

ORDINANCE NO. 2012-03

Town of Rising Sun

Cecil County, Maryland

AN ORDINANCE OF THE TOWN OF RISING SUN, ("TOWN") CECIL COUNTY, MARYLAND, AMENDING AND ADDING LANGUAGE TO CHAPTER 2, TITLED ADMINISTRATION & GOVERNMENT OF THE CODE OF ORDINANCES OF THE TOWN OF RISING SUN, IN ORDER TO UPDATE VARIOUS SECTIONS OF CODE LANGUAGE TO MORE ACCURATELY REFLECT THE TOWN'S ADMINISTRATIVE STRUCTURE WHICH HAS EVOLVED OVER THE YEARS THROUGH THE DEVELOPMENT AND ADOPTION OF VARIOUS ORDINANCES, POLICIES AND MANUALS; AND TO REPEAL ANY AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, the Town, located in Cecil County, Maryland is a municipality organized under and governed by Article 23A of the Annotated Code of Maryland; and

WHEREAS, the Town is proclaimed as a perpetual entity with the right to pass laws; and

WHEREAS, the Code of Ordinances of the Town, contains Chapter 2, titled ADMINISTRATION & GOVERNMENT, which establishes the general guidelines associated with the proper administration of affairs and business for the Town of Rising Sun, Maryland, in accordance with the Town Charter and other applicable Federal and State Laws; and

WHEREAS, the Town desires to amend, modify and add additional language to this Chapter, in order to more effectively reflect the current administrative operations of the Town.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Town Commissioners of the Town of Rising Sun, Cecil County, Maryland, and it is hereby enacted and ordained by its authority that Chapter 2 of the Town Code shall be modified as follows:

SECTION 1

Chapter 2 of this code contains Article 1 titled Board Organization and Procedure, which contains various sections and subsections. Article 1 shall be modified as follows:

- (A) Section 2-101 titled Regular Meeting: Time and Place, provides for the meeting place, time and frequency of meetings of the Mayor and Commissioners. This section shall be amended by adding a new subsection 3 to be titled and read as:

- (3) Roberts Rules of Order. All meetings shall be conducted in accordance with Robert's Rules of Order Newly Revised, 11th edition.

SECTION 2

Chapter 2 of this code contains Article 2 titled Organization of Government which contains various sections and subsections. Article 2 shall be modified as follows:

- (A) Section 2-202, titled Commissioner of Public Affairs: Powers and Duties, contains subsection (1) titled General Duties, which currently reads as:

- (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.*

This section shall be modified by deleting all the text after the first sentence starting with "He shall be" and replacing it to read:

He shall be the chief executive officer and representative of the Town and shall have the following duties and responsibilities:

- (a) *Establish the emphasis, direction, and vision of the Town in conjunction with the Board of Commissioners.*
- (b) *Plan for the future, welfare, and business interest of the Town in conjunction with the Board of Commissioners.*
- (c) *Be the Chief Executive Officer of the Town shall assure on behalf of the Commissioners that the ordinances of the Town are faithfully executed by the Town Administrator; and that the disbursement of all moneys is in accordance with the budget approved by the commissioners and in accordance to the Town's fiscal policies.*
- (d) *Establish, subject to the approval of the Board of Commissioners, an Ethics Commission, Board of Zoning Appeals, Planning Commission, Board of Elections and such other boards and commissions as may be appropriate, and appoint such members as established by the Charter and Town Codes.*
- (e) *Report annually to the Commissioners on the state of the Town Government and make such recommendations as may be proper for the public good and welfare of the Town.*
- (f) *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.*

- (g) *Have such other powers and duties as may be prescribed by this Charter or may be required by the Commissioners, not inconsistent with the Charter.*

(B) Section 2-202, titled Commissioner of Public Affairs: Powers and Duties, contains subsection (3) titled Enforcement of Ordinances, which currently reads as:

- (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.*

This section shall be deleted in its entirety.

(C) Section 2-202, titled Commissioner of Public Affairs: Powers and Duties, contains subsection (4) titled Publication of Ordinances, which currently reads as:

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

This section shall be deleted in its entirety.

(D) Section 2-202, titled Commissioner of Public Affairs: Powers and Duties, contains subsection (5) titled Accounts and Records, which currently reads as:

- (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.*

This section shall be deleted in its entirety.

- (E) Section 2-203, titled Town Attorney: Powers and Duties, currently reads as:

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.

This section shall be modified by deleting the reference to the "Mayor" in the fourth (4th) sentence and replacing it with the word: *Town Administrator*.

- (F) Section 2-204, titled Administrative Positions Established, contains subsection (c) titled *Town Administrator*, which currently reads as:

- (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."*

This section shall be modified by deleting the last sentence starting with the words "The duties of" and replacing with the following additional text to read:

The Town Administrator is an advanced level management position with the Town of Rising Sun, under the supervision of the Board of Commissioners. The Town Administrator shall receive Administrative guidance and direction from the Board of Commissioners. The Town Administrator is the administrative officer of the Town and shall direct and supervise the daily administration of all departments, department heads, offices, support personnel, consultants, contracted services and technical advisors of the town, except as otherwise provided by this charter or by law. The Town Administrator will have the following duties and responsibilities:

- (1) *Responsible to Town Mayor and Commissioners to carry out all policies and programs established by Commissioners.*
- (2) *Provide regular reports on Town operations, and ensure that the Mayor and Commissioners are fully informed on all issues of public interest and responsibility.*
- (3) *Be responsible to implement the policies of the Board of Commissioners to ensure that the Town operates in an efficient and effective manner, and shall develop and*

implement policies and procedures to insure that the goals and vision of the Board of Commissioners are met.

- (4) Shall be responsible for the enforcement of all Town Codes to include compliance checks and reviews, permitting, inspections, violations, abatements and tasks not specifically assigned to other departments or agencies.*
- (5) Attend and facilitates all Town meetings, Special Meetings and workshops of the Mayor and Commissioners; to include executive and closed meetings sessions as requested.*
- (6) Shall serve as a Town liaison to Town businesses and other community groups and shall develop and implement strategies for facilitating working relationships with these groups to promote the community. When possible, will attend, speak and or make presentations as requested.*
- (7) Provide for the investigation of all complaints in relation to the administration of Town government and in relation to services provided by the public utilities in the Town. Shall meet with citizens and stakeholders to exchange information and review current or proposed programs, projects, ordinances or other issues of concerns affecting the Town.*
- (8) Shall serve as the Personnel Officer for the Town and shall ensure that Town's Personnel Policies as approved by the Board of Commissioners, are properly enforced.*
- (9) Shall be the Chief Financial Manager for the Town and shall be responsible for:*
 - (a) Preparation and submittal of the annual operating and capital budgets to the Board of Commissioners for review; and*
 - (b) Arrangement and facilitation of the performance of an annual audit of any and all Town funds as may be required by Federal or State Laws or any other reports or analysis connected to other Town financing instruments or funding agencies.*
 - (c) Development of long-range financial plans and strategies for review and approval of the Board of Commissioners.*
 - (d) Administrative oversight of the Town's fiscal policies manual and shall report to the Board of Commissioners on any issues or deficiencies that may need to be addressed to insure financial integrity of the Town's finances; and*
 - (e) Administration and management of the approved budget, closely monitoring municipal expenditures, and preparing timely budgetary amendments when necessary; and*
 - (f) 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.

- (g) Administration and management of timely financial reporting to the Board of Commissioners, to include bills paid, balances in bank accounts and the general status of the Town's Finances. Shall manage and coordinate the activities of the Town Treasurer, Auditor and other financial consultants;*
- (10) Shall have custodial supervision and direction over all records of the Town and shall cause proper accounts and records to be kept and proper reports to be made by the department heads to any and all respective state and federal agencies and as such, shall monitor and modify building security, access and accountability as needed.*
- (11) Unless directed otherwise by the Board of Commissioners, the Town Administrator shall serve as the project manager for Town projects, grant programs, infrastructure upgrades, repairs and maintenance; and shall coordinate the work of all related consultants, engineers, contractors and agents thereof; and shall have the power to assign and delegate such duties to other staff as needed.*
- (12) For documents not executed by the Mayor, or documents delegated for execution by the Mayor, be the signatory on behalf of the Town on all contracts, agreements and other documents that legally bind the Town.*
- (13) As directed by the Mayor and or Board of Commissioners, the Town Administrator shall serve as the Town's media spokes person on daily activities, however this shall not preclude any elected official from representing his or her position or comments on a Town issue. The Town Administrator shall oversee the administration and delegation of duties for the updating of the Town's website and other social media outlets.*
- (14) Makes such recommendations to Commissioners concerning policy formulation as deemed desirable.*

(G) Section 2-205, titled Commissioner of Streets and Public Works currently reads as:

- (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.*

This section shall be deleted in its entirety, re-titled and reworded to read as follows:

Section 2-205. Commissioner of Streets, Public Works and Public Property

- (1) *The Commissioner of Streets and Public Works shall be appointed by the Board of Commissioners, upon recommendation by the Mayor or by motion and second by the Board of Commissioners and shall serve as the Board of Commissioners liaison to the Department of Streets, Public Works and Public Property, and shall coordinate with the Town Administrator and respective department head with the planning and development of a vision and plan for the efficient and effective collection of trash, recyclables and yard waste; and 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, public parking lots, street signs, and other such improvements.*
- (2) *The Commissioner of Streets, Public Works and Public Property shall coordinate with the Town Administrator with the planning and development of short and long range capital planning for the maintenance and upkeep of public property, buildings and structures not already under the purview of another Commissioner.*

(H) Section 2-206, titled Commissioner of Public Safety currently reads as:

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.*

This section shall keep the same title, but the language will be deleted in its entirety and reworded to read as follows:

- (1) The Commissioner of Public Safety shall be appointed by the Board of Commissioners, upon recommendation by the Mayor or by motion and second by the Board of Commissioners, and shall serve as the Board of Commissioners' liaison to the Department of Public Safety, and shall coordinate with the Town Administrator and Police Chief on the efficient and effective delivery of public safety services and awareness education to the Town residents. The Commissioner of Public Safety shall monitor the traffic flow in town and the parking on public roads and municipal lots; and shall make recommendations to the Board of Commissioners for any suggested modifications to designated areas of parking, time limits on parking, restricted parking, banned parking, street signs, stop signs turning arrows and overall general traffic flow in the Town, as it relates to public safety.
- (2) The Board of Commissioners shall appoint a Chief of Police who shall be at least 30 years of age and qualified by experience in police work, executive ability, law enforcement, character, and general fitness for his position, who shall be the head of the Police Department. The Police Department shall preserve the peace, enforce the charter and ordinances of the Town, for which no other enforcement authority is designated. The Police Department shall prevent and detect crime, and perform all related duties of law enforcement. The Rising Sun police are authorized to cooperate with other police agencies to enforce the law in Cecil County within and outside the Town. Except for areas regulated by Federal and State law, the Chief of Police shall serve at the will of the Board of Commissioners and shall discharge such responsibilities under the general supervision of the Town Administrator.

- (I) Section 2-207, titled Commissioner of Parks, Recreation and Public Property currently reads as:

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.

This section shall be deleted in its entirety, re-titled and reworded to read as follows:

Section 2-207. Commissioner of Parks, Recreation, and Community Outreach

- (1) The Commissioner of Parks Recreation, and Community Outreach shall be appointed by the Board of Commissioners, upon recommendation by the Mayor or by motion and second by the Board of Commissioners, and shall serve as the Board of Commissioners' liaison to the Department of Parks, Recreation and Community Outreach and shall coordinate with the Town Administrator and respective department head with the planning, administration and promotion of a comprehensive park and recreation program to include the acquisition of new parks, equipment, and the design, construction, maintenance, repair and use of recreational areas and facilities of the Town and shall be notified of any request to reserve the Town park and or structures for personal or group events.

(2) *The Commissioner of Parks, Recreation and Community Outreach shall coordinate with the Town Administrator, staff and community groups to plan, promote and coordinate community based activities and events.*

(J) Section 2-208, titled Commissioner of Water and Sewer currently reads as:

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.

This section shall keep the same title, but the language will be deleted in its entirety and reworded to read as follows:

The Commissioner of Water and Sewer shall be appointed by the Board of Commissioners, upon recommendation by the Mayor or by motion and second by the Board of Commissioners, and shall serve as the Board of Commissioners' liaison to the Department of Water and Sewer and shall coordinate with the Town Administrator and respective department head with the planning and development of a vision and plan for the efficient and effective construction, maintenance, repair, and use of the Town's water and sewer plants, including all water and sewer mains connected to said plants.

SECTION 3

Chapter 2 of this code contains Article 3 titled Personnel which contains various sections and subsections. Article 3 shall be modified as follows:

(A) Section 2-302, titled Personnel Officer currently reads as:

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.

This section shall be modified by deleting the reference to the "Mayor" and replacing it with the word: *Town Administrator*.

(B) Section 2-303, titled Duties of Commissioners currently reads as:

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.

This section shall keep the same title, but the language will be deleted in its entirety and reworded to read as follows:

The Commissioners, in their capacity as a department liaison, 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 liaison shall work with the Town Administrator to promulgate special departmental rules and regulations not in conflict with the Town Charter or codes. Any such departmental rules shall not include any subjects encompassed by the General Rules promulgated under Section 2-304 below.

SECTION 4

Chapter 2 of this code contains Article 5 titled Purchasing which contains various sections and subsections. Article 5 shall be modified as follows:

(A) Section 2-502, titled Procurement Procedure contains various sub notes that currently reads as:

- (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.*

This section shall keep the same title, but the language will be deleted in its entirety and reworded to read as follows:

- (1) *All purchases are to be made in accordance with the Town's Fiscal Policy Manual.*

- (2) *Certain personal service contracts such as auditor, engineer, architect or attorney may be exempted.*
- (3) *The Board may, by a majority vote, choose to renew contracts without going through the bidding process when negotiations are acceptable to both parties.*
- (4) *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.*
- (5) *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.*

SECTION 5.

All ordinances or parts thereof inconsistent herewith are repealed, rescinded, canceled and annulled.

SECTION 6.

Should any provision, section, paragraph or subparagraph of this Ordinance, including any code or text adopted hereby, be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable for a court having jurisdiction, the same shall not affect the validity, legality, or enforceability of any other provision, section, paragraph or subparagraph hereof, including any code text adopted hereby. The Town of Rising Sun hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable. Each such provision, section, paragraph or subparagraph is expressly declared to be and is deemed severable.

SECTION 7.

That nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 8.

That the Rising Sun Town Clerk is hereby ordered and directed to cause this ordinance to be published in a newspaper in general circulation.

SECTION 9.

NOW THEREFORE BE IT FURTHER RESOLVED that this ordinance was introduced for consideration on this 10 day of July, 2012 and will hold this ordinance over for final consideration at the next Special or Regularly scheduled Town Meeting.

SECTION 10.

NOW THEREFORE BE IT FURTHER RESOLVED that the Mayor and Commissioners of the Town of Rising Sun passed, approved and adopted this ordinance on this 24th day of July, 2012

AYES: Commissioner Marion, Commissioner Naughton & Commissioner Osborne

NAYS: Commissioner Berkowich.

ABSTAINED: None.

THE MAYOR AND COMMISSIONERS OF
THE TOWN OF RISING SUN

BY: Joanne L. Osborne
Joanne Osborne
Vice Mayor

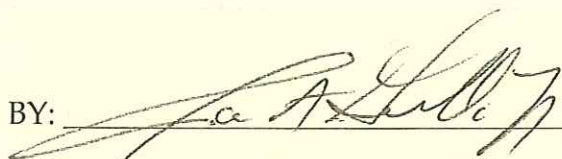
ATTEST:

Rhonda Harmison
Rhonda Harmison,
Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

THIS 24th DAY OF JULY, 2012

BY:



Jack A. Gullo, Jr., - Town Attorney