

*Resolution 4-67*

RESOLUTION NO. 3

OF

THE COMMISSIONERS OF LEONARDTOWN

TO AMEND THE TOWN CHARTER

RESOLUTION of The Commissioners of Leonardtown to amend Section 104 of the Code of Public Local Laws of St. Mary's County (1965 Edition), being Article 19 of the Code of Public Local Laws of Maryland, said Section being part of the Charter of The Commissioners of Leonardtown, the purpose of said amendment being to clarify the limitation on the power of the Town to levy ad valorem taxes for general municipal purposes and to provide that there shall be no limit on the power of the Town to levy such taxes for the purpose of paying the principal of and interest on any bonds issued by the Town for capital improvements.

WHEREAS, by Chapter 135 of the Laws of Maryland of 1955, Section 102 of Article 19 of the Code of Public Local Laws of Maryland (now Section 104 of the Code of Public Local Laws of St. Mary's County, 1965 Edition) was amended to increase the maximum tax rate of The Commissioners of Leonardtown from Sixty Cents to One Dollar on each One Hundred Dollars of assessed value of property in the Town, subject to approval on referendum by the qualified voters of the Town held pursuant to Section 5 of Article XI-E of the Maryland Constitution; and

WHEREAS, said referendum was never held as required by the Constitution and, accordingly, the effectiveness of said Act of Assembly has been questioned; and

WHEREAS, inasmuch as said Section is part of the Charter of The Commissioners of Leonardtown, the same was amended by Resolution No. 1 of said Commissioners, adopted February 2, 1965 and effective without referendum on March 24, 1965, said amendment changing the date of the annual tax levy of the Town, and adopting the maximum tax rate of One Dollar, on the apparent assumption that said Act of Assembly had become effective even though no referendum had been held thereon, as required; and

WHEREAS, in view of the questions and doubts concerning the foregoing procedure, the Commissioners intend by this Resolution to ratify and confirm said increase in the limit on the tax rate and at the same time to provide that said limitation shall not prevent the levy by the Town of ad valorem taxes without limit to pay the principal of and interest on any bonds or other evidences of indebtedness issued by the Town.

NOW, THEREFORE:

Section 1. BE IT RESOLVED by The Commissioners of Leonardtown that Section 104 of the Code of Public Local Laws of St. Mary's County be, and the same is hereby, amended to read as follows:

104. Same; tax rate, collection.

The Commissioners ((may)) shall levy not later than thirty (30) days before the first day of July annually on ((the)) all assessable property within the corporate limits of the town ((or corporation a sum)) an ad valorem tax at a rate sufficient for all ((general)) purposes, including debt service on outstanding bonds or other obligations of the town, such ((taxes)) tax not to exceed the rate of ((sixty cents)) One Dol-

lar on ((the)) each one hundred dollars ((worth)) of assessed value of property for general municipal purposes plus such additional rate or amount as may be necessary to pay the principal and interest coming due in the levy year on all such bonds or other obligations. Such taxes, when levied, shall be a preferred lien upon the property assessed, and shall be due and demandable on the first Monday in August of each year. After ((being levied for the collection of taxes so levied, from which time said taxes shall draw six per cent interest, the)) said date, said taxes so levied shall bear interest at the rate of one-half of one per cent per month until paid. The Commissioners shall annually appoint a collector of taxes within the corporate limits of said town, who may be the bailiff of said town, on or before the second Monday of July in each year, and the said collector shall within ten days after his appointment, give bond to the State of Maryland in double the amount of taxes to be collected and conditioned on the faithful performance of the trust reposed in him as collector, with sureties to be approved by the Commissioners, and on failure to give bond within the time specified, the Commissioners shall appoint another person as collector.

Section 2. AND BE IT FURTHER RESOLVED, that the date of adoption of this Resolution is July 10, 1967, and the amendment of the Charter of The Commissioners of Leonardtown hereby adopted shall become effective on August 29, 1967, unless a proper petition for a referendum thereon shall be filed as permitted by law; provided that a complete and exact copy of this Resolution shall be continuously posted on the bulletin board at the Town Office until August 19, 1967, and provided further, that a copy of the

title of this Resolution shall be published in The St. Mary's Beacon, a weekly newspaper of general circulation in the Town, in the issues of said newspaper of July 13, 20, 27 and August 3, 1967.

Section 3. AND BE IT FURTHER RESOLVED, that the President of the Commissioners is hereby specifically enjoined to carry out the provisions of Section 2 hereof, and as evidence of such compliance, said President shall cause to be affixed to the minutes of this meeting an appropriate certificate of publication of the newspaper in which the title of this Resolution shall have been published and shall declare the Charter amendment hereby enacted to be effective by affixing his signature hereto in the space provided below on the effective date of such amendment.

Section 4. AND BE IT FURTHER RESOLVED that, as soon as the Charter amendment hereby enacted shall become effective, either as herein provided or in due course of law following a referendum, the President shall send separately by registered mail, to the Secretary of State of Maryland, and to the Department of Legislative Reference of Maryland, clear certified copies of the text of the section of the Code of Public Local Laws of St. Mary's County, as revised by the amendment enacted by this Resolution, and a certified copy of this Resolution, showing the number of Commissioners voting for and against it, and a report on the votes cast for or against the amendment hereby enacted at any referendum thereon and the date of such referendum.

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The above Charter amendment was proposed and enacted by the foregoing Resolution which was passed at a special meeting of The Commissioners of Leonardtown, held pursuant to Notice, 5 Commissioners voting in the affirmative, and No Commissioners voting in the negative, and said Resolution became effective in accordance with law on the 29<sup>th</sup> day of AUGUST, 1967.

ATTEST:

Charles A. Brown

Francis R. Dean

President, The Commissioners  
of Leonardtown