

PREFACE

This Handbook was first produced in 1985 through the joint efforts of members of the Maryland Municipal Clerks Association and the Institute for Governmental Service (IGS) of the University of Maryland. Special credit should be given to those municipal clerks who had the foresight to anticipate the need and benefit to all clerks for this document:

Helen Heneghan, Clerk/Treasurer, City of Rockville, (Retired)
Glenda Ingham, Clerk/Treasurer, Town of Garrett Park
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Gertrude McCamley, Clerk, City of Hyattsville, (Deceased)
Kaye Sandul, Clerk, City of Laurel (Retired)

New technology has changed the way many of the tasks of the Municipal Clerk are handled. Based on this and on the original concept that this project was produced as a "working document," there was a need to revise and republish our handbook. Thanks go to Sue Page, Clerk of Hyattsville, who chaired this project. To all the members of the association who volunteered to assist in this republication project, "Thank You."

Carol L. Jacobs, President
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INTRODUCTION

THE CHANGING ROLE OF THE MUNICIPAL CLERK

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The Municipal Clerk has come a long way since the days of ancient Greece when he would open each official meeting by reading a curse upon anyone who should seek to deceive the people.

Perhaps it would be appropriate for each clerk to invoke a similar curse today. Never before has the need to restore the American people's trust in our government process been so apparent. Municipal officials in all the disciplines of government are under careful, even cynical, scrutiny by their constituents.

Municipal clerks are in a unique position to assure citizens of the stability of their grass roots government and to give them an example of its orderly functioning. They are in perhaps the most stable profession in local government, serving longer in their position than any other group of municipal officials. They assist new mayors and commissioners by orienting them as they come onto the council. They provide the direct link between the inhabitants of their towns and their government. They have been given the guardianship of the most fundamental tools of our democratic government; they are the recorders of the action of our legislative bodies, custodians of the documents of government, administrators of our free and open elections, and receivers of citizens' requests.

The emphasis on citizen participation and openness in government has, in effect, made many a clerk the ombudsman for his or her local government. This office is the place where most people come when they need to transact business with the city, to register a complaint, or to obtain information.

The responsibility heaped upon local government has made it common for the clerk to handle additional duties. Smaller communities, especially, have called upon the clerk to assume chief administrative responsibilities because the complexity and demands of governmental operations place too great a burden upon the volunteer citizen. Often the clerk serves as the secretary and administrator for volunteer city officials such as the mayor, council members, advisory boards, and citizen committees, and expedites matters directed to their attention. Many clerks hold such additional positions as finance officer, treasurer, tax collector, or licensing official.

The eminent political scientist, Professor William Bennitt Munro, writing in one of the first textbooks on municipal administration, stated:

"No other office in municipal service has so many contracts. It serves the mayor, the city council, and the city manager (when there is one), and all administrative departments without exception. All of them call upon it, almost daily, for some service or information. Its work is not spectacular, but it demands versatility, alertness, accuracy, and no end of patience. The public does not realize how many loose ends of city administration this office pulls together."

From an article by Mr. Lybolt, "The Nation's Cities," May 1975
(National League of Cities, Washington, D.C.), p. 22.

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CHAPTER I

THE CLERK IN MARYLAND LOCAL GOVERNMENT

Overview

It is not uncommon in Maryland municipalities for the city clerk or city treasurer (or clerk/treasurer where the positions are combined) to function as the municipal administrator. In a municipality with a part-time mayor serving as chief executive and in the absence of a manager or administrator, the clerk/treasurer could be the administrative head of the municipal government. As such this official would administer the personnel ordinance, prepare all or most of the municipal budget, interview and recommended candidates for employment, process complaints, and make recommendations to the council on various matters affecting the municipality. The clerk/treasurer thus would be carrying duties assigned by the municipal charter to the mayor, manager, or administrator. For this reason, the position of clerk/treasurer is of great importance in Maryland municipal government.

For cities and towns of all sizes in Maryland, the operative sentence of the preceding paragraph is the last one. Few local officials in the state are required to possess such a wealth of information as are the municipal clerks. From handling the most specific complaint to the interpretation of a town's ordinances or local policy decisions, the clerk is expected to have instant answers, knowledge, and patience. Given the fact that Maryland towns and cities are governed by various forms of local government structure (commission, "strong" mayor, "weak" mayor, city manager, city administrator), clerks must be knowledgeable of the constraints and requirements of their particular governmental structure. In addition, they should have working knowledge of various sections of the Annotated Code of Maryland, their own municipal code and charter, federal and state regulations, and tax issues. Clerks may also be expected to be responsible for conduct of elections and, in some jurisdictions, for grant applications and administration. In addition to constraints imposed by the legal structure of local or state law, the duties of a clerk may also be proscribed by requirements of the fiscal year and the budget cycle.

Legal Structure

Governing the operations of Maryland municipalities is the municipal charter; this document is the municipality's "constitution", spelling out municipal powers, the structure of government, the qualifications for municipal officials, and specifying personnel regulations, election provisions, and penalties for enforcement of local legislation. The means of charter revision and amendment are spelled out in detail in Article 23A of the Annotated Code of Maryland and include:

- Initiation procedures
- Posting of resolution
- Publication requirements
- Referendum provisions
- Election (if subject to referendum)
- Registration with state agencies

Figure 1 on page 6 is a brief process chart as to procedures to amend a municipal charter, including time restrictions.

As the charter is the municipality's "constitution," the municipality's code is the implementation of those charter powers and provisions. The code is made up of all the ordinances that are of a continuing nature. In other words, even though the budget is adopted by ordinance, it is done so annually and is not of continuing effect. The municipality's ordinances governing zoning or animal control, however, would be of continuing effect and would appropriately be codified. It is usually necessary to re-codify every few years to include any new legislation passed by the council or commission and to repeal any ordinance(s) that are no longer valid, or appropriate to the town's needs.

In addition to the local structure provided by the municipality's charter and code, state law has application in Maryland's incorporated municipalities. Some provisions of articles such as transportation, licensing, and health are applicable. More frequently, however, a clerk would need to be familiar with the provisions of Article 23A (municipal corporations); Article 40A (Maryland Public Ethics); Article 66B (Planning, Zoning, Subdivision Regulations); and State Government Article, Title 10 ("Open Meetings" Law)

The following pages provide a brief outline of the preceding four articles. These are intended to be helpful in locating answers to some of the most common questions that are directed to municipal clerks. Detailed questions or interpretations of the code provisions should be directed to the city attorney.

Article 23A, Annotated Code of-Maryland

Generally: The legal structure for municipal corporations in Maryland (Section)

- Specifically:
- Enumeration of express powers (2)
 - Violations of ordinances and resolutions (3)
 - Provision for public meeting (8)
 - Home Rule (i.e., charter provisions -- adoption, amendment procedures, registration of amendment (s) (9-17A)
 - Codification of ordinances (17B-18)
 - Annexation authority, method(s) of initiation, notice and hearing requirements, referendum process, election, service outline (19)
 - Merger of municipal corporations (19A)
 - Incorporation issues (20-30)
 - Municipal debt, bonds, limits on authority (31-39)
 - Tax rates (40)
 - Repeal of charter (41-43)
 - Special taxing districts (44)
 - Anti-discrimination provision (45)
 - Property qualifications for voters-prohibited (46)
 - Absentee balloting -- right to vote (47)
 - Compliance with workmen's compensation law (48)

Article 40A, Maryland Public Ethics

Generally: The legal structure that governs ethics provisions for local officials

Specifically:

- Definitions and provisions (Title 1)
- Provisions for state administration (Title 2)
- Conflicts of interest -- defined and discussed (Title 6, Subtitle 1)
- Financial disclosure -- who, when, how (Title 6, Subtitle 1)
- Lobbying disclosure (Title 6, Subtitle 1)
- Local government -- conflicts of interest implementation (Title 6, Subtitle 5)
- Enforcement (Title 7)

Article 66B, Annotated Code of Maryland

- Generally: The legal structure for municipal planning and zoning in the state. Applicable to all towns except for those in Montgomery and Prince George's Counties which are-governed by Article 66D (now Article 28), and the Maryland National Capital Park and Planning Commission. (Section)
- Specifically:
- Describes grant of power (3.01)
- PLANNING
- Composition, appointment, terms, powers and duties of planning commissioners (3.02- 3.05)
 - Describes the contents of a comprehensive master plan and its adoption mechanisms (3.06)
 - Legal status of an adopted master plan (3.08)
- ZONING
- Purposes of zoning by districts (4.02-4.03)
 - Adoption and amendment of zoning ordinance (4.04)
 - Role of Boards of Appeal (4.07)
 - Judicial review (4.08)
 - Preparation of regulations (5.03)
- SUBDIVISION
REGULATIONS
- Role of planning commission (5.01)
 - Development issues (5.03-6.08)
 - Enforcement and Penalties (7.01)
- HISTORIC
AREA ZONING
- Specific provisions dealing with historic districts (8.01-8.17)

State Government Article, Annotated Code of Maryland

Generally: The legal structure that insures open access by citizens to government process and decision making (Section)

- Specifically:
- Meetings of public bodies (10-502)
 - Meetings to be open (10-505)
 - Notice of meetings (10-506)
 - Closed meetings -- provisions for closing (10-508)
 - Minutes (10-509)
 - Enforcement (10-510)
 - Penalty (10-511)

CHAPTER II

OFFICE OF THE CLERK

Appointment

Although there are many states in which the appointment or hiring of a city clerk is mandated by state law, there is no uniform method in the State of Maryland for the hiring or appointment of a clerk. Clerks are hired by the mayor, by the mayor and council, by the commission, or by the municipality's manager/administrator. Indeed an informal survey conducted by the Institute for Governmental Service (IGS) as a part of this handbook project substantiated this diversity of appointment methods.

Although the cities and towns of Maryland have diversified governmental structure ranging from "weak" or "strong" mayor type to manager/administrator, nearly every governmental unit has a clerk by some title, i.e., city clerk, town clerk, clerk/treasurer or clerk/administrator. Regardless of the title, the municipal charter generally defines the duties and responsibilities of the clerk.

Most clerks in Maryland are appointees rather than merit employees of the town, i.e., they are appointed and serve at the pleasure of the chief executive or manager (usually with the approval of the local legislative body). Thus, most clerks are without the protection of a merit system which would reward tenure, offer protection from arbitrary dismissal, etc. Even so, the IGS survey indicated an amazingly stable work force, and that fact leads to the conclusion that Maryland's mayors tend to retain clerks from previous administrations rather than to replace them with new staff. These retentions or reappointments tend to reward expertise and knowledge and to support increased professionalism.

Qualifications

The qualifications for a clerk are as varied as Maryland cities and towns and the selection methods they use. As a general rule in this state, most clerks live in the city in which they work; in some places this is required by the town charter. Clerks often possess good deal of first-hand information about the city, personal knowledge that can be invaluable to a local clerk.

A college degree, though not essential, is helpful; IGS's survey of Maryland clerks shows most have a high school education. Courses in fundamental office practices, finance and accounting principles, and a study of the behavioral sciences, such as psychology, group dynamics, etc., plus a solid background in management, are the most helpful in successfully carrying out a clerk's duties. Specialized training is also an asset, but familiarity with good

management functions can make the difference in a well-run office. Previous experience in management and administration is one of the best tools a clerk can possess. Appendix A is a sample job description for a clerk/treasurer position.

General Duties

The clerk's duties are varied but generally fall into one or more of five categories:

- A duty common to practically all clerks is that of "secretary to the governing body," i.e., clerk to the town council or commission. In some municipalities the secretarial role extends to handling correspondence, filing, performing receptionist duties and scheduling appointments.
- As the election official, the clerk may oversee the election process, commencing with the registration of voters to the actual counting of ballots. Sometimes the clerk works under citizen board that supervises the election.
- As the secretary to the municipal corporation, the clerk is the keeper of all official municipal records required by law and the custodian of the municipal seal. The clerk signs and attests to official documents, records and maintains the minutes of the meetings, and maintains permanent records of all legislation. It is difficult to separate the duties of serving as secretary to the governing body from those of serving as secretary to the municipal corporation, since many of these duties overlap.

Some of the clerk's duties may lie in the area of administrative management. There are numerous administrative requirements that demand the clerk's attention and create additional paperwork. In many towns the clerk is also the clerk to various boards and commissions. The duties inherent in that responsibility will vary in accordance with any legal requirements of the particular commission and the availability of support staff.

The clerk's responsibilities vary depending on jurisdiction. The following duties have been identified as part of the clerk's obligations:

- Supervises and evaluates staff
- Payroll
- Tax preparation and billing
- Budget
- Correspondence
- Preparation of minutes
- Maintenance of records
- Personnel records
- Tax collector
- Issues permits and licenses

- Election duties
- Schedules use of the public building(s)
- Handles social arrangements
- Public relations/Deals with media
- Supervises office
- Filing
- Some legal research and para-legal functions
- Liaison for mayor and council with other city departments
- State and federal reports
- Prepares agenda and briefings
- Deals with citizen complaints
- Coordinates board and commission functions
- Paying bills
- Investing money
- Negotiates contracts/Procurement
- Handles advertising
- Publishes newsletter
- Maintains mayor and council calendar and appointments
- Drafts ordinances, resolutions, and proclamations
- Liaison with other governmental bodies
- Trains employees including election judges

A clerk's work week can exceed a normal forty hour week, due to additional time for night meetings. In addition, the clerk may be "on call" to the citizens due to the close association with the town government and the community.

CHAPTER III

THE CLERK AND THE GOVERNING BODY

Council Meetings- General Procedures

The city/county clerk is the recording officer of the municipality and the official custodian of the municipality records. As such, the clerk or the clerk's designee attends all meetings of the governing body and keeps its official minutes and records.

The clerk/designee ensures that meetings are conducted in an orderly fashion. The clerk/designee prepares, posts/publishes and circulates an agenda prior to the meeting. The chairperson uses the agenda to control the meeting and to lead participants through discussion of the issues to successful conclusions. Items on the agenda may be considered in any order if there is no objection from members of the governing body. The agenda should include notice of the time and meeting place and the items to be considered. The agenda may also include a definition of quorum requirements, basic information on the conduct of a formal meeting, and instructions to participants.

Agenda Preparation

The meeting agenda should be prepared far enough in advance to allow copies to be reproduced and distributed before the meeting. A deadline should be established for receiving new agenda items. The clerk/designee may meet with a city manager, administrator, or a public official to discuss the proposed agenda. Changes to the agenda should be posted and circulated as far in advance of the meeting as possible. The clerk/designee may be responsible for distribution of background information for agenda items. Appendix A is an example of a routine agenda for a council meeting.

Distribution

After approval, the agenda should be reproduced in sufficient numbers for distribution in advance to council members, city/county officials and the public, and for distribution at the meeting.

Staff Support Function - Preparation of Council Rooms

Preparation of the town hall meeting room should be a regularly scheduled procedure. Sufficient time should be allowed to ensure that all requirements are met before the meeting begins. The following is a suggested check list.

1. The meeting room has been cleaned and fresh ice water/coffee has been provided.

2. Name plates, if used, are in proper order.
3. Pads and sharpened pencils are at participants' places.
4. Microphones are in working order.
5. The speaker's podium is in place.
6. The tape recorder has been tested and an appropriate number of tapes to cover the meeting are available.
7. Briefing folders have been distributed.
8. Last minute material has been distributed.
9. Visual aids, a blackboard, and an overhead projector are available when necessary.
10. The clerk's/designee's material has been assembled.
11. Agendas for the public are available.

Clerk's/Designee's Duties at Meetings

The clerk/designee may be expected to:

1. Keep minutes of the meeting.
2. Call the roll for attendance record.
3. Read minutes, resolutions, titles of ordinances/bills, and correspondence when requested.
4. Repeat motions upon request.
5. Record names of members of the public speaking at meetings.
6. Accept documents presented at meetings.
7. Perform other related duties.

Classes of Municipal Meetings

There are five general classes of municipal meetings: Regular, special, closed session, work session, and public hearing. While the clerk/designee is primarily concerned with the activities of the governing body of the municipality, in some cities/counties the clerk/designee may be required to provide services to various boards and commissions that also hold meetings and do not have secretaries or clerks.

Regular Meetings are usually mandated by the city/county charter or local ordinance. They are held at stated intervals throughout the year and can be planned in advance. Most of the municipal business is conducted at regular meetings. The records of these meetings need to be accurate and complete.

Special Meetings are authorized by the city/county charter or local ordinance/rules as deemed necessary by the governing body. Emergency meetings are a form of special meetings and often are set on short notice.

Closed Meetings are another class of meeting. The Maryland open meeting law allows a legislative body to meet in closed session for specific reasons only. The closed session would be closed to all except the public officials and those persons designated by the public officials to attend the session. The clerk/designee must record the occurrence of a closed session in the minutes. The following is an example of how this might be shown in the minutes:

Pursuant to Section 10-508(a)(list numbers), State Government Article, Annotated Code of Maryland, at (hour) in the (place), by motion of (name of public official), seconded by (name), with (name) being absent, the Council/Commission voted to meet in closed session to discuss (subject), as listed on the agenda as Item(s) (list items) .

Work sessions are meetings of all or part of the governing body, where extended discussion, debate, and inquiry may occur, but no vote or official action is taken. These sessions often concern such matters as the budget, new construction projects, or proposed planning matters. The procedures of these meetings may be somewhat less formal than regular meetings, but the clerk/designee may have to take notes, arrange meeting materials, and perform other duties.

Public Hearings are held on items required by law (land-use and planning issues, for example), when there may be unusually high citizen interest in a particular item, or when the governing body deems it appropriate. The clerk/designee may be required to publish the notice of such hearings in a local newspaper. The notice should specify the time, place, and date of the hearing, and summarize the issues to be heard.

The clerk/designee may need to arrange for a stenographer/court reporter to record the public comments and testimony; this is mandatory for most land-use decisions. When this work is performed under contract by a private firm, the rate is usually based on a per-page charge.

Notice of Special Meetings

Notice of the meeting must be given to each member of the governing body, the general public, and appropriate staff. The notice should be posted on a bulletin board in the municipal building and members of the press should be notified.

Minutes of Meetings

The purpose of minutes is linked to an important principle of corporation law, applicable to private, public, and municipal corporations; that is, that such organizations can only act through their officers and employees. These corporations are governed by fixed rules found in the basic law of the organization, which is the city/county charter for municipal corporations. A sufficient record must be kept to provide that the governing body has complied with the law or rules by which it is governed. This reinforces the need for an accurate and clear record of all proceedings. If clear, accurate minutes of meetings are recorded, the minutes will be treated as conclusive

evidence of stated facts. A standardized format should be used to develop uniformity on minute entries and to save time in preparing the record.

As evidence that the municipality is in compliance with the law/ordinance requiring a meeting to be held, the minutes should contain the following:

1. The date, hour, and place of the meeting.
2. The type of meeting (regular, special, closed, work session, or public hearing).
3. A statement that proper notice has been given when the notice of the meeting is legally mandated.
4. The names of the members of the governing body in attendance (members arriving late or leaving early should be recorded as absent for a vote; the time of arrival and departure may be recorded in the minutes if this is the practice).

The minutes should contain all actions taken by the governing body and reflect how the governing body voted. The minutes should reference all resolutions, ordinances, and bills adopted by the governing body, include all amendments to these documents made from the floor, and reflect the compliance of the municipality to any procedures the municipality is required to follow in adopting resolutions, ordinances, and bills. It is not necessary to include the discussion of issues in the minutes, unless this is required by the governing body. Appendix C is the minutes of a special council meeting in the town of Garrett Park, Maryland.

Approval of Minutes

Minutes should be approved by the governing body because this is the traditional procedure and lends further weight to the accuracy and completeness of the record. Many municipalities have adopted rules concerning minutes approval that have to be followed or the clerk's office has established procedures for minute approval. It is recommended that the governing body be furnished copies of minutes in sufficient time prior to the meeting to avoid the need for the clerk/designee to read the minutes. Once the minutes are approved as written or as amended by the governing body, the minutes are considered to be official. The minutes should be placed in bound books or heavy-duty notebooks bearing appropriate titles and devoted exclusively to such purpose. The minutes should be kept in a secure, fireproof storage area. Copies of the minutes should be stored off site. For additional security, minutes should be microfilmed and kept on discs.

Indexing

A comprehensive general index of the proceedings of meetings should be kept by the clerk. The general index of the proceedings should be maintained electronically by computer. The index should be printed frequently and kept in a notebook. The index should include the subject, the resolution/ordinance/bill number, the dates of meetings at which the subject was considered, action taken, and the date of the action.

Chapter IV

BOARDS AND COMMISSIONS IN MUNICIPAL GOVERNMENT

Board Members' General Responsibilities

The most fundamental and important responsibility of each board member is to regularly attend and participate in the monthly meetings. While most board members have some expertise and experience to lend to the matters that come before the board, the Mayor and Council are more interested in receiving input from the "average" citizen. You are not expected to be a specialist. What is most important is your willingness to serve and provide input on the many important issues that come before the board.

Meetings

Boards and Commissions meet at varying times, usually monthly or more often as necessary. The meetings are usually held at locations that are convenient for all members to attend. These meetings can be at City Hall or at some other City facility. Most meetings last approximately two hours. From time to time, special meetings or events are held, which take

board - is necessary for the board to conduct official business, take action on motions, etc.

Attendance

Board members are asked to attend all meetings. Excessive absenteeism, excluding illness or necessary travel, may be cause for removal of a board member. Three unexcused absences are often considered enough to require resignation from the board. Board members should notify the staff liaison or chairperson of planned absences prior to the meeting missed.

Length of Term - Reappointment

Board members' terms vary from board to board. Board members may apply for reappointment. Members will be notified by the City Clerk's office of their term expiration sixty to ninety days in advance. Those who wish to apply for another term may do so by informing the City Clerk.

Compensation

Most Board members serve on a volunteer basis without compensation. However, in some cities, a small stipend is paid to those serving on a board or commission.

Communications

A briefing packet should be mailed or delivered to each board member a few days prior to each meeting. This packet contains the meeting agenda, background materials pertaining to agenda items, monthly divisional reports, and other items. The chairperson receives the agendas and minutes of the Mayor and Council meetings and is expected to keep all members apprised of actions that may be of interest to the board.

The Mayor and Council transmit requests to the board for recommendation or action through the City Clerk or staff liaison. The board transmits its findings, recommendations, or reports to the Mayor and Council via the staff liaison and the City Clerk. Copies of all board correspondence to the Mayor and Council should also be sent to the City Manager and to the Director of the department that is affiliated with a particular board or commission.

Board members are encouraged to contact the Mayor and Council at any time with specific concerns, issues, or questions. When contacting the Mayor and Council it is important for board members to clarify whether they are expressing personal concerns or opinions, or representing the majority or consensus of the full board.

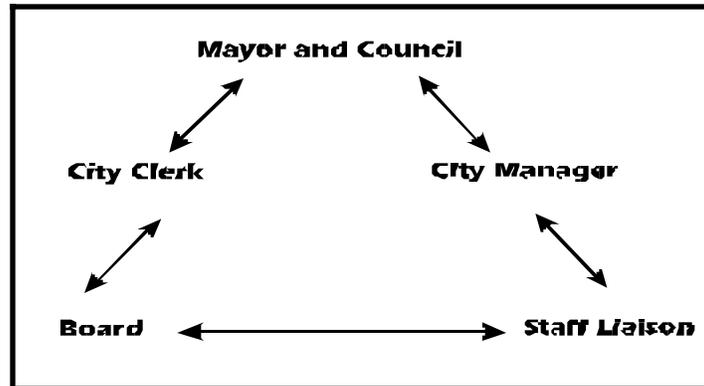
Reporting Relationships - Mayor and Council-board-staff

Most boards and commissions report directly to the Mayor and Council. Communications back and forth most often are routed through the City Clerk's office or the staff liaison. The board communicates with the Mayor and Council via its monthly meeting minutes, by memorandum, or face-to-face in work sessions.

The staff liaison serves as the Mayor and Council representative to the board, usually via the City Manager. The staff liaison is responsible for keeping the City Manager and the Mayor and Council informed through the department head of all commission activities and decisions.

Board members and the staff should nurture a shared sense of purpose and work in concert. The staff liaison is assigned to assist the board in many ways, but the liaison is usually not a subordinate of the board. While the board does not have the authority to issue direct orders to the staff for project work, reports, budgetary decisions, etc., such tasks are often undertaken on a mutually agreed basis.

In actuality, in the interest of getting the important work of the board done, and to best serve the elected official's needs, communication goes all ways. The board and the staff make every attempt to reach consensus on most issues and communicate that consensus to the Mayor and Council. Here is an "organization chart" that perhaps best portrays the reporting relationships among the board, Mayor and Council, and the staff.



Work Sessions

The Mayor and Council may decide to hold annual work sessions with each board and commission, as well as other meetings when the circumstances dictate. These work sessions serve as opportunities for open dialogue regarding matters of mutual concern and to address issues that may have budgetary or policy impacts.

Meeting Minutes

Minutes of all meetings will be taken by the staff liaison or a designee. Minutes provide an important record of board actions and serve as a communications tool, keeping the City Manager, City Clerk and the Mayor and Council informed of the activities at monthly meetings. A draft of the previous month's minutes should be distributed with the agenda for the next month's meeting. Board members should review the draft and come to the meeting prepared to suggest any changes or corrections.

Some Mayors and Councils have directed that board and commission meeting minutes be prepared in a succinct format. Minutes are to primarily record the actions of the board. When recording discussions in which no motion is made, the general consensus arising out of the discussion is recorded, along with recommendations for future actions, and who is responsible. Board members who desire more detailed records of discussion points are encouraged to take their own notes.

Chairperson's Role

The chairperson is appointed to a designated term by the Mayor. Usually the chairperson term is for one year and the position is rotated after one or two years, so that

different members have the opportunity to serve in this role. Here are some examples of the special duties and responsibilities of the chairperson:

- Leads meetings. Ensures that meetings begin and end on time. Most boards and commissions meetings are run under Robert's Rules, some more formally than others.
- Plans meeting agendas in cooperation with the staff liaison.
- Encourages participation by all members at meetings.
- Serves as a primary contact to the City Clerk's Office, staff liaison, and the Mayor and Council. Keeps the City Clerk and Mayor and Council abreast of important issues or problems with the board.
- Makes recommendations to Mayor and Council for appointments and reappointments of members to the board.

BOARDS AND COMMISSIONS

ROLES OF SPECIFIC STAFF MEMBERS

The Role of the City Manager's Office

The City Manager's Office coordinates all staff activities for the boards and commissions. The city manager is represented at all board and commission meetings by a staff person who is appointed by and responsible to the city manager, through the appropriate department head. The staff liaison's principal role is to provide technical support to the board and to facilitate the flow of information between the Mayor and Council and the board. He or she is also responsible for keeping the city manager informed, through the department head, of all board activities.

The Role of the City Clerk's Office

The City Clerk's Office coordinates many member activities, communication to and from the Mayor, Council and citizens, as well as board appointments. The Clerk's Office provides information and interpretations on the role of board members, commission operating policies, appointment procedures, and other questions that arise. Official minutes of meetings and other records are also kept by the Clerk's Office. The City Clerk should keep the board and staff liaison abreast of membership activities by providing copies of all relevant correspondence. A directory of elected and appointed officials and members of all boards, commissions, and committees should also be maintained by the City Clerk.

General Duties of the City Clerk

The City Clerk, as the staff support for various municipal boards and commissions, has duties that could be common to all of the Mayor and Council-appointed bodies. The duties for the clerk to boards and commissions may vary according to the needs of the body in question. The clerk may only need to transcribe and prepare minutes, route mail and handle correspondence. Other commissions may depend upon the clerk to perform organizational duties such as scheduling meetings, notifying members and media, preparing the agenda, compiling informational packets and handling all of the required details in setting up a meeting. Some of those details could be as mundane as room scheduling or making provisions for adequate parking; in other instances, the clerk might need to coordinate with other city agencies or boards if there are common issues to be considered.

The clerk would generally need to maintain the master membership list for each board or commission. This should include each member's name, address, phone number(s), date of appointment and date of expiration of term. In addition, the clerk might want to include, as general information, the role of the board/commission, various duties required of board members or commissioners and any specific membership requirements or qualifications. The master list or

a separate list might also include the past members of that particular body. It may also be necessary for the mayor to administer the oath of office to incoming members and to maintain a register and certification of the administration of the oath.

Minutes of board/commission meetings need to be taken, transcribed, distributed and filed. The clerk would also be responsible for general correspondence and handling the clerical support for appeals. If the board/commission has its own support staff, the city clerk may still need to exercise some oversight control. That central repository of records would normally be the city clerk's office.

The Clerk, as a service to the board members and commissioners, could maintain their meetings calendar for the town; the calendar would be posted in the town hall indicating date, time and location of meetings. The clerk might want to post the proposed agenda for these meetings.

The Clerk to the Planning Commission

For routine meetings of the Planning Commission, the clerk would need to obtain, from the chair, items for inclusion on the agenda. The agenda would need to be drafted, reproduced, distributed to members (and planning staff), and posted. Any ancillary information should be compiled and attached for distribution.

On the day prior to the meeting, it might be helpful for the clerk to phone commissioners and remind them of the meeting. On the day of the meeting, the clerk would need to set up the meeting room with supplies and perform "housekeeping" details. Extra copies of the agenda should be prepared as well as a sign-up sheet for citizens who might wish to speak on an issue.

During the meeting, the clerk would have varied duties such as taking the minutes, perhaps operating the tape recorder and occasionally acting as a parliamentarian. After the meeting, the clerk would transcribe the notes and produce and distribute the minutes. In addition to these duties, the clerk might assist the Planning Commission in the preparation of its annual report, as required by state law. The clerk would also likely maintain the records of earlier planning commissions including the minutes, agendas and previous annual reports. In smaller towns, the clerk might process various review applications to the Planning Commission and handle any fees that would be required; the application(s) would need to be routed to the appropriate staff members or commissioners for review for conformity to town code, prior to the convening of the next meeting. If necessary, the clerk might need to be the liaison with developers or citizens as the Planning Commission's review process is carried through.

It would be the clerk's responsibility to assist the Planning Commission in its consideration of zoning and master plan issues. Such deliberations have state requirements for publication and public notice, as well as the requirement for compiling an accurate public record

of the Commission's actions. In this regard, the clerk would help to ensure that the Planning Commission is in compliance with the requirements of state law.

The Clerk to the Board of Appeals

Serving as staff support to this Board requires special attention to details since the Board of Appeals is a quasi-judicial body. In other words, the Board can review actions of another body (usually the Council or Planning Commission) and can either uphold or overturn those decisions. The routine appeal from decisions of the Board is to the courts.

Because of the inherent authority that is vested in the Board, the clerk needs to be aware of the legal requirements for public notice, publication, public records, format of decisions and opinions, and any necessary posting of the land. The clerk might also be responsible for compiling information packets for the members as they consider an appeal. Such items as plats, applications for appeal, supporting data, hardship statements and other supporting information would need to be compiled and circulated prior to the meeting.

The clerk might be expected to set up the meeting room with nameplates, tape recorder, sign-up sheet for witnesses, and pertinent files. At the actual Board meeting, the clerk would help distribute agendas and informational packets. In addition to the actual transcript of the proceedings, the clerk may take notes and transcribe minutes, which record the actions of the Board.

Within the required time period (usually established by local ordinance), the clerk would need to assist the Board members in the preparation of their opinions and ruling on an appeal and to reproduce and distribute that opinion to the applicant and/or other interested parties.

The Staff Liaison's Role

In some larger cities, the clerk does not need to serve as the staff liaison to boards and commissions. In these cases, staff support is provided by a Staff Liaison. For example, the director of a recreation and parks department might serve as the Recreation and Park Advisory Board's staff liaison. The staff liaison is responsible for assisting the board, committee or commission in a variety of ways.

Responsibilities include:

- Assists in developing the monthly meeting agendas.
- Informs the members of items of special interests (periodicals, etc.).
- Ensures the board's work complements community goals and that the board remains focused on its mission.

- Provides information on Mayor and Council agenda items or decisions that are of interest to the board.
- Provides information on agenda items and issues under consideration by other boards and commissions, which may be of interest to the board.
- Researches and provides background information and analysis on issues under consideration by the board.
- Drafts letters, memorandums and other items of communication, as requested by the board.
- Provides for technical assistance - meeting minutes, copying, requesting information from other City departments, etc.

Budgets for Boards and Commissions

While boards and commissions may have input into the City's annual budget and may advise the Mayor and Council and staff on many important budgetary and fiscal matters, the boards usually have no budgetary authority per se. In some larger cities, a small line item - approximately \$300 - is sometimes budgeted each year to support the activities of the board meetings, tours, etc.

Public Ethics Ordinances as They Apply to Boards and Commissions

The Public Ethics Code of most municipal governments requires that members of the boards and commissions disqualify themselves from participating in any decision or recommendation by which they, their immediate family, their business associates or a business entity in which they have an interest would be directly and economically impacted. Also, it is often required that such individuals file a written statement with the City Clerk disclosing any interest or employment, the holding of which would require disqualification from participation, sufficiently in advance of any anticipated action to allow adequate disclosure to the public.

Some City ethics codes require that board and commission members disclose in a statement filed with the City Clerk receipt of gifts during a calendar year from entities doing business with the City. Some ethics laws also mandate board and commission members' lobbying activities.

Training for Board and Commission Members

At the request of members, or at the suggestion of staff, a variety of training opportunities can be made available to board and commission members. Some boards have brought in a trainer, others have taken advantage of video tapes. Examples of types of training sessions that have been requested are:

- How to run an effective meeting
- Group dynamics
- Robert's Rules

Training sessions can also be arranged to cover technical subjects or issues important to the board's work. Suggestions for training should be forwarded to the staff liaison or City Clerk.

Open Meetings Law as it Applies to Boards and Commissions

The State of Maryland has a strong and comprehensive Open Meetings Law. The legislative policy of the statute declared that:

"It is essential to the maintenance of a democratic society that, except in special and appropriate circumstances . . . public business be performed in an open and public manner; and . . . citizens be advised and aware of . . . the performance of public officials; . . . the deliberations and decisions that the making of public policy involves."

The law requires public bodies meet in open session when performing an advisory, legislative or quasi-legislative function. This law fully applies to most advisory boards and commissions, including Planning Commissions, Board of Appeals and Board of Elections. A public body may only close a meeting for one or more of the 14 enumerated reasons and must limit the discussions to those topics. In general, both State law and some City policies dictate that board meetings should be open to the public in nearly all situations. The board is urged to seek the advice of legal counsel or staff in any situation where closing a meeting is being considered.

CHAPTER V

ELECTIONS

Our Federal and state constitutions establish some very basic voter's rights. For instance, amendments to the U.S. Constitution guarantee an individual's right to vote regardless of race, color or sex. The Twenty-sixth Amendment gives 18 year- olds the right to vote.

Article 7 of the Declaration of Rights of the Maryland Constitution states that "every citizen having the qualifications prescribed by the Maryland Constitution, ought to have the right to suffrage." Based on this, United States citizenship and being 18 years of age constitute the basic qualifications for voting.

Registration

Registration procedure and practices are usually established by the municipal charter and the town code. However, the Universal Registration and the National Voter Registration Act of 1993 drastically changed the procedure for registration. An individual may now register at any one of a variety of federal or state agencies. Registration forms can be requested by phone and returned to the county board by mail, thereby eliminating the necessity of appearing in person. This one registration allows an individual residing in a municipality to vote in county, state and municipal elections. Each county election board provides the municipality within that county with a list of registered voters to be used for elections. The State Administrative Board of Election Laws, P.O. Box 231, Annapolis, Maryland 21404-0231, phone 800-222-VOTE is the central agency for the State of Maryland.

To qualify to register under Universal Registration, an individual must:

1. Be a citizen of the United States;
2. Be at least 18 years old by the next general election;
3. Be a legal resident of Maryland;
4. Not have been convicted (without a pardon) more once of an infamous crime;
5. Not be under sentence or on probation or parole following conviction for an infamous crime;
6. Not be under guardianship for mental disability.

Municipal election dates vary and in some municipalities, elections may occur during a county or national election. Therefore, the date for final registration before an election also varies. The county election office must be informed of registration closing and opening dates for your municipality.

The county board supplies a voter list to all municipalities. Each municipality has the opportunity to note errors or corrections on the list provided by the county board and return within 30 days. The county will then make the corrections before sending the official poll list used during the election.

Registration records are "public records," not privileged or confidential, and thus are open to public inspection pursuant to Maryland's Public Information Act, (62 op. Att'y Gen. 396 (1977)).

Board of Election Supervisors

A Board of Election Supervisors, Judges of Elections or the municipal clerk are appointed to conduct elections. The practical duties of those in charge of elections include:

1. Providing and accepting a Certificate of Candidacy and collecting a filing fee from each person seeking office
2. According to municipal charter, may be responsible for qualifying the eligibility of candidates
3. Securing a suitable place for holding elections
4. Providing the personnel to staff the voting places for the stipulated period of time
5. Providing suitable voting device, machine, electronically tabulated ballots, ballots or etc.
6. Informing the public: list of candidates, registration deadline, absentee ballot deadline and the time and place of elections
7. Ensuring the confidentiality of the vote as well as providing for the prevention of fraud.

Absentee Ballots

Each municipality may decide what voting system it wishes to use, as well as what kinds of ballots it will use. Whatever method a municipality employs, however, it is required by law to provide absentee ballots. Article 23A, Section 47 of the Code states:

- (a) Any qualified voter registered to vote in a municipality is entitled to vote in the municipal election by absentee ballot.
- (b) The municipalities are generally authorized and empowered to do any and all acts providing for voting by persons who are absentee voters. They are authorized and empowered to use any of their facilities to transmit and receive applications for absentee ballots, envelopes, instructions and printed matter to enable absentee voters to vote.

Beyond this direction from the State Code, each municipality may set its own rules of procedure; many have adopted subsections from Article 33 of the Annotated Code, the section of

the State Code governing the conduct of elections. A request to vote by absentee ballot may be due to any number of reasons, such as:

1. Traveling for business or pleasure
2. Illness or disability
3. Military duty
4. A full-time student attending college in another jurisdiction

Time restrictions for applying for an absentee ballot are set and should be well advertised prior to the election. A person wishing to apply for an absentee ballot must first obtain an application. This request is usually required in writing, asking for the applicant's name, local address and reasons for absence. When the application is received by the Board, the information is noted on a log, along with the time and date of its receipt. This log, like the list of registered voters, is open to public inspection. At that time, the Board determines the eligibility of the applicant to vote in the elections. If the application is rejected, the voter must be notified of the reason for the disqualification by the Board. If the applicant is found to be qualified, the Board shall deliver or mail the ballot to the absentee voter, allowing sufficient time for the voter to receive, mark and return the ballot prior to election day or the closing of the polls on election day. Provisions may also be made for an emergency absentee ballot, in the event of last-minute emergencies such as a sudden illness, accident or an employment-related crisis.

In sufficient time before the election date, the Board shall have printed the necessary number of absentee ballots, as well as the envelopes (a mailing envelope, a ballot envelope and an outer envelope to return the ballot). A printed sheet of instructions must also be provided for the absentee voter.

When the absentee ballots are received by the Board, they must be set aside and safeguarded. At the time that all the ballots are opened (according to local charter), all members of the Board must be present to count and certify the absentee ballots. All records pertaining to absentee voting must be kept for a set period of time. No more than one ballot shall be sent to any absentee voter, unless the Board can determine that it was lost in the mail or otherwise not received by the absentee voter.

General Duties

Election dates for municipal elections are set by local charter. Each municipality is also empowered to establish its own election procedures and practices to fit its needs. The duties of the city clerk prior to and during the election process vary considerably and often depend upon the size of the town or the size of the town staff.

During the budget process in an election year, the city clerk should recommend to the mayor and council a sufficient budget allocation to cover all expenses incurred in holding the elections. If your local charter calls for a special election in the event of a vacancy due to

resignation or death, funds should be allocated to cover election expenses even in non-election years.

The city clerk may be responsible for preparing the resolution for the appointment of members of the Board of Election Supervisors and establishing their fair compensation. This would be presented to the mayor and council for consideration at a time set by local charter or ordinance, well in advance of any upcoming elections. In some towns, the city clerk is then responsible for notifying the Board members of their appointment and arranging for them to take the oath of office. A preliminary meeting is set with the Board members, the city clerk, the city solicitor and any necessary city staff to review the city's procedures for the election.

Voting equipment or machines must be secured well in advance of an election. In some areas, the county allows the municipalities to use or lease their equipment; in addition there are commercial companies that rent voting machines. The fee from these companies usually covers delivery and pickup of the machines, as well as providing experienced staff to handle any problems with the rental equipment on elections day.

A reliable printer must be retained to handle the printing of the necessary forms, envelopes, absentee ballots and the sample ballots that are published in the local newspapers and displayed at the polling places. The members of the Board of Elections, the printer and a representative of the company supplying voting machines should meet to coordinate all activities of the election process.

Local newspapers must be contacted to arrange for the publicity necessary to inform voters of the date and location of the election, the hours the polls are open, the list of candidates, deadlines for registration, absentee ballots, etc.

The city clerk may also be responsible for arranging for transportation to and from the polling places for elderly and/or handicapped voters and to ensure that the polling places selected are easily accessible for the handicapped.

Candidates for Office

Many candidates for elected office may have limited knowledge of their municipal government. The city clerk, with the support of the mayor and council or city manager, may send a letter to all candidates providing them with information needed to participate in the elections. Included could be an organizational chart and a description of the roles and responsibilities of all city offices. Other information to include would be: a list of the members of your Board of Election Supervisors; if your local charter or city ordinance prohibits city employees' participation in election campaigns; requirements for reporting campaign contributions; permit requirements for election signs; procedures for absentee voting and universal registration; polling places and the date and times of the election.

Suggestions for a lending library of documents to offer are: Municipal Code Book, Budget for current fiscal year, Personnel job descriptions, Report on the benefit plan for elected officials, Personnel rules and regulations.

CHAPTER VI

THE CLERK AND LOCAL CONTRACTING

Competitive Bid Requirements

Competitive bidding is used to insure competition for the sale of goods or services; conventional wisdom is that competition can lead to lower prices for goods and services, thus insuring quality products at savings of tax dollars. The procedures that govern municipal bid processes and the awarding of a contract to a successful bidder are controlled by the city charter, augmented by administrative regulations or by ordinance. The routine practice for most Maryland municipalities requires, by charter provision, competitive bidding when contracts or purchases are expected to exceed a specified dollar amount.

When the approval has been granted (usually by council action) to seek bid proposals for purchases or to enter into a contract, it may be the responsibility of the clerk to prepare or approve the detailed specifications that will be made available to prospective bidders. Department heads or other city/town employees may be able to provide specific information for the bid package. The specifications should notify the prospective bidder that proof of Workers' Compensation and comprehensive general liability (personal injury liability and property damage liability) insurance will be required of the firm that is awarded the contract. At the awarding of the contract, bidding and performance bonds in the amount of the contract prices should also be included.

Solicitation of Bids

Public notice, advertising and invitation for bids does not always secure adequate competition. A larger number of responses may be achieved by issuing bid invitations to a list of potential bidders from current city files, augmented from publications, sales literature, trade periodicals, and contacts with sales people. A well maintained bidder's list can be a valuable asset; it may be possible to "borrow" another community's bid list if the town has yet to develop one.

Advertising

Advertisement in a local newspaper and other publications should allow adequate time for preparation and submission of bids. The advertisement for bids should contain all specifications necessary for presenting the bid or should advise how to obtain this complete information if the specifications are too extensive to advertise. At the very least, the notice should include a general description of the articles or services, where specifications can be obtained, and other applicable information. The time and place where bids will be received, as well as the time and place where bids will be opened, should also be included. A statement that the city/town reserves the right to

reject any or all bids should be part of the advertisement. This gives the city more flexibility in the process.

Receiving Bids

Sealed bids should be received at the officially advertised location. They should be stamped in, dated, and secured in a safe place. Bids should be clearly identified on the outside of the envelope.

At the time and place specified, all bids should be publicly opened and recorded. A list of all bids received should be certified and made available to the public. Bids not submitted by the required deadline are ineligible for consideration and should NOT be opened. The procedures for considering and awarding final bids vary. However, one possibility is to have the city administrator/city manager or the clerk and the department head review all bids. The chief administrative officer then can make a recommendation to the governing body for the award of the bid to the lowest responsible bidder, or to the bidder whose proposal is determined to be the best for the city.

Awarding of the Contract

The final award of a contract or purchase that has gone out for bid is made by official action of the governing body. This is usually accomplished by means of a motion made at a regularly scheduled meeting of this council/board. It may be the responsibility of the clerk to inform the successful bidder of the award and to notify the unsuccessful contractors that their bids were rejected. The clerk will notify the successful bidder that the certificates of Workers' Compensation and comprehensive general liability (personal injury liability and property damage liability) insurance will be required to complete the contract. The clerk may also convey to the successful contractor the city's signed acceptance of an accepted bid and may notify the successful bidder of the next step, whether it is meeting with the department head involved or providing a purchase order for goods. The city's requirements for deposits, performance bonds and other conditions of bids or contracts are usually specified by charter, amplified by code provisions, city ordinances(s) or administrative regulations. The clerk would be responsible for ensuring compliance with those requirements.

Chapter VII

PUBLIC RELATIONS AND THE PRESS

“Public Relations” can be defined as “the business of ensuring the public’s understanding of and good will toward a person, firm or institution.” With that definition in mind, nearly every one of the City Clerk’s duties could be classified as public relations. Whether dealing with a complaint, explaining a tax bill, or answering a question, the image that the clerk conveys determines the public’s opinion of the municipality. A public servant with a smile is one of the most important assets a municipality can have.

In addition to a clerk’s everyday performance, a formal public relations program should be instituted in the municipality, whenever possible. This does not have to be complicated, but could be, concisely, someone to take the lead in contacting the public and to field questions from the public. There are cities in Maryland that have a separate Department of Public Information and a Public Information Officer (PIO). For those cities, the clerk’s office would serve as liaison between the PIO and the governing body. The major responsibility would be for the clerk to provide information to the PIO, as expeditiously and accurately as possible; cooperation between these offices would be essential.

An understanding of the role of government must be promoted, publicized and explained at every opportunity. The necessity of presenting a positive image to the public is of the utmost importance; the positive ideas or actions of government can be ruined if presented in a negative manner.

Dealing with the press may bring to mind a host of energetic reporters knocking on the clerk’s door and demanding answers to questions; this only happens in the movies. Generally, only local reporters attend Council meetings, since large metropolitan dailies do not routinely attend the small town meetings. In addition to attending meetings, reporters may drop by City Hall to pick up material or to obtain background material on a particular issue. Extra copies of briefing materials should be made so reporters can use them as background in writing about their articles. It is important to deal equitably with reporters to prevent any hint of partiality on the City’s part to a particular reporter or newspaper.

Newspapers and local radio stations will carry the City’s message if news and press releases, in the proper form, are routinely forwarded to them (see attached sample). The smaller papers, or the local section of the larger paper, may be willing to use these announcements as fillers. Local radio or television stations usually will announce matters of general interest as part of their public service programs.

Press relations comprise just one facet of the total public relations picture. It is a good idea to develop a program for the regular dissemination of information to the public. If the municipality has its own newsletter, a regular schedule should be developed for reporting the activities of the Mayor and Council. Column space permitting, do not confine information to actions taken; the citizens should be advised of contemplated actions or programs, in advance, so that they have the opportunity to make their views known. For example, there are very strict rules for advertising potential land use actions of the governing body. In addition, the individual municipal charters may carry requirements that must be met for advertisement of hearings pertaining to adoption of ordinances or for budget considerations.

A city newsletter is invaluable, not only for current news, but for background articles and feature stories on municipal matters such as recreation classes, building permit procedures, and board and commission activities. The main function of a municipality's newsletter is for municipal officials to develop and present information to the public in the most objective manner possible; thus, the newsletter should not be used for political purposes. There is, no doubt, that a well-run city, in creating a favorable image, may further the careers of the incumbents; however, this is a side benefit and a result of office-holders doing a good job.

As the technology improves, cable television is available with local programming capabilities for towns in Maryland; this technology should be a factor in the total public relations program. At this time, it is not clear how much interest the average viewer will have in watching the workings of a routine Council meeting. However, the publication of agendas for Council and commission meetings, with an explanation of various scheduled items and a recapitulation of actions taken, could command some viewers' attention. Perhaps this interest would encourage more citizens to attend a meeting in person. Depending on the sophistication of the equipment, the personnel and the time available, the cable channel could be used to acquaint the public with items such as new City programs, the scheduling of City services, or a change in public transportation schedules. In addition, if used correctly, cable television can do a great deal to promote voter registration and, possibly, to increase voter turnout at elections by increasing visibility of local candidates and local issues.

A public relations outreach program may be developed through the schools. At the elementary level, a tour of City Hall, coupled with a slide show about City government and its services, would not only educate the children, but also, provide information the children may carry home. It may be a good idea to have some sort of token memorabilia, such as a button or bumper sticker carrying the City's logo, to present to the pupils. At the secondary school level, well-planned and well-executed student government days can be an effective method of increasing civic awareness. Pupils approaching the age of eighteen years may soon be voting for the first time, and it is constructive for them to learn what effect they can have on their local government, as well as to become familiar with its working. These programs usually are welcomed as part of the school's civic programs.

It is important to remember that the entire municipality is the public, old and young, homemaker and office worker, blue-collar and white-collar, homeowner and renter, rich and poor. It is important, when fashioning a public relations program to be aware of the audience, and to tailor the program(s) for that constituency. Most times, the object will be to get the same information to all citizens; however, there may be times the municipality will be trying to reach a particular audience, and, in such a case, methods might have to differ.

There should be feedback mechanisms to determine which public relations efforts are working and which are not. The effectiveness of the different methods may be measured by attendance, phone calls or surveys. One of the most underrated measurements of effectiveness may be the lack of criticism of a municipality's efforts; not hearing from citizens does not necessarily mean they do not care. It could be that they are well-pleased. Most times when residents are dissatisfied or unhappy with a program or an action, they will quickly raise their voices in protest or criticism. A well-developed and well-balanced public relations system will serve the best interests of the municipality, including the clerk's office, by presenting an accurate, objective picture of the municipality and its activities to the public.

A smile in the clerk's voice is one of the best ways to convey a positive image to the public. The angriest citizen can be mollified if someone is listening to the problem and taking the time to hear the complaint. A pleasant attitude and courteous manner can make the difference. Allow a person to talk-out the problem. Provide a friendly and helpful ear and a courteous attitude that conveys fairness. Clerks must remember one thing: the office of the Clerk exists to serve the public. It can never be self-serving or it will fail, and the municipality's purpose and impact will fail with it.

Chapter VIII

RECORDS MANAGEMENT

CHAPTER IX

THE CLERK AND LOCAL FINANCE

In many Maryland municipalities, the clerk is the clerk/treasurer, and, as such, the chief financial officer of the town. There is generally language in the town's charter that specifies the duties of the clerk/treasurer and the bonding requirements for this position. Usual duties might include the following:

1. Prepare at the request of the mayor an annual budget to be submitted by the mayor to the council.
2. Supervise and be responsible for the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded.
3. Maintain a general accounting system for the town in such form as the council may require, not contrary to state law.
4. Submit at the end of each fiscal year, and at such other times as the council may require, a complete financial report to the council through the mayor.
5. Ascertain that all taxable property within the town is assessed for taxation.
6. Collect all taxes, special assessments, license fees, liens, and all other revenues (excluding utility revenues) of the town and all other revenues for whose collection the town is responsible, and receive any funds receivable by the town.
7. Has custody of all public monies belonging to or under the control of the town, except as otherwise provided in the town charter, and has custody of all bonds and notes of the town.
8. Do such other things in relation to the fiscal or financial affairs of the town as the mayor or the council may require or as may be required elsewhere in the charter.

As the town's financial officer, the clerk/treasurer is expected to be knowledgeable about local, state, and federal shared revenues and any requirements attached to them. For example, certain state shared revenues can only be used for certain projects. Figure 1 illustrates the most current (as of FY 95) status of state revenues that are passed through to municipalities. In addition, some Maryland counties offer municipalities a local revenue sharing grant or a property tax break for town residents, in recognition of the duplicated services offered by towns and counties.

As noted, it is frequently the responsibility of the clerk/treasurer, with the input of the mayor, to prepare the municipal budget and follow it through the required cycle of preparation, hearing, legislative review, and adoption. Figure 2 is an illustration of a typical budget preparation calendar. (Many municipalities begin their budget process earlier in the calendar year (Jan. - Feb.) and hold work sessions prior to public budget hearings.) The clerk/treasurer needs to be cognizant of the time constraints of that process and the scheduling of various work sessions and hearings.

Because the clerk/treasurer is responsible for the disbursement of monies, one of the major duties throughout the fiscal year would be the payment of bills and accounts, the maintenance of city bank accounts, and the reporting to the mayor and council on a regular basis of the status of the town's finances. One method of accomplishing these tasks would be to report monthly to the council at its regular meeting. This report could contain the current monthly disbursements along with the budgeted amounts, total fiscal year disbursements to date, and the percentage and amount of the allocation remaining. The clerk/treasurer should always be prepared to answer the council members' questions about a particular financial issue, as well as questions about the general status of the city's finances.

Figure 1

FIGURE 2
SAMPLE BUDGET PREPARATION CALENDAR

<u>Dates</u>	<u>Activities</u>
March 1 - 31	<ul style="list-style-type: none">o Budget officer projects revenue collections.o Department heads develop expenditure estimates after conferring with budget officer on past expenditure levels.
April 1 - 15	<ul style="list-style-type: none">o Budget officer compiles nondepartmental expenses.o Budget officer consolidates expenditure estimates of all functions and the nondepartmental costs.
April 15 - May 15	<ul style="list-style-type: none">o Chief executive reviews the consolidated preliminary budget and makes necessary changes. The final product becomes the chief executive's proposal for operating the municipality during the next fiscal year.
May 15 - June 1	<ul style="list-style-type: none">o Legislative body consideration and review. Public budget hearings are held and hearings required if the town intends to exceed the constant yield rate for the next fiscal year.
June 1	<ul style="list-style-type: none">o Budget adoption.
July 1	<ul style="list-style-type: none">o Beginning of fiscal year - or as charter requirements dictate.

Source: Handbook for Maryland Municipal Officials, MTAS, The University of Maryland (College Park, Maryland), 1991

CHAPTER X

NATIONAL/INTERNATIONAL PROFESSIONAL ORGANIZATIONS AND ASSOCIATIONS

The International Institute of Municipal Clerks (IIMC) is a professional association of city, town, township, village, borough and county clerks from all U.S. states, Canadian provinces and 15 other countries. Founded in 1947 by Indiana Municipal Clerks, IIMC has 50 years of experience improving the professionalism of municipal clerks. IIMC has 10,000 members representing towns, small municipalities and large urban jurisdictions of more than several million people. The purpose of the organization is to improve the administration of state, provincial, county and local government through officials whose duties are common to positions such as "clerk," "secretary" or "recorder." The objectives include, but are not limited to the following: to encourage the use of common terminology, classifications and principles relating to the clerk's duties; to bring about the enlistment and training of qualified public officials and employees; to maintain central facilities for study and research devoted to improvement of methods and procedures of duties performed by the clerks; to develop, exchange and disseminate information, ideas and techniques relating to the above mentioned government bodies; and to undertake such programs and activities as may be proper to enhance the welfare and progress of government.

Recognizing the significance of professionalism in public administration to the employee and to the municipality, a formal certification program was launched by the IIMC in 1970. The requirements for certification, in addition to completion of a program at a university, include experience and participation in clerk's conferences and meetings, membership in the IIMC and compliance with the IIMC Code of Ethics. Completion of the Institute certification process results in the clerk's being designated a Certified Municipal Clerk (CMC). A CMC is a professional clerk who is certified as qualified to meet the challenges of a job that is becoming more and more complex.

The Institute program began in Syracuse University and spread to universities throughout the country. In 1976, the course was offered at the University of Maryland, and the first class included not only clerks, but city managers, elected officials and other local government officials. After three years, funding was withheld and the course was discontinued. Since that time, Maryland Clerks have been attending the Institute at Old Dominion University, held each fall at Virginia Beach, Va.

In 1981, the IIMC began an Academy for Advanced Education. These advanced seminars, normally a two-day program in conjunction with the regular Institute, permit persons who have completed the Institute program to participate in and concentrate on one or two subjects in greater depth than offered in the general Institute Program. The specific contents of these

seminars vary, but emphasis is on technological skills, managerial behavior and individual and group communications. Seminars have permitted participants to delve into such topics as the understanding of purchasing procedures, and the use of computers/word processors in their offices. Also popular are specific managerial techniques such as problem solving, increasing productivity, decision making and employee motivation.

In 1975, the Maryland Municipal Clerks Association (MMCA) was formed. The intended purpose was to increase communication among the clerks in the State of Maryland and to promote greater efficiency and effectiveness on the part of Maryland clerks. Now in its 22nd year, the MMCA has flourished. Meetings are held quarterly; in addition to a workshop or guest speaker, the members have the opportunity to get together with other clerks to share ideas and experiences. The MMCA is an adjunct member of the Maryland Municipal League (MML), and the MMCA president sits on the MML Board as a non-voting member. The MMCA hosted the Region II Conference in Annapolis, Md. on Dec. 3-5, 1992.

IIMC will be announcing a new training program at the Annual Conference in May, 1997, leading to the prestigious Registered Parliamentarian (RP) designation with the National Association of Parliamentarians (NAP).

Any municipality with membership in the National League of Cities, the National Municipal League or any of the other municipally-oriented associations, has access to newsletters, conferences and other information that may be helpful to the clerk. The clerk's professional education never ends.

Today's clerks are faced with many shifting values and attitudes that greatly impact on their managerial and supervisory abilities. One major means of keeping current is by association with other professional clerks.

IIMC has provided a toll-free message line 800/251-1639 for its members. An excellent resource for municipal clerks, IIMC provides services, educational and professional development opportunities to benefit its membership. IIMC accomplishes this through its elected officers, committee members, and headquarters staff who provide the following services:

- Certified Municipal Clerk
- Advanced Academy of Education
- Resource Center
- News Digest
- Annual Educational Conference
- Vendor Information.

PROFESSIONAL ASSOCIATIONS

AMERICAN ASSOCIATION FOR STATE AND LOCAL HISTORY (AASLH)

530 Church Street, Suite 600
Nashville, Tennessee 37219
615/255-2971

ASSOCIATION OF RECORDS MANAGERS AND ADMINISTRATORS (ARMA)

4200 Somerset Drive, Suite 215
Prairie Village, Kansas 66208
800/422-2762

INTERNATIONAL INSTITUTE OF MUNICIPAL CLERKS (IIMC)

1212 N. DIMAS CANYON ROAD
SAN DIMAS, CALIFORNIA 91773
909/592-IIMC (4462) FAX 909/592-1555 800/251-1639
E-mail 74357.1567@compuserve.com

INTERNATIONAL PERSONNEL MANAGEMENT ASSOCIATION

1617 Duke Street
Alexandria, Virginia 22314
703/549-7100

LEGISLATIVE REFERENCE - STATE OF MARYLAND

DEPARTMENT OF LEGISLATIVE REFERENCE
90 State Circle
Annapolis, Maryland 21401-1991
410/858-3810

MUNICIPAL TREASURERS ASSOCIATION

1229 19th Street, N.W.
Washington, DC 20036
202/833-1017

NATIONAL LEAGUE OF CITIES

1301 Pennsylvania Avenue, N.W.
Washington, DC 20004
202/626-3000

Chapter XI

PERSONNEL ADMINISTRATION

Introduction

In many municipalities, the Clerk has the responsibility for personnel administration or, at the very least, personnel record retention. The Clerk should have copies of and be familiar with all employee Labor Agreements, Personnel Policy Manuals, Handbooks, Policies, Charters, Codes and Ordinances that address personnel administration. The best tip for a Clerk regarding personnel administration is to make sure that you document accurately and completely, in a timely manner, all activities.

Personnel Management

The safest and simplest method for any municipality to ensure that all employees will be treated equitably, and thus to avoid personnel problems, is to develop and publish a municipal personnel handbook that details all personnel policies. The personnel manual should be written in clear uncomplicated language, updated on an annual basis, and accessible to every employee. An employee personnel manual should describe all personnel rules and regulations, as well as employees' rights and responsibilities. All personnel systems should include guidelines for the following: anti-discrimination policy, fair hiring practices, employee conduct, position classification, compensation, promotions and transfers, performance evaluations, commendations and disciplinary actions, training, employee separations, grievance procedures, work hours, holidays and leave, and benefits. Software on this subject is available.

Anti-discrimination Policy. Both federal and state law prohibit an employer from discriminating against any employee or potential employee based upon race, color, sex, religion, national origin, or disability.

Fair Hiring Practices. Whenever an opening occurs in a current position or a new position is created, the method of replacement or hiring should be fair and objective.

Employee Conduct. Employees should be provided the municipality's policies with regard to expected employee conduct, e.g. harassment, ethics, drug-free workplace.

Position Classification. Different kinds of work performed should be defined, described, and assigned to positions or jobs. A classification system should provide the foundation on which any compensation is built.

Compensation. Employees' salaries or basic compensation should correspond closely to a

particular class of job descriptions. The municipality should assign a salary range to each category of position descriptions based upon the knowledge, skills, and abilities employees need to fill the position. An over-riding principle concerning compensation is to ensure that equal pay is provided to employees that perform the same work.

Promotions and Transfers. The process for making decisions about personnel promotions and transfers largely mirrors procedures for the initial hiring of individuals. Officials should announce opportunities for promotions and transfers among at least that portion of the workforce eligible for either type of move. Candidates should be judged on appropriate educational accomplishments and work experience, as well as current and past job performance.

Performance Evaluations. There are two primary purposes for conducting an employee performance evaluation. First, feedback information is provided to the interested employee. Second, evaluations help employers to make decisions about awarding merit pay and commendations for good performance and to signal the need for job counseling or training to improve performance. Several unsatisfactory job evaluations of an employee can also justify disciplinary actions, including suspension and termination. The appropriate municipal official, usually a person's direct supervisor, should conduct an evaluation of each employee he or she supervises at least once per year.

Commendations and Disciplinary Actions. Municipal employers have the right and responsibility to both reward and discipline their employees, depending upon individual situations that warrant either action. Job actions, whether commendatory or disciplinary, must be based upon objective factors such as job performance or employee actions.

Training. Training helps maintain the effectiveness of personnel, ensuring that employee efforts are consistent with established goals and objectives and that employees are able to meet new challenges. A commitment to training expresses a concern for the long-term welfare and productivity of employees serving the community.

Employee Separations. Municipal officials should be able to exercise a three-fold approach to the function of separation. First, develop a system of conducting exit interviews for resigning employees. Second, process retirements and advise retirees on their benefits. And third, establish policies governing force reductions and apply them as required.

Grievance Procedures. The grievance process gives an employee the opportunity to appeal a personnel action (e.g. refusal of a leave request) or disciplinary action (e.g. suspension or dismissal). Employees may also use the grievance process to report an unsatisfactory condition in the work environment whether it be an isolated incident (e.g. sexual harassment on one occasion) or a more general and continuing dissatisfaction (e.g. perceiving unfair treatment from a particular supervisor). It is important to have a formal grievance process. It must be the same process for all employees.

Work Hours. All municipalities have regular hours of operation. Each city or town should inform citizens of its regular business hours. Municipal officials must conform to Fair Labor Standards Act (FLSA) concerning minimum wage and overtime pay standards, record-keeping requirements, and provisions regulating the employment of minors. Two additional options exist for regulating employee work hours: Flex Time and Compress Time.

Holidays and Leave. Municipal officials should publish an annual listing of observed holidays and distribute the list to all municipal employees. The municipality must first decide which types of leave they will grant; then they should define each type of leave granted and the regulations governing the use of each type. Records should be kept of the amount and type of leave taken by each employee and the amount remaining on the books. Kinds of leave include: annual, personal, sick, maternity, injury, military, jury, right-to-vote, educational, bereavement.

Benefits. Employees should be provided information on all benefits the municipality provides its employees, e.g. health insurance, life insurance, worker's compensation insurance, disability insurance, unemployment insurance, deferred compensation plan, retirement system.

Legal Requirements

It is important to be familiar with federal and state law pertaining to personnel administration, including, but not limited to:

OSHA	(Occupational Safety & Health Act)
MOSHA	(Maryland Occupational Safety and Health Act)
ERTSHA	(Employee Retirement Income Security Act)
EPA	(Environmental Protection Agency)
MDE	(Maryland Department of Environment)
ADA	(Americans with Disabilities Act)
FLSA	(Fair Labor Standards Act)
FMLA	(Family and Medical Leave Act)
EEOC	(Equal Employment Opportunities Commission)
ADEA	(Age Discrimination in Employment Act)

Record Keeping Requirements

Employers are responsible for ensuring the employees' files are current and accurate. Information should be updated whenever necessary. The following employee records must be kept: name, address, sex, national origin, date of birth, occupation, rate of pay, compensation earned (straight time and overtime), hours worked, days worked, additions to or deductions from wages, date of payment and pay period covered, performance appraisals, leave records, training, disciplinary actions (verbal and written). Refer to your local government counsel for additional recommendations on record retention.

References

The above information was obtained from a variety of sources, including:

"Handbook for Maryland Municipal Officials"

Institute for Governmental Service

2101 Woods Hall

University of Maryland

College Park, MD 20740

(301) 405-6970

"Managing Small Cities and Counties"

International City and County Management Association

777 N. Capitol St., N.E., Suite 500

Washington, D.C. 20002-4201

(202) 962-3680

"Risk Management Manual"

Local Government Insurance Trust

7172 Columbia Gateway Drive, Suite E

Columbia, MD 21046

(800) 673-8231

Maryland Municipal League

1212 West Street

Annapolis, MD 21401-3610

(800) 492-7121

International Institute of Municipal Clerks

1206 N. San Dimas Canyon Road

San Dimas, CA 91773

(909) 592-IIMC

Chapter XII

INSURANCE

CHAPTER XIII

COMPUTERIZATION OF THE CLERKS OFFICE

The computer has revolutionized local government as much as any other industry. The clerk's office is asked to process information quickly and efficiently using computers. However, the application of computer technology to information management can be expensive to implement and presents the easiest opportunity to err in grand fashion. Failure by local governments to plan carefully for automation can lead to waste, inefficiency and lost information.

The public understands that there have been advances in technology and their expectations have changed. Even the smallest local government is expected to utilize the computer. The public expects a quick response to their requests. With the cost of computers at an affordable level, even for small governments, computers offer an unmatched opportunity to improve the public sector's price/performance dramatically.

An International Institute of Municipal Clerks survey indicates that the use of computers per person tends to increase as the size of the municipality decreases. For example, municipalities with under a population of 2,000 typically have two employees in the clerk's office and both use the computer. In the largest cities, typically less than half the employees of the clerk's office use a computer. Clerks can use computers for tasks from word processing to tracking citizen complaints. In the near future, more complex tasks, like providing automated responses to citizens and obtaining geographical analysis of data, will be handled more easily using computers.

An international survey of computer technology employed by municipal clerks alone indicated 39 different applications, with an average of eight applications of computer technology in the clerk's office.

Word Processing

Word processing has virtually replaced the typewriter. It involves the manipulation of text in order to generate information products in the form of documents. The key to the success of word processing is saving labor by capturing and storing keystrokes. In this manner, word processing makes writing, editing, correcting, revising and printing much easier. Revisions are easily accommodated, and draft council minutes can even be entered on a laptop computer during the meeting. Spell checker, grammar checker and thesaurus are powerful tools that help to ensure professional and accurate output. Automation and standardization are also key benefits.

Spreadsheets

Spreadsheets assist in the manipulation of numeric data. They are used for small tasks such as expense reports. Spreadsheets also play a role in big tasks such as budgets. Large amounts of data can be manipulated and calculated. Financial projections are performed simply by applying a formula to an entire balance sheet or budget.

Databases

Database software provides for the manipulation of large amounts of similar data. Mailing lists and survey results are two examples. Databases can be simple to set up and maintain. The power of the database is for the user who takes it beyond the simple list and develops a complex “program.”

Talented database users can develop custom applications that meet specific needs of the organization. Management must be cautious when developing a database application, however. It is almost always cheaper in the long run to purchase a program than to develop one. If the decision to develop a database is made, complete documentation must be written by the developer, and a second person should be trained to be a back-up support person for the application.

Desktop Publishing

Using desktop publishing systems (DTP), employees can design and print newsletters, brochures, manuals and books using different styles, graphics and colors on each page.

The desktop publishing process is as follows:

- * Develop the text and illustrations with a word processing program and a graphics program. Use an optical scanner to input text and graphics from other sources.
- * Use a DTP program to develop the format of each page. The screen becomes an electronic paste-up board with rulers, column guides and other page design aids. As you develop and format each page, illustrations and text are merged. The software will automatically move excess text to another column or page and help you size and place illustrations and headings.

Computer Indexing

Traditional indexing on note cards can be replaced with the computer. Search features in word processing packages give the clerk an unlimited index at his/her fingertips. Any word or phrase can be searched to find every occurrence in the date range specified. No advanced setup is required, and the computer performs the search in seconds.

Local Area Networks

Information maintained by the clerk is often needed to be accessed by other departments in the government. A LAN, or local area network, facilitates the sharing of information. A LAN is a group of interconnected processing devices distributed through a geographic area. Computers, printers and even intelligent copiers can be linked.

Office Communications Systems

Electronic office communications include electronic mail, voice mail, facsimile and teleconferencing. They allow employees to send messages in text or voice form, send copies of documents and send video pictures of meetings to distant participants, in seconds. Text and images can be transmitted to drastically reduce the flow of paper messages, letters, memos, documents and reports. These are cost effective and time effective means of communication. They can reduce the costs of labor, materials and postage. Wasted time playing “telephone tag” is eliminated, and phone calls may be reduced by one-third.

Municipalities must develop e-mail policies that outline acceptable communication both within municipality, and with external communications. A sample e-mail policy is included in this section.

Document Management Systems

Electronic control of and access to a large volume of records is now becoming possible, thus saving space and document retrieval time. Documents can be scanned using a scanner and stored on an optical disk or CD-ROM for compact storage and fast retrieval on the computer. Currently, copies of documents can be stored on microfilm for easy access. Microfilm lasts approximately 300 years, and CD-ROMs currently have a 100- year life. This technology is still being developed.

Records Management

Record inventories or retention schedules can be computerized and made available to all employees through a computerized system. Major records management functions that can be handled routinely by the computer include files management, records center operations, archives management, retention scheduling and vital records management. Computer applications in records management fall into three broad categories:

- * Retention management - active records scheduling, inactive records scheduling, vital records instructions, destruction notifications and certificates of destruction
- * Container management - space allocation, free space reporting and container contents maintenance

- * Request handling - charge-out and return, over-due/call-in notices and activity reports

Computer Training

Learning to maximize the computer is a lifelong task. Just as we master a particular software, a new version comes on the market. But it is the clerk's responsibility to make sure that his/her office takes advantage of the latest technology whenever possible to work more efficiently and to better serve the constituents and the council.

Types of computer training include: classroom, CD-ROM interactive training, video training, tapes, sharing experiences/ group problem solving, magazines and how-to books.

Managing Constituent Complaints Electronically

There is now an abundance of software to handle citizen complaints. Citizens call into the municipality for a variety of reasons. They might call to register a complaint, request a service or voice their opinion. Their call can be entered into a software package. The name, address, phone number and information about the complaint including general description and location can be entered.

Sample of how the software might work:

The system will assign a complaint number to this complaint. A letter is automatically printed to the constituent that acknowledges their complaint, advises them that it has been assigned to the necessary department, and confirms the location and type of complaint. A form is printed and distributed to the appropriate department, informing them of the complaint. An activity log is printed for follow up by the originating department. An interim letter is occasionally sent to keep the citizen informed of the process. When the department has taken care of the complaint, it returns the completed form. The response is entered into the system, the complaint is closed and the final letter is printed. A weekly summary can be sent to the mayor and council.

Geographical Information System

As computer capabilities evolve, more powerful ways of analyzing data will be used. A geographical interface system (GIS) is a way of geographically analyzing data. Statistics or data can be plotted on a map and printed for easy reference.

The Federal government is involved with this process on a large scale. Census information can be purchased on CD-ROM, and street and highway information useful for small communities is also available. Specialized firms are already providing these services to many municipalities. While GIS systems are complex and time-consuming, they can offer significant benefits. Such systems can be used for plotting complaints and crime statistics, presenting data in an understandable fashion, tracking utilities, and for many other applications. Some counties report having 60 - 70 "layers" in their GIS system, each presenting different information.

The Internet

Communication has changed drastically with the presence of the Internet. Home pages are affordable and becoming more common. More citizens are on the Internet and expect to be able to communicate with their municipality through e-mail. The Internet will facilitate the automated response to citizens. In the future, citizens will be able to log onto the Internet to see a calendar of events, agenda, research minutes or code, find out about DPW schedules, register a complaint or even pay a ticket or bill.

The Internet will give us a way to pull together our citizens. The ability to send an e-mail 24 hours a day fits into the busy lives of people in the '90's. Our citizens will be able to communicate better with each other and with the municipality. By knowing what they want, we can better serve the needs of the community.

**BYLAWS
OF THE
MARYLAND MUNICIPAL
CLERKS ASSOCIATION**

Approved January 1994

ARTICLE I

NAME AND CREATION

SECTION 1

The name of the organization shall be the Maryland Municipal Clerks Association.

SECTION 2

The Association shall be an unincorporated non-profit association. This Association, by the adoption of these Bylaws, is hereby created and shall function as an affiliated organization of the Maryland Municipal League. The league may perform such services for the Association as may from time to time be mutually agreed upon by the Association's Governing Body and the League.

ARTICLE II

PURPOSE

SECTION 1

To promote improvement and efficiency in the operation of Municipal and County Clerk's offices by:

- a. Promoting cooperation among Municipal and County Clerks through the Maryland Municipal Clerks Association, through the interchange of experiences and methods of conducting their offices, to the end that each may profit from the experiences of others.
- b. Promoting periodic conferences or meetings of Municipal and County Clerks through the Maryland Municipal Clerks Association for discussion of problems, and by research to find solutions for same.

ARTICLE II

MEMBERSHIP

SECTION 1

Every Municipal or County Clerk - by whatever title known, who performs similar duties and has similar responsibilities, may become a member by notifying the Association Treasurer and by paying membership dues for the current year.

SECTION 2

Membership dues shall be set for the ensuing year by a majority vote of the membership attending the Annual Meeting.

SECTION 3

Only members in attendance shall be allowed to vote. Each member shall have only one vote on all matters.

SECTION 4

Honorary membership may be awarded, at a regular meeting by a 2/3 vote of all members present, to any person who has rendered conspicuous service for the improvement of the Association and who is not qualified to be a member or to an ex-member of the Association who no longer qualifies for membership because of change of job, retirement or some other similar reason. Honorary members shall not pay dues or have any voting rights.

ARTICLE IV

OFFICERS

SECTION 1

The officers of the association shall consist of the following:

President, Vice President, Secretary, and Treasurer, all of whom shall be members. The Officers shall be elected for one (1) year terms. Any officer that misses two meetings - not necessarily consecutive - may be removed from office.

SECTION 2

The President shall, prior to the Annual Meeting, appoint a Nominating Committee, who at the Annual Meeting shall submit nominees for the Association officers. Additional nominations may be made from the floor at the meeting at which the annual election is held.

SECTION 3

The election of officers shall take place at the Annual Meeting. The nominees receiving the highest number of votes cast for the respective office for which nominations are made shall be declared duly elected thereto.

SECTION 4

Officers shall begin their terms of office immediately preceding the adjournment of the meeting at which they are elected.

SECTION 5

In the event a vacancy should occur in the office of President, the Vice President shall automatically succeed to the office of President. In the event a vacancy should occur in the office of Vice President, Secretary, and Treasurer, the remaining Officers shall appoint a member to fill such vacancy for the remainder of the regular term.

SECTION 6

The Executive Committee shall consist of the active Officers of the Association and the immediate active past President.

ARTICLE V

DUTIES OF OFFICERS

SECTION 1

The President shall be the chief executive officer of the Association and shall:

- a. preside at all meetings of the Association;
- b. issue the call for regular or special meetings of the Association;
- c. appoint all committees and may act as an ex officio member of all committees; and
- d. represent the Association on the Board of Directors of the Maryland Municipal League, or if not a municipal official, appoint such a representative.

SECTION 2

The Vice President shall occupy the position and perform the duties of the President if for any reason the President is absent or unable to attend to the duties of the office. The Vice President shall:

- a. succeed to the office of President in the event of a vacancy in the office; and
- b. oversee the functioning of the various committees.

SECTION 3

The Secretary shall:

- a. keep all records and proceedings of the Association in a book maintained for that purpose.

SECTION 4

The Treasurer shall:

- a. keep an accurate record of all monies received by the Association; and
- b. report the status of all financial accounts to the association at each meeting.

ARTICLE VI

COMMITTEES

SECTION 1

The President shall have the power to establish such “Stand-in” or “Special” committees from time to time as may be deemed necessary for the proper transaction of business.

ARTICLE VII

MEETINGS

SECTION 1

Meetings shall be conducted at least quarterly with the annual meeting occurring during the fourth quarter. Special meetings may be held at any time or place as determined by the President or upon request to the President by any member of the Association.

SECTION 2

The Association shall send meeting notices to all members and shall inform the Maryland Municipal League office. Meeting notices shall include an agenda.

ARTICLE VIII

AMENDMENTS

SECTION 1

Amendments to the Bylaws may be made by the members of the Association at any regular meeting thereof, or at any special meeting called for the purpose; provided, however that no such amendment shall be voted upon unless and until a copy of the proposed amendment has been distributed to each member of the Association at least thirty days (30) prior to the meeting at which time the same is acted upon. An affirmative vote of the majority of the members present shall be sufficient to adopt such amendment. Any amendments are subject to the approval of the Maryland Municipal League Board of Directors.

original 12/18/80

amended : April 1994