



TOWN OF BERWYN HEIGHTS

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MAYOR
Stephen Isler

COUNCIL MEMBERS
Jason Papanikolas (Mayor Pro Tem)
Amanda Dewey
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Vacant

[The following comprise Council Rules (CR) 1-17, as amended and renumbered December 12, 2018. Former CR 1 and 2 were merged, former CR 9 was deleted, and former CR 6, 12-16, 18, and 19A were designated to be moved to Charter, Ordinance, or Employee Manual.]

COUNCIL RULE NO. 1 – COUNCIL MEETINGS

A. TOWN COUNCIL MEETINGS

1. All meetings, including Town Meetings and Worksessions, shall be held in accordance with the Open Meetings Act as set forth in the General Provisions Article, Title 3 of the Annotated Code of Maryland, as amended from time to time. In accordance with Chapter III, Section 304 of the Town Charter, the Town Council shall hold at least one public or Town meeting each month, at which citizens shall be given the opportunity to comment. The monthly Town meeting shall be held on the second Wednesday of every month. The date of the Town meeting may be changed if the Town Council fails to meet a quorum, or less than 3 Councilmembers are in attendance.
2. **Rules of Order for Conducting Meetings:** Conduct of meetings shall be in accordance with Robert's Rules of Order. Where a conflict exists between Robert's Rules and Council Rules, the Council Rules shall take precedence.
3. **Adding Items to the Agenda:** Any Councilmember wishing to place an item on the agenda shall notify the Town Administrator at the least 24 hours prior to the meeting date. A later request may be added to the agenda at the beginning of a meeting with consent of the Council or taken up under 'Citizen's Discussion'.
4. **Agenda Posting:** Formal preliminary agendas of each meeting shall be posted at least 24 hours in advance at the Town Administration Building and on the Town website. Copies of the agenda shall be made available to all who attend the meeting.
5. **Content of Town Meeting Agenda:**
The Town Meeting agenda shall consist of the following parts:
 - a. Call to Order
 - b. Pledge of Allegiance
 - c. Approval of Minutes
 - d. Mayor's Report
 - e. Department Reports: Each Council Member shall have a reasonable amount of time to give a report under his/her Department.
 - i. Administration
 - 1) Treasurer's Report
 - 2) Town Manager's Report

- 3) Councilmember
 - ii. Code Compliance
 - 1) Code Supervisor
 - 2) Councilmember
 - iii. Parks, Recreation, Education and Civic Affairs
 - 1) Councilmember
 - iv. Public Health & Safety
 - 1) Chief of Police or his/her Representative
 - 2) BHVFD Representative (if present)
 - 3) Councilmember
 - v. Public Works
 - 1) Director of Public Works
 - 2) Councilmember
- f. Committee Reports: Reports from official Town Committees
 - i. Education Advisory Committee
 - ii. Green Team
 - iii. Historical Committee
 - iv. Neighborhood Watch/ Emergency Preparedness
 - v. Recreation Council
- g. Unfinished Business:
 - i. Each item under Unfinished Business requires a vote.
 - ii. Each item under Unfinished Business shall have been acted upon by the Town Council at a previous meeting under New Business.
- h. New Business:
 - i. Each item under New Business requires a vote.
 - ii. New Business are brought to a vote of the Council for the first time.
 - iii. Any postponed items shall be placed under Unfinished Business of the next Town Meeting, unless a definite date for reconsideration has been included in the motion.
- i. Citizens Discussion:

Citizens attending the meeting or calling in may comment on any subject of their choice. Citizens must first state their name and street on which they live.
- j. Adjournment

B. WORKSESSIONS

The Council shall meet for Worksessions as necessary to discuss Town business. No formal Council actions on ordinances or resolutions will be conducted at a worksession.

1. Citizen Input

Any resident wishing to comment may do so in one of the following ways:

- a. By requesting the Mayor or Town Manager to place an item on the agenda at least 48 hours in advance of the meeting. (This will not necessarily ensure a place on the agenda). The individual must state his/her name, address, contact information and the specific nature of his/her business.
- b. If a citizen wishes to address an item already on the agenda, he/she may do so by raising his/her hand at the time the item is being discussed and, after being recognized by the

Mayor, stating his/her name and address. Comments must be limited to the particular agenda item under discussion.

c. By availing him/herself of the ‘Citizens Discussion’ period at a given meeting.

2. **Questions from the Floor:** All questions from the floor must be directed to the Mayor who may answer or refer them to the appropriate Councilmember or staff.

C. SPECIAL MEETINGS

Special Meetings will be called when deemed necessary by the Mayor or three (3) Councilmembers as provided by Chapter III, Section 304 of the Town Charter and by the General Provisions Article Title 3 ‘Open Meetings Act’ of the Annotated Code of Maryland.

COUNCIL RULE NO. 2 – MINUTES OF TOWN COUNCIL MEETINGS

A. MINUTES REQUIRED

Town Council minutes are required by Chapter III, Section 308 of the Town Charter and the General Provisions Article Title 3 ‘Open Meetings Act’ of the Annotated Code of Maryland. All public meetings of the Berwyn Heights Town Council shall have minutes and shall be electronically recorded in their entirety. The purpose of this Council Rule is to outline requirements for minutes that provide for a standard format, balance and accuracy and a streamlined process for review.

B. CONTENT OF MINUTES

Minutes provide a record of discussions and work accomplished. They help clarify issues and rationales for future Town business. The following rules shall be followed when writing minutes:

1. Substantive Priorities:

- a. Minutes must include the specifics of Council decisions, including clear wording of all motions, names of Councilmembers making and seconding motions, and the votes for and against, including sufficient notation to show how each Councilmember voted.
- b. Minutes must indicate the times at which the meeting was called to order and adjourned, and the times when the meeting went into and came out of executive sessions or any long breaks. Indicate the time or point in the discussion when a late Councilmember arrives, or a Councilmember excuses himself/herself from the meeting, so that the number of members present when decisions are made is discernible from the minutes.
- c. Minutes should include key points made in discussions of more significant agenda items, attributed to individual Councilmembers, if appropriate, sufficient to enable someone reading the minutes to determine the reasoning behind a particular decision.

2. Numbering and Headings:

- a. Agenda items or logical groupings of items shall be numbered in sequence. Minutes sections shall be numbered so as to correspond to the agenda numbers and shall have headlines which match or approximate the wording of the agenda items. This will ensure

that the two documents can be readily cross-referenced.

- b. In the event the Council takes an agenda item out of order, the minutes shall reflect the actual sequence of discussion, allowing the numbering to be out of sequence. A brief notation (e.g., “discussed out of order”) should follow the number, so as to explain the discrepancy.

C. APPROVAL PROCESS

All minutes of regular and special Town Council meetings shall be approved by the Town Council by an affirmative vote of the majority of the Councilmembers.

1. Completion and Distribution of Minutes

- a. Draft minutes shall be completed within 5 working days of a meeting, or 8 days if there is another meeting in the same week, unless otherwise necessary to conclude Town business. The document shall be spell-checked and proofread.
- b. Minutes shall be reviewed and revised by the Town Administrator.
- c. Minutes shall be reviewed by all Councilmembers at worksessions and any corrections editorial in content shall be made at that time.
- d. Town meeting minutes shall be reviewed by the Council at worksessions and by the public at Town meetings. Approval takes place at the Town meeting

2. Finalization

- a. All corrections approved by the Council shall be included in the final minutes to be completed within 3 days of approval.
- b. The final minutes shall be submitted to the publisher of the Bulletin. Current minutes shall be made available to Berwyn Heights residents upon request. Back minutes shall be made available to the general public under the guidelines of the Public Information Act.

D. MALFUNCTIONING OF RECORDING EQUIPMENT

In the event, recording equipment is not available or malfunctioning, the recording secretary will take the best notes possible.

COUNCIL RULE NO. 3 – AMENDING THE CHARTER

A. AUTHORITY

Charter Amendments shall be adopted in conformance with the Local Government Article, Title 4, Subtitle 3 of the Annotated Code of Maryland, as amended from time to time.

B. MEANS OF INITIATION

The Local Government Article, Title 4, Subtitle 302 provides for two methods of amending a municipal charter:

1. **By the Legislative Body of the Municipality**, as described in §4 304 of this Subtitle; or
2. **By Petition of the Qualified Voters of the Municipality**, as described in §4 305 of this Subtitle

COUNCIL RULE NO. 4 – PASSAGE OF ORDINANCES AND AMENDMENTS TO ORDINANCES

A. AUTHORITY

Pursuant to Chapter IV, Section 401 of the Town Charter, the Town Council may pass any ordinances, not contrary to the Constitution and Laws of the State of Maryland, Prince George's County, or this Charter, deemed necessary for the good governance of the Town. Chapter III, Section 311 of the Town Charter provides for the passage of emergency ordinances and petitioning an ordinance to referendum. In all other circumstances, an ordinance shall be adopted in the following manner:

B. INTRODUCTION

1. A proposed Ordinance shall be introduced at a regularly scheduled Town Meeting under 'New Business'.
2. There shall be an opportunity for the Councilmembers and citizens to offer comments.
3. Introduction of an ordinance shall require a majority vote of the Town Council
4. The proposed ordinance, or a summary thereof, shall be posted on the Town website and be made available to citizens at subsequent meetings or upon request.
5. If deemed necessary, a special public hearing may be held.

C. ADOPTION

The introduced ordinance shall be presented for adoption under 'Unfinished Business' at the next regularly scheduled Town meeting, or another Town meeting designated by the Town Council. Councilmembers may offer amendments and citizens shall be given the opportunity to comment at that time. Adoption of an ordinance shall require a majority vote of the Town Council.

D. EFFECTIVE DATE

Pursuant to Chapter III, Section 311 of the Town Charter, an ordinance shall become effective twenty days after adoption.

E. PETITION TO REFERENDUM

Within twenty days of the passage of an Ordinance, the qualified voters of the Town may file a petition with the Town requesting the Ordinance to be submitted to a referendum. The petition must contain the signatures of not less than 20 percent of the registered voters of the Town. Upon receipt of such a petition, the ordinance shall be held in abeyance until it is approved at the next regularly scheduled election or, at a special election, as provided in Chapter III, Section 311.1 of the Town Charter.

F. AMENDING AN ORDINANCE

Duly executed ordinances shall be amended in the same manner as initially adopted, except that a copy of the amended Ordinance shall show the changes to be made. Adopting an amended ordinance shall require a majority of the Council.

G. EMERGENCY ORDINANCE

An emergency ordinance may be adopted at the meeting at which it is introduced and becomes effective immediately, or at a time designated by the Ordinance.

1. Emergency Ordinances shall be introduced, discussed and adopted under 'New Business'.
2. An emergency Ordinance shall expire within ninety days.

COUNCIL RULE NO. 5 - PASSAGE OF RESOLUTIONS

A. PLACING RESOLUTIONS ON THE AGENDA

If a Councilmember wishes to propose a resolution, he/ she shall do so by submitting it as an agenda item under "New Business" at least 24 hours in advance, or in case of an emergency proposal, just prior to the Town Meeting. Each Councilmember shall be notified at least 24 hours in advance of the meeting, together with a memo concerning its origin. Or at the meeting with the consent of the Council. Each Council may decide whether to receive and discuss resolutions more than 24 hours in advance of a Town meeting.

B. CITIZEN INPUT

If a Town resident wishes to have a resolution brought before the Council, he or she may do so by enlisting the support of any one Councilmember who agrees to sponsor the resolution.

C. READING AND DISCUSSION

The Resolution shall be read by the Town Clerk. Open discussion shall follow with sufficient time granted to those opposing and those supporting the Resolution. At the close of discussion, the presiding officer shall conduct a vote.

D. AMENDMENTS

Resolutions may not be amended except by consent of the originator.

COUNCIL RULE NO. 6 – PASSAGE OF COUNCIL RULES

A. INTRODUCTION AND DISCUSSION

Council Rules shall be prepared for introduction in the following manner:

1. Each Councilmember shall receive a copy of the proposed Council Rule(s).
2. The Council shall discuss the proposed Council Rule at a worksession and make any amendments or revision desired.
3. The Administrative Department shall prepare the final version of the Council Rule(s) incorporating all requested changes and submit a copy to each Councilmember for review.

B. SUBMISSION AT TOWN MEETING

1. The proposed Council Rule shall be placed as an item under "New Business" in the form of a Resolution at the following Town Meeting.
2. Any Councilmember may at that time offer amendments to the Council Rule.
3. The Mayor or presiding Councilmember shall conduct a vote. Adoption shall require a majority vote of the Councilmembers present. If adopted, the Council Rule(s) shall become effective immediately.

C. AMENDMENTS

1. Any Rule may be amended at a later date by employing the same procedure as for adopting the Council Rule originally.

COUNCIL RULE NO. 7 – PASSAGE OF BUDGET, AMENDING THE BUDGET, SETTING THE TAX RATE **[TO BE MOVED TO AN ORDINANCE]**

A. DEPARTMENT BUDGETS

Each Department Head shall prepare a budget for his Department and submit it to the Town Administrator on or before the 28th of February.

B. BUDGET PREPARATION

The Town Administrator, in cooperation with the Mayor, shall review the department Budget items with any necessary budget items in order to arrive at an overall budget. The Town Administrator shall submit to the Council a copy of the proposed budget including all income and expenditures on the first Monday in March.

C. BUDGET WORKSESSIONS

The Mayor shall call such worksessions as deemed necessary for the purpose of balancing the budget.

D. INTRODUCTION

The proposed budget shall be introduced at a regular Town meeting in April for the purpose of a public hearing as prescribed in Chapter VI, Section 602 of the Town Charter. A summary of the proposed budget should be published in the May “Town Bulletin.”

E. ADOPTION

Pursuant to Chapter VI, Section 602 of the Town Charter, the budget shall be adopted at the regular scheduled meeting in May and passed as an Ordinance by a majority vote of the Council.

F. SETTING THE TAX RATE

The Town tax rate shall be set in the form of an ordinance at the same meeting the budget is adopted and shall be sufficient to support the adopted budget. It, too, shall be adopted only by a majority vote of the Council.

G. PUBLICATION

A summary of the adopted budget shall be distributed with the next “Town Bulletin” following adoption.

H. AMENDMENT

Amendments proposed after the budget has been adopted shall be submitted as agenda items for a Town Meeting and shall also require the favorable vote of the majority of the Council.

COUNCIL RULE NO. 8 - DUTIES OF THE MAYOR

Pursuant to Chapters III and IV of the Town Charter and the Emergency Operations Plan, adopted November 8, 2017, the Mayor shall be vested with the following responsibilities.

A. CONDUCT MEETINGS

The Mayor shall call and conduct meetings. (In the event the Mayor is absent, the Mayor Pro Tem shall assume the responsibilities of the Mayor in accordance with Chapter Section 306.2 of the Town Charter, as amended on December 12, 2018)

B. APPOINT DEPARTMENT HEADS

The Mayor shall appoint Department Heads. Changes to departmental assignments shall be made in accordance with Section B of Council Rule 10.

C. REPRESENT THE TOWN

The Mayor shall represent or provide representation from the Town at appropriate outside functions.

D. OTHER MATTERS

The Mayor shall handle all matters not pertaining to any particular Department.

E. APPOINT COMMITTEES

The Mayor shall establish and appoint committees to augment Council activity subject to Council approval.

F. CORRESPONDENCE

The Mayor shall be responsible for, and sign all outgoing correspondence resulting from full Council action. To approve for purposes of coordination, all outgoing Town correspondence. In the event of a difference between the Mayor and any Councilmember in the matter, the problem shall be brought before the full Council.

G. PUBLIC NOTICES

The Mayor shall sign all public notices and advertisements.

H. DISPATCH AND REQUEST EMERGENCY AID

The Mayor or his designee shall have the authority to dispatch and request emergency aid in conformance with the Public Works Mutual Aid Agreement for Maryland Municipalities adopted August 8, 2012 after consulting with the Head of the Public Works Department and the Town Council.

I. DECLARE A STATE OF EMERGENCY

The Mayor has the authority to declare a State-of-Emergency in the Town based on his/her best judgment, as provided in the Emergency Operations Plan adopted in 2017. In the event the Mayor is unreachable, the Mayor Pro Tempore, followed by the Town Council members (in order of succession), then the Town Administrator (if the elected officials cannot be reached) is authorized to declare a state-of-emergency. The Town Council will be advised of the declaration of a Town state-of-emergency by the Town Administrator (or his/her designee) as soon as possible once the state-of-emergency is declared.

COUNCIL RULE NO. 9 - DEPARTMENTS

A. TOWN DEPARTMENTS

Five Departments shall be established within the Council. They shall consist of: Department of Administration; Department of Code Compliance; Department of Parks and Recreation, Education and Civic Affairs; Department of Public Safety & Health; and Department of Public Works.

B. DEPARTMENT HEADS APPOINTED BY MAYOR

At the organizational meeting of the Council, the Mayor shall appoint each of the Councilmembers to perform the duties of Department Head of one of the five departments. The Mayor shall take over the duties of one of the five departments in addition to performing the specific duties of the Mayor. Once the initial appointments have been made, no changes shall be made, except under the following conditions:

1. If the Mayor desires a change he/she may do so if he/she first obtains the consent of the Councilmember(s) involved.
2. In the event the Mayor believes that a change is necessary for the efficient operation of the Council and is unable to obtain the consent of the Councilmember(s) involved, he/she may call an Executive Session of the Council and show cause for the proposed change. If a

majority of the Council believes the change to be in the best interest of the efficient operation of the Council, the change shall be made effective. However, any Councilmember wishing to object may ask that the change be acted upon at a regular Town Meeting under “New Business.”

D. REVIEW OF DEPARTMENTS BY COUNCIL

The Council shall have the authority to review the activities of any department. Any Councilmember desiring a review of a department’s activities shall first discuss the matter with the head of that department. If no agreement can be reached, he/she shall ask the Mayor to attempt to negotiate a settlement. If a satisfactory solution cannot be reached, the matter shall be placed on the agenda of the next Town Meeting under ‘New Business’. The matter shall be resolved by a majority of the Council present.

F. EMERGENCY SITUATIONS

In emergency situations, the Mayor may act, or appoint another Councilmember to act, on behalf of a Department Head who may be temporarily unavailable. The Department Head shall be notified immediately upon his/her availability.

COUNCIL RULE NO. 10 – DEPARTMENT OF ADMINISTRATION
[TO BE MOVED TO CHARTER OR ORDINANCE]

A. FINANCIAL RESPONSIBILITIES

To provide, maintain, and supervise such Administrative staff as necessary to adequately perform the following monetary functions for the Town:

1. **Revenue Collection:** Send out all notifications of and collect all taxes and fees for the Town, including property taxes, federal, state and county shared revenues, special assessments, ad valorem taxes, commercial fees, building permit fees, license fees, and any others which may be applicable.
2. **Accounting System:** Maintain a general accounting system for the Town which will adequately account for all monies received and disbursed by the Town, including all special funds.
3. **Financial Reports:** Make periodic financial reports to the Council.
4. **Budget Preparation:** Assist in the preparation of the Town Budget as prescribed by the Town Charter and Council Rule No. 6.
5. **Payroll:** Prepare bi-weekly payroll and related reports.

B. PUBLIC MEETING RESPONSIBILITIES

To provide, maintain and supervise such administrative staff as necessary to adequately perform functions necessary to the conduct of meetings, including the following:

1. **Notice of Meetings:** Provide adequate notice of all meetings as required by Council Rule No. 1.
2. **Agenda:** Prepare, reproduce, post, and distribute meeting agendas.
3. **Minutes:** Record, reproduce and distribute meeting minutes.

C. ADMINISTRATIVE RESPONSIBILITIES

To provide, maintain, and supervise such administrative staff as necessary to adequately perform the following office functions:

1. **Filing System:** Maintain a filing system for all Town records except those of the Police Department.
2. **Correspondence:** Accept, process, and route all incoming correspondence. Prepare, process, and route all outgoing correspondence.
3. **Office Hours:** Provide office hours and telephone hours in which the office is open to the public.
4. **Town Bulletin Preparation:** Prepare and distribute the Town Bulletin at least once a month.
5. **Public Notices:** Prepare and post all public notices and advertisements.
6. **Permits:** Issue all permits.
7. **Personnel:** Maintain all employee personnel files. Administer employee benefits. Carry out any other administrative functions deemed necessary by the Council liaison for the Administration Department, or the Council.

D. ELECTIONS

Provide, maintain, and supervise Election Judges, and make all necessary arrangements for all Town elections.

E. COORDINATION

Responsible for coordinating activities of all departments to ensure that all operations of the Town work in a unified direction.

COUNCIL RULE NO. 11 – DEPARTMENT OF HEALTH AND PUBLIC SAFETY [TO BE MOVED TO CHARTER OR ORDINANCE]

Pursuant to Chapter IV, Section 401 and Chapter VII, Section 706.5 of the Town Charter, and Ordinance No. 116 – Department of Police, the Mayor and Council are authorized to establish rules, regulations and procedures for the Berwyn Heights Police Department. Section 3A of Ordinance No. 116 states that the Mayor and Council shall be responsible for the efficient operation of the Police Department.

A. RESPONSIBILITIES

To provide, maintain, and supervise such staff, including a Police Department, as necessary to provide the following law enforcement, health and safety inspections, and guard and security functions for the Town:

1. To enforce the Ordinances of Berwyn Heights.
2. To enforce the laws of the County, State and Federal Governments where applicable within Berwyn Heights.
3. To preserve the peace.
4. To protect life and property.
5. To prevent and detect crime.
6. To arrest and bring to justice violators of the law.
7. To eliminate all fire, health, and safety hazards within the Town.
8. To secure removal of abandoned property, maintain reports of lost or stolen property, receive found property, and effect disposal of all properties accumulated in the aforementioned ways.
9. To supply guard and security services for Town functions and properties as deemed necessary.
10. To work with Code Enforcement Officer in enforcing Ordinance 101 - Animals.
11. To coordinate civil defense activities for the Town.

B. PHYSICAL ORGANIZATION

The Police Chief will work closely with the police officers under his command. This is day-to-day, one-to-one contact with officers on duty and includes a policy of riding along with the officers as an observer or second officer. With this day to day involvement by the Chief and with a small police force it will not be necessary to have a second in command as part of the Police Department's organization. In the event of an extended absence of the Chief, an officer in charge will be appointed by the Chief on a rotating basis by rank but irrespective of seniority.

These assignments will be made on a regular basis and such information will be provided to the Mayor, Council, Police Officers and Department Heads.

The positions of the Department will be determined by a Council-approved Department Complement. The complement will determine the strength of the Department by determining numbers of authorized positions by Grade and Title. The promotion of officers and pay will be based on Pay Scale and Job Descriptions as published by the Town of Berwyn Heights. These levels will be budgeted annually in the fiscal year budget. The Police Department will be physically unified in one location.

C. COMMUNICATION

Police Department will have monthly meetings with all police personnel and Chief. These meetings will be set up immediately, Council will be made aware of these meetings and may attend. Agenda will be available for each meeting and minutes taken and distributed.

The Chief of Police and the Council will have quarterly or monthly meetings as determined.

D. BEHAVIOR AND DECORUM

The Council expects and demands that all Police Officers subscribe to the highest level of ethical and moral conduct. They must be above reproach and present an outstanding appearance and presence. They must be fair and impartial in upholding the law. They must follow the Berwyn Heights Police General Orders and the "Ethics in Police Service" Basic Objectives and General Rules of Official Conduct, as described in the Police Handbook from the Digest of Criminal Laws. All officers must know and follow the "Policy Letters" as promulgated by the Chief of Police. They must submit the records, statistics and reports as required for routine, efficient and legal police work as required in the Prince George's County, Report Writing Handbook.

E. PROCEDURES

1. The Council will develop a Police Department operational policy, Council Rule 13 that will in general terms define to the Police Department what the Town of Berwyn Heights expects of the Department.
2. Develop procedures to standardize all equipment issuance, use and maintenance, with Council approval.
3. Develop procedures that will standardize all police car maintenance, take home rules and maintenance records, with Council approval.
4. Working with the Town Administrator and with Council approval, hiring procedures must be in place. These procedures do not have to be the same as hiring procedures for non-police personnel.
5. Develop procedures for control of training and all other professional activities for all officers and Chief. A report of the upcoming sessions and activities will be submitted monthly to the Council. The Councilperson assigned as the Public Health and Safety Department Head will review all training and other professional activities' expenditures for approval or disapproval.

6. Develop a community ride along program for residents. The Council requests by the first work day of each month reports containing the following:
 - a. Issuance of tickets in total and by specific officers.
 - b. Planned training schedule and activities.
 - c. Summary of previous month's training.
 - d. Summary of professional activities.
 - e. Patrol hours by officer and total.

The police officers and Chief of Police have the right to appeal to the Council any Council rulings they feel are unfair or not workable.

COUNCIL RULE NO. 12 – DEPARTMENT OF PUBLIC WORKS **[TO BE MOVED TO CHARTER OR ORDINANCE]**

Pursuant to Chapter IV of the Town Charter, the Mayor and Town Council are authorized to provide for and maintain such staff or such contracts as necessary to perform adequately the following functions for the Town:

A. SANITATION

1. Provide Town residents with a twice weekly routine trash pickup.
2. Provide Town residents with a heavy trash pickup at least once a month.
3. Provide Town residents with periodic leaf pickup during the fall months within the capability of the staff.

B. STREETS

1. Maintenance of paved streets, curbs, gutters, and sidewalks which have been constructed in accordance with Town specifications.
2. Maintenance of unpaved streets including grading, dust control and gravel.
3. Maintenance of Town rights-of-way including grass cutting, removal of dead trees, etc.
4. Cleaning and sweeping of paved streets.
5. The placing and maintenance of all street signs.
6. The keeping of storm drains clean and working where possible in cooperation with WSSC. Responsible for oversight of all drainage projects, including storm and surface water.
7. As designated by the Mayor and Council, the placing and maintenance of all street lights in cooperation with the electric company.

C. PROPERTY MAINTENANCE

1. The maintenance of all Town real properties including the Community Center, the Maintenance Building, the Administrative Building, Police Station, all Park areas, etc.
2. The maintenance of all properties owned by the Town.
3. The provision of janitorial services for all buildings and properties owned by the Town and for whatever building the Town may use for any functions unless other services have been provided.

**COUNCIL RULE 13 – DEPARTMENT OF CODE COMPLIANCE,
CONSTRUCTION AND TRANSPORTATION**
[TO BE MOVED TO CHARTER OR ORDINANCE]

A. **CONSTRUCTION PROJECTS**

Approval of all applications for street and curb cuts by public utilities or private property owners, and the inspection of same to ensure the sound quality of streets, curbs, gutters, and sidewalks.

B. **BUILDING PERMITS**

Approve applications for building permits and to inspect periodically all buildings under construction for the purposes of health, safety, fire prevention and compliance with appropriate building codes. To eliminate unsafe and unhealthy conditions on lots and/or buildings in Town.

C. **BUSINESS LICENSING**

Administer a program of business licensing for associations, partnerships, corporations, and all industrial, institutional, rental, research, retail or service establishments doing business in the Town of Berwyn Heights.

C. **ZONING MATTERS**

Represent and communicate the position of the Council at all Prince George's County Board of Zoning Appeals hearings, bring to the attention to the Council zoning violations within the Town, and, with the approval of the Council, act to eliminate zoning violations.

D. **CODE ENFORCEMENT**

Enforce Town ordinances pertaining to private property and administer a program of rental licensing and inspections.

E. **VAN PROGRAM**

Manage the Town's Call-a-Bus/ van program.

COUNCIL NO. 14 – PARKS, RECREATION, EDUCATION AND CIVIC AFFAIRS [TO BE MOVED TO CHARTER OR ORDINANCE]

A. PROMOTE RECREATIONAL ACTIVITIES

To promote recreational activities and develop appropriate Town properties into recreational and park areas.

B. MEMBER OF THE RECREATION COUNCIL

To represent the Council on the Recreation Council and serve as an Advisor to the Council.

C. PROMOTE EDUCATIONAL PROGRAMS

To provide residents access to various educational programs and reading materials, and in cooperation with interested volunteers, maintain a Town Library.

To organize, conduct, and/or publicize any Town activity such as rabies shot program, chest X-ray, blood donor program, Red Cross courses, fire prevention week, bicycle safety campaigns and other civic or educational seminars or activities.

COUNCIL RULE NO. 15 – TOWN REAL PROPERTY ACQUISITION AND USE

A. AUTHORITY

Pursuant to Chapter IX of the Town Charter, this Rule shall be followed by the Town Council when acquiring, changing, or planning to change the stated use of any real property owned by the Town.

B. RESPONSIBILITIES

1. When real property is acquired by the Town, the Town Council must pass a Resolution stating the purpose of the acquisition, all costs associated with the acquisition, and the planned usage of the property. This Resolution shall be advertised in the Town Bulletin.
2. Whenever the Council proposes any significant change in the use of Town real property, the Town shall notify in writing all property owners and tenants within a two-block area of said property. The written notice shall include a description of the proposed changes and designate a time and place for a public hearing at which the changes can be discussed by citizens, prior to the Council taking action. The written notice to the property owners and tenants shall be sent not fewer than 14 days prior to the designated meeting date.

C. UNDEVELOPED RIGHT-OF-WAY

For the purpose of this Rule, Town-owned property shall include all undeveloped right-of-way.

COUNCIL RULE NO. 16 - PURCHASING
[TO BE MOVED TO AN ORDINANCE]

A. EXPENDITURES – AUTHORITY OF COUNCILMEMBERS

Each Councilmember shall have the authority to expend funds budgeted within his/her Department subject to the following limitations:

1. Three Thousand (\$3,000.00) dollars or less may be authorized by the signed consent of an individual Councilmember.
2. Over three thousand (\$3,000.00) dollars, but less than ten thousand (\$10,000.00) dollars shall require the consent of three Councilmembers but need not be brought to a formal vote of the Council. The Town Administrator may assist in securing the consent of the three Councilmembers.
3. Chapter VI, Section 609 of the Town Charter shall govern all purchases in excess of \$10,000.00.
4. Excluded from these dollar requirement limitations shall be expenditures for items of a continuous or ongoing nature such as payroll taxes, street lighting charges, trash disposal fees, utility costs, gasoline purchases, hospitalization premium payments, and incremental bills which have a properly signed purchase order for which a check may be written in excess of these dollar amounts, but for which purchases of any individual item does not exceed these amounts.
5. Any Councilmember may give to a member of his/her Department authorization for expenditures of funds not to exceed his/her own authorization and must take the form of a signed Administrative Order. This, however, does not relieve a Councilmember of his responsibility toward his/her Department's budget.
6. No money may be expended which is not appropriated in the budget unless a formal budget amendment is first passed, as provided in Chapter VI, Section 602 of the Town Charter.

B. CAPITAL OUTLAY

Chapter VI, Section 602.3 of the Town Charter shall govern capital outlay expenditures.

C. CERTIFICATES OF INDEBTEDNESS

Chapter VIII, Section 805 of the Town Charter shall govern the purchase of certificates of indebtedness.

D. CONSTRUCTION BIDS

Chapter VIII, Section 807 of the Town Charter shall govern expenditures for construction projects.

E. STORM DRAINAGE

Chapter VIII, Section 807 of the Town Charter shall govern expenditures for storm drainage projects.

COUNCIL RULE NO. 17 – TAKE HOME CAR AND LOCALITY PAY **[TO BE MOVED TO EMPLOYEE MANUAL]**

A. TAKE HOME CAR POLICY

1. Purpose

To establish the general regulations of the Take Home Car Policy and the use of Town police vehicles in general.

2. Policy

The Berwyn Heights Police Department (“BHPD”) has a personally assigned vehicle program. Under this program, it is anticipated that each full time sworn officer will be assigned a particular vehicle for on-duty and official business and for travel back and forth to work. An employee who is assigned a vehicle is also responsible for the care, service and maintenance of that vehicle and all of the equipment assigned to that vehicle or to the officer as required by BHPD policies.

It is the policy of the Berwyn Heights Police Department (“BHPD”) to provide a take home police vehicle to sworn police personnel, but officers who are eligible to participate in the Take Home Police Vehicle Program may not use the vehicle for personal use when in an off-duty status.

The program is subject to the approval of the Town Council and the Chief of Police, and may be individually or summarily limited, suspended or revoked as may be in the best interest of the Berwyn Heights Police Department.

3. Eligibility

- a. Basic eligibility: An officer shall be eligible for a Take Home Police Vehicle upon successful completion of Field Training, unless authorized by the Chief of Police or his designee.
- b. The BHPD has a personally assigned vehicle program and as such each full time sworn officer is assigned a specific police vehicle for on-duty, official business, and travel back and forth to their residence, unless otherwise note.
- c. An officer who participates in the Take Home Police Vehicle program must be in a full-duty status.
- d. An officer who resides within the Town limits or within 30 road miles of the Town’s boundaries may use their assigned police vehicle to travel to and from home.
- e. An officer hired after the date of the adoption of this amended Council Rule 19 and who resides over 30 road miles from the Town boundaries shall require the approval of Town Council to use their assigned police vehicle to travel to and from home. If use of the assigned police vehicle is denied, the officer is required to park the police vehicle at a Chief of Police designated location that is within the 30-road mile limit or use his

personal vehicle. However, if an officer is authorized to use the assigned police vehicle to travel to a home that is more than 30 road miles from the Town boundaries, then the officer shall have funds deducted from his/her paycheck at the federal mileage reimbursement rate for each mile traveled to and from home beyond the 30-road mile limit.

- f. An officer who, as of the date of the adoption of this amended Council Rule, has been provided a Take Home Police Vehicle shall continue to be provided a Take Home Police Vehicle and the previous 40-road mile limit and the distance of the current residence from the Town boundaries is grandfathered. However, should an officer move to a residence that is farther from the Town boundaries, then the officer shall be required to pay the federal mileage reimbursement rate for each road mile over the 30-road mile limit. On the other hand, if an officer moves closer to the Town boundaries, then the road miles of the new residence from the Town boundaries becomes the new fixed point and all future moves must be equal to or closer to the Town or federal mileage reimbursement rate payroll deduction applies.
- g. An officer who resides outside the State of Maryland, regardless of whether the residence is within the current 30 road mile limit, requires special approval of the Town Council to use the assigned vehicle as a Take Home Police Vehicle or to park at an authorized designated out-of-state location.
- h. The Take Home Police Vehicle Policy does not apply when the officer has been designated as Active On-Call and the officer is, in fact, On-Call.

4. **General Requirements**

- a. Officer's use of the vehicle is restricted to Official Business only, i.e., patrolling, court or court appearances, approved training or conferences, deliver official subpoenas or court documents, conduct investigations, back and forth to work, etc.
- b. Officers are allowed, within reason, to stop briefly, en-route, to and from their official designation:
 - i. For example: PFC Fenlon is on his way to work from his home. He stops nearby to pick up his uniforms at the dry cleaner. This is permitted
 - ii. For example: PFC Showers is on his way home from the day work shift. He stops, while on route, to pick up milk, eggs, and bread at the grocery store. This is permitted.
 - iii. For example: PFC Keyton is at home on a day off. He takes the Town car to the ball field 3 miles from his hours to watch his son's Little League game. This is prohibited.
 - iv. For example: Cpl. Balderson, while on route home from the evening shift, drives to his buddies' boat, goes fishing for several hours, and then heads home. This is prohibited.
- c. When an officer is off-duty and in the vehicle, the officer must be armed with an approved weapon.

- d. When operating the vehicle off-duty, the police radio must be kept on and the frequency of the police jurisdiction the vehicle is in must be monitored. Officers are expected to aid disabled motorists and or provide back up to on-duty personnel in need of assistance.
- e. In minor cases encountered off-duty, the officer may call for a beat officer to handle the matter. If immediate action is necessary, the off-duty officer will handle the situation. The off-duty officer shall then assure that the matter has satisfied all provisions set forth under Article 27, Section 594B, and Article 88. Note-The extra jurisdictional powers of Article 27 Section 594B gives the officer the power to arrest outside his/her jurisdiction in an emergency. Emergency is defined as a crime in progress, which threatens the property or welfare of any person, but specifically excludes Motor Vehicle offenses.
- f. An officer may not transport persons other than Town employees in vehicles assigned as Take-Home Police Vehicles unless it is part of work assignment. This includes friends, family members and other persons that the officer might normally transport in his or her personally owned vehicle.
- g. Animals may not be transported in a Town police vehicle unless the animal is a Police K-9 dog, or the animal is being transported for medical treatment or in an emergency.
- h. No person, other than a BHPD employee, or a mechanic who must test drive the vehicle as part of an authorized repair work, is allowed to operate police vehicles.
- i. Officers and employees of the BHPD shall wear the available seat belt or seatbelt/shoulder harness combination. Children shall not be transported except in an emergency, and unless they are restrained as required by the Maryland Vehicle Law.
- j. Operation of police vehicle by personnel who have consumed alcoholic beverages or CDS is prohibited.
- k. Officers operating vehicles off-duty will be attired in a fashion that will not bring discredit to the Berwyn Heights Police Department. Clothing and footwear will be functional, i.e., it should allow the Officer to perform a duty required of his position, the same as if the Officer were in an on-duty status. Officers should be prepared to fulfill on-duty responsibilities whenever they arise while the Officer is operating a BHPD police vehicle.
- l. Vehicles will not be driven to any secondary employment or used for security patrolling unless authorized by the Chief of Police and an appropriate reimbursement.
- m. Vehicles will not be left unattended for any prolonged period. Vehicles will not be left at any location for the purpose of the officer receiving money, goods, services, or a profit of any kind because of the vehicle's placement.
- n. While on leave in excess of five (5) days, whether sick leave, annual leave out of town or administrative leave, other than for training purposes, officers must arrange for

delivery of the vehicle to BHPD. If an officer cannot bring the vehicle to the BHPD station, arrangements will be made to have the vehicle picked up.

- o. Officers will keep track of their vehicle's mileage on a monthly basis on their Monthly Performance Report.
- p. An officer whose police powers have been suspended must deliver the vehicle to the BHPD headquarters.
- q. The existence and conditions of a Take Home Police Vehicle for the Chief of Police are subject to the terms and conditions of the Chief of Police's hiring agreement.
- r. Smoking is prohibited in Berwyn Heights Police Department vehicles.

5. **Light Duty Assignments**

Officers on light-duty are not eligible to participate in the Take Home Police Vehicle Program. The Program was initiated to create a greater police presence. If an officer cannot function as an officer due to injury, the effectiveness of the Program is negated. Secondly, placing an Officer in a cruiser may imply in a legal sense that the officer is capable of taking action, which could further injure the officer or place the Town in a vulnerable liability situation.

6. **Administrative Sanctions**

Administrative removal from the Take Home Police Vehicle Program is authorized in circumstances wherein an officer is deemed to have been neglectful or abusive in the use of his/her assigned vehicle. The Take Home Police Vehicle Program is a benefit and a responsibility. Its use is to be considered a privilege and not a right. As such, officers who violate this policy may be subject to removal from the program.

B. LOCALITY PAY

An officer who resides or moves within 5 road miles of the Town boundaries shall be eligible for a locality pay to be determined from time-to-time by the Town Council.

C. POLICE VEHICLE MAINTENANCE AND ACCIDENT REPORTS

1. **Maintenance and Equipment**

- a. Officers are responsible for maintenance and care of Police Department vehicles. Issued equipment such as shotguns, flashlights, night sticks, etc., will be removed from the vehicle when it is left for service.
- b. Non-original equipment shall not be installed in, or attached to, any vehicle unless authorized by the Chief of Police. Furthermore, officers shall not:
 - i. place or hang any item on the inside rear-view mirror, or bracket.
 - ii. place any object on top of the dashboard while the vehicles is in motion.
 - iii. affix any object, clip or holder to the front of the dashboard.
 - iv. hang, or mount any radar device, camera, or other device within the area of the deployment of the airbags.

- v. mount, or display toys, symbols, or pennants anywhere in, or on the vehicle.
- c. The vehicle maintenance officer must oversee the installation of any electrical equipment, and record keeping of vehicle maintenance, as authorized by the Chief of Police.
- d. Prince George's County Automotive Services oversees and provides general maintenance of departmental vehicles.

2. Fueling

- a. Employees shall utilize an authorized vendor to obtain fuel.
- b. The receipts shall be turned in along with the daily log sheet at the end of the officer's tour.

3. Departmental Accidents

- a. When a departmental vehicle is involved in an accident, the operator will immediately notify the Communication's Division.
- b. The following reports must be completed by the involved employee:
 - i. Commander's Log
 - ii. State of Maryland Motor Vehicle Accident Report (Form MSP #01).
 - iii. Photographs showing vehicular and property damage and the geographical layout of the accident scene.
- c. The Chief of Police and the next available officer shall be notified as soon as practical.
- d. All other incidents should be compiled with the provisions noted in Title 20, Maryland Vehicle Law (Accidents and Accident Reports) Book.