

The Town of
GLEN ECHO
Chartered 1904

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TOWN COUNCIL WORK SESSION MINUTES
March 29, 2021; Held Virtually Via Zoom

CALL TO ORDER: MAYOR WILLEM POLAK. 7:02 PM

PRESENT

Mayor: Willem Polak.

Councilmembers: (CM) Dia Costello, Matt Stiglitz, and Julia Wilson. Absent: Dan Spealman.

Town Manager: (TM) Beth Boa.

Volunteer Advisor to the Town: Jean Sperling

FY 2022 TAX RESOLUTION INTRODUCTION - TOWN RESOLUTION 21-02 – TO APPROVE
LEVYING A TAX ON CERTAIN REAL AND PERSONAL PROPERTY FOR FY 2022.
(attached)

Motion to Introduce Resolution 21-02: CM Stiglitz; 2nd CM Costello. Approved 3-0.

FY 2022 BUDGET ORDINANCE INTRODUCTION - TOWN ORDINANCE 21-03 – TO ADOPT A
BUDGET FOR FISCAL YEAR JULY 1, 2021 – JUNE 30, 2022 (FY 22) (attached)

Motion to Introduce Ordinance 21-03: CM Wilson; 2nd CM Stiglitz. Approved 3-0.

DISCUSSION ON TOWN ELECTION 2021

The Council requested that TM Boa send a reminder to residents about running for office via Constant Contact. Nominations are due April 13. The seats up for election are the Mayor and two Council seats currently occupied by Matt Stiglitz and Dan Spealman.

DISCUSSION ON WYNNE PAYMENT

Like many other municipalities in the State of Maryland, the Town of Glen Echo is obligated to repay the State of Maryland a sum of money as a consequence of the decision in 2015 by the Supreme Court, known as the “Wynne Decision.” This decision applied the dormant Commerce Clause doctrine to Maryland’s personal income tax scheme and found that a failure on the part of the state of Maryland to provide a full credit for income taxes paid to other states was unconstitutional. This identified an obligations of almost \$7,000 for the Town of Glen Echo. As a part of a deal struck for repayment, the Town is required to repay this obligation. either by having it deducted from quarterly state income taxes payments to the town over the next 20 years or as an alternative, the total due to the state can be paid by the State determined due date of May 1, 2021. The Council discussed this and expressed an interest in paying the lump sum debt obligations rather than stretching this out over 80 payments adjustments and 20 years. The discussion will continue at the April 12, 2021 Council Meeting.

ADJOURNMENT:

Meeting Adjourned 7:21 pm

Minutes Prepared by: Beth Boa, Town Manager

Approved by: Willem Polak
Mayor, Willem Polak

Date: April 13, 2021

Resolution No.: 21-02
Introduced: March 29, 2021
Adopted:
Effective Date: July 1, 2021

THE TOWN OF GLEN ECHO

SUBJECT: A RESOLUTION TO APPROVE LEVYING A TAX ON CERTAIN REAL AND PERSONAL PROPERTY UNDER THE PROVISIONS OF SECTION 6-203 OF THE TAX-PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AS AMENDED.

WHEREAS, Maryland Code, Tax-Property Article, Section 6-203, as amended, grants authority to municipal corporations to levy a tax on personal property, land, and improvements thereon, within the municipal corporation;

WHEREAS, the Town of Glen Echo is a municipal corporation within the meaning of Section 6-203 of the Tax-Property Article; and

WHEREAS, pursuant to Section 613 of the Town Charter, the Town Council has the authority to levy a tax on all real and personal property in the Town at the rate determined in accordance with Section 613 of the Town Charter; and

WHEREAS, pursuant to Section 606 of the Town Charter, a public hearing was held for the residents of the Town of Glen Echo on April 12, 2021 after due notice and advertisement of the time and place of the meeting and said notice included the proposed budget for the upcoming fiscal year and the proposed tax rates to be levied upon real and personal property; and

WHEREAS, after due deliberation and consideration of all information and testimony presented to the Town Council, the Town Council finds that the proposed tax rates on real and personal property will serve the best interests of the Town.

NOW, THEREFORE, be it:

RESOLVED: That the Town Council of the Town of Glen Echo pursuant to the authority granted by the Town Charter and Section 6-203 of the Tax-Property Article of the Annotated Code of Maryland, hereby levies a tax at the rate of fifteen cents (\$0.15) per One Hundred Dollars of assessable value (fair market value) on real property subject to taxation by the Town; eighty cents (\$0.80) per One Hundred Dollars of assessed value of assessable personal property subject to taxation by the Town; one dollar and fifty cents (\$1.50) per One Hundred Dollars of assessable utility property subject to taxation by the Town; and be it further

RESOLVED: That the tax levied hereby be certified to the County Council for Montgomery County, Maryland, and that Montgomery County, Maryland be, and hereby is, authorized and directed to collect and pay over said tax to the Town of Glen Echo; and be it further

RESOLVED: That the Director of Finance for Montgomery County, Maryland be advised on this resolution.

Attest:

I hereby attest that the above Resolution was duly adopted by the Town Council on the th day of MONTH 2021, by a vote of ___ in favor and ___ in opposition

Date: _____

, Clerk-Treasurer Town of Glen Echo

Approved:

Date: _____

Willem Polak, Mayor
Town of Glen Echo

Ordinance No.: 21-03
Introduced: March 29, 2021
Adopted:, 2021
Effective Date: July 1, 2021

THE TOWN OF GLEN ECHO

**SUBJECT: AN ORDINANCE TO ADOPT A BUDGET FOR FISCAL YEAR
JULY 1, 2021 TO JUNE 30, 2022**

WHEREAS, Local Government Article, Section 5-202 of the Maryland Code grants to the legislative body of every incorporated municipality in Maryland, including the Town of Glen Echo, general power to pass such ordinances not contrary to the Constitution of Maryland, or public general law, as they may deem necessary in order to assure that good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience for the citizens of the municipality;

WHEREAS, Maryland Code, Tax-Property Article, Section 6-203, as amended, grants authority to municipal corporations to levy a tax on personal property, land, and improvements thereon, within the municipal corporation;

WHEREAS, Maryland Code, Local Government Article, Section 5-205, as amended, authorizes the legislative body of each municipal corporation in the State of Maryland to spend money for any public purpose and to affect the safety, health, and general welfare of the municipality and its occupants;

WHEREAS, Sections 413 and 415 of the Charter of the Town of Glen Echo authorize the Town Council to pass ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter of the Town of Glen Echo;

WHEREAS, Section 414(5) of the Charter of the Town of Glen Echo authorizes the Town Council to appropriate municipal moneys for any purpose within the powers of the Town Council, and Section 613 of the Charter, authorizes the Town Council to levy a tax on all real and personal property in the Town at the rate determined in accordance with Section 613 of the Town Charter; and

WHEREAS, the Town Council introduced the following Ordinance in public session assembled on the 29th day of March 2021;

WHEREAS, the Town Council, after proper notice to the public, considered the following Ordinance at a public hearing held on the 12th of day of April 2021;

WHEREAS, prior to adopting this Ordinance, the Town Council held public meetings on March 29, April 12, and April 26, 2021 to discuss and adopt tax rates for the forthcoming fiscal year and, by the attached resolution, adopted tax rates for the forthcoming fiscal year; and

WHEREAS, the Town Council finds that the Ordinance as hereinafter set forth is necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the Town, and otherwise advantageous and beneficial to the Town.

NOW THEREFORE, the Town Council does hereby adopt the foregoing Ordinance:

BE IT ORDAINED AND ORDERED, this 26th day of April 2021, by the Town Council, acting under and by virtue of the authority given it by the Maryland Code and the Town Charter, that the attached Budget be and is hereby adopted.

AND BE IT FURTHER ORDAINED AND ORDERED, by the Town Council, acting under and by virtue of the authority granted to it by the Maryland Code and the Town Charter, that:

- (1) Pursuant Maryland Code, Local Government Article, Section 5-205(b)(4), the Town Council may spend money for a purpose different from the purpose for which the money was appropriated or spend money not appropriated in the attached budget if approved by a two-thirds vote of the Town Council;
- (2) If any part or provision of this Ordinance is declared by a court of competent jurisdictions to be invalid, the part or provision held to be invalid shall not affect the validity of the Ordinance as a whole or any remaining part thereof; and
- (3) This Ordinance shall take effect on the 1st day of July 2021.

Attest:

I hereby attest that the above Ordinance was duly adopted by the Town Council on the 26th day of April 2021, by a vote of ___ in favor and ___ in opposition.

Date: _____

Town Manager/Clerk-Treasurer
Town of Glen Echo

Approved:

Date: _____

Willem Polak, Mayor
Town of Glen Echo