

CHARTER RESOLUTION
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, TO AMEND
ARTICLE X, FINANCE AND TAXATION, §10-2, “PREPARATION OF BUDGET”,
§10-3, “CITY COUNCIL ACTION ON BUDGET”, §10-5, “AMENDMENTS TO
BUDGET AFTER ADOPTION”, §10-6, “LAPSE OF APPROPRIATIONS”, AND §10-
11, “PROPERTY SUBJECT TO TAXATION, RATES, LEVY AND COLLECTIONS;
ADMISSIONS AND AMUSEMENT TAX”, TO GENERALLY CLARIFY CERTAIN
TERMS AND REFLECT CURRENT FINANCE AND TAXATION PRACTICES BY
AUTHORIZING APPROPRIATED FUNDS THAT ARE LAWFULLY ENCUMBERED
TO BE RETAINED AND EXPENDED AFTER THE END OF THE FISCAL YEAR,
CLARIFYING THAT CONSTANT YIELD TAX RATE PROVISIONS APPLY TO
SETTING THE REAL PROPERTY TAX RATE, IN ADDITION TO THE PUBLIC
HEARING AND NOTICE REQUIREMENTS SET BY THE CITY, PROVIDING FOR
ADDITIONAL PUBLIC NOTICE OF THE BUDGET, CLARIFYING BUDGET
ACTIONS THAT REQUIRE AMENDMENT BY ORDINANCE, AND DELETING
OUTDATED OR INCORRECT PROVISIONS.

A Charter Resolution of the Mayor and Council of the City of College Park, Maryland, adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and §4-301 *et seq.*, Local Government Article, Annotated Code of Maryland, as amended.

WHEREAS, the Mayor and Council have determined that certain provisions of Article X, “Finance and Taxation”, require amendment in order to reflect current practice, clarify certain provisions, and delete outdated or incorrect provisions.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of College Park that:

Section 1. Article X, “Finance and Taxation” §C10-2 “Preparation of budget” be repealed, reenacted and amended to read as follows:

§C10-2 Preparation of budget.

A. – B. * * * *

C. Budget. The proposed budget shall provide a complete financial plan of all city operating funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the City Manager deems desirable or as the Mayor and Council may require. The proposed budget shall begin with a clear general summary of its contents; shall show in detail all estimated ~~income~~ REVENUES, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be

CAPS : Indicate matter added to existing law.

[Brackets] : Indicate matter deleted from law.

Asterisks * * * : Indicate matter remaining unchanged in existing law but not set forth in Ordinance.

so arranged as to show comparative figures for actual and estimated [~~income~~] REVENUES and expenditures of the current fiscal year and actual revenue and expenditures of the preceding THREE fiscal yearS. It shall indicate in separate sections:

- (1) The proposed goals and objectives and expenditures for current operations during the ensuing fiscal year, detailed for each operating fund by organization unit, and program, purpose or activity, and the method of financing such expenditures.
- (2) Proposed capital expenditures during the ensuing fiscal year, detailed for each operating fund by PROJECT [~~organization unit when practicable~~], and the proposed method of financing each such capital expenditure.
- (3) The anticipated income and expense and profit and loss for the ensuing year for each enterprise fund operated by the city.

D. Balanced budget. For any operating fund, the total of proposed expenditures shall not exceed the total of estimated [~~income~~] REVENUES plus [~~carried forward fund balance or retained earnings, exclusive of reserves~~] A DESIGNATION (IF ANY) OF THE UNASSIGNED FUND BALANCE.

E. General fund; fund balance retention. An amount equal to 25% of the ensuing year's expenditures in the general fund shall be a retention goal in the [~~unappropriated fund balance account~~] UNASSIGNED FUND BALANCE of the general fund.

Section 2. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park, Maryland, that Article X, "Finance and Taxation" §C10-3, "City Council action on budget" be repealed, reenacted and amended to read as follows:

§C10-3 City Council action on budget.

A. Notice and hearing.

(1) The city shall [~~publish~~] POST AT CITY HALL, TO THE OFFICIAL CITY WEBSITE, TO THE CITY-MAINTAINED EMAIL LISTSERV, AND ON THE CITY CABLE CHANNEL; AND PUBLISH IN ANY CITY NEWSLETTER [~~in one or more newspapers of general circulation in the City~~] the general summary of the proposed budget, the proposed tax rate and a notice stating:

- (a) The times and places where copies of the message and budget are available for inspection by the public at least two weeks prior to the date of the hearing; and
- (b) The time and place for a public hearing on the proposed budget and proposed tax rate.

THE ENTIRE PROPOSED BUDGET SHALL BE AVAILABLE ON THE CITY WEBSITE AT LEAST TWO WEEKS PRIOR TO THE DATE OF THE HEARING.

B. CONSTANT YIELD TAX RATE. [~~(2) This notice and hearing~~] IN SETTING THE REAL PROPERTY TAX RATE, THE CITY COUNCIL shall conform to the requirementS of § 6-

308, CONSTANT YIELD TAX RATE, of the Tax-Property Article of the Annotated Code of Maryland, as amended from time to time [~~dealing with constant yield tax rate~~].

~~[B.]~~C. Amendment before adoption. After the public hearing, the City Council may adopt the proposed budget with or without amendment in the form of an ordinance, without the need of further advertising or public hearings. In amending the proposed budget, it may add or increase programs or amounts and may deplete or decrease any programs or amounts, except expenditures required by law or for REQUIRED debt service or for an estimated [~~cash~~] deficit, provided that no amendment to the proposed budget shall increase the authorized expenditures to an amount greater than the total estimated [~~income~~] REVENUES plus [~~carried forward fund balance or retained earnings, exclusive of reserves~~] A DESIGNATION (IF ANY) OF THE UNASSIGNED FUND BALANCE.

~~[C.]~~D. Adoption. The City Council shall adopt the budget on or before May 31 of the fiscal year currently ending. A favorable vote of at least a majority of the total elected membership of the Council shall be necessary for adoption. If it fails to adopt a budget by this date, the budget proposed by the City Manager shall go into effect.

~~[D.]~~E. Notification to county of tax rates. Upon adoption, the Finance Director is authorized to notify Prince George's County of the city's tax rate. In the event that the City fails to adopt a budget by May 31, the Finance Director is authorized to notify Prince George's County that the tax rate for the ensuing fiscal year shall be the same rate as proposed by the City Manager.

Section 3. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park, Maryland, that Article X, "Finance and Taxation" §C10-5, " Amendments to budget after adoption" be repealed, reenacted and amended to read as follows:

§C10-5. Amendments to budget after adoption. EXCEPT AS PROVIDED IN THIS SECTION, THE CITY MAY NOT EXPEND FUNDS NOT APPROPRIATED AT THE TIME OF THE ANNUAL LEVY FOR THAT PURPOSE.

A. Supplemental appropriations. If the City Manager certifies in writing that there are available for appropriation revenues in excess of those estimated in the budget for the current or prior fiscal year, the City Council, by budget ordinance procedures, may make supplemental appropriations up to the amount of such excess for the fiscal year so certified.

B. Emergency appropriations. To meet a public emergency affecting life, health, property or the public peace, the City Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of §C8-2B.

C. [~~Reduction of~~] INSUFFICIENT appropriations. If at any time during the fiscal year it appears probable to the City Manager that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the City Manager shall report to the City Council without delay, indicating the estimated amount of the deficit, any remedial action taken by the City Manager and recommendations as to any other

steps to be taken. The City Council shall then take such further action as it deems necessary to prevent or reduce any deficit and for that purpose it may by budget ordinance procedures reduce one or more appropriations.

D. Transfer of appropriations.

(1) THE COUNCIL MAY EXPEND FUNDS FOR A PURPOSE DIFFERENT FROM THE PURPOSE FOR WHICH THEY WERE APPROPRIATED. At any time the City Council may by ~~resolution~~ ORDINANCE transfer part or all of the unencumbered appropriation from one department, FUND or major organizational unit to the appropriation for other departments, FUNDS, or major organizational units for the current or prior fiscal year.

(2) The City Manager may transfer part or all of any unencumbered appropriation balance ~~among programs~~ **TO ANOTHER APPROPRIATED PROGRAM OR EXPENDITURE** within a department or organizational unit ~~[or among departments or organizational units within a fund. Such transfers between departments or organizational units within a fund require subsequent written notification to the City Council as to the reason and amounts of the transfer.]~~

E. Limitation; effective date. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

F. VOTE REQUIRED. A TWO-THIRDS (2/3) VOTE OF ALL MEMBERS OF THE CITY COUNCIL SHALL BE REQUIRED FOR THE AUTHORIZATION OF SUPPLEMENTAL AND EMERGENCY APPROPRIATIONS, REDUCTION OF APPROPRIATIONS, OR TRANSFER OF APPROPRIATIONS FROM ONE DEPARTMENT, FUND OR MAJOR ORGANIZATIONAL UNIT TO ANOTHER.

Section 4. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park, Maryland, that Article X, “Finance and Taxation” §C10-6, “ Lapse of appropriations” be repealed, reenacted and amended to read as follows:

§C10-6. Lapse of appropriations.

Every appropriation, except an appropriation for a capital projects fund expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended OR LAWFULLY ENCUMBERED. An appropriation for a capital projects fund expenditure shall continue in force until expended, revised or repealed [~~; the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation].~~

Section 5. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park, Maryland, that Article X, “Finance and Taxation” §C10-9, “ City Council action on capital improvement program” be repealed, reenacted and amended to read as follows:

§C10-9. City Council action on capital improvement program.

A. Notice and hearing.

(1) The city shall ~~[publish in one or more newspapers of general circulation in the City]~~ POST AT CITY HALL, TO THE OFFICIAL CITY WEBSITE, TO THE CITY-MAINTAINED EMAIL LISTSERV, AND ON THE CITY CABLE CHANNEL; AND PUBLISH IN ANY CITY NEWSLETTER the general summary of the proposed capital improvement program and a notice stating:

(a) The times and places where copies of the proposed capital improvement program are available for inspection by the public at least two weeks prior to the date of the hearing; and

(b) The time and place for a public hearing on the proposed capital improvement program.

~~[(2) This notice and hearing shall conform to the requirement of the Tax Property Article of the Annotated Code of Maryland, as amended from time to time dealing with constant yield tax rate].~~

B. Adoption. The City Council by resolution shall adopt the capital improvement program with or without amendment after the public hearing and on or before May 31 of the fiscal year currently ending.

Section 6. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park, Maryland, that Article X, “Finance and Taxation” §C10-11, “ Property subject to taxation, rates, levy and collections; admissions and amusement tax” be repealed, reenacted and amended to read as follows:

§C10-11. Property subject to taxation, rates, levy and collections; admissions and amusement tax

A. * * * *

B. Personal property within the corporate limits of the city, except for property that is exempt under the law, such as University of Maryland property as set forth in § C12-4 of the City Charter, shall be subject to taxation for municipal purposes and shall be levied upon assessments made by ~~[Prince George's County, Maryland, or by]~~ the State Department of Assessments and Taxation of the State of Maryland ~~[as is now provided by law for the collection of such taxes due Prince George's County].~~

C. – E. * * * *

Section 7. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park, Maryland, that Article X, “Finance and Taxation” §C10-12, “Financial statement and independent audit” be repealed, re-enacted and amended to read as follows:

§C10-12. Financial statement and independent audit.

A. * * * * *

B. The Mayor and Council shall provide for an independent annual audit of all city accounts, as required by [~~§ 40 of Article 19~~] §16-305 of the LOCAL GOVERNMENT ARTICLE, Annotated Code of Maryland, as amended from time to time, and may provide for more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers. The accountant or firm chosen as the auditor may not serve for more than four consecutive fiscal years and may not be reengaged/rehired unless at least two fiscal years will have elapsed from the termination of that person's or firm's prior engagement with the city. The Mayor and Council shall designate such accountant or firm pursuant to the city's procedures for purchasing professional services~~], but the designation for any particular fiscal year shall be made not later than 30 days after the beginning of such fiscal year].~~ If the state makes such an audit, the Council may accept it as satisfying the requirements of this subsection.

Section 8. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Charter Resolution, the City Clerk shall publish this proposed Charter Resolution or a fair summary thereof in a newspaper having a general circulation in the City of College Park together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing is hereby set for _____ p.m. on the _____ day of _____, 2015. All persons interested shall have an opportunity to be heard.

Section 9. BE IT FURTHER RESOLVED that this Charter Resolution is adopted this _____ day of _____, 2015, and that the amendment to the Charter of the City of College Park, hereby proposed by this enactment, shall be and become effective upon the fiftieth (50th) day after its passage by the City unless petitioned to referendum in accordance with §4-304 of the Local Government Article, Annotated Code of Maryland within forty (40) days following its passage. A complete and exact copy of this Charter Resolution shall be posted in the City offices located at 4500 Knox Road, College Park, Maryland for forty (40) days following its passage by the Mayor and Council and a fair summary of the Charter Resolution shall be published in a newspaper having general circulation in the City not less

than four (4) times, at weekly intervals, also within the forty (40) day period following its adoption by the City.

Section 10. **BE IT FURTHER RESOLVED** that, within ten (10) days after the Charter Resolution hereby enacted becomes effective, either as herein provided or following referendum, the City Manager for the City of College Park shall send separately, by mail, bearing a postmark from the United States Postal Service, to the Department of Legislative Services, one copy of the following information concerning the Charter Resolution: (i) the complete text of this Resolution; (ii) the date of referendum election, if any, held with respect thereto; (iii) the number of votes cast for and against this Resolution by the Council of the City of College Park or in the referendum; and (iv) the effective date of the Charter Resolution.

Section 11. **BE IT FURTHER RESOLVED** that the City Manager of the City of College Park be, and hereby is specifically enjoined and instructed to carry out the provisions of Sections 9 and 10 as evidence of compliance herewith; and said City Manager shall cause to be affixed to the minutes of this meeting (i) an appropriate Certificate of Publication of the newspaper in which the fair summary of the Charter Resolution shall have been published; and (ii) return receipts of the mailing referred to in Section 3 and shall further cause to be completed and executed the Municipal Charter or Annexation Resolution Registration Form.

INTRODUCED by the Mayor and Council of the City of College Park at a regular meeting on the _____ day of _____ 2015.

ADOPTED by the Mayor and Council of the City of College Park at a regular meeting on the _____ day of _____ 2015.

EFFECTIVE the _____ day of _____, 2015.

ATTEST:

CITY OF COLLEGE PARK,

Janeen S. Miller, CMC, City Clerk

By _____
Andrew M. Fellows, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Suellen M. Ferguson, City Attorney