

**DRAFT - FOR DISCUSSION PURPOSES ONLY**  
**VMA Council Response to Funk Bolton Recommendations**

<b>#</b>	<b>Section</b>	<b>Funk &amp; Bolton Recommendation Summary</b>	<b>Bolt Legal Counsel*</b>	<b>VMA Council Response**</b>	<b>Notes/Action Taken</b>
1	I. The Charter, Section 101	Ensure consistency of abbreviation of VMA throughout.	Defer to VMA Council. Using both "Martin's Additions" and "Village" may not be an issue.	Agree	Make changes when Charter amendment is done.
2	I. The Charter, Section 101	Remove reference to special taxing district	Agree	Agree	Make changes when Charter amendment is done
3	I. The Charter, Section 201	Rather than specifically stating the VMA boundaries, refer to filings with State and County, to avoid having to amend Charter at later dates	Defer to VMA Council	Disagree	VMA will not be growing or annexing, as a result, the change is unnecessary
4	I. The Charter, Section 301	Ensure consistency of abbreviation of Village Council (and VMA, per #1) throughout.	Defer to VMA Council. Using both "Council" and "Village Council" may not be an issue.	Agree	Make changes when Charter amendment is done
5	I. The Charter, Section 301	Amend definitions of "Qualified Voter" and "Resident"	Agree	Agree	Make changes when Charter amendment is done. Counsel has advised on a voter qualification issue.
6	I. The Charter, Section 401	Recommend adding the Arabic numeral in a parenthesis after any number that is written out	Defer to VMA Council	Agree	Make changes when Charter amendment is done
7	I. The Charter, Section 402	Shorten to define who may run for Council	Disagree	Disagree	Counsel recommends no change. Although the provision could be simplified, the subject sentence clarifies an issue that may not be clear if the sentence were deleted.

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8	I. The Charter, Section 403	Clarification about who has check signing authority	Defer to VMA Council	Agree	Make changes when Charter amendment is done, clarifying that 2 Council members have the authority to sign checks and updating who must be bonded in Section 902
9	I. The Charter, Section 403	Appoint another member of the Council to fulfill Secretary's custodial duties, if/as needed	Disagree	Disagree	The Village Manager has already been tasked with this (per Section 404).
10	I. The Charter, Section 403	Recommend that officer selection be done during a specific organizational meeting	Defer to VMA Council	Disagree	The Council handles this at the beginning of the first meeting of the new Council as the first order of business, after the Oath is given per Section 901.
11	I. The Charter, Section 405	Delete reference to "Sections 501 and 502" and increase expenditure threshold from \$1,000 to \$5,000 or \$10,000	Agree	Agree	Make changes when Charter amendment is done
12	I. The Charter, Section 406	Delete references to "by-laws"	Agree	Agree	Make changes when Charter amendment is done
13	I. The Charter, Section 406	Revise language of this section to say that Council meetings are open unless closed pursuant to Maryland Open Meetings Act and revise for updates to that Act	Agree	Agree	Make changes when Charter amendment is done
14	I. The Charter, Section 407	Revise to refer to and make the meeting minutes open pursuant to the Village's Public Information Policy	Defer to VMA Council	Disagree	Recommendation OBE as meeting audio recordings and minutes are posted on the Village website
15	I. The Charter, Section 408	Consider removing the requirement to have the Election Committee recommend 3 candidates in case of a Council Vacancy	Defer to VMA Council (but the current process provides a public benefit)	Disagree	Council believes that the process as originally set forth is best

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16	I. The Charter, Section IV - Other issues	Recommendations based on if the Council were to ever draw pay	Defer to VMA Council	Disagree	Council does not believe the VMA Council will ever be more than resident-volunteers
17	I. The Charter, Section 501	Clarify the meaning of "regulation"	Disagree	Disagree	"Regulations" are not always ordinances or resolutions. They could be, <i>e.g.</i> , traffic orders under the Maryland Transportation Article.
18	I. The Charter, Section 502	Recommendation for making the Ordinance passage process less burdensome	Disagree	Disagree	Council believes that the process as originally set forth is best
19	I. The Charter, Section 602	Recommendation to change the Election Date to make more consistent with other meetings and facilitate transition. Also, notes need for rules and procedures to be adopted by the Council	Agree	Agree	Council referred comments to Election Committee for review and consideration.
20	I. The Charter, Section VI - Other issues	Council may consider other clarifying language on election procedures, qualified voters, etc.	Defer to VMA Council (Section 602 contemplates adoption of rules)	Agree	Council believes this will be resolved with Election Committee work and other proposed changes.
21	I. The Charter, Section 701	Recommend deleting redundant conflict of interest language regarding Council members	Defer to VMA Council (it may be best to retain because Code is amended more easily)	Agree	Make changes when Charter amendment is done
22	I. The Charter, Section 701	Recommend defining "professional services" contract and establishing some basic contract procedures	Agree (a procurement ordinance would be useful)	Disagree	Council concurs with the recommendations needing to be addressed, but will handle in the Code, not the Charter

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23	I. The Charter, Section 702	Recommend further addressing of debt provision language	Defer to VMA Council	Disagree	The proposed amendment may be unnecessary. The Council could wait until such time as public debt borrowing is anticipated, before undertaking this edit.
24	I. The Charter, Section 703	Recommend further addressing of debt provision language, making it easier for the Village to borrow money	Defer to VMA Council	Disagree	The proposed amendment may be unnecessary. The Council could wait until such time as public debt borrowing is anticipated, before undertaking this edit.
25	I. The Charter, Section VII - Other issues	Council may consider adding provisions regarding the Treasurer's duties and responsibilities	Defer to VMA Council		The recommendations could be addressed in the Code, instead, if deemed necessary by the Council. The proposed edits may be deemed unnecessary (e.g., regarding budget preparation, the maintenance of an accounting system, budget amendments, etc.).
26	I. The Charter, Section 801	Consider specifying duties of the Manager	Disagree	Disagree	This is already handled in the Code
27	I. The Charter, Section 802	Combine with section in Code?	Agree (but delete Code Section 2-203 in favor of Charter, rather than <i>vice-versa</i> )	Agree	Address with Code amendment
28	I. The Charter, Section VIII - Other issues	Consider adding section on compensation and benefits of employees	Disagree (this should be covered by non-binding employment manual)	Disagree	Council does not believe such information needs to be in the Charter

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29	I. The Charter, Section 903	Delete requirement for pre-election/pre-employment "disclosure."	Defer to Council (but reference to "bylaws" should be deleted. Disclosure may be deemed unnecessary based on conflicts of interest Code)	Agree	Make changes when Charter amendment is done
30	I. The Charter, Section 906	Recommend deleting reference to outdated Maryland Code	Defer to VMA Council	Agree	Make changes when Charter amendment is done
31	I. The Charter, Section IX - Other issues	Consider adding language regarding conflicts between Charter and existing ordinances	Disagree	Disagree	Council believes the Charter takes precedence by law
32	II. Code of Ordinances, Chapter 1	Review abbreviated terms for consistency	Defer to VMA Council	Agree	Make remaining changes when next Code amendment is done
33	II. Code of Ordinances, Chapter 2	Amend Chapter to include Elections procedures and make term language consistent with the Charter	Defer to Council (rules could be separately adopted, rather than added to the Code)	Agree	Make changes upon Council approval of Elections Committee recommendations
34	II. Code of Ordinances, Chapter 2	Incorporate Section 2-203 "council may employ..."	Disagree	Disagree	Recommendation has already been addressed
35	II. Code of Ordinances, Chapter 2	Delete 2-501 as redundant of Charter	Disagree	Disagree	Council has conferred with counsel and will leave in as consistent with the MD AG's model

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36	II. Code of Ordinances, Chapter 3	Recommend moving 3-302 and incorporating it into Chapter 2, Section 5 for consistency	Agree	Agree	Recommendation has already been addressed by Ordinance No.: 11-15-1 (see Section 3-201)
37	II. Code of Ordinances, Chapter 3	Recommend updating 3207 to refer to Title 6 of the Local Government Article and adopting a penalty class schedule	Defer to VMA Council	Agree/Disagree	Recommendation has already been addressed regarding outdated reference. The Council finds that a more-detailed penalty class schedule is not needed at this time.
38	II. Code of Ordinances, Chapter 4	Update the Ethics Code with minor changes	Agree	Agree	Council referred comments to Ethics Committee for review and consideration.
39	II. Code of Ordinances, Chapter 5	No recommendation.	Counsel noted that VMA "opts-in" to County Code unless it specifically "opts-out"		Council may consider having a "holistic review" of County Code to ensure that the Village does not want to "opt-out" of anything else. County Code has changed significantly since the last time it was reviewed.
40	II. Code of Ordinances, Chapter 6	Recommended changes to the municipal infraction schedule	Defer to VMA Council	Disagree	The Council finds that a more-detailed penalty class schedule is not necessary at this time.
41	II. Code of Ordinances, Chapter 7	Recommendation about the MD Minimum Livability Code	Disagree (unless VMA wants to take on enforcement)	Disagree	Council believes best deferred to the County
42	II. Code of Ordinances, Chapter 7	Article 2: Add penalty section for the entire article	Disagree	Disagree	Currently, Section 3-302 is the default provision and imposes a fine of \$100 for any Code violation. If a different penalty is to be imposed for any specific violation, it can be separately provided as needed.

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43	II. Code of Ordinances, Chapter 7	Article 4: Recommendation about Maryland Building Performance Standards	Disagree (unless VMA wants to enforce)	Disagree	Council believes best deferred to the County
44	II. Code of Ordinances, Chapter 7	Recommend adding a penalty section to Article 4	Disagree	Disagree	Recommendation has already been addressed
45	II. Code of Ordinances, Chapter 8	Recommend making 8-103 consistent with State law restrictions for signs in State roads	Disagree	Disagree	This Section governs Village roads.
46	II. Code of Ordinances, Chapter 9	Consolidate penalty sections, clarify municipal infractions, and authorize issuance of a stop work order	Agree	Agree	Make remaining changes when next Code amendment is done
47	III. Resolutions and Policies, Establish Schedule of Completion Bonds	Confirm adopted and make language consistent with 6-304	Defer to VMA Council	Agree	Resolution could be re-adopted
48	III. Resolutions and Policies, Interpretive Policy re parking	Recommend clarifying intent in Code rather than in policy	Agree	Agree	Recommendation has already been addressed
49	III. Resolutions and Policies, generators and auxiliary power units	Recommend clarifying intent in Code rather than in policy	Agree	Agree	Recommendation has already been addressed

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50	III. Resolutions and Policies, Policy on Objects in the ROW	Recommend clarifying intent in Code rather than in policy	Agree	Agree	Make remaining changes when next Code amendment is done
51	III. Resolutions and Policies, Policy on Sump Pump Charges in the ROW	Recommend clarifying intent in Code rather than in policy	Agree	Agree	Make remaining changes when next Code amendment is done
52	III. Resolutions and Policies, Block Party Policy	Recommend clarifying intent in Code rather than in policy	Defer to VMA Council	Disagree	Council believes that the process as originally set forth is best
53	III. Resolutions and Policies, VMA Public Information Act	Recommend clarifying that if there is conflict with State law/regs, defer to State law/regs	Defer to VMA Council	Agree	Make relevant changes when next Code amendment is done

\* Bolt Legal response "Agree" means the issue should be addressed, but not necessarily according to the recommendation. "Defer to Council" means a policy decision is involved, rather than a legal deficiency.  
 \*\* VMA Council Response (i.e. Agree/Disagree) does not mean that the Council agrees with the approach recommended by Funk & Bolton but rather whether the issue raised requires addressing.