



Introduced & 1st Reading: March 2, 2021
Adopted: April 6, 2021

**CITY OF MOUNT RAINIER, MARYLAND
ORDINANCE NO. 03-2021**

Introduced by: Councilmember Bryan Knedler

Amending Chapter 1B, “Budgeting and Financial Procedures”, of the Code of Ordinances of the City of Mount Rainier, to add Section 1B-103, “Content of Proposed Budget”, to provide that certain fees received but unspent in any fiscal year are reappropriated for the same purpose in the proposed annual budget for the succeeding year submitted to the Mayor and Council by the City Manager.

WHEREAS, pursuant to Md. Code Ann., Local Gov’t. Article, § 5-202, the City of Mount Rainier, Maryland (“the City”) has the authority to adopt such ordinances as it deems necessary to assure the good government of the City; protect and preserve the City’s rights, property, and privileges; and preserve peace and good order; and

WHEREAS, pursuant to Local Gov’t Article, § 5-205, the City may spend money for any public purpose and to affect the safety, health, and general welfare of the City and its occupants, but not spend money under paragraph (1) of this subsection if the money was not appropriated at the time of the annual levy and may spend money only for the purpose for which the money was appropriated; and

WHEREAS, the City has implemented its budget making authority through Article VII, “Finance” of the City Charter and Chapter 1B, “Budgeting and Financial Procedures,” of the City Code, which contains certain provisions relating to the preparation of the budget; and

WHEREAS, from time to time, the City collects certain fees for certain purposes and the Council wishes to ensure that such fees are expended for the purposes for which they were collected and to that end, wish to ensure that funds received but unspent in any fiscal year are reappropriated for the same purpose in the proposed

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annual budget for the succeeding year submitted to the Mayor and Council by the City Manager.

Section 1. NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER, MARYLAND, that Chapter 1B, “Budgeting and Financial Procedures”, of the Mount Rainier Code of Ordinances shall be amended to add new Section 1B-103, “Content of Proposed Budget,” to read as follows:

A. THE CITY MANAGER’S PROPOSED BUDGET, PREPARED PURSUANT TO SECTION 702 OF THE CITY CHARTER, SHALL INCLUDE PROPOSED APPROPRIATIONS IN THE TOTAL AMOUNT OF ANY FEES COLLECTED BY THE CITY FOR A SPECIFIC PURPOSE BUT NOT EXPENDED PRIOR TO THE PRESENTATION OF THE PROPOSED BUDGET AND SHALL ALLOCATE SUCH APPROPRIATIONS TO THE PURPOSE FOR WHICH THE FUNDS WERE COLLECTED. SUCH PROPOSED APPROPRIATIONS SHALL INCLUDE BUT SHALL NOT BE LIMITED TO FUNDS COLLECTED: PURSUANT TO CITY CODE §§ 3-105(F), 12B-11(B), OR 12B-15, AS SUCH SECTIONS MAY BE AMENDED OR RECODIFIED FROM TIME TO TIME; ALLOCATED PER § 4-200(B), AS SUCH SECTION MAY BE AMENDED OR RECODIFIED FROM TIME TO TIME; AND AS PASS-THROUGH ACCOUNTS FOR THE MOUNT RAINIER COMMUNITY GARDEN AND MOUNT RAINIER BIKE CO-OP.

B. IF FEES ARE RECEIVED OR EXPENDED BY THE CITY FOR ANY PARTICULAR PURPOSE SPECIFIED BY THE CITY CODE OR BY ANY CITY RESOLUTION AFTER SUBMISSION BY THE CITY MANAGER OF A PROPOSED BUDGET TO THE MAYOR AND COUNCIL AND BEFORE ADOPTION THEREOF, THE CITY MANAGER SHALL SUBMIT TO THE MAYOR AND COUNCIL A REVISED PROPOSED BUDGET ADDING THE ADDITIONAL FEES OR EXPENDITURES TO THE LINE ITEMS FOR THE PURPOSE FOR WHICH SUCH SUMS WERE COLLECTED.

C. ON OR BEFORE JULY 31 OF ANY FISCAL YEAR, THE CITY MANAGER SHALL ADVISE THE MAYOR AND COUNCIL IN WRITING OF THE RECEIPT OF ANY FEES OR EXPENDITURES RECEIVED BY THE CITY FOR ANY PARTICULAR PURPOSE SPECIFIED BY THE CITY CODE OR BY ANY CITY RESOLUTION AFTER THE ADOPTION OF ANY ANNUAL BUDGET FOR SAID FISCAL YEAR.

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D. NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS A. THROUGH C. OF THIS SECTION, THE MAYOR AND COUNCIL MAY INCREASE OR DECREASE THE AMOUNTS PROVIDED IN THE CITY MANAGER'S PROPOSED BUDGET RELATING TO FEES COLLECTED BY ORDINANCE OR RESOLUTION FOR SPECIFIC PURPOSES, IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY CHARTER, CITY CODE, AND CITY COUNCIL RULES OF PROCEDURE TO THE SAME EXTENT AND IN THE SAME MANNER AS THEY MAY ACCOMPLISH AMENDMENTS TO OTHER PROPOSED BUDGET LEGISLATION.

Section 2. This Ordinance is adopted by the Council of the City of Mount Rainier this 6th day of April, 2021, and shall take effect immediately provided that a fair summary shall be posted at City Hall for at least two weeks after it becomes effective and shall be published at least once in a newspaper having general circulation in the City or otherwise delivered to every City household.

Attest:

Latasha A. Gatling
Latasha Gatling, Interim City Manager

Malinda Miles
Malinda Miles, Mayor

Luke Cheseck
Luke Cheseck, Councilmember Ward 1

Celina Benitez
Celina Benitez, Councilmember Ward 1

Bryan Knedler
Bryan Knedler, Councilmember Ward 2

Scott B. Cecil
Scott Cecil, Councilmember Ward 2

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