

CHARTER

OF THE

City of College Park

PRINCE GEORGE'S COUNTY, MARYLAND

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COLLEGE PARK

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ARTICLE I General Provisions

Section C1-1. Incorporation.

Be it enacted by the General Assembly of Maryland that the citizens residing within the communities generally herebefore known as “Berwyn,” “Lakeland,” “College Park” and “Calvert Hills,” including the adjacent area to the south in Prince George’s County, are hereby made a body corporate by the name and style of the “City of College Park” and by that name shall have perpetual succession; may sue and be sued; may have and use a common Seal, may execute contracts; may purchase and hold real, personal and mixed property for municipal purposes; may sell and dispose of same for the benefit of said city; and may be vested with the power of eminent domain to condemn and convert property to the public use of the city for the purposes of widening or constructing streets, widening or constructing sidewalks, for drainage projects, for parks, playgrounds and parking lots, for municipal buildings and other municipal purposes in the manner and procedure as is or shall be provided by the laws of this state for state and county purposes.

ARTICLE II Boundaries and Districts

Section C2-1. Corporate limits.

A copy of the courses and distances describing the corporate boundaries of the City of College Park, as amended from time to time, shall be maintained in the Office of the City Manager. The City Manager is hereby directed to file or record the courses and distances showing the corporate limits of the City and any amendments thereto with the Clerk of the Circuit Court of Prince George’s County, the Commissioner of the Land Office, and the Director of the Department of Legislative Reference [Services] to maintain said description in a suitable book or place, properly indexed and reasonably available for public inspection during normal business hours.

Section C2-2. Districts.

A. By enactment of an ordinance the City of College Park shall apportion itself into four (4) Council districts. The City shall review its council districts not less than once every ten (10) years as soon as feasible after the dicennial [decennial] federal census figures are published. There shall be two (2) Council members elected from each district. The qualified voters in each of the districts shall be entitled to vote for two (2) candidates.

B. As used in this section, the following terms shall have the following meaning:

(revised 11/12)

(1) *Population* – Population consists of the residents of College Park counted in the most recent decennial census preceding the redistricting.

(a) In addition, if the City has objective evidence about their numbers, the City may at its discretion include:

1. Residents who were erroneously omitted from the census count;
2. Residents of structures that have been built since the census count;
3. Residents of properties annexed into the City after the completion of the most recent census.

(b) In addition, if the City has objective evidence upon which to rely, the City may at its discretion adjust a census block count when that count exceeds the actual population in the block.

(2) *Actual voters* – Actual voters consist of those College Park residents registered to vote as of February 1 of the year that reapportionment occurs who have voted in either:

- (a) The immediately preceding statewide election; or
- (b) The immediately preceding citywide election.

(3) *Criterion* – The criterion is the sum of population and actual voters.

C. The reapportionment of districts shall ensure that the criterion in each district is substantially equal to the criterion in every other district.

D. When reapportioning the districts, the City shall also consider commonality of local economic and social interests, preservation of the cores of prior districts, geographic compactness of the districts, and respect for neighborhoods. If a commission is appointed to participate in any reapportionment, at least one (1) member thereof shall be designated by the University of Maryland Student Government Association. (Amended 6-13-1967 by Res. No. 67-R-8, effective 8-2-1967; 3-28-1978 by Res. No. 78-CR-1; 2-22-1983 by Res. No. 83-CR-2; 1-9-1991 by Res. No. 91-CR-1; by Res. No. 98-CR-2, effective 6-3-98; Res. No. 01-CR-1, 10-3-01; Res. No. 03-CR-1, 3-15-03; Res. No. 11-CR-01; 6-29-11.)

ARTICLE III Mayor and Council

Section C3-1. Elected officers of the city.

The government of said city shall be vested in a Mayor and eight (8) district Council members, two (2) from each of the several districts of the city, and such other officers as are hereinafter designated or shall be appointed by the Mayor and Council. Each officer appointed shall continue to hold office for such term or terms as the Mayor and Council shall determine. The Mayor shall be elected by the combined vote of the electorate of the city and the several district Council members shall be elected by the voters within their respective district. At the time of taking office, the Mayor shall have attained the age of twenty-five (25) years, and each member of the Council shall have attained the age of twenty-one (21) years. Each elective officer must be a citizen of the United States, a resident of the State of Maryland and registered voter in the state of Maryland and have been a registered voter in the City for at least one (1) year immediately preceding the date of election and shall continuously reside in the city during his/her term of office; each district Council member must reside in the district from which he/she is elected; and each officer shall retain throughout his/her respective term of office all the qualifications necessary for his/her election, and the failure to retain all of such qualifications shall ipso facto cause a forfeiture of office. (Amended 6-13-1967 by Res. No. 67-R-8, effective 8-2-1967; 5-8-1973 by Res. No. 73-CR-1; 4-14-1987 by Res. No. 87-CR-1, effective 6-3-1987; 6-10-97 by Res. No. 97-CR-2, effective 7-30-97; Res. No. 07-CR-04, 7-11-07; Res. No. 07-CR-05, 9-18-07.)

Section C3-2. Holding multiple offices.

Neither the Mayor nor any Councilperson shall hold any other office under the corporation during his/her term of office, nor shall he/she, during his/her term of office, hold any membership in any citizens' committee, commission, board or operational authority which is appointed by the Mayor and/or Council of College Park. (Amended 1-26-1988 by Res. No. 88-CR-1.)

Section C3-3. Oath of office.

Before entering upon the duties of his/her office, each officer shall take an oath that he/she will diligently and faithfully discharge all duties of his/her office without favor, partiality or prejudice. Said oath shall be filed among the records of said city. The Clerk of the Circuit Court or a sworn deputy of the Clerk shall administer the oath of office to the Mayor. The Mayor shall administer the oath of office to Council members. (Amended 8-11-1987 by Res. No. 87-CR-7; Res. No. 07-CR-04, 7-11-07.)

Section C3-4. Compensation.

The Mayor shall receive as compensation \$6,600.00 per year as salary, payable on a monthly basis. Each Council member holding office under this Charter shall receive as compensation \$4,400.00 per year as salary, payable on a monthly basis. The effective date for

these salary figures shall be January 1, 2004. Effective January 1, 2008, the Mayor shall receive as compensation \$7,500.00 per year as salary, and each Council member holding office under this Charter shall receive as compensation \$5,000.00 per year as salary, payable on a monthly basis. No charge [change] in these amounts may be enacted by the Mayor and City Council to be effective during their current term of office. (Amended 12-8-1964 by Res. No. 64-R-4, effective 1-27-1965; 8-9-1977 by Res. No. 77-CR-1; 8-9-1977 by Res. No. 77-CR-2; 9-22-1987 by Res. No. 87-CR-10A; 8-14-1991 by Res. No. 91-CR-9; 5-13-92 by Res. No. 92-CR-2; 11-30-99 by Res. No. 99-CR-1; 1-1-03 by Res. No. 02-CR-3; Res. No. 07-CR-06, 10-31-07.)

Section C3-5. Election.

The qualified voters of the City shall elect a Mayor to serve a term of two years. The voters within each district shall elect two Councilpersons for their respective districts, each to serve the term of two years. The election for Mayor and Councilpersons shall be conducted on the first Tuesday following the first Monday in November. (Amended 8-10-1965 by Res. No. 65-R-9; 6-13-1967 by Res. No. 67-R-8, effective 8-2-1967; Res. No. 07-CR-04, 7-11-07; Res. No. 09-CR-01, 6-3-09.)

Section C3-6. Vacancies.

A. At each biennial election, the qualified voters of the city and of each district shall elect officers necessary to fill vacancies caused by the expiration of the terms for which the incumbents were elected. (Amended 8-10-1965 by Res. No. 65-R-9.)

B. *Election or appointment to fill vacancies.*

(1) In the event that the office of Mayor or any Council member shall become vacant for any cause other than the expiration of the term for which the incumbent was elected, such vacancy shall be filled as follows:

(a) If it occurs more than 180 days before the next general election, the vacancy shall be filled by special election held not later than 65 days after the vacancy exists.

(b) If it occurs on or after 180 days of, but not later than 90 days before, the next general election, the vacancy shall be filled by appointment of the Mayor and Council, by majority vote, within 30 days after the vacancy shall have occurred. If the appointment is not made within that time, the position shall remain vacant until the next election.

(c) If it occurs within 90 days of the next general election, the position shall remain vacant until a successor is elected at said election.

(2) A vacancy shall exist if an elected official shall be absent from all Council meetings during a consecutive sixty-day period without just cause being shown. The Council shall make the determination in all such cases. The Mayor shall, as soon after he/she has taken office as may be practicable, appoint from among the membership of the Council a Mayor Pro

Tem, subject to the approval of the Council. The Mayor Pro Tem shall preside in the Mayor's absence. In the event of the incapacity of the Mayor, the Mayor Pro Tem shall serve until the next general election or special election and receive the same compensation as that received by the Mayor.

(3) *Vacancy in Office of Mayor or Council.*

(a) Upon it becoming necessary to fill a vacancy in the office of Mayor or Council member pursuant to subsection B.(1) above, the City clerk shall place, in a newspaper of general circulation in the City, an announcement of the vacancy, containing the qualifications of the office, the geographical boundaries of the district(s) to be represented, the procedure to apply for appointment to the vacancy or to be placed on the special election ballot, as appropriate, and the deadline for applications. Applications for appointment shall be forwarded by the Clerk to the Mayor and Council. Applications to be placed on the special election ballot shall be forwarded by the Clerk to the Supervisor of Elections, who shall review the applications for the purpose of determining the qualifications of the candidates. The application shall include a petition in a form satisfactory to the Board of Election Supervisors containing the names, addresses and signatures of not less than twenty (20) registered voters residing in the applicant's district or, in the case of the Mayor, not less than fifteen (15) registered voters from each district in the City, indicating support of the applicant's candidacy. The applicant's name and signature may appear and be counted toward the required number on any such petition. Any candidate wishing to withdraw his or her application must do so no later than noon on the 11th calendar day before the election.

(b) For vacancies to be filled by appointment, the Mayor and Council shall review the applications at the next regular meeting after the deadline, or at a meeting specially called for that purpose. Nominations may also be taken from the floor from any member of Council. The Mayor shall refer all nominations to a committee of the whole Council for review and comment for the purpose of reporting on the qualifications of the nominees.

Upon the report of the committee of the whole, a vote on nominee or nominees shall be taken with no further nominations being allowed from the floor. Should no nominee receive a majority of the votes cast, a second vote shall be conducted between the two (2) nominees receiving the highest number of votes. The nominee receiving a majority vote shall thereby be appointed to fill the vacancy.

(c) The qualifications necessary to qualify for election as Mayor or Council member, as set forth in § C3-1 of the Charter, shall also apply to an application for appointment or to be placed on the special election ballot for the office of Mayor or Council member under this section. An applicant for appointment or to be placed on the special election ballot under this section shall possess all the required residency qualifications in § C3-1 as of the date of filing the application for the vacancy. Any nominee not possessing the required qualifications shall be disqualified. The petition and authorization requirements of Section C4-5 of the Charter shall not apply to special elections under this section. The oath of office shall also be the same, and the appointee or individual elected shall receive the compensation provided by law for such office.

C. *When no candidate qualifies to run for an office.*

A vacancy is declared in the event that no candidate qualifies under § C4-5 of the Charter to run in a general or special election for the office of Mayor, or for one or more of the offices of Councilmember. In that event, the vacancy may be filled by appointment by the Mayor and Council, by majority vote. The process with respect to appointment to office set out in subsection B(3) of this section shall apply to appointments under this subsection, except as otherwise set out herein. In addition, the required application shall include a petition in a form satisfactory to the Board of Election Supervisors containing the names, addresses and signatures of not less than 20 registered voters residing in the affected district or, in the case of the Mayor, not less than 15 registered voters from each district in the City, indicating support of the applicant's candidacy. The applicant's name and signature may appear and be counted toward the required number on any such petition. Appointment of a resident of the district in which the vacancy exists is preferred, but not required. The Council may determine not to appoint any applicant to a vacancy, thereby leaving the office vacant until the next general election. (Amended 12-8-1964 by Res. No. 64-R-5; effective 1-27-1965; 11-12-97 by Res. No. 97-CR-4, effective 1-1-98; 11-09-99 by Res. No. 99-CR-2, effective 12-29-99; Res. No. 04-CR-01, 3-2-05; Res. No. 07-CR-04, 7-11-07; Res. No. 11-CR-02, 12-29-11.)

Section C3-7. Assumption of duties.

The officers elected under this Charter shall assume the duties of their respective offices at the first regular meeting of the Mayor and Council in the December following election or as soon thereafter as is practicable and, unless removed for cause, shall continue to serve until their successors are duly elected and installed. In the case of special elections, elected officers shall assume the duties of office at a regular meeting as soon after certification of the results of the special election as is practicable, but no later than during the next calendar month following the election. All officers appointed by the Mayor and Council pursuant to § C3-6 "Vacancies" of the Charter shall assume the duties of their offices at the meeting of the Mayor and Council at which they are administered the oath of office and, unless removed for cause, shall continue to serve until their successors are duly elected and installed. (Amended 8-10-1965 by Res. No. 65-R-9, effective 9-29-1965; 6-10-97 by Res. No. 97-CR-1, effective 7-30-97; Res. No. 07-CR-04, 7-11-07; Res. No. 09-CR-01, 6-03-09.)

ARTICLE IV Voting and Elections

Section C4-1. Qualifications of voters.

All persons who have been properly registered as hereinafter provided shall be qualified voters of the City of College Park. (Amended 12-8-1964 by Res. No. 64-R-5, effective 1-27-1965.)

Section C4-2. Registration of voters.

A. Any qualified citizen residing within the corporate limits of the City of College Park who is registered to vote with the Supervisor of Elections for Prince George's County and will be at least 18 years of age on election day shall automatically become a registered voter of the City of College Park and be entitled to vote at general or special elections of the City of College Park. Voter registration lists maintained by the Supervisor of Elections for Prince George's County for the City of College Park shall remain open until thirty (30) days immediately preceding the next general or special city election and the final conclusion of such election and runoff, if any, or for the period of time required by Prince George's County immediately preceding the next general or special city election and runoff, whichever period of time is less; registration lists shall not reopen until the final conclusion of such election and runoff, if any.

B. The Supervisor of Elections for Prince George's County shall maintain the registration lists in accordance with its usual procedures, including but not limited to removing names because of changes of address and cancellation of registration for failure to vote.

C. Challenges to the registration of any individual not believed to be qualified to vote in the city elections shall be filed with the Supervisor of Elections of Prince George's County, Maryland in accordance with said Supervisor's procedures.

D. Voter registration for city elections shall close twenty-eight days prior to the election. (Added 8-14-1973 by Res. No. 73-CR-4; 8-25-93 by Res. No. 93-CR-1; Res. No. 07-CR-03, 7-11-07; Res. No. 09-CR-02, 6-03-09; Res. No. 12-CR-01, 10-31-12.)

Section C4-3. Supervisors of Elections.

The Mayor and Council shall, not later than the first regular meeting in March of each year in which there is a general election, appoint and fix the compensation for five (5) qualified voters of said City, not holding any office thereunder, as Supervisors of Elections, who shall act as Judges of Elections at any elections held during the two (2) years succeeding their appointment and who shall perform such other duties as may be delegated to them under the College Park Code, one (1) of whom shall be appointed from the qualified voters of each of the four (4) election districts and one (1) of whom shall be appointed by the Mayor with the consent of the Council, and such Supervisors of Elections are hereby authorized to administer oaths in the performance of their duties. The Mayor and Council shall designate one (1) of the five (5) Supervisors of Elections as the Chief of Elections.

Section C4-4. Other Election Officials.

Biennially, after due notice given in the usual and customary methods in use by the city and, at minimum, printed in a newspaper having general circulation in the city, the Supervisors of Elections shall appoint such election officials as they deem necessary, who shall be compensated by the Mayor and Council, and conduct an election by ballot for the election of these officers provided for in this Charter. The Judges of Election shall prepare ballots

containing the names of those persons eligible to become candidates for office and designating the office they seek and, except as otherwise provided herein in this Charter and in Chapter 34 of the Code, conduct elections under this Charter as nearly as practicable as is now, or hereafter may be, provided for in the election of officers for Prince George's County under the General Election Laws. (Amended by 12-8-1964 by Res. No. 64-R-5, effective 1-27-1965; 9-7-1971 by Res. No. 71-R-18; by Circuit Court of Prince George's County, Maryland Law No. 55368, effective 10-1-1973; 2-22-1983 by Res. No. 83-CR-1; 5-26-1987 by Res. No. 87-CR-3; 8-25-93 by Res. No. 93-CR-1; Res. No. 09-CR-02, 6-3-09.)

Section C4-5. Petitions for candidacy; employees.

A. Any qualified person desiring to run for the office of Mayor of said City shall file, or there shall be filed in his/her behalf, with the City Clerk for the Supervisors of Elections of said City a petition containing the request of at least eighty (80) persons consisting of not less than twenty (20) qualified voters from each of the four (4) Councilmanic Districts. The applicant's name and signature may appear and be counted toward the required number on any such petition.

B. Any qualified person desiring to run for Councilperson from a district shall file, or there shall be filed in his/her behalf, a petition with the City Clerk for the Supervisors of Elections containing the request of at least twenty-five (25) qualified voters in his/her district. The applicant's name and signature may appear and be counted toward the required number on any such petition.

C. To qualify as a candidate for any elective office of the City, an individual must also file a written authorization of candidacy with the City Clerk for the Supervisors of Elections that is signed by the candidate, dated, and includes the name of the office sought. In the event petitions and authorizations are filed by or in behalf of any person for both the office of Mayor and Councilmember, that person's candidacy for both offices shall be disqualified unless the said candidate delivers his/her signed notification in writing to the City Clerk for the Supervisors of Elections on or before forty-six (46) days, including Saturdays, Sundays, and legal holidays, prior to the election, indicating which of the two offices he/she chooses to continue to be a candidate for. City Employees are disqualified from being candidates, unless they take an unpaid leave of absence upon the filing of the petition for City Elective Office. The unpaid leave of absence shall be terminated upon withdrawal of the candidate's petition, or loss in the election for City office, whichever event shall first occur. Any City employee who gains City Elective Office shall be terminated as a City employee upon the assumption of office.

D. No candidacy petitions or authorizations shall be considered valid unless received by the City Clerk before 4:00 p.m. on the forty-sixth (46th) day, including Saturdays, Sundays, and legal holidays, prior to the election. In the event that no qualified candidate files for the office of mayor or one or more council seats on or before the 46th day prior to the election as required herein, then the deadline for receipt of candidate petitions and authorizations by the City Clerk is extended to 4:00 p.m. on the 36th day prior to the election. No candidacy petitions or authorizations for an individual shall be considered valid unless that individual possesses all the required qualifications for the office sought by said date.

E. The Supervisors of Elections shall cause to be published, in appropriate manner to give general publicity, the names of the candidates and the positions to which they aspire. Any candidate wishing to withdraw his/her authorization of candidacy must do so no later than thirty-five (35) days, including Saturdays, Sundays, and legal holidays, prior to the day of election. (Amended 12-8-1964 by Res. No. 64-R-5, effective 1-27-1965; 8-25-93 by Res. No. 93-CR-1; 6-14-95 by Res. No. 95-CR-3; Res. No. 04-CR-01, 3-2-05; Res. No. 11-CR-02, 12-29-11; Res. No. 12-CR-01, 10-31-12.)

Section C4-6. Runoff elections.

In the event of a tie vote in the election of Mayor and/or Council member, a runoff election of the tied candidates shall be conducted on the fourth Tuesday after the election. If, due to the date of a special election, a runoff election would occur on a city, state, county, or federal election day or holiday, the runoff election shall be scheduled on a date during the 4th week following that special election, such that it would not fall on the city, state, county, or federal election day or holiday. (Amended 12-8-1964 by Res. No. 64-R-5, effective 1-27-1965; 5-26-1987 by Res. No. 87-CR-3; 8-11-1987 by Res. No. 87-CR-8; 8-25-93 by Res. No. 93-CR-1; Res. No. 07-CR-03, 7-11-07.)

Section C4-7. Equal privileges for women.

Women shall have equal privileges with men in registering, voting and holding public office. Whenever the masculine gender has been used herein or in the City Code as to registering, voting or holding public office in the city, such right or privilege shall be construed to include the feminine gender. (Amended 12-8-1964 by Res. No. 64-R-5, effective 1-27-1965; 6-13-1967 by Res. No. 67-R-8, effective 8-2-1967; 2-27-1973 by Res. No. 73-R-4, effective 4-18-1973; 9-8-1987 by Res. No. 87-CR-6; 2-26-1991 by Res. No. 91-CR-5; 8-25-93 by Res. No. 93-CR-1.)

Section C4-8. Regulation and control by Council.

The Council shall have the power to provide by ordinance in every respect not covered by the provisions of this Charter for the conduct of registration, nomination and city elections. (Amended 5-26-1987 by Res. No. 87-CR-3; 8-11-1987 by Res. No. 87-CR-5D; Added 5-8-1979 by Res. No. 79-CR-2, effective 6-27-1979; Amended 8-25-93 by Res. No. 93-CR-1.)

Section C4-9. Referenda concerning bond issues; other referenda.

When the Mayor and Council shall find from its determinations that it is necessary to issue general obligation bonds with an aggregate amount greater than 1% of the assessed valuation of all real property subject to municipal taxation in the City, according to assessments certified by the Maryland State Department of Assessments and Taxation on the prior July 1st, except as otherwise authorized in this Charter, then such issue shall be placed to referendum as then prescribed, and the results of said referendum shall be binding on said Mayor and Council, as provided by law. The Mayor and Council may set the time and place of said referendum in the usual manner, except that in no case shall a referendum be delayed beyond the next general election in the city. In addition, the Mayor and Council may elect, in its discretion, to place other items, except charter amendment resolutions, to automatic and binding referendum by a majority vote of said Council. Nothing in this section shall prohibit or limit the normal petition procedure provided the citizens of the City. (Added 8-9-00 by Res. No. 00-CR-1, Res. No. 03-CR-3, 1-14-04.)

ARTICLE V

Charter Amendments

Section C5-1. Procedure for petition.

A. In all instances where a petition is filed with the Mayor and Council to initiate an amendment to the City Charter or for a referendum in cases where an amendment to the City Charter has been initiated by the Mayor and Council, the following procedures shall be followed:

(1) The petitions shall be referred to the Supervisors of Elections, who shall report to the Mayor and Council the total number of persons qualified to vote in a municipal general election at the time the petition is received and the total number of such voters determined by them to have signed the petition; provided, however, that in any case where a person signing the petition shall have failed to put his/her printed name, printed residence address and city election district number thereon, the Supervisors of Elections shall not determine if such person is qualified to vote. (Amended 11-26-1968 by Res. No. 68-R-12.)

(2) Upon receiving the report of the Supervisors of Elections, the Mayor and Council shall then comply with the applicable provisions of Article 23A of the Annotated Code of Maryland (1957 Edition, as amended), titled "Corporations – Municipal," subtitle "Charter Amendments."

B. A petition may consist of several pages. Each petition shall contain the full title of the Charter amendment or that part of the title of the Charter amendment petitioned upon. (Added 11-26-1968 by Res. No. 68-R-12; Amended 5-11-1965 by Ord. No. 65-O-2.)

Section C5-2. (Added 3-9-1971 by Res. No. 71-R-5, effective 4-28-1971; amended 5-13-1975 by Res. No. 75-CR-2; Repealed 8-9-00 by Res. No. 00-CR-2.)

ARTICLE VI Meetings

Section C6-1. General Provisions.

The Mayor and Council shall meet in some convenient place within the city on or before the first regular meeting of the next calendar month following the election and as often thereafter as may be necessary in the discharge of its duties; provided, however, that it shall not meet less than once in every month. All meetings of the Mayor and Council herein provided for shall be open to the citizens of the city. Upon each action taken, the yea and nay vote of each Council person shall be recorded opposite his/her name. The Mayor shall vote only in the case of a tie vote, and his/her yea and nay votes shall be recorded opposite his/her name. The Mayor and Council shall pass rules and regulations consistent with the provisions of this Charter for its own government while in session. The Mayor shall preside at the meeting of the Council and shall call meetings from time to time as he/she may deem necessary. (Amended 12-8-1964 by Res. No. 64-R-5.)

Section C6-2. Quorum.

A quorum shall be constituted of five (5) members of the City Council and the presiding officer. An affirmative vote of five (5) elected officials shall be required to amend the Charter, alter an assessment or transfer funds between major budget items. (Amended 12-8-1964 by Res. No. 64-R-5; 7-12-1966 by Res. No. 66-R-8.)

Section C6-3. Executive sessions.

Nothing in this Article shall prevent the Mayor and Council from holding an executive session when one (1) or more of the following criteria are met, but no ordinance, resolution, rule or regulation shall be finally adopted at such an executive session. To be held, an executive session shall require a supermajority vote of all Councilpersons present, defined as one (1) more than a simple majority of Councilpersons present. The Council may meet in closed session, or adjourn in closed session, only to:

A. Discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or to consider any other personnel matter that affects one (1) or more specific individuals;

B. Protect the privacy or reputation of individuals with respect to a matter that is not related to public business;

C. Consider the acquisition or sale of real property for a public purpose and matters directly related to such acquisition or sale;

D. Consider a matter that concerns the proposal for a business or industrial organization to locate in Prince George's County;

E. Consider the investment of public funds;

F. Consider the marketing of public securities;

G. Consult with counsel;

H. Consult with staff, consultants, or other individuals about pending or potential litigation;

I. Conduct collective bargaining negotiations or consider matters that relate to the negotiations;

J. Discuss public security if the Council determines that public discussion would constitute a risk to the public or to public security, including:

1. The development of fire and police services and staff; and

2. The development and implementation of emergency plans;

K. Prepare, administer, or grade a scholastic, licensing, or qualifying examination;

L. Conduct or discuss an investigative proceeding on actual or possible criminal conduct;

M. Comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter; or

N. Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the Council to participate in the competitive bidding or proposal process. (Added 7-21-1987 by Res. No. 87-CR-4; Amended by Res. No. 98-CR-3, effective 6-17-98; Res. No. 02-CR-1, effective 4-17-02.)

Section C6-4. Statutory requirements.

The provisions of § 10-509 of the State Government Article of the Annotated Code of Maryland are incorporated herein. (Added 7-21-1987 by Res. No. 87-CR-4; Amended by Res. No. 08-CR-01, effective 10-1-08.)

ARTICLE VII Powers and Duties of Mayor and Council

Section C7-1. Employment of personnel.

The Mayor and Council shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by this Charter or other authority and to operate the city government. (Amended 3-13-1962.)

Section C7-2. Merit system.

The Mayor and Council shall provide by ordinance or resolution for appointment and promotions in the administrative service on the basis of merit fitness. To carry out this purpose, the Mayor and Council shall have the power to adopt such rules and regulations governing the operation of a merit or personnel system as it deems desirable or necessary. (See note (1)) Among other things, these rules and regulations may provide for a classification plan, a compensation plan, a probation period, appeals by employees included within the classified service from dismissal or other disciplinary action and vacation and sick leave regulations. (Amended 3-13-1962.)

Section C7-3. Police force.

A. The Mayor and Council shall have the power to establish and maintain a police force or to engage the services of state or county contract police or to request the Prince George's County Police to perform police duties within the city. When so engaged, such police officers shall have the same police powers and authority within the city as are now possessed by members of the Prince George's County Police outside the corporate limits, including the power to enforce the city's own Code and ordinances within the city's corporate limits. Said police officers shall have the authority and power to transport persons arrested to a Commissioner and thence to the nearest place of commitment, as directed by said Commissioner. (Amended 3-13-1962; 11-12-1974 by Res. No. 74-CR-3.)

B. The Mayor and Council may appoint and fix the compensation of one (1) or more police officers as it may deem necessary to carry out the provisions of this Charter. Such officers shall preserve the peace, enforce all ordinances, serve all notices and processes and perform such other lawful duties as the Mayor and Council shall direct, and, for these purposes, said officers are hereby vested with the same powers as are now possessed by the members of the Prince George's County force within the boundaries of the City of College Park, and, in addition thereto, they shall have the authority to transport persons arrested to the nearest committing Magistrate in and for Prince George's County and thence to the nearest place of commitment, as directed by said Magistrate.

Section C7-4. Borrowing and contract obligations.

A. The Mayor and Council of the City of College Park shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issue and

sale of its general obligation bonds in the manner prescribed by Article 23A, § 31 et seq., of the Annotated Code of Maryland, as may be amended from time to time, subject to § C4-9 of the City Charter, except that any such general obligation bonds may be sold by private (negotiated) sale without solicitation of competitive bids if the ordinance or resolution authorizing such borrowing so provides. In connection with any sale of general obligation bonds by the solicitation of competitive bids at public sale, any such competitive bids may be delivered by electronic and/or facsimile means and/or by any other then-commercially reasonable manner for the sale of municipal obligations at competitive bid; and any notice of sale may be published solely in summary form in a newspaper of general circulation in the city and/or in a generally recognized financial journal such as *The Bond Buyer*, or any notice of sale may be disseminated solely in electronic form and/or by any other then-commercially reasonable manner for the sale of municipal obligations, as determined by the Mayor and Council by ordinance or resolution. As determined or provided for by the authorizing ordinance or resolution of the Mayor or Council, general obligation bonds of the city may be sold for a price or prices that may be at, above or below the par value of such bonds and for cash or other valuable consideration, and may bear interest at a rate or rates of interest that may be fixed or variable or as may be determined by a method approved or provided for by the Mayor and Council. (Amended 8-14-1991 by Res. No. 91-CR-16; Res. No. 07-CR-01, 4-18-07.)

B. In addition and without limitation by the Annotated Code of Maryland (as amended), Art. 23A, §§ 31-39 et. seq., or any other provision of general law of the general laws of Maryland, and the authority otherwise established in this § C7-4, the City may borrow, for any public purpose, by resolution or ordinance and may issue and deliver its notes or other evidences of indebtedness (including renewal or refinancing of notes or bond anticipation notes) to mature not more than thirty (30) years from the date of issue. For the payment of said indebtedness, the city may designate such source or source or source of funds, including tax and other revenues as it deems appropriate to the purpose or purposes for which the borrowing is made. The notes or other evidences of indebtedness may be sold upon such terms and conditions at public or private sale and shall be executed and delivered in such manner as the authorizing resolution shall provide.

C. The aggregate amount of sums borrowed pursuant to subsections A and B shall not exceed 5% of the assessed valuation of all real property subject to municipal taxation in the City, according to the assessments certified by the Maryland State Department of Assessments and Taxation on the preceding July 1st.

D. In addition, the Mayor and Council shall likewise have authority to borrow money in anticipation of the receipt of current taxes and to evidence such borrowing by the issuance of and sale of tax anticipation notes, payable as to principal and interest from said taxes when received. The procedure for the issuance of tax anticipation notes shall be as prescribed in Article 23A, § 32 of the Annotated Code of Maryland, as may be amended from time to time; provided, however, that such notes may be sold by private negotiation and no tax anticipation notes shall be issued which shall mature later than eighteen (18) months from their respective dates of issue.

E. The total of all city indebtedness and unfunded obligations at any one time shall not exceed ten percent (10%) of the assessed valuation of all real property subject to municipal

taxation in the City of College Park, according to the assessments which may be current at the time.

F. In accordance with Article 23A, § 38, of the Annotated Code of Maryland, the Mayor and Council shall likewise have the authority to provide for the issuance of bonds payable as to principal and interest solely from the revenues of one (1) or more revenue-producing projects, which bonds shall not constitute an indebtedness of the city to which its full faith and credit or taxing power are pledged, and nothing contained in this subsection shall be construed as the incurring of debt against the limitation set forth in Subsections C or E above.

G. Nothing herein shall be construed as preventing the city from entering into contracts or engaging in equipment lease or other types of financing arrangements, provided that such contracts or arrangement do not exceed the limitations of Subsection E above. (Amended 8-14-1991 by Res. No. 91-CR-16; Amended 1-12-1960; 3-29-1961; 8-14-1991 by Res. No. 91-CR-7; Res. No. 96-CR-Z, 7-31-96; Res. No. 96-CR-3, 1-1-97; Res. No. 98-CR-4, 7-15-98, Res. No. 03-CR-3, 1-14-04.)

Section C7-5. Franchises.

In addition to and not in limitation of the powers of the Mayor and Council enumerated elsewhere in this Charter, the Mayor and Council shall have the power to grant and regulate franchises to water companies, electric companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies, and cable television companies for the use of the streets and roads within the municipal boundaries and to receive compensation as allowed by law for such use and to grant and regulate any other franchise which may be deemed advantageous and beneficial to the city, subject to the limitations and provisions of Article 23 of the Annotated Code of Maryland. No franchise shall be granted for a longer period than fifty (50) years. (Added 3-26-1974 by Res. No. 74-CR-1.)

Section C7-6. Condemnation.

The city may condemn property of any kind, or interest therein or franchise connected therewith, in fee or as an easement, within the corporate limits of the City of College Park for any public purpose. Any activity, project or improvement authorized by the provisions of this Charter or any other state law applicable to the City of College Park is a public purpose. (See note (2)) (Added 8-13-1974 by Res. No. 74-CR-2; Amended 4-14-2010 by Res. No. 10-CR-01.)

Section C7-7. Preservation of health.

The Mayor and Council shall have the same power as the State Board of Health within the corporate limits of said city and may pass such ordinances as it may deem necessary for the preservation of the health of residents of the city and to remove all nuisances from and prohibit

all business within the corporate limits thereof as shall, in its opinion, affect the sanitary conditions thereof.

Section C7-8. Building code.

The Mayor and Council shall have the power, in its discretion, to enact a building code to be applicable to all real property improvements or structures erected within the city. (See note (3))

Section C7-9. Refuse collection and disposal service.

The city shall have the power to pass such ordinances as may be necessary to provide for the establishment and maintenance of a refuse collection and disposal service. These ordinances shall set forth the rules and regulations that will be applicable to all property from which refuse is collected. Further, the city shall have the power to negotiate contracts, on a yearly basis, with the owners of multifamily structures and commercial property, for the collection and disposal of refuse. Any property considered in a contractual basis must employ the refuse system as established and maintained by the city. (Amended 1-14-1964 by Res. No. 64-R-2.)

ARTICLE VIII
Ordinances

Section C8-1. Enactment.

The Mayor and Council shall have power to enact all just and reasonable ordinances consistent with the laws of this state; to make effective all of the provisions of this Charter; to provide the city with good government and to safeguard the health, safety, welfare and morals of its citizens; and to license, in a manner and in such incidents consistent with the public general and public local laws of Maryland, for the purpose of regulation and revenue and to protect the health, safety and morals of the citizens of the city, all and every kind of business transacted or carried on within the city and to provide for the collection of license fees and the enforcement of such licenses by suit or otherwise. (Amended 6-16-1966 by Res. No. 66-R-5.)

Section C8-2. Passage.

A. A proposed ordinance may be introduced by any member of the City Council at any regular or special meeting of the Council. Prior to formal introduction of the proposed ordinance, the City Council may, at the request of any two Councilmembers, schedule an informational meeting to present information to the public as to the proposed measure and to receive responses back from the public; at which meeting a presentation will ordinarily be made by the Mayor and Council or City Staff. Such informational meeting shall be advertised in advance in such manner as the Mayor and Council deem advisable under the circumstances. Following the informational meeting, the Council may, in its discretion, recommit the proposed ordinance for discussion to a work-session. Upon formal introduction of the proposed ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk

shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall publish the proposed ordinance or a fair summary thereof in a newspaper having a general circulation in the City of College Park and, if time permits, in the City newsletter, together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. As soon as practicable after adoption, the City Clerk shall have a fair summary of the ordinance and notice of its adoption published in a newspaper having a general circulation in the City of College Park and published in the city newsletter and available at the city's offices. Except as otherwise provided, every ordinance adopted shall become effective at the expiration of twenty (20) days after its adoption or at any later date specified therein. However, with respect to the limited zoning-type ordinances that may be passed by the Mayor and City Council pursuant to the authority of Section 8-112.1 of Article 28 of the Annotated Code of Maryland, the provisions of the Annotated Code of Maryland shall control as to the effective date of the proposed ordinance.

B. To meet a public emergency affecting life, health, property, the public peace or the sound operation of the municipal government, the Council may adopt one (1) or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise or authorize the borrowing of money. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least six (6) members of the Council shall be required for adoption. After its adoption, the ordinance shall be published as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. (Added 4-9-1963; amended 8-14-1991 by Res. No. 91-CR-11; 5-11-94 by Res. No. 94-CR-2.)

Section C8-3. Enforcement.

A. Violation(s) of any municipal ordinance shall be a municipal infraction unless the violation is declared to be a felony or a misdemeanor by law or ordinance. The provisions of Article 23A, § 3(b)(2), and the following subsections of the Annotated Code of Maryland, as amended, are incorporated herein and made applicable to such municipal infractions. Violations of ordinances declared by existing ordinances to be misdemeanors prior to this Charter reenactment shall continue to be considered misdemeanors unless otherwise designated by ordinance.

B. Violation(s) of any municipal ordinance declared to be a misdemeanor shall be punishable by a fine not to exceed five hundred dollars (\$500.) and/or imprisonment not to exceed ninety (90) days. Imprisonment in default of fines and costs shall be regulated by the provisions of Article 38, § 4, of the Annotated Code of Maryland, as amended. (Amended 4-24-1979 by Res. No. 79-CR-1, effective 6-14-1979.)

ARTICLE IX Officers and Employees

Section C9-1. Discrimination.

No official or employee or applicant for employment shall be appointed, promoted, demoted, removed or in any way favored or discriminated against because of his/her race, religion or political affiliation or any other factors not related to ability to perform the work. A city employee who is subject to the personnel regulations of the city may continue in such position after being elected or appointed to any public office, other than a public office of the City of College Park, unless that office presents a real or potential conflict of interest or the appearance of a conflict of interest. (Amended 3-13-1962; Res. No. 07-CR-02, 6-13-07.)

Section C9-2. Bonds.

All city officers and employees who handle city funds, plus such other personnel as may be designated in resolution by the Mayor and City Council, shall be covered by a bond or insurance policy, paid for by the city, to indemnify [indemnify] the city from loss. The face amount of the bond or insurance policy shall be annually determined by the City Manager. (Amended 8-13-1991 by Res. No. 91-CR-14.)

Section C9-3. City Manager.

A. *Administration.*

(1) *Appointment.* The Mayor and City Council, by a majority vote of its total membership, shall appoint a City Manager who shall serve at the pleasure of the Mayor and City Council. The terms and conditions of the City Manager's employment shall be set forth in a written agreement between the Mayor and City Council and the City Manager. The City Manager shall be appointed solely on the basis of executive and administrative qualifications. The Manager need not be a resident of the city or state at the time of appointment but may reside outside the city while in office only with the approval of the Council.

(2) *Removal.* The City Manager may be removed by a resolution approved by a majority vote of the Mayor and City Council. A copy of such resolution shall be served immediately upon the City Manager.

(3) *Acting City Manager.* The Assistant City Manager shall act as the City Manager in the absence of the City Manager. By letter filed with the City Clerk, the City Manager shall designate a City officer or employee to exercise the powers and perform the duties of the City Manager during the temporary absence or disability of both the City Manager and the Assistant City Manager. The City Council may revoke such designation at any time and appoint another officer of the City to serve until either the City Manager or the Assistant City Manager returns. The Mayor and City Council also reserve the right to appoint an interim City Manager

during a time period when the City Manager position is vacant. This person shall also have all of the powers and duties as enumerated in Subsection B. (Amendment 2-27-1973 by Res. No. 73-R-6, effective 4-18-1973; 8-13-1991 by Res. No. 91-CR-13; Res. No. 98-CR-1, 5-13-98; Res. No. 02-CR-2, 10-2-02.)

B. *Powers and duties of the City Manager.* The City Manager shall be the chief administrative officer of the City, responsible to the Mayor and Council for the administration of all City affairs placed in the Manager's charge by or under the Charter. The City Manager shall have the power and shall be required to:

- (1) Appoint and, when necessary for the good of the service, suspend or remove all City employees and appointive administrative officers of the City, including the Assistant City Manager, except as otherwise provided for by law, this Charter or personnel rules adopted pursuant to this Charter. The City Manager may authorize any administrative officer subject to the Manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.
- (2) Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this Charter or by law.
- (3) Attend all meetings of the Mayor and Council, unless excused therefrom by the Mayor, and attend, when necessary, all committees of the Mayor and Council.
- (4) See that all laws and ordinances are duly enforced.
- (5) Prepare the budget annually and submit it to the Mayor and Council for approval and be responsible for the administration of the budget after its approval and adoption.
- (6) Recommend to the governing body, at the time the budget is presented, the salaries to be paid city employees.
- (7) Submit to the City Council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year.
- (8) Keep the Mayor and Council advised of the financial condition and future needs of the city and make such recommendations as the City Manager may deem desirable.
- (9) Make recommendations to the City Council concerning the affairs of the city.
- (10) Provide staff support services for the Mayor and Council members.
- (11) Execute contracts on behalf of the city.
- (12) Exercise those duties set forth in the purchasing procedures section of the City Code. (See note (4))

(13) Make investigations into the affairs of the city or any department thereof. Investigate all complaints in relation to all matters concerning the administration of the government of the city and in regard to service maintenance by the public utilities in the city and see that franchises, permits and privileges granted by the city are faithfully observed.

(14) Devote entire time to the discharge of official duties.

(15) Perform such duties as may be required of him/her by the Mayor and/or the Mayor and Council not inconsistent with any laws or ordinances.

(16) Be divorced completely from the nomination or election of any public official in the city or Prince George's County and engage in no political activity whatsoever as regards city elections. (Amended 8-13-1991 by Res. No. 91-CR-12; Amended 3-13-1962; Amended 5-13-98 by Res. No. 98-CR-1.)

Section C9-4. Health Officer.

The Mayor and Council may annually appoint a Health Officer for the city in the same manner as other appointments are made, whose duty it shall be to exercise the same functions in matters pertaining to health within the corporate limits of the city as Health Officers of the State Department of Health, and he/she shall receive such salary or compensation as the Mayor and Council shall fix.

Section C9-5. City Engineer.

The Mayor and Council shall appoint a competent City Engineer at such compensation as it shall determine. The City Engineer shall serve at the pleasure of the Mayor and Council and shall perform such duties of an engineering nature as the Mayor and Council may require. (Added 9-24-1963.)

ARTICLE X
Finance and Taxation

Section C10-1. Annual budget; fiscal year.

The city shall operate on an annual budget, and the fiscal year of the city shall begin on the first day of July and shall end on the last day of June of each year. (Amended 7-9-1963; 8-13-1991 by Res. No. 91-CR-14.)

Section C10-2. Preparation of the budget.

A. *Submission of the budget.* On or before March 31 of each year the City Manager shall submit to the Mayor and Council a proposed budget for the ensuing fiscal year and an accompanying message.

B. *Budget message.* The City Manager's message shall explain the proposed budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the city for the ensuing fiscal year, describe the important features of the proposed budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the city's debt position and include other such material as the City Manager deems desirable.

C. *Budget.* The proposed budget shall provide a complete financial plan of all city operating funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the City Manager deems desirable or the Mayor and Council may require. The proposed budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual revenue and expenditures of the preceding fiscal year. It shall indicate in separate sections:

(1) The proposed goals and objectives and expenditures for current operations during the ensuing fiscal year, detailed for each operating fund by organization unit, and program, purpose or activity, and the method of financing such expenditures;

(2) Proposed capital expenditures during the ensuing fiscal year, detailed for each operating fund by organization unit when practicable, and the proposed method of financing each such capital expenditure; and

(3) The anticipated income and expense and profit and loss for the ensuing year for each enterprise fund operated by the city.

D. *Balanced budget.* For any operating fund, the total of proposed expenditures shall not exceed the total of estimated income plus carried forward fund balance or retained earnings, exclusive of reserves.

E. *General Fund fund balance retention.* An amount equal to twenty-five percent (25%) of the ensuing year's expenditures in the general fund shall be a retention goal in the unappropriated fund balance account of the general fund. (Amended 7-9-1963; 8-13-1991 by Res. No. 91-CR-6; 12-30-92 by Res. No. 92-CR-6.)

Section C10-3. City Council action on budget.

A. (1) *Notice and hearing.* The city shall publish in one or more newspapers of general circulation in the city the general summary of the proposed budget, the proposed property tax rate and a notice stating:

(a) The times and places where copies of the message and budget are available for inspection by the public at least two (2) weeks prior to the date of the hearing; and

(b) The time and place for a public hearing on the proposed budget.

(2) This notice and hearing shall conform to requirement of § 6-308 of the Tax – Property Article of the Annotated Code of Maryland, as amended from time to time, dealing with constant yield tax rate.

B. *Amendment before adoption.* After the public hearing, the City Council may adopt the proposed budget with or without amendment in the form of an ordinance, without the need of further advertising or public hearings. In amending the proposed budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for an estimated cash deficit, provided that no amendment to the proposed budget shall increase the authorized expenditures to an amount of greater than the total estimated income plus carried forward fund balance or retained earnings, exclusive of reserves.

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

D. *Notification to County of tax rates.* Upon adoption, the Finance Director is authorized to notify Prince George’s County of the city’s tax rate. In the event that the city fails to adopt a budget by May 31, the Finance Director is authorized to notify Prince George’s County that the tax rate for the ensuing fiscal year shall be the same rate as proposed by the City Manager. (Amended 7-9-1963; 8-13-1991 by Res. No. 91-CR-6; 12-30-92 by Res. No. 92-CR-6; 5-17-1995 by Res. No. 95-CR-2.)

Section C10-4. Form of the budget appropriation and revenue ordinance.

To implement the adopted budget, the City Council shall adopt, on or before May 31 of the fiscal year currently ending, after the public hearing, with or without amendment, and without the need of further advertising or public hearings, an ordinance in the following form:

(a) An appropriation section making appropriations by department or major organization unit and authorizing a single appropriation for each program or activity;

(b) A tax levy section authorizing the property tax levy or levies and setting the tax rate or rates; and

(c) Any other section required to authorize new revenues or to amend the rates or other features of existing taxes or other revenue sources.

Section C10-5. Amendments after adoption.

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

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

C. *Reduction of appropriations.* If at any time during the fiscal year it appears probable to the City Manager that the revenues, fund balances or [or] retained earnings available will be insufficient to finance the expenditures for which appropriations have been authorized, the City Manager shall report to the City Council without delay, indicating the estimated amount of the deficit, any remedial action taken by the City Manager and recommendations as to any other steps to be taken. The City Council shall then take such further action as it deems necessary to prevent or reduce any deficit and for that purpose it may by budget ordinance procedures reduce one or more appropriations.

D. *Transfer of appropriations.*

(1) At any time the City Council may by [by] resolution transfer part of [or] all of the unencumbered appropriation from [from] one department or major organizational unit to the appropriation for other departments or major organizational units for the current or prior fiscal year.

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

E. *Limitation; effective date.* No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption. (Amended 5-17-1995 by Res. No. 95-CR-2.)

Section C10-6. Lapse of appropriations.

Every appropriation, except an appropriation for a capital projects fund expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended. An appropriation for a capital projects fund expenditure shall continue in force until expended, revised or repealed;

the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation.

Section C10-7. Overspending of appropriations prohibited.

No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with the appropriations duly made and unless the City Manager or the City Manager's designee first certifies in writing that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this charter subsection shall be voidable, unless the City Manager, with the concurrence of the Finance Director, provides the Mayor and Council with written certification (1) that sufficient funds exist to honor the payment/obligation, (2) that the payment/obligation was not willfully made/incurred in violation of this Charter provision and (3) that the payment/obligation was for a valid City purpose; in which case, the City may avail itself of the corrective procedures enumerated under § C10-5. Except where prohibited by law, however, nothing in this charter shall be construed to (1) prevent the making or authorizing of payments, (2) prevent the making of contracts for projects in the capital improvement program, or (3) prevent the making of any contract or lease providing for payments beyond the end of the fiscal year. (Amended 5-17-1995 by Res. No. 95-CR-2.)

Section C10-8. Capital Improvement Program.

A. *Submission to Mayor and City Council.* The City Manager shall prepare and submit to the Mayor and City Council a proposed five-year capital improvement program no later than the final date for submission of the budget.

B. *Contents.* The proposed capital improvement program shall include:

- (1) A clear summary of its contents;
 - (2) A list of all capital improvements and other capital expenditures which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for each;
 - (3) Cost estimates and recommended time schedules for each improvement or other capital expenditure;
 - (4) Method of financing, upon which each capital expenditure is to be reliant;
- and
- (5) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

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

A. *Notice and hearing.* The city shall publish in one or more newspapers of general circulation in the city the general summary of the proposed capital improvement program and a notice stating:

(1) The times and places where copies of the proposed capital improvement program are available for inspection by the public at least two (2) weeks prior to the date of the hearing; and

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

This notice and hearing shall conform to requirements of Section 6-308 of the Tax-Property Article of the Annotated Code of Maryland, as amended from time to time, dealing with constant yield tax rate.

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

Section C10-10. Public records.

Copies of the budget, capital improvement program and appropriation and revenue ordinances shall be public records and shall be made available to the public at suitable places in the city.

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

A. All real property within the corporate limits of the city, except for property that is exempt under the law, such as University of Maryland property as set forth in § C12-4 of the City Charter, shall be subject to taxation for municipal purposes and shall be levied upon assessments made by Prince George's County, Maryland, or by the State Department of Assessments and Taxation of the State of Maryland. (Amended 8-14-1991 by Res. No. 91-CR-16.)

B. Personal property within the corporate limits of the city, except for property that is exempt under the law, such as University of Maryland property as set forth in § C12-4 of the City Charter, shall be subject to taxation for municipal purposes and shall be levied upon assessments made by Prince George's County, Maryland, or by the State Department of Assessments and Taxation of the State of Maryland as is now provided by law for the collection of such taxes due Prince George's County. (Amended 8-14-1991 by Res. No. 91-CR-16; Amended 8-14-1991 by Res. No. 91-CR-16; Repealed 8-9-00 by Res. No. 00-CR-2.)

C. (Amended 8-14-1991 by Res. No. 91-CR-16; Repealed 8-9-00 by Res. No. 00-CR-2.)

D. All taxes levied under this section shall be collected in the manner provided by law, and the city may authorize Prince George’s County to act as it [its] agent for the purposes of collection.

E. All taxes levied under this section shall be a lien on any and all property of the person, corporation or entity against whom they are levied, as set forth in § 14-804 et seq. of the Tax-Property Article of the Annotated Code of Maryland, as may be amended from time to time, and enforceable under the provisions of that Article.

F. Pursuant to the provisions of § 4-101 et seq. of the Tax-General Article of the Annotated Code of Maryland, as may be amended from time to time, the city may impose, by ordinance or resolution, an admissions and amusement tax. (See note (6)) (Amended 1-14-1964 by Res. No. 64-R-1; 8-14-1991 by Res. No. 91-CR-8; 12-30-92 by Res. No. 92-CR-6.) (See note (5))

ARTICLE XI
Public Ways, Sidewalks and Special Assessments

Section C11-1. Definitions.

The term “public ways,” as used herein, shall include all streets, avenues, roads, highways, public thoroughfares, lanes and alleys.

Section C11-2. Control.

The city shall have control of all public ways within the limits of the city except such as may be under the jurisdiction of other governmental agencies or bodies. Subject to the laws of the State of Maryland, the city may do whatever it deems necessary to establish, operate and maintain in good condition the public ways of the city.

Section C11-3. Powers of city.

A. *Public ways.* The city shall have the power to:

(1) Establish, regulate and change the grade lines, width and construction specifications of any city public way or part thereof, including curbs and gutters.

(2) Grade, lay out, construct, open, extend and make new public ways and to alter, straighten, widen, grade, improve or close any existing public way or part thereof.

(3) Pave, surface, repave and resurface any city public way or part thereof and to install, construct, reconstruct, repair and maintain curbs and/or gutters along any city public way or part thereof.

(4) Have surveys, plans, specifications and estimates made for any of the above activities or projects or parts thereof.

B. *Sidewalks.* The city shall have the power to:

(1) Establish, regulate and change the grade lines, width and construction specifications of any sidewalk or part thereof on city property along any public way or part thereof.

(2) Grade, lay out, construct, reconstruct, pave, repave, re-repair, extend or otherwise alter sidewalks on city property along any public way or part thereof.

(3) Require that the owners or tenants of any property abutting on a sidewalk keep the sidewalk clear of obstructions at all times, such as ice, snow, debris or any other object, be it mechanical or otherwise, that may obstruct or be hazardous to pedestrian traffic.

(4) Require the owners of any property abutting on any public way in the city to perform any projects authorized by this subsection according to reasonable plans and specifications. The expense will be borne by the property owner or by some other equitable basis to be determined by the Council. If, after due notice, the owner fails to comply with requirements within a reasonable time, the city may do the work, and the expense shall be a lien on the property and shall be collectible in the same manner as are city taxes or by suit at law.

Section C11-4. Contractors.

When work is to be done under contract, the Mayor and Council shall invite proposals for the paid work by advertising for two (2) weeks in some newspaper having general circulation in the City of College Park. The Mayor and Council shall award the contract for such work to the lowest responsible bidder; but at all times the Mayor and Council shall reserve the right to reject any or all bids. (The past performance of a contractor, with regard to quality of work and the fulfillment of contracts within the allotted time, shall be one criterion for judgment in such matters[.]). All contractors shall give bonds in such sums as the Mayor and Council shall require with sufficient surety or sureties for the faithful performance of their contract.

Section C11-5. Special assessments.

A. The city shall have the power to levy and collect taxes in the form of special assessments upon property in a limited determinable area for special benefits conferred upon such property by the installation of stormwater sewers, sanitary sewers, curbs and gutters and by the construction and paving of public ways and sidewalks or parts thereof and to provide for the payment of all or any part of the above projects out of the proceeds of such special assessments. The cost of any project to be paid in whole or in part by special assessments may include the

direct cost thereof, the cost of any land acquired for the project, the interest on bonds, notes or other evidences of indebtedness issued in anticipation of the collection of special assessments, legal fees and engineering fees resulting from the project, a reasonable charge for the services of the administrative staff of the city and any other item of cost which may reasonably be attributed to the project.

B. The procedure for special assessments shall be as follows:

(1) The costs of the project being charged for shall be assessed according to the front-foot rule of apportionment or by some other equitable basis to be determined by the Mayor and Council. A majority vote of the total Council membership (five (5) votes) shall be necessary before any adjustment of the assessable footage for any property may be granted.

(2) When assessable improvements are made that abut on a corner property, that property shall be granted a credit wherein the total assessable footage along each property dimension adjacent to an assessable improvement, shall be reduced by forty-five (45) feet or the total assessable footage along each property dimension adjacent to an assessable improvement shall be reduced by one-half (1/2), whichever is less. This rule shall apply to all corner properties regardless of type, description or location within the city.

(3) All special assessment charges shall be levied by ordinance. Before approving any contract, the Mayor and Council shall hold a public hearing. The City Manager 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 Mayor and 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 city. The City Manager shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice. The date of the hearing shall be set at least ten (10) and not more than thirty (30) days after the City Manager shall have completed publication and service of notice as provided in this section. Following the hearing, the Mayor and Council, at its discretion, may vote to proceed with the project and may levy the special assessment.

(4) The city shall have the authority from time to time to borrow money and incur indebtedness to finance assessment projects. (Amended 8-14-1991 by Res. No. 91-CR-16.)

(5) Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed fifteen (15) years, and in such manner as the Mayor and Council may determine. The Mayor and Council shall determine on what date installments shall be due and payable. Interest may be charged on installments at the rate to be

determined by the Mayor and Council. All revenue collected from property owners on assessable projects shall be accounted for separately and shall be used solely for the payment of principal and interest on the bonds issued to finance the assessable project. (Amended 8-13-1991 by Res. No. 91-CR-14.)

(6) All special assessments installments shall be overdue five (5) months after the date on which they become due and payable. All special assessments shall be liens on the property, and all overdue special assessments shall be collected in the same manner as city taxes or by suit at law. (Added 9-24-1963.)

Section C11-6. Special Taxing Districts.

A. *Establishment, taxes, administration.*

(1) *Authority and purpose.* Pursuant to Article 23A, § 44 of the Annotated Code of Maryland, the City of College Park may establish Special Taxing Districts for the purpose of financing the design, construction, establishment, extension, alteration or acquisition of adequate storm drain systems; for the purpose of financing the design, acquisition[,] establishment, improvement, extension, operation or alteration of public parking facilities or pedestrian malls; for the purpose of financing the design, acquisition, erection, construction, improvement and maintenance of street and area lighting; for the purpose of financing the activities of commercial management authorities; for the purpose of financing the design, acquisition, establishment, equipping, improvement, extension, operation, alteration or maintenance of public bus or ride sharing systems; and to levy on all real and personal property, within the districts, an ad valorem tax at a rate sufficient to provide adequate annual revenues to pay the principal and interest on any bonds or obligations of the City issued for these purposes as the principal and interest become due, and to pay the costs of operating and maintaining these facilities.

(2) *Contents of ordinances.* A Special Taxing District shall be established by ordinance of the Mayor and City Council. The ordinance shall include the following: findings on the special benefits to be conferred upon the property within the proposed district; the establishment of the special taxing district within a described area for a declared purpose; authorizing to levy an annual ad valorem tax within the district for the purposes described; a description of the project, systems, facilities, services, programs or activities to be undertaken by or on behalf of the district; the manner of determining and apportioning costs to the districts; authorizing the refund of resources in excess of that required for the operation and maintenance of the district, and providing for an exemption for those property owners who meet and satisfy all requirements and purposes of the district.

(3) *Hearing and notice.* A public hearing shall be held on the proposed adoption of the ordinance. No less than ten (10) not [nor] more than thirty (3) [(30)] days prior to the hearing, the City Manager shall send a notice of the hearing to the owners on record of all property within the proposed district, and to all persons in whose name the property is assessed, by certified or registered mail, and shall also publish a copy of the notice, at least once, in a newspaper of general circulation in the City. The notice shall include: the date, time and place of

the hearing, identification of the area to be included in the district, the purpose of the district, a description of the facilities or programs to be provided within the district, and the ad valorem tax to be levied within the district to pay the costs of the facilities or programs. The City Manager 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.

(4) *Administration.* The Council may provide by ordinance or resolution for the administration of special taxing districts, including the authority to issue regulations, to enter into contracts for the provision of materials, facilities and services and to coordinate and share programs and funds within the City of other districts for the benefit of the affected districts.

(5) *Annual budget.* The Council shall adopt an annual budget for the district which shall include the costs of paying the principal and interest on obligations incurred for the district as they become due and the costs of designing, constructing, acquiring, establishing, extending, altering, operating and maintaining district facilities, including land acquisition costs, the costs of administrative, professional or support services provided by the City, and any other item of cost which may reasonably be attributed to the district. The budget for the district shall be considered and adopted in accordance with the procedures and requirements for the adoption of the annual budget for the City. The Council may adopt the budget for the district as part of the City's annual budget process.

(6) *Tax levy.* An ad valorem tax shall be established and levied annually on all the property within the district at a rate sufficient to provide adequate annual revenues to pay the budgeted costs of the district. All special district taxes shall be maintained separate from the general revenues of the City and applied for the benefit of the district; provided, however, that facilities, programs and funds may be coordinated and shared among two or more districts for the benefit of the affected districts.

(7) *Tax collection.* Special district taxes shall be levied in the same manner, upon the same assessments, for the same periods, and upon the same dates of finality as are or may hereafter by [be] prescribed by State law for municipal taxes on real property. The taxes shall be deemed delinquent, be subject to interest and penalty in the same manner and to the same extent, and may be collected or enforced in the same manner as real property taxes annually assessed by the City.

B. *Financing public infrastructure.*

(1) *Authority and purpose.* Pursuant to Article 23A, § 44A of the Annotated Code of Maryland, the City of College Park may, with the consent of at least two-thirds of the owners of real property located within the special taxing district and the owners of two-thirds of the assessed valuation of real property located within the district, establish by ordinance, a special taxing district, levy ad valorem or special taxes and issue bonds and other obligations for the purpose of providing financing, refinancing, or reimbursement for the cost of the design, construction, establishment, extension, alteration or acquisition or adequate storm drainage systems, sewers, water systems, roads, bridges, culverts, tunnels, streets, sidewalks, lighting,

parking, parks and recreation facilities, libraries, schools and other infrastructure improvements as necessary, whether situated within the special taxing district or the municipal corporation or outside of the municipal corporation if notification is given to the governmental unit having jurisdiction over the infrastructure improvement and if the infrastructure improvement is reasonably related to other infrastructure improvements within the special taxing district, for the development and utilization of the land, each with respect to any defined geographic region within the municipal corporation. The Mayor and City Council may implement the authority under this Section C11-6B pursuant to the procedures set forth in Article 23A, § 44A of the Annotated Code of Maryland. (Res. No. 03-CR-2, 10-1-03.)

ARTICLE XII

Miscellaneous Provisions

Section C12-1. Financial statement and independent audit.

A. It shall be the duty of the Mayor and Council of the City of College Park, at least ten (10) days before each general election, to have prepared, in form appropriate and made available in a suitable place or places, for inspection by the residents of the city, a detailed statement of the financial condition of the city, including receipts and expenditures of all kinds whatsoever, for the preceding two (2) years.

B. The Mayor and Council shall provide for an independent annual audit of all city accounts, as required by § 40 of Article 19 of the Annotated Code of Maryland, as amended from time to time, and may provide for more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers. The accountant or firm chosen as the auditor may not serve for more than four (4) consecutive years and may not be reengaged/rehired unless at least two (2) fiscal years will have elapsed from the termination of that person's or firm's prior engagement with the city. The Mayor and Council shall designate such accountant or firm pursuant to the city's procedures for purchasing professional services, but the designation for any particular fiscal year shall be made not later than thirty (30) days after the beginning of such fiscal year. If the state makes such an audit, the Council may accept it as satisfying the requirements of this subsection. (Amended 10-22-1991 by Res. No. 91-CR-18, effective 12-11-91; 11-25-97 by Res. No. 97-CR-5, effective 1-14-98.)

Section C12-2. General powers.

All authority, powers, rights, privileges and benefits of any kind whatsoever which are or may hereafter be granted to municipalities generally by the government of the United States, the government of the several states, the General Assembly of Maryland or under the Code of General Public Laws of Maryland, and Title 17 of the Code of Public Local Laws of Maryland shall be vested in and exercised by the Mayor and Council of the City of College Park, Maryland, including all of those powers enumerated under Article 23B, § 22, of the Annotated Code of Maryland, 1957 Edition, 1990 Replacement Volume, except as may otherwise be

inconsistent with the herein Charter, in which case the herein Charter shall govern. (Amended 8-8-1972 by Res. No. 72-R-29, effective 9-27-1972.)

Section C12-3. Specific powers.

In addition to and not in limitation of the powers of the Mayor and Council and of the City of College Park enumerated elsewhere in this Charter, the City of College Park shall have the power to own or finance any interest in real or personal property outside the corporate limits of the city upon an express determination by the Mayor and Council that such acquisition or financing is reasonably necessary to implement a lawful purpose, program, objective or function of the City of College Park. (Added 9-27-1977 by Res. No. 77-CR-3.)

Section C12-4. University of Maryland.

In consideration of certain lands, buildings, facilities and equipment of the University of Maryland being situated within the boundaries of the City of College Park as defined by this Charter; and in consideration of certain functions and activities of the University of Maryland and of its personnel being performed within said boundaries of the City of College Park; and in consideration of the use by the administrative personnel and students of the University of Maryland of the roads, streets, highways and facilities of the City of College Park; and in consideration of their enjoyment of the privileges and benefits of the government of said city; and since the University of Maryland is exempt from all taxes levied by the city; therefore, the Board of Regents of the University of Maryland is hereby authorized to pay unto the Finance Director of the City of College Park such sum or sums of money annually as shall be fixed by said Board of Regents for the use and benefit of the government of said city with which to defray, in part, its governmental expenses and otherwise to expend as the Mayor and Council, in its judgment, shall determine for the benefit of said city.

Section C12-5. Incorporation of laws by reference.

Where no provision is made by this Charter for a situation which is provided for by the Code of Public Local Laws of Prince George's County for the county, the provisions pertaining thereto in the latter code are incorporated by reference herein for application in the City of College Park. Where no provision is made by this Charter or the Code of Public Local Laws of Prince George's County for a situation which is provided for by the Annotated Code of Maryland for the state, the provisions pertaining thereto in the latter code are incorporated by reference herein for application in the City of College Park. (Added 8-10-1965 by Res. No. 65-R-9.)

ARTICLE XIII
Urban Renewal

Repealed. See Appendix I.

APPENDIX I
Urban Renewal Authority for Slum Clearance
(See Notes (7) and (8))

Section A1-101. Definitions.

- (a) In this appendix the following words have the meanings indicated.
- (b) “Federal Government” shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.
- (c) “Slum Area” shall mean any area where dwellings predominate, which, by reason of depreciation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to the public safety, health or morals.
- (d) “Blighted Area” shall mean an area in which a majority of buildings have declined in productivity by reason of obsolescence, depreciation or other causes to an extent they no longer justify fundamental repairs and adequate maintenance.
- (e) “Urban Renewal Project” shall mean undertakings and activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan. Such undertakings and activities may include —
- (1) acquisition of a slum area or a blighted area or portion thereof;
 - (2) demolition and removal of buildings and improvements;
 - (3) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives of this subheading in accordance with the urban renewal plan;
 - (4) disposition of any property acquired in the urban renewal area including sale, initial leasing or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan;
 - (5) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;
 - (6) acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; and

(7) the preservation, improvement or embellishment of historic structures or monuments.

(f) “Urban Renewal Area” shall mean a slum area or a blighted area or a combination thereof which the municipality designates as appropriate for an urban renewal project.

(g) “Urban Renewal Plan” shall mean a plan, as it exists from time to time, for an urban renewal project, which plan shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum density and building requirements.

(h) “Bonds” shall mean any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures or other obligations.

(i) “Person” shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee, or other person acting in similar representative capacity.

(j) “Municipality” shall mean the City of College Park.

Section A1-102. Powers.

The municipality is hereby authorized and empowered to carry out urban renewal projects which shall be limited to slum clearance in slum or blighted areas and redevelopment or the rehabilitation of slum or blighted areas; to acquire in connection with such projects, within the corporate limits of the municipality, land and property of every kind and any right, interest, franchise, easement or privilege therein, including land or property and any right or interest therein already devoted to public use, by purchase, lease, gift, condemnation or any other legal means; to sell, lease, convey, transfer or otherwise dispose of any of said land or property, regardless of whether or not it has been developed, redeveloped, altered or improved and irrespective of the manner or means in or by which it may have been acquired, to any private, public or quasi public corporation, partnership, association, person or other legal entity. No land or property taken by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers which by this appendix are granted to the municipality by exercising the power of eminent domain shall be taken without just compensation, as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to such compensation. All land or property needed or taken by the exercise of the power of eminent domain by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers granted by this appendix is hereby declared to be needed or taken for public uses and purposes. Any or all of the activities authorized pursuant to this section shall constitute governmental functions undertaken for public uses and purposes and the power of taxation may be exercised, public funds expended and public credit extended in furtherance thereof. The municipality is hereby granted the following additional powers which are hereby found and declared to be necessary and proper to carry into full force and effect the

specific powers hereinbefore granted and to fully accomplish the purposes and objects contemplated by the provisions of this section:

(1) to make or have made all surveys and plans necessary to the carrying out of the purposes of this appendix and to adopt or approve, modify and amend such plans, which plans may include but shall not be limited to: (i) plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements, (ii) plans for the enforcement of codes and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements; and (iii) appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of urban renewal projects and related activities; and to apply for, accept and utilize grants of funds from the Federal Government for such purposes;

(2) to prepare plans for the relocation of persons (including families, business concerns and others) displaced from an urban renewal area, and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the Federal Government;

(3) to appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this appendix, including the payment or reimbursement of reasonable actual costs incurred as a result of utility relocations when such relocations are made necessary by an urban renewal project, after making appropriate adjustment for any improvements or betterments to the utility's facilities made in connection with the relocation; and to levy taxes and assessments for such purposes; to borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the Federal Government, the State, County or other public bodies, or from any sources, public or private, for the purposes of this appendix, and to give such security as may be required therefor; to invest any urban renewal funds held in reserves or sinking funds or any such funds not required for immediate disbursement, in property or securities which are legal investments for other municipal funds.[:]

(4) to hold, improve, clear or prepare for redevelopment any property acquired in connection with urban renewal projects; to mortgage, pledge, hypothecate or otherwise encumber such property; to insure or provide for the insurance of such property or operations of the municipality against any risks or hazards, including the power to pay premiums on any such insurance;

(5) to make and execute all contracts and other instruments necessary or convenient to the exercise of its powers under this appendix, including the power to enter into agreement with any other public bodies or agencies (which agreements may extend over any period, notwithstanding any provision or rule of law to the contrary), and to include in any contract for financial assistance with the Federal Government for or with respect to an urban renewal project and related activities such conditions imposed pursuant to Federal laws as the municipality may deem reasonable and appropriate;

(6) to enter into any building or property in any urban renewal area in order to make inspections, surveys, appraisals, soundings or test borings, and to obtain an order for this purpose from the Circuit Court for the county in which the municipality is situated in the event entry is denied or resisted;

(7) to plan, replan, install, construct, reconstruct, repair, close or vacate streets, roads, sidewalks, public utilities, parks, playgrounds, and other public improvements in connection with an urban renewal project; provided the same shall be approved by the Maryland–National Capital Park and Planning Commission, and to make exceptions from city or town regulations, but not county building regulations unless the same shall be approved by the county building inspector;

(8) to generally organize, coordinate and direct the administration of the provisions of this appendix as they apply to such municipality in order that the objective of remedying slum and blighted areas and preventing the causes thereof within such municipality may be most effectively promoted and achieved;

(9) to exercise all or any part or combination of powers herein granted.

Section A1–103. Establishment of Urban Renewal Agency.

The municipality may itself exercise all the powers granted by this appendix or may, if its legislative body by ordinance determines such action to be in the public interest, elect to have such powers exercised by a separate public body or agency as hereinafter provided. In the event said legislative body makes such determination, it shall proceed by ordinance to establish a public body or agency to undertake in the municipality the activities authorized by this appendix. Such ordinance shall include provisions establishing the number of members of such public body or agency, the manner of their appointment and removal, the terms of said members and their compensation. The ordinance may include such additional provisions relating to the organization of said public body or agency as may be necessary. In the event the legislative body enacts such an ordinance, all of the powers by this appendix granted to the municipality shall, from the effective date of said ordinance, be vested in the public body or agency thereby established, except:

(1) The power to pass a resolution to initiate an urban renewal project pursuant to Section A1–104 of this appendix.

(2) The power to issue general obligation bonds pursuant to Section A1–109 of this appendix.

(3) The power to appropriate funds, and to levy taxes and assessments pursuant to Section A1–102(3) of this appendix.

Section A1-104. Initiation of Project.

In order to initiate an urban renewal project, the legislative body of the municipality shall adopt a resolution which

- (1) finds that one or more slum or blighted areas exist in such municipality;
- (2) locates and defines the said slum or blighted areas;
- (3) finds that the rehabilitation, redevelopment, or a combination thereof, of such area or areas, is necessary in the interest of the public health, safety, morals or welfare of the residents of such municipality.

Section A1-105. Preparation and Approval of Plan for Urban Renewal Project.

(a) The municipality, in order to carry out the purposes of this appendix, shall prepare or cause to be prepared an urban renewal plan for slum or blighted areas in the municipality, and shall formally approve such plan. Prior to its approval of an urban renewal project, the municipality shall submit such plan to the planning body of the municipality, for review and recommendations as to its conformity with the master plan for the development of the municipality as a whole. The planning body shall submit its written recommendation with respect to the proposed urban renewal plan to the municipality within sixty days after receipt of the plan for review; upon receipt of the recommendations of the planning body or, if no recommendations are received within said sixty days, then without such recommendations, the municipality may proceed with a public hearing on the proposed urban renewal project. The municipality shall hold a public hearing on an urban renewal project after public notice thereof by publication in a newspaper having a general circulation within the corporate limits of the municipality. The notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration. Following such hearing, the municipality may approve an urban renewal project and the plan therefor if it finds that: (1) a feasible method exists for the location of any families who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan substantially conforms to the master plan of the municipality as a whole; and (3) the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise.

(b) An urban renewal plan may be modified at any time, provided that if modified after the lease or sale of real property in the urban renewal project area, the modification may be conditioned upon such approval of the owner, lessee or successor in interest as the municipality may deem advisable and in any event shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successor or successors in interest, may be entitled to assert. Where the proposed modification will substantially change the urban renewal plan as previously approved by the municipality, the modification shall be formally approved by the municipality as in the case of an original plan.

(c) Upon the approval by the municipality of an urban renewal plan or of any modification thereof, such plan or modification shall be deemed to be in full force and effect for the respective urban renewal area and the municipality may then cause such plan or modification to be carried out in accordance with its terms.

Section A1-106. Disposal of Property in Urban Renewal Area.

(a) The municipality may sell, lease or otherwise transfer real property or any interest therein acquired for it by an urban renewal project, for residential, recreational, commercial, industrial, educational or other uses or for public use, or may retain such property or interest for public use, in accordance with the urban renewal plan, subject to such covenants, conditions and restrictions, including covenants running with the land, as it may deem to be necessary or desirable to assist in preventing the development or spread of future slums or blighted area or to otherwise carry out the purposes of this appendix. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the urban renewal plan, and may be obligated to comply with such other requirements as the municipality may determine to be in the public interest, including the obligation to begin within a reasonable time any improvements on such real property required by the urban renewal plan. Such real property or interest shall be sold, leased, otherwise transferred, or retained at not less than its fair value for uses in accordance with the urban renewal plan. In determining the fair value of real property for uses in accordance with the urban renewal plan, the municipality shall take into account and give consideration to the uses provided in such plan; the restriction upon, and the covenants, conditions and obligations assumed by the purchaser or lessee or by the municipality retaining the property; and the objectives of such plan for the prevention of the recurrence of slum or blighted areas. The municipality in any instrument of conveyance to a private purchaser or lessee may provide that such purchaser or lessee shall be without power to sell, lease or otherwise transfer the real property without the prior written consent of the municipality until he has completed the construction of any or all improvements which he has obligated himself to construct thereon. Real property acquired by the municipality which, in accordance with the provisions of the urban renewal plan, is to be transferred, shall be transferred as rapidly as feasible in the public interest consistent with the carrying out of the provisions of the urban renewal plan. Any contract for such transfer and the urban renewal plan (or such part or parts of such contract or plan as the municipality may determine) may be recorded in the Land Records of the county in which the municipality is situated in such manner as to afford actual or constructive notice thereof.

(b) The municipality may dispose of real property in an urban renewal area to private persons only under such reasonable competitive bidding procedures as it shall prescribe or as hereinafter provided in this subsection. The municipality may, by public notice by publication in a newspaper having a general circulation in the community (not less than sixty days prior to the execution of any contract to sell, lease or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section) invite proposals from and make available all pertinent information to private redevelopers or any persons interested in undertaking to redevelop or rehabilitate an urban renewal area, or any part thereof. Such notice shall identify the area, or portion thereof, and shall

state that proposals shall be made by those interested within a specified period of not less than sixty days after the first day of publication of said notice, and that such further information as is available may be obtained at such office as shall be designated in said notice. The municipality shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposal to carry them out, and may negotiate with any persons for proposals for the purchase, lease or other transfer of any real property acquired by the municipality in the urban renewal area. The municipality may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this appendix. Thereafter, the municipality may execute and deliver contracts, deeds, leases and other instruments and take all steps necessary to effectuate such transfers.

(c) The municipality may temporarily operate and maintain real property acquired by it in an urban renewal area for or in connection with an urban renewal project pending the disposition of the property as authorized in this appendix, without regard to the provisions of subsection (a) above, for such uses and purposes as may be deemed desirable even though not in conformity with the urban renewal plan.

(d) Any instrument executed by the municipality and purporting to convey any right, title or interest in any property under this appendix shall be conclusively presumed to have been executed in compliance with the provisions of this appendix insofar as title or other interest of any bona fide purchaser, lessees or transferees of such property is concerned.

(e) In the event that urban renewal plans involve removal of residential housing, provision and plans must be made for their replacement with adequate facilities for the residents so displaced.

Section A1-107. Eminent Domain.

Condemnation of land or property under the provisions of this appendix shall be in accordance with the procedure provided in the Real Property Article of the Annotated Code of Maryland.

Section A1-108. Encouragement of Private Enterprise.

The municipality to the greatest extent it determines to be feasible in carrying out the provisions of this appendix, shall afford maximum opportunity, consistent with the sound needs of the municipality as a whole, to the rehabilitation or redevelopment of any urban renewal area by private enterprise. The municipality shall give consideration to this objective in exercising its powers under this appendix.

Section A1-109. General Obligation Bonds.

For the purpose of financing and carrying out of an urban renewal project and related activities, the municipality may issue and sell its general obligation bonds. Any bonds issued by the municipality pursuant to this section shall be issued in the manner and within the limitation

prescribed by applicable law for the issuance and authorizations of general obligation bonds by such municipality, and also within such limitations as shall be determined by said municipality.

Section A1-110. Revenue Bonds.

(a) In addition to the authority conferred by Section A1-109 of this appendix, the municipality shall have the power to issue revenue bonds to finance the undertaking of any urban renewal project and related activities, and shall also have power to issue refunding bonds for the payment or retirement of such bonds previously issued by it. Such bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the municipality derived from or held in connection with its undertaking and carrying out of urban renewal projects under this appendix; provided, however, that payment of such bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant or contribution from the Federal Government or other source, in aid of any urban renewal projects of the municipality under this appendix, and by a mortgage of any such urban renewal projects, or any part thereof, title to which is in the municipality. In addition, the municipality may enter into an Indenture of Trust with any private banking institution of this State having trust powers and may make in such indenture of trust such covenants and commitments as may be required by any purchaser for the adequate security of said bonds.

(b) Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, shall not be subject to the provisions of any other law or charter relating to the authorization, issuance or sale of bonds, and are hereby specifically exempted from the restrictions contained in Sections 9, 10, and 11 of Article 31 of the Annotated Code of Maryland (1957 Edition, as amended). Bonds issued under the provisions of this Article are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempted from all taxes.

(c) Bonds issued under this section shall be authorized by resolution or ordinance of the Legislative body of the municipality and may be issued in one or more series and shall bear such date or dates, shall mature at such time or times, bear interest at such rate or rates, not exceeding six per centum per annum, be in such denomination or denominations, be in such form either with or without coupon or registered, carrying such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium or payment, at such place or places, and be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics, as may be provided by such resolution or trust indenture or mortgage issued pursuant thereto.

(d) Such bonds may be sold at not less than par at public sales held after notice published prior to such sale in a newspaper having a general circulation in the area in which the municipality is located and in such other medium of publication as the municipality may determine or may be exchanged for other bonds on the basis of par; provided, that such bonds may be sold to the Federal Government at private sale at not less than par, and, in the event less than all of the authorized principal amount of such bonds is sold to the Federal Government, the balance may be sold at private sale at not less than par at an interest cost to the municipality of

not to exceed the interest cost to the municipality of the portion of the bonds sold to the Federal Government.

(e) In case any of the public officials of the municipality whose signatures appear on any bonds or coupons issued under this appendix shall cease to be such officials before the delivery of such bond, or, in the event any such officials shall have become such after the date of issue thereof, said bonds shall nevertheless be valid and binding obligations of said municipality in accordance with their terms. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this appendix shall be fully negotiable.

(f) In any suit, action or proceeding involving the validity or enforceability of any bond issued under this appendix or the security therefor, any such bond reciting in substance that it has been issued by the municipality in connection with an urban renewal project, as herein defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located and carried out in accordance with the provisions of this appendix.

(g) All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries, may legally invest any sinking funds, monies, or other funds belonging to them or within their control in any bonds or other obligations issued by the municipality pursuant to this appendix, provided that such bonds and other obligations shall be secured by an agreement between the issuer and the Federal Government in which the issuer agrees to borrow from the Federal Government and the Federal Government agrees to lend to the issuer, prior to the maturity of such bonds or other obligations, monies in an amount which (together with any other monies irrevocably committed to the payment of principal and interest on such bonds or other obligations) will suffice to pay the principal of such bonds or other obligations with interest to maturity thereon, which monies under the terms of said agreement are required to be used for the purpose of paying the principal of and the interest on such bonds or other obligations at their maturity. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political subdivisions and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

Section A1-111. Separability.

If any provision of this appendix or the application thereof to any person or circumstances, is held invalid, the remainder of the appendix and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby. The powers conferred by this appendix shall be in addition and supplemental to the powers conferred by any other law.

Section A1-112. Review and Approval.

All plans, whether preliminary or final, prepared or presented under the provisions of this appendix by the municipality known as College Park shall not conflict with, and must conform to the master plan for Prince George's County. This provision shall be construed to mean that all urban renewal plans effecting a change in zoning shall be reviewed by the Maryland-National Capital Park and Planning Commission, and any zoning amendments pursuant to this urban renewal program must be approved by the district council.

Section A1-113. Short Title.

This appendix shall be known and may be cited as the College Park Urban Renewal Authority for Slum Clearance Act.

Section A1-114. Authority to Amend or Repeal.

This appendix, enacted pursuant to Article III, Section 61 of the Constitution of Maryland, may be amended or repealed only by the General Assembly of Maryland.

NOTES

(1a) The Charter was reorganized, retitled and renumbered 8-14-1991 by Res. No. 91-CR-16. This resolution also amended various sections within the text as noted.

Resolutions 91-CR-6, 91-CR-12, 91-CR-13, and 91-CR-14 became effective October 2, 1991. Resolutions 91-CR-7, 91-CR-8, 91-CR-9, 91-CR-11, 91-CR-15, 91-CR-16 became effective October 3, 1991. Resolution 91-CR-18 became effective December 11, 1991.

(1) See Ch. 62, Personnel and Employee Benefits.

(2) See now Division II of the State Finance and Procurement Article of the Annotated Code of Maryland. Former § 33, Compensation of Treasurer, which immediately followed this section, was repealed 8-13-1991 by Res. No. 91-CR-14.

(3) See Ch. 87, Building Construction.

(4) See Ch. 69, Purchasing Procedures.

(5) This resolution also repealed former §§ 31, Levying taxes; 43, Tax levy; 44, Liens; 45, Deductions for certain persons; 46, Application; 47, Certification, payment and enforcement of taxes; and 52, Road and bridge taxes.

(6) See Ch. 175, Taxation, Art. I.

(7) Pursuant to Article III, Section 61 of the Maryland Constitution, the General Assembly of Maryland granted urban renewal powers for slum clearance to the City of College Park in Chapter 777 of the Acts of the General Assembly of 1963.

Starting with the 1997 Supplement to the *Public Local Laws of Maryland – Compilation of Municipal Charters*, the urban renewal powers for slum clearance for the City of College Park appear as this appendix in accordance with 80 *Opinions of the Attorney General* _____ (1995) [Opinion No. 95-037 (September 21, 1995)] and Sections 10 and 11 of Chapter 14 of the Acts of the General Assembly of 1997.

Formerly, the urban renewal powers approved as Article XIII, Sections C13-1 through C13-11, inclusive, of this Charter.

(8) For related legislation adopted by the City of College Park, see Res. Nos. 65-R-6, 65-R-7, 66-R-15, 69-R-1, 73-CR-6, 73-R-16, 75-R-9, 82-R-7, 91-CR-16 and two (2) resolutions dated 4-25-1967, on file in the office of the City Clerk.

(9) Resolution 03-CR-3 attempted to amend a portion of the Urban Renewal Authority, however, the City of College Park does not have the authority to amend the provisions of Appendix A. Therefore, the attempted amendments are not reflected in this Charter.

