

**COUNCIL OF THE TOWN OF LA PLATA**  
**Resolution No. 07-3**

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**Introduced By:** Mayor Gene Ambrogio

**Date Introduced:** February 27, 2007

**Amendments adopted:**

**Date Adopted:** March 27, 2007

**Date Effective:** May 16, 2007

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1 **A RESOLUTION** concerning

2  
3 **Charter Amendment – Separation of Title of Clerk-Treasurer**  
4 **to Town Clerk and Town Treasurer**

5  
6 **FOR** the purpose of amending the Charter of the Town of La Plata to provide for the separation of  
7 the title Clerk-Treasurer to the titles of Town Clerk and Town Treasurer; and all matters  
8 generally relating to the separation of the title of Clerk-Treasurer to Town Clerk and Town  
9 Treasurer.

10 \* \* \* \* \*

11  
12 **BY** repealing and reenacting, with amendments  
13 Article II Corporate Limits  
14 Section C2-1  
15 Charter of the Town of La Plata

16  
17 **BY** repealing and reenacting, with amendments  
18 Article III Council  
19 Section C3-4  
20 Charter of the Town of La Plata

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22 **BY** repealing and reenacting, with amendments  
23 Article VI General Powers  
24 Section C6-4 Ordinances  
25 Charter of the Town of La Plata

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27 **BY** repealing and reenacting, with amendments  
28 Article VIII Finance

29	Sections C8-1, C8-2, C8-3, C8-5, C8-11, C8-14, and C8-16
30	Charter of the Town of La Plata
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32 **BY** repealing and reenacting, with amendments  
 33 Article IX Personnel  
 34 Sections C9-1 and C9-8A.(2)  
 35 Charter of the Town of La Plata  
 36

37 **BY** repealing and reenacting, with amendments  
 38 Article XI Water and Sewers  
 39 Section C11-13 Charges  
 40 Charter of the Town of La Plata  
 41

42 **BY** repealing and reenacting, with amendments  
 43 Article XII Special Assessments  
 44 Section C12-2  
 45 Charter of the Town of La Plata  
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47 **BY** repealing and reenacting, with amendments  
 48 Article XIV General Provisions  
 49 Section C14-2  
 50 Charter of the Town of La Plata  
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52 **SECTION 1. BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF**  
 53 **LA PLATA** that Section C2-1 of Article II, Corporate Limits, of the Charter of the Town of La Plata  
 54 be and it is hereby repealed and reenacted, with amendments, to read as follows:  
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56 **ARTICLE II Corporate Limits**  
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58 **§ C2-1. Town boundaries.**  
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60 The corporate limits or boundaries of the Town of La Plata, until changed by the Town Council in  
 61 accordance with law, are the same as prior to the adoption of this Charter, as currently registered  
 62 with the TOWN Clerk ((-Treasurer)) of the ((t)) Town OF LA PLATA, with the Clerk of the Circuit  
 63 Court for Charles County and with the State Department of Legislative Reference.  
 64

65 **SECTION 2. AND BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF**  
 66 **LA PLATA** that Section C3-4 of Article III, Council, of the Charter of the Town of La Plata be and  
 67 it is hereby repealed and reenacted, with amendments, to read as follows:  
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69 **ARTICLE III Council**  
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71 **§ C3-4. Meeting of Council.**  
 72

73 The newly elected Council shall meet on the second Monday in May in each election year for the

74 purposes of organization, after which the Council shall meet regularly at such times as may be  
 75 prescribed by its rules but not less frequently than once each month. Special meetings shall be called  
 76 by the TOWN Clerk ((-Treasurer)) upon the written request of the Mayor, the Town Manager or a  
 77 majority of the members of the Council. All meetings of the Council shall be open to the public,  
 78 except such meetings as may be closed in accordance with the laws of the State of Maryland.  
 79 Meetings of the Council to which the Maryland Open Meetings Law\* does not apply may be closed  
 80 for the same reasons and under the same procedures as apply to meetings covered by that law. The  
 81 rules of the Council shall provide that residents of the town shall have a reasonable opportunity to be  
 82 heard at any meeting in regard to any open matters.

83  
 84 **SECTION 3. AND BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF**  
 85 **LA PLATA** that Section C6-4 of Article VI, General Powers, of the Charter of the Town of La Plata  
 86 be and it is hereby repealed and reenacted, with amendments, to read as follows:

87  
 88 **Article VI General Powers**

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 90 **§ C6-4. Ordinances.**

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 92 No ordinance shall be passed at the meeting at which said ordinance is introduced. At any regular or  
 93 special meeting of the Council held not less than six (6) nor more than sixty (60) days after the  
 94 meeting at which an ordinance was introduced, said ordinance shall be passed, passed as amended or  
 95 rejected or its consideration deferred to some specified future date. In cases of emergency, the above  
 96 requirement may be suspended by the affirmative votes of the majority of the members of the Council.  
 97 Every ordinance passed shall become effective on the date specified in the ordinance. Every ordinance  
 98 shall be posted in some public place for at least thirty (30) days after passage. Ordinances shall be  
 99 permanently filed by the TOWN Clerk ((-Treasurer)) and shall be kept available for public inspection.

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 101 **SECTION 4. AND BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF**  
 102 **LA PLATA** that Sections C8-1, C8-2, C8-3, C8-5, C8-11, C8-14, and C8-16 of Article VIII,  
 103 Finance, of the Charter of the Town of La Plata be and they are hereby repealed and reenacted, with  
 104 amendments, to read as follows:

105  
 106 **Article VIII Finance**

107  
 108 **§ C8-1. ((Clerk-)) TOWN Treasurer.**

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 110 There may be a ((Clerk-)) TOWN Treasurer appointed by the Council who shall serve at the pleasure  
 111 of the Council and whose compensation shall be determined by the Council. The ((Clerk-)) TOWN  
 112 Treasurer may be the chief financial officer of the town. The financial powers of the town, except as  
 113 otherwise provided by this Charter, shall be exercised by the ((Clerk-)) TOWN Treasurer under the  
 114 direct supervision of the Mayor or, if a Town Manager is appointed, by the Town Manager.

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**§ C8-2. Powers and duties of ((Clerk-)) TOWN Treasurer.**

Under the supervision of the Mayor or Town Manager, the ((Clerk-)) TOWN Treasurer shall have authority and shall be required to:

\* \* \*

**§ C8-3. Bond of ((Clerk-)) TOWN Treasurer or Town Manager.**

The ((Clerk-)) TOWN Treasurer and Town Manager shall provide a bond with such corporate surety and in such amount as the Council, by ordinance, may require.

**§ C8-5. Budget.**

The Mayor or Town Manager, on such date as the Council, by ordinance, shall determine, but at least thirty-two (32) days before the beginning of any fiscal year, shall submit a 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 or exceed the total of the proposed expenditures. The budget shall be a public record in the office of the ((Clerk-)) TOWN Treasurer, open to public inspection by anyone during normal business hours.

**§ C8-11. Checks.**

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by the ((Clerk-)) TOWN Treasurer or Town Manager.

**§ C8-14. Notice of tax levy.**

Immediately after the levy is made by the Council in each year, the ((Clerk-)) TOWN Treasurer 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 due and the date on which the taxes 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 levied on his property.

**§ C8-16. Sale of tax-delinquent property.**

A list of all property on which the town taxes have not been paid and which is in arrears as provided by § C8-15 of this Charter shall be turned over by the ((Clerk-)) TOWN Treasurer to the official of

158 the county responsible for the sale of tax-delinquent property as provided in state law. All property  
159 listed thereon shall, if necessary, be sold for taxes by this county official in the manner prescribed by  
160 state law.

161  
162 **SECTION 5. AND BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF**  
163 **LA PLATA** that Sections C9-1 and C9-8A.(2) of Article IX, Personnel, of the Charter of the Town  
164 of La Plata be and they are hereby repealed and reenacted, with amendments, to read as follows:

165  
166 **Article IX Personnel**

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168 **§ C9-1. Clerk to the Council.**

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170 The TOWN Clerk ((-Treasurer)) shall serve as Clerk to the Council. He shall attend every meeting of  
171 the Council and keep full and accurate account of the proceedings of the Council. He shall keep such  
172 other records, AND SHALL BE RESPONSIBLE FOR MAINTENANCE OF ALL TOWN  
173 RECORDS, and perform such other duties as may be required by this Charter or the Council.

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175 **§ C9-8. Unclassified and classified service.**

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177 The civil service of the town shall be divided into the unclassified and classified service.

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179 A. The unclassified service shall comprise the following offices and positions, which shall not be  
180 included within the merit system:

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183 (2) The ((Clerk-)) TOWN Treasurer, the Town Attorney and the Town Manager.

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187 **SECTION 6. AND BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF**  
188 **LA PLATA** that Section C11-13 of Article XI, Water and Sewers, of the Charter of the Town of  
189 La Plata be and it is hereby repealed and reenacted, with amendments, to read as follows:

190  
191 **Article XI Water and Sewers**

192  
193 **§ C11-13. Charges.**

194  
195 The town shall have the power to charge and collect such service rates, water rents, ready-to-serve  
196 charges or other charges as it deems necessary for water supplied and for the removal of sewage.  
197 These charges are to be billed and collected by the ((Clerk-)) TOWN Treasurer, and if bills are unpaid  
198 within thirty (30) days, the service may be discontinued. All charges shall be a lien on the property,  
199 collectible in the same manner as town taxes or by suit at law.

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**SECTION 7. AND BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF LA PLATA** that Sections C12-2D. and H. of Article XII, Special Assessments, of the Charter of the Town of La Plata be and they are hereby repealed and reenacted, with amendments, to read as follows:

**Article XII Special Assessments**

**§ C12-2. Procedure.**

The procedure for special assessments, wherever authorized in this Charter, shall be as follows:

\* \* \*

D. All special assessment charges shall be levied by the Council by ordinance. Before levying any special assessment charges, the Council shall hold a public hearing. The ((Clerk-)) TOWN Treasurer shall cause notice to be given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or their agents or attorneys, may appear before the Council and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property proposed to be assessed and to the person in whose name the property is assessed for taxation and by publication of a copy of the notice at least once in a newspaper of general circulation in the town. The ((Clerk-)) TOWN Treasurer shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice, but failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten (10) and not more than thirty (30) days after the ((Clerk-)) TOWN Treasurer shall have completed publication and service of notice as provided in this section. Following the hearing, the Council, in its discretion, may vote to proceed with the project and may levy the special assessment.

\* \* \*

H. All special assessments shall be billed and collected by the ((Clerk-)) TOWN Treasurer.

**SECTION 8. AND BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF LA PLATA** that Section C14-2 of Article XIV, General Provisions, of the Charter of the Town of La Plata be and it is hereby repealed and reenacted, with amendments, to read as follows:

**Article XIV General Provisions**

**§ C14-2. Official bonds.**

243  
 244 The ((Clerk-)) TOWN Treasurer and such other officers or employees of the town as the Council or  
 245 this Charter may require shall give a bond in such amount and with such surety as may be required by  
 246 the Council. The premiums on such bonds shall be paid by the town.

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 248 **SECTION 9. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE**  
 249 **TOWN OF LA PLATA** that the date of adoption of this Resolution is March 27, 2007, and the  
 250 amendment of the Charter of the Town of La Plata hereby enacted shall become effective on May 16,  
 251 2007, unless a proper petition for referendum hereon shall be filed as permitted by law, provided a  
 252 complete and exact copy of this Resolution shall be continuously posted on the bulletin board in the  
 253 La Plata Town Hall until May 6, 2007, and provided further that a copy of the title of this Resolution  
 254 shall be published in the Maryland Independent, a newspaper of general circulation in the Town of  
 255 La Plata, or in any other newspaper of such general circulation, once in each of the weeks beginning  
 256 April 4, April 11, April 18 and April 25, 2007.

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 258 **SECTION 10. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE**  
 259 **TOWN OF LA PLATA** that the Town Clerk is hereby specifically commanded to carry out the  
 260 provisions of Section 9. hereof, and, as evidence of such compliance, the Town Clerk shall cause to  
 261 be maintained appropriate certificates of publication of the newspaper or newspapers in which the title  
 262 of the Resolution shall have been published. If a favorable referendum is held on the Charter change  
 263 the Mayor shall proclaim the Charter change hereby enacted to have been approved by the voters and  
 264 the charter amendment shall become effective on the date provided by law.

265  
 266 **SECTION 11. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE**  
 267 **TOWN OF LA PLATA** that as soon as the Charter Amendment hereby enacted shall become  
 268 effective, either as provided herein or following a referendum, the Town Chief Executive Officer shall  
 269 send by mail to the Department of Legislative Services of Maryland, a clear certified copy of this  
 270 Resolution showing the number of Councilmen voting for and against it and a report on the votes cast  
 271 for or against the amendment hereby enacted at any referendum thereon and the date of such  
 272 referendum.

273  
 274 The above Charter Amendment was enacted by the foregoing Resolution which was passed at  
 275 a regular meeting of the Council of the Town of La Plata on March 27, 2007, 4 members of the  
 276 Town Council voting in the affirmative, 0 members of the Town Council voting in the negative,  
 277 0 members of the Town Council abstaining, and 1 member of the Town Council absent, and  
 278 the said Resolution becomes effective in accordance with law on the 16<sup>th</sup> day of May, 2007.  
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