

## CHAPTER 2

### ADMINISTRATION & GOVERNMENT

#### ARTICLE 1. BOARD ORGANIZATION AND PROCEDURE

##### **Section 2-101. Regular Meeting: Time and Place**

###### **(1) Regular Meetings**

(a) Time. The Commissioners shall hold two public meetings each month on the second and fourth Tuesday at 7:30 p.m., at which they shall normally conduct the business, enacting ordinances or resolutions, receiving citizen complaints and other communications. Whenever the day fixed for any meeting falls upon a day designated by law as a legal or national holiday, such meeting may be held on some other acceptable day as a majority of the Board shall designate.

(b) Place. All meetings of the Commissioners shall be held in the Town Hall of Rising Sun unless the Board unanimously agrees otherwise. If the meeting place is other than the Town Hall, a public notice shall be posted at the Town Hall or public notice shall otherwise be given stating the location of the meeting.

(2) Executive Meeting. The Town Board of Commissioners may hold such executive meetings as necessary. Executive sessions shall be governed by the requirements of Article 76A of the Annotated Code of Maryland, as amended from time to time.

##### **Section 2-102. Special Meetings**

The Mayor shall call special meetings of the Commissioners whenever in his opinion the public business may require, or at the express written request of any two Commissioners. Whenever a special meeting shall be called, a notice in writing shall be served upon each Commissioner, stating the date and hour of the meeting and the purpose for which such meeting is called, and no business shall be transacted there, except such as is stated in the notice.

##### **Section 2-103. The Presiding Officer: Duties,**

The Mayor shall serve as the Presiding Officer.

The Presiding Officer shall preserve strict order and decorum at all regular and special meetings of the Commissioners. He shall state every question coming before the Commissioners, announce the decision of the Commissioners on all subjects and decide all questions of order, subject, however, to an appeal to the Commissioners, in which event a majority vote of the Commissioners shall govern and conclusively determine such questions of order. He shall vote in the case of a tie, his name being called last. In the event of the absence of the Mayor a designated Assistant Presiding Officer or Acting-Mayor shall preside over the meeting.

#### **Section 2-104. Roll Call**

Before proceeding with the business of the Commissioners, the Clerk or his deputy shall call the roll of the members, and the names of those present shall be entered in the minutes.

#### **Section 2-105. Quorum**

A majority of all the members elected to the Commissioners, excluding the Mayor, shall constitute a quorum at any regular or special meeting of the Commissioners. In the absence of a quorum, the Presiding Officer shall, at the request of any two Commissioners present, request the attendance of absent Commissioners.

#### **Section 2-106. Order of Business**

All meetings of the Commission (other than executive sessions) shall be open to the public. Promptly at the hour set on the day of each public meeting, the Mayor, the Commissioners, the Town Administrator the Clerk, and any other Town Officers required to be in attendance shall take their regular stations, and the business of the Commission shall be taken up for consideration and disposition.

#### **Section 2-107. Minutes Approved**

Unless a reading of the minutes of a previous meeting is requested by a Commissioner, such minutes may be approved without reading upon motion by a Commissioner, if the Clerk has previously furnished each member with a copy thereof.

#### **Section 2-108. Rules of Debate**

(1) Presiding Officer -- The Mayor or such other Commissioner as may be presiding, may move, second and debate from the chair, subject only to such limitations of debates as are by these rules imposed on all Commissioners and shall not be deprived of any of the rights and privileges of a Commissioners by reason of his acting as presiding Officer, except that as Presiding Officer, he may vote only in case of a tie, as provided in Section 2-103 of this Chapter.

(2) Getting the Floor; Improper Reference to be Avoided--Every Commissioner desiring to speak shall address the Chair, and, upon recognition by the Presiding Officer, shall confine himself to the question under debate, avoiding all personal remarks and indecorous language.

(3) Interruptions -- A Commissioner, once recognized, shall not be interrupted when speaking unless it be to call him to order or as herein otherwise provided. If a Commissioner, while speaking, be called to order, he shall cease speaking until the question of order be determined, and, if in order, he shall be permitted to proceed.

(4) Privilege of Closing Debate -- The Commissioner moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

(5) Motion to Reconsider -- A motion to reconsider any action taken by the Commissioners may be made only on the day such action was taken. It may be made either

immediately during the same session, or at a recessed or adjourned session thereof. Such motion must be made by one of the prevailing sides, but may be seconded by any Commissioner, and may be made at any time and have precedence over all other motions it shall be debatable. Nothing herein shall be construed to prevent any Commissioner from making or remaking the same or any other motion at a subsequent meeting.

(6) Remarks of Commissioners, When Entered in Minutes -- A Commissioner may request, through the Presiding Officer, the privilege of having an abstract of his statement on any subject under consideration by the Commissioners entered in the minutes.

(7) Synopsis of Debate; When Entered in Minutes -- The Clerk may be directed by the Presiding Officer, with consent of the Commissioners, to enter in the minutes a synopsis of the discussion on any question coming regularly before the Commissioners.

### **Section 2-109. Addressing the Board**

Any person desiring to address the Board shall first secure the permission of the Presiding Officer to do so; provided, however, that under the following headings of business, unless the Presiding Officer rules otherwise, any qualified person may address the Board without securing such prior permission.

(1) Written Communication -- Interested parties or their authorized representatives may address the Board by written communication in regard to matters then under discussion.

(2) Oral Communications -- Taxpayers or residents of the town, or their authorized legal representatives, may address the Board by oral communications on any matter concerning the Town provided, however, that preference shall be given to those persons who may have notified the Clerk in advance of their desire to speak in order that the same may appear on the agenda of the Board.

### **Section 2-110. Addressing the Board after Motion Made**

After a motion is made by the Board, no person shall address the Board without first securing the permission of the Presiding Officer to do so.

### **Section 2-111. Manner of Addressing Board: Time Limit**

Each person addressing the Board shall step up to the Board table, shall give his name and address in an audible tone of voice for the records, and unless further time is granted by the Board, shall limit his address to ten minutes. All remarks shall be addressed to the Board as a body and to any member thereof. No person, other than the Board and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Board, without the permission of the Presiding Officer. No question shall be asked a Board member except through the Presiding Officer. The foregoing shall not apply to members of the Board or the Mayor.

### **Section 2-112. Silence Constitutes Affirmative Vote**

Unless a Commissioner states that he is not voting, his silence shall be recorded as an affirmative vote.

### **Section 2-113. Decorum**

(1) By Commissioners -- While the Board of Commissioners is in session, order and decorum must be preserved, and a Commissioner shall neither, by conversation or otherwise, delay or interrupt the proceedings or disturb any other Commissioners while speaking or refuse to obey the orders of the Commission or its Presiding Officer, except as otherwise provided herein.

(2) By Persons -- Any person making personal, impertinent or slanderous remarks or who shall become boisterous while addressing the Commissioners shall be forthwith, by the Presiding Officer, barred from further audience before the Commissioners, unless permission to continue be granted by a majority vote of the Commissioners.

(3) Enforcement -- The Chief of Police, or such member or members of the Police Department as the Mayor may designate, shall be Sergeant-At-Arms at all meetings. He, or they, shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum at all meetings. Upon instruction of the Presiding Officer, it shall be the duty of the Sergeant-At-Arms to place any person who violates order and decorum of the meeting under arrest, and cause him to be prosecuted under the provisions of this Code, the complaint to be signed by the Presiding Officer.

### **Section 2-114. Persons Authorized to be Seated at the Board Table**

No persons, except Town Officers or their representatives, shall be permitted to be seated at the Board Table unless granted permission to do so by the Presiding Officer.

### **Section 2-115. Special Committees**

All special committees shall be appointed by the Mayor unless otherwise directed by the Commissioners.

### **Section 2-116. Commissioner May File Protest Against Board Action**

Any Commissioner shall have the right to have the reasons for his dissent from, or protest against, any action of the Commissioners entered in the minutes.

### **Section 2-117. Claims Against Town**

No account or other demand against the Town shall be allowed until same has been considered and approved by the Mayor and Commissioners.

### **Section 2-118. Ordinances, Resolutions, Motions and Contracts**

(1) Prior Approval by Commissioner -- All ordinances, resolutions, and contract documents shall, before presentation to the Commissioners, have been approved as to form and legality by the Town Attorney or his authorized representative and shall have been examined and approved for administration by the Mayor or his authorized representative, where there are substantive matters of administration involved. All such instruments may first be referred to the Commissioner who heads the department under whose jurisdiction the administration of the subject matter of the ordinance, resolution or contract document would devolve. Provided, however, that if approval is not given, then the same shall be returned to the President

of the Commissioners with a written memorandum of the reasons why such approval is withheld.

In the event the questioned instrument is not re-drafted to meet the Commissioner's objection, or objections, then the Mayor shall so advise the Commissioners and give the reasons advanced by the Commissioners for withholding approval.

(2) Introducing for Passage or Approval

(a) Ordinances, resolutions, and other matters or subjects requiring action by the Board of Commissioners must be introduced and sponsored by a Commissioner, except that the President of the Commissioners, and any Commissioner may assume sponsorship thereof by moving that such ordinance, resolution, matter or subject be adopted; otherwise, they shall not be considered.

(b) No ordinance, or section thereof, shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed, and when practicable all ordinances may be introduced as amendments to existing ordinances or section thereof.

(c) No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the Commissioners held not less than 6 nor more than 60 days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration referred to some specified future date. In cases of emergency the above requirement may be suspended by the affirmative votes of four members of the Board of Commissioners. Every ordinance, unless it be passed as an emergency ordinance, shall become effective at the expiration of twenty (20) calendar days following approval by the Board of Commissioners. The complete text of, or a fair summary of each ordinance shall be published once in a newspaper or newspapers having general circulation in the municipality. An emergency ordinance shall become effective on the date specified in the ordinance.

**Section 2-119. Reports and Resolutions to be Filed with Clerk**

All reports and resolutions shall be filed with the Clerk and entered in the minutes.

**Section 2-120. Adjournment**

A motion to adjourn shall always be in order and decided without debate.

**Section 2-121. Style of Ordinances**

All ordinances passed by the Board of Commissioners should be prefaced by, "*Be it Enacted and Ordained by the Commissioners of the Town of Rising Sun that...*" Ordinances shall be signed by the Mayor and attested to by the Clerk.

**ARTICLE 2. ORGANIZATION OF GOVERNMENT**

**Section 2-201. Administrative Departments Created**

The administration of Town business is hereby divided into the following departments and offices:

- (1) Department of Public Affairs
  - (a) Town Clerk
  - (b) Town Attorney
  - (c) Town Engineer
  - (d) Town Treasurer
  - (e) Town Administrator
- (2) Department of Public Safety
  - (a) Police Department
- (3) Department of Streets & Public Works
- (4) Department of Parks, Recreation & Public Property
- (5) Department of Water and Sewer

#### **Section 2-202. Commissioner of Public Affairs: Powers and Duties**

The Mayor shall be the Commissioner of Public Affairs, and shall report to the Board of Commissioners for its action on all matters requiring the attention of any department.

(1) General Duties -- The Mayor shall have and exercise all powers and perform all the duties that are or may be prescribed by law, or by this Code. He shall be the chief executive office and representative of the Town; and he shall sign all contracts, checks and warrants on behalf of the Town after approval of same by a majority of a quorum of the Board of Commissioners.

(2) Departments and Offices -- The Town Administrator, Town Attorney, Town Clerk, Town Treasurer and all other officers and employees of the town who are not specifically assigned to another department shall be subject to the Department of Public Affairs.

(3) Enforcement of Ordinances -- The Mayor shall be generally charged with and responsible for the proper conduct of the Town's affairs, the conduct of elections, and the enforcement of all ordinances of the Town.

(4) Publication of Ordinances -- The Mayor shall cause to be prepared and published all ordinances of the Town, in accordance with this Code.

(5) Accounts and Records -- The Mayor shall have charge of an supervision and direction over all records of the Town and all officers, boards, departments insofar as the accounts and records of the Town are concerned, and shall annually prepare the Town budget or have prepared under his supervision. He shall cause proper accounts and records to be kept and proper reports to be made by the officer and departments of the Town, or both, insofar as the accounts and finances of the Town are concerned. He shall audit, or cause to be audited, at frequent intervals, the accounts and records of officers or employees who may receive or disburse money, and shall see to it that the annual audit required by statute is made. He shall inspect, or cause to be inspected, all records or accounts required to be kept in any of the offices

or departments of the Town. He shall examine, or cause to be examined, and report to the Commissioners, upon all bills, accounts, payrolls, demands and claims before they are acted upon, unless otherwise provided by law or ordinance. He shall collect, or cause to be collected, all claims, demands, license fee, inspection fees, franchise taxes, fines, penalties, forfeitures, rentals, or money, which may be due or become due to the Town, except as otherwise provided for by statute, and all amendments thereto, and except as otherwise provided by law. He shall report, or cause to be reported, to the Commissioners any failure to make a report, or to pay moneys due the Town, with such recommendations in relation thereto as he may deem proper.

#### **Section 2-203. Town Attorney: Powers and Duties**

The Office of Town Attorney is hereby established. The Town Attorney shall be appointed by the Mayor upon the advice and consent of the Board of Commissioners, and shall serve for an indefinite term at the will and pleasure of the Board of Commissioners. Compensation of the Town Attorney shall be set by the Board of Commissioners. The Town Attorney shall be responsible to the Board of Commissioners through the Mayor for the preparation of all ordinances, resolutions, contracts, and other legal instruments and shall perform any such other duties assigned to him by the Board of Commissioners, as well as any other duties as required otherwise by this Code.

#### **Section 2-204 Administrative Positions Established**

- (a) Clerk. The office of Clerk is hereby established. The Clerk shall be appointed by the Mayor, upon the advice and consent of the Board of Commissioners, to serve at the will and pleasure of the Board of Commissioners. The salary of the Clerk shall be set by the Board of Commissioners. The duties of the Clerk shall be established through Resolution of the Board of Commissioners.
- (b) Treasurer. The office of Treasurer is hereby established. The Treasurer shall be appointed by the Mayor, upon the advice and consent of the Board of Commissioners, to serve at the will and pleasure of the Board of Commissioners. The salary of the Treasurer shall be set by the Board of Commissioners. The duties of the Treasurer shall be established through Resolution of the Board of Commissioners.
- (c) Town Administrator. The office of Town Administrator is hereby established. The Town Administrator shall be appointed by the Mayor, upon the advice and consent of the Board of Commissioners, to serve at the will and pleasure of the Board of Commissioners. The salary of the Town Administrator shall be set by the Board of Commissioners. The duties of the Town Administrator shall be established through Resolution of the Board of Commissioners."

#### **Section 2-205. Commissioner of Streets and Public Works**

(1) The Commissioner of Streets and Public Works shall be superintendent of the Department of Streets and Public Works and shall have charge of, and supervision over the

cleaning, clearing, and paving of streets, avenues, alleys and public places; the construction, repair, and improvement of all streets, sidewalks, crosswalks, stormdrains, gutters, curbing, culverts, bridges, via-ducts, subways, public parking lots, street signs, and other such improvements.

( 2 ) The Commissioner of Streets and Public Works shall be charged with the efficient operation of the collection of trash and garbage and the coordination of same with the contractor and Board of Commissioners.

#### **Section 2-206. Commissioner of Public Safety**

The Commissioner of Public Safety shall be superintendent of the Department of Public Safety, and shall have charge, supervision and direction over the Police Department and any other officers or employees hereafter assigned to this department.

( 1 ) The Commissioner of Public Safety shall be appointed by the Board of Commissioners upon recommendation by the Mayor.

( 2 ) The Chief of Police shall be appointed by the Board of Commissioners. He shall be the head of the Police Department and shall have command over all civilian and police employees of the police department. He shall execute all orders of the Commissioner of Public Safety and perform such police and other related duties as are required of him by such orders, as well as all duties imposed upon him by the Town Charter and this Code.

( 3 ) The Police Department shall enforce all provisions of the Town Charter, this Code and other ordinances for which no other enforcement authority is designated, and shall have such powers and perform such duties not in conflict with the Town Charter or this Code as may be necessary and lawful for this purpose.

( 4 ) The Commissioner of Public Safety shall mark and designate parking, or cause to be marked and designated restricted parking areas, banned parking areas, street signs, and stop signs, upon his recommendation and approval by the Board of Commissioners.

( 5 ) The Commissioner of Public Safety shall report or cause to be reported by those under his supervision, violations of Town ordinances to cooperating county and state officials regarding zoning matters, fire and health hazards, and shall coordinate the enforcement of same with the Board of Commissioners, the Town Attorney and enforcement officials.

#### **Section 2-207. Commissioner of Parks, Recreation, and Public Property**

The Commissioner of Parks, Recreation, and Public Property shall be the superintendent of the Department of Parks, Recreation, and Public Property and shall be charged with the construction, maintenance, repair, and expansion of all municipal buildings, and park property. He shall also have charge of the use of municipal buildings and park property and the development of any new parks or park improvements as well as the creation and operation of all recreational facilities and programs of the Town. He shall also be responsible for maintaining all other public property not under the specific charge of any other Department or Commissioner, including any such fixtures, furniture or equipment and shall report to the Commissioners on the current needs of the Town in regard to the purchase or repairs of such property. He shall have the authority to grant or deny any requests for use or reservation of Town park property.

#### **Section 2-208. Commissioner of Water and Sewer**



The Commissioner of Water and Sewer shall be the superintendent of the Department of Water and Sewer and shall oversee the construction, maintenance, repair, and use of the Town's water and sewer plants, including all water and sewer mains connected to said plants. The Commissioner of Water and Sewer shall respond to all requests for developers or builders concerning availability of water and sewer service from the Town.

### **Section 2-209. Planning Commission**

(1) Membership. The Planning Commission shall consist of seven (7) members. A commissioner of the Town, selected by the Commissioners, shall serve as an ex-official member and shall have the power to vote on all matters before the Planning Commission. The remaining six (6) members shall be appointed by the Mayor and approved by the Board of Commissioners of Rising Sun.

(2) Term of Office. The ex-officio member shall serve for the term of his elective office. Each member shall serve for a period of five (5) years or until his successor takes office. Each appointed member is eligible of reappointment. Members of the Planning Commission shall serve without compensation.

(3) Vacancy. A vacancy occurring otherwise than by expiration of term shall be filled by appointment by the Commissioners of Rising Sun for the unexpired term.

(4) Procedures. The Mayor, with the approval of the Board of Commissioners, shall appoint a chairman from one of the appointed members and create and fill such other offices as may be determined. The term of chairman shall be one year, with eligibility for reappointment. The chairman shall also serve as the Zoning Inspector for the Town. The Planning Commission shall adopt rules for transactions of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record.

(5) Employees and Expenditures. The Planning Commission may appoint such employees as it may deem necessary for its work, and may also contract with planners, engineers, architects, and other consultants for such services as it may require. The expenditures of the commission, exclusive of gifts, shall be under such conditions and within the amounts appropriated for the purpose by the Commissioners of Rising Sun by resolution.

(6) Powers and Duties. The Planning Commission shall have the powers and duties as now or hereafter provided in Article 66B, Annotated Code of Maryland (1957 edition, as amended) and the Ordinances of the Town of Rising Sun. The Chairman shall approve all building permits. He may forward a request for a building permit to the Cecil County Building Inspector's Office for further review prior to approving any building permit pursuant to Chapter 5 of this Code. He shall also respond to all requests concerning the present zoning classification of any property within the Town.

## **ARTICLE 3. PERSONNEL**

### **Section 2-301. Classification of Positions.**

All positions within the Town government shall be subject to the provisions of this article other than the following: (1) The Mayor, (2) The Commissioners, (3) The Town Attorney, (4) Members of Town Boards or Commissions such as the Planning Commission and the Board of Appeals, and (5) part-time, temporary or unpaid positions.

### **Section 2-302. Personnel Officer**

The responsibility for implementing the provisions of this Article, and for the general supervision of all Town employees and the personnel system is hereby vested in the Mayor, who is hereby further designated as Personnel Officer.

### **Section 2-303. Duties of Commissioners**

The Commissioners, in their capacity as a department head, shall advise and consult with the Personnel Officer regarding all personnel matters, including but not limited to hiring, firing, salaries, and hours of work. Each Commissioner in his or her capacity as a department head may promulgate special departmental rules and regulations which shall be adopted by Resolution of the Board of Commissioners. Any such departmental rules shall not include any subjects encompassed by the General Rules promulgated under Section 2-304 below.

### **Section 2-304. General Personnel Rules**

The Board of Commissioners may adopt by Resolution a Code of Personnel Rules and Regulations. Such Code may contain a job description and classification system for Town employees, basic annual rates of pay for each such classification, longevity pay rates, if any, hours of work, overtime compensation, designation of holidays, holiday pay, annual leave and sick leave benefits, and a description of any additional fringe benefits for any such classification or classifications. The Code may also prescribe rules concerning promotion, demotion, discharge, voluntary separation, and describing grievance and appeal procedures for such classified employees, and any other rules and regulations the Board of Commissioners from time to time may deem necessary.

### **Section 2-305. Other Personnel; Powers of the Mayor and the Board of Commissioners**

(1) The Mayor, upon approval of the Commissioners, shall have the power to hire and contract other personnel needed to carry on the Town's business, such as planners and engineers, but not limited thereto. The Mayor, upon approval of the Commissioners, shall have the power to enter into agreements with state and county officials for the purpose of cooperative enforcement agreements under Town ordinances where the Commissioners deem it in the best interests of the Town.

(2) The Commissioners are hereby granted the authority to provide for health insurance and employee retirement plan coverage which may include, but is not limited to life insurance, coverage of medical expenses, and/or prescription expenses. Said insurance shall be provided pursuant to a resolution passed by a majority of the Commissioners at a duly convened meeting. The Commissioners shall expressly have the authority to cancel, amend, change, or extend said insurance coverage pursuant to a resolution of the Board of Commissioners as set forth previously herein.

## **ARTICLE 4. COMPENSATION OF MAYOR AND COMMISSIONERS SECTION**

### **2-401. Salary for the Mayor**

The Mayor shall receive a fee for attending each regular or special meeting which fee shall be set from time to time by a resolution passed by the Board of Commissioners in the regular course of business.

Provided, however, that no change shall be made in the salary for any Mayor during the term for which he was elected. The resolution making any change in the salary paid to the Mayor, either by way of increase or decrease, shall be finally passed prior to the municipal election to elect the next succeeding Mayor, and shall take effect only as to the next succeeding Mayor.

#### **Section 2-402. Salary for Commissioners**

Each Commissioner shall receive a fee each regular or special meeting which shall be equal for all Commissioners and shall be as specified from time to time by resolution passed by the Board of Commissioners in the regular course of its business; provided, however, that the fee specified at the time any Commissioner takes office shall not be changed for the Commissioner during the term for which he was elected. A resolution making any change in the fee, either by way of increase or decrease, shall take effect only when the present term of the Commissioner has expired.

### **ARTICLE 5. PURCHASING**

#### **Section 2-501. Purchasing Agent**

The Town Administrator is hereby designated as the Purchasing Agent for the Town government, and all of its departments, except as otherwise directed on specific occasions by the Board of Commissioners.

(1) Duties. Except as otherwise provided specifically by the Board of Commissioners, and as otherwise specified by law, the Purchasing Agent shall make all purchases of material, equipment and supplies for the Town as from time to time are authorized by the Board of Commissioners.

(2) Payments. The Purchasing Agent shall process and make payment for all purchases previously authorized by the Board of Commissioners.

(3) Records. An annual record of purchases authorized by the Board of Commissioners shall be kept and maintained by the Purchasing Agent and shall show date, amount and description of items or services procured and the department which requested the purchase.

#### **Section 2-502. Procurement Procedure**

(1) To make purchases of five hundred dollars (\$500.00) or less approval must be obtained from the Town Administrator.

(2) To make purchases over five hundred dollars (\$500.00) but less than two thousand five hundred dollars (\$2,500.00) approval must be obtained from the Mayor and two Commissioners.

(3) To make purchases in the amount of two thousand five hundred dollars (\$2,500.00) or more sealed bids must be solicited by letter or advertisement in a local

newspaper. Certain personal service contracts such as auditor, engineer, architect or attorney may be exempted.

(4) The Board may, by a majority vote, choose to renew contracts without going through the bidding process when negotiations are acceptable to both parties.

(5) Notwithstanding subsections two and three above, the Town Administrator or Town Treasurer may pay normal monthly bills for operations, utilities or supplies, without such authorization. Said payment shall be reported to the Mayor and Commissioners no later than their next scheduled meeting.

(6) In the case of an emergency, the Town Administrator, with the approval of the Mayor and at least two Commissioners may authorize to the Mayor and Board of Commissioners at their next regularly scheduled meeting for ratification. Failure to obtain ratification shall not invalidate any purchase contract to the extent goods or services have been delivered or provide prior thereto.

## **ARTICLE 6. ETHICS POLICY**

### **Section 2-601 Applicability.**

The provisions of this article apply to all elected or appointed officials and employees of the Town of Rising Sun except as hereafter provided

### **Section -602 Ethics Board.**

There shall be a Town of Rising Sun Ethics Board, which shall be composed of three (3) members appointed by the Mayor with the approval of the Commissioners. The Board shall be advised by the Town of Rising Sun Attorney and shall have the following responsibilities:

- (a) To devise, receive and maintain all forms generated by this article;
- (b) To provide published advisory opinions to persons subject to the article as to the applicability of the provisions of this article to them;
- (c) To process and make determinations as to complaints filed by any person alleging violations of this article; and
- (d) To conduct a public information program regarding the purposes and application of this article.
- (e) To adopt rules of procedures
- (f) To issue subpoenas, and compel attendance of witnesses and production of documents in proceedings.

## **Section 2-603 Conflicts of Interest and Prohibited Activities.**

Town of Rising Sun officials and employees who are subject to this article shall not:

(a) Participate on behalf of the Town of Rising Sun in any matter which would, to their knowledge, have a direct financial impact, as distinguished from the public generally, on them, their spouse or dependent child, or a business entity with which they are affiliated.

(b) Hold or acquire an interest of either one thousand dollars (\$1,000) or ten percent (10%) or greater in a business entity that has or is negotiating a contract of one thousand dollars (\$1,000) or more with the Town of Rising Sun except as exempted by the Ethics Board pursuant to Section 2-607 of this article and except that this subsection shall not apply to any official or employee who shall disqualify himself from consideration of any matter before the Town or regulated by the Town relating to said business entity.

(c) Be employed by a business entity that has or is negotiating a contract of more than five thousand dollars (\$5,000) with the Town of Rising Sun, except as exempted by the Ethics Board pursuant to Section 2-607 of this article and except that this subsection shall not apply to any official or employee who shall disqualify himself from consideration of any matter before the Town or regulated by the Town relating to said business entity.

(d) Hold any outside employment relationship that would impair their impartiality or independence of judgment.

(e) Represent any party, whether or not for a fee, before the Board of Commissioners or any board or commission of the Town.

(f) Within 1 year following termination of Town of Rising Sun service, act as a compensated representative of another in connection with any specific matter in which he/she participated substantially as a Town of Rising Sun official or employee.

(g) Gifts

- (1) Solicit any gift or accept gifts of greater than twenty five dollars (\$25) in value, from any person that has or is negotiating a contract with the Town of Rising Sun or is regulated by the Town. . For purposes of this section, gift includes any benefit, thing, act or service with monetary value in excess of twenty-five dollars (\$25.00) or combination of benefits, things, acts or services received from any person or entity within one-calendar year period with a monetary value in excess of \$150.
- (2) Unless a gift of any of the following would tend to impair the impartiality and the independence of judgment of the official or employee receiving it , or if of significant value, would give the appearance of doing so, or if of significant value, the recipient official or employee believes or has reason to believe that it is designed to do so, this section shall not apply to:

- a. Reasonable expenses for food, travel, lodging and scheduled entertainment of the official or employee for a meeting which is given in return for participation in a panel or speaking engagement at the meeting;
  - b. Campaign contribution; or
  - c. Any other gift that would not present a conflict of interest as determined by the Board of Ethics?
- (h) Use the prestige of their office.
- (1) Use the prestige of his or her office to advance his or her own private interest or the private interest of another. For purposes of this section, "use of the prestige of an office" shall include, but not be limited to:
  - a. The acting, and/or creating the appearance of acting, on behalf of the Town by making any policy statement, and/or by promising to authorize or to prevent any official action of any nature, when the official or employee is not authorized to make such a statement;
  - b. Representing his or her personal opinion to be the official position of the Town;
  - c. Using and/or attempting to use his or her official position improperly to unreasonably request, grant, and/or obtain in any manner any unlawful and/or unwarranted privileges, advantages, benefits and/or exemptions for him or herself or others;
  - d. Using, for immediate private financial gain and/or advantage, his or her Town time and/or the Town staff, facilities, equipment and/or supplies, to secure privileges and/or exemptions for himself or herself and/or others.
- (2) The performance of usual and customary constituent services, without additional compensation, does not constitute the "use of the prestige of office" within the meaning of this Section.
  - (i) Without proper legal authorization, use or disclose confidential information that is not available to the public, acquired in their official Town of Rising Sun position for their own benefit or that of another.
  - (j) Cause or advocate a member of their family to be hired, employed, promoted, transferred, appointed or advanced to any type of employment, board or commission with the Town. No Town official or employee shall participate in an action relating to the discipline of a member of the Town official's or employee's family.

#### **Section 2-604 Disclosure of conflicts of interest.**

All elected officials and candidates for elective office shall disclose, either in writing or orally in open meeting, the substance of any transaction, anticipated transaction or the action which falls within the scope of Section 2-603 of this article. Any written disclosures so filed shall be available for inspection as required and in accordance with applicable state law.

#### **Section 2-605 Financial Disclosure.**

(a) The Town of Rising Sun officials and employees listed in Paragraph (c) of this section shall file annually not later than January 31 of each calendar year during which they hold office, a statement with the Board disclosing any gifts received during the preceding calendar year from any person having a contract with the Town of Rising Sun or any person regulated by the Town. The statement shall identify the donor of the gift and its approximate retail value at the time of receipt.

(b) Candidates for elective offices listed in Paragraph (c) of this section shall file statements consistent with the requirements of Subsection (a) of this section at the time that they file their certificate of candidacy.

(c) Officials and employees required to file a financial disclosure include:

- (1) The Mayor and Board of Commissioners;
- (2) All officers and department heads; and
- (3) Members of any Town commissions or boards.

(d) All Town of Rising Sun officials and employees or candidates for elective office to positions subject to this section shall file a statement with the Board disclosing any interest or employment, the holding of which would require disqualification from participation pursuant to section 2-603 of this article, sufficiently in advance of any anticipated action to allow adequate disclosure to the public.

(e) Disclosure statements filed pursuant to this section shall be forwarded to the Town Clerk as public records available for public inspection and copying.

#### **Section 2-606 Lobbying Disclosure.**

(a) Any person who personally appears before any Town of Rising Sun official or employee with the intent to influence that person in performance of his official duties, and who, in connection with such intent expends or reasonably expects to expend in a given calendar year in excess of one hundred dollars (\$100) on food, entertainment or other gifts for such officials, shall file a registration statement with the Board not later than January 15 of the calendar year or within 5 days after first making these appearances.

(b) The registration statement shall include complete identification of the registrant and of any other person on whose behalf the registrant acts. It shall also identify the subject matter on which the registrant proposes to make these appearances, and shall cover a defined registration period not to exceed one calendar year.

(c) Registrants under this section shall file a report within 30 days after the end of any calendar year during which they were registered, disclosing the value, date, and nature of any food, entertainment or other gift provided to a Town of Rising Sun official or employee. When a

gift or series of gifts to a single official or employee exceed twenty-five dollars (\$25) in value, the official or employee shall also be identified.

(d) The registrations and reports filed pursuant to this section shall be maintained by the Board as public records available for public inspection and copying.

#### **Section 2-607 Exemptions and Modifications.**

The Board may grant exemptions and modifications to the provisions of Sections 2-603 and section 2-605 of this article if it determines that application of those provisions would:

- (a) Constitute an unreasonable invasion of privacy;
- (b) Significantly reduce the availability of qualified persons for public service;
- (c) Not be required to preserve the purposes of this article.; and

(d) Not require strict enforcement where it is found that the interest of the official and/or employee is too remote or insubstantial to affect the integrity of his or her public act.

#### **Section 2-608 Enforcement.**

(a) With respect o any person found to be in violation of this article, the Ethics Board shall have the following powers:

- (1) Issue a cease and desist order against
- (2) Impose a fine in an amount not to exceed \$500.00.
- (3) Order restitution.

(b) The Ethics Board may seek compliance with an order by filing an action for injunctive or other appropriate relief in the Circuit Court of Cecil County, Maryland.

(c) A Rising Sun Town Official or employee found to have violated this article may be subject to disciplinary or other appropriate personnel action, which may include termination from employment, and including suspension of salary or other compensation.

#### **Section 2-609 Removal of Ethics Board member.**

A member of the Ethics Board may be removed by the majority vote of the Board of Town Commissioners after a hearing for:

- (a) Neglect of duties;
- (b) Misconduct in office;



- (c) A disability that makes the member unable to discharge the powers and duties of office; or
- (d) A violation of this Article.

## **ARTICLE 7. HISTORICAL COMMISSION**

### **Section 2-701. Purpose & Membership**

(1) The Commission shall consist of members who shall demonstrate an interest in the heritage of the Town of Rising Sun and its environs and who shall pay an annual membership fee. The annual membership fee shall be set by the Board of Directors of the Historical Commission. Until such time as the Directors establish a different membership fee, the fee shall be Five Dollars (\$5.00).

(2) The Rising Sun Historical Commission shall be governed by a Board of Directors consisting of seven (7) members. Two (2) members of the Board of Directors shall be appointed by the Mayor and Commissioners of the Town of Rising Sun and five (5) members shall be elected by a majority of those appearing at the annual membership meeting of the Commission. Each member shall be eligible to vote for five (5) Board members. Each Board member shall serve for a term of two (2) years. Board members may be reappointed or reelected to more than one term. The Commission shall have four (4) officers, President, Vice President, Secretary and Treasurer, who shall be members of the Board of Directors and shall be chosen annually by a majority of the Board of Directors to serve.

(3) All funds, artifacts, documents, and other property received by the Commission shall be held by the Mayor and Commissioners of the Town of Rising Sun in trust for the Commission and shall not be commingled with other funds or property of the Town. The Town shall not convey, transfer or dispose of any such property without the consent of the Board of Directors of the Historical Commission. The Commission shall be empowered to raise additional funds for the purpose of the collection, purchasing, cataloging, preservation, publication and displaying of historical artifacts and documents of the Town of Rising Sun and its surrounding environs, which funds shall also be held in trust for such purposes by the Mayor and Commissioners of the Town of Rising Sun subject to the conditions as aforesaid.

(4) The purpose of the Rising Sun Historical Commission shall be the collection and preservation of the history and folklore of the Town of Rising Sun and its environs. Its duties shall include the collection, cataloging, preservation, publication and display of historical artifacts and documents of the Town of Rising Sun and its environs and education of the public with regard to the Town's history and folklore.

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