSIONERS OF THE TOWN OF PERRYVILLE** that as soon as the Charter Amendment
198 hereby enacted shall become effective, either as provided herein or following a referendum, the Town
199 Administrator shall send to the Department of Legislative Services of Maryland a copy of this
200 Resolution showing the number of members of the Council voting for and against it and a report on the
201 votes cast for or against the Charter Amendment hereby enacted at any referendum thereon and the
202 date of such referendum.

203
204 The above Amendment to the Charter of the Town of Perryville was enacted by the foregoing
205 Resolution which was passed at a _____ meeting of the Mayor and
206 Commissioners of the Town of Perryville on _____, 202____, _____
207 members voting in the affirmative, _____ members voting in the negative,
208 _____ members abstaining and _____ members absent and the
209 Resolution becomes effective in accordance with law on the _____ day of
210 _____, 2023, if a petition for referendum has not been filed in the time prescribed
211 by law.

212
213 READ AND PASSED THIS _____ day of _____, 202____.

214 ATTEST:

MAYOR
TOWN OF PERRYVILLE:

215
216
217
218
219 _____
Jackie Sample, Town Clerk

Matt Roath, Mayor

