

**Mayor Tracey Furman**

**Council Member Darin Bartram  
Council Member Nate Engle**



**Council Member Conor Crimmins  
Council Member Bridget Hill-Zayat**

Released: January 8, 2021

**Monday, January 11, 2021  
Town Council Meeting, 7:00 pm**

The Town Council Meeting will be held through the Zoom Video Conferencing application. We recommend downloading the Zoom app prior to the meeting at the following link: [www.zoom.us](https://www.zoom.us)

The Council Meeting will begin at 7:00 pm and access to the meeting will be through the following Zoom Video Conferencing link:

<https://us02web.zoom.us/j/85749963314?pwd=MmtDU3hETWNHcUd0SHVvdGNDQVZDQT09>

**Meeting ID: 857 4996 3314**

**Password: 582470**

Or you may join the meeting by calling: +1 301 715 8592 US (Washington D.C) and entering the Meeting ID and Password above.

**CALL TO ORDER**

**MOMENT OF SILENCE**

**APPROVAL OF MINUTES**

Town Council Meeting Minutes of December 14, 2020

**FROM THE MAYOR AND TOWN COUNCIL**

1. **PEPCO Rate Case Filing** – Update on the Town’s meeting with PEPCO to discuss our streetlighting options.
2. **Development Review Board (DRB) Updates:**
  - a. Thrive Montgomery 2050 – An update to Montgomery County’s long-range plan to address planning goals.
  - b. Zoning Text Amendment (ZTA) 20-07 – An Amendment to the Montgomery County Zoning Ordinance to allow duplexes, townhouses, and apartments in the R-60 zone under certain circumstances; and amend the density, infill development, and parking

**Town of Kensington 3710 Mitchell Street Kensington, MD 20895  
Phone 301.949.2424 Fax 301.949.4925  
[www.tok.md.gov](http://www.tok.md.gov)**

standards in the R-60 zone under certain circumstances; and - generally amend the provisions for R-60 zoned property near Metrorail Stations

3. **Pedestrian and Bicycle Access and Safety Working Group** – Update on pursuing a technical assistance grant through the Montgomery County Department of Transportation (MCDOT) for additional analysis and planning with the Working Group’s report to Council.
4. **Town Communication and Online Permitting System Upgrades** – Discussion on implementing an advisory/emergency notification system via text messaging; and purchasing software to streamline the Town’s online permitting system.

#### **FROM THE TOWN MANAGER AND STAFF**

1. **Housing and Building Code Amendments** – Update on possible amendments to Chapter V, “Housing and Building Regulations”, of the Town code.
2. **Engineering Services** – Request by the Town Manager to issue a request for proposal (RFP) for engineering services related to stormwater management.

#### **PUBLIC APPEARANCES**

*(The public is invited to speak on any subject that is not a topic on tonight’s agenda)*

#### **ORDINANCES, RESOLUTIONS, AND REGULATIONS**

*(Ordinances, resolutions, and regulations to be introduced or adopted following appropriate procedures required by the Town Code; or resolutions that may require discussion by the Mayor and Council prior to approval)*

1. **Charter Resolution No. CR-01-2020 (Public Hearing)** – A Charter Resolution of the Mayor and Council of the Town of Kensington Amending Article VII, “Registration, Nominations and Election”, Section 703, “Removal”, Section 704, “Duties”, Section 705, “Notice of Elections”, Section 706, “Appeal of the Actions of the Board of Supervisors of Elections”, Section 707, “Registration”, Section 708, “Nominations”, Section 709, “Election of the Mayor and the Council Members”, Section 710, “Conduct of Elections”, and Section 712, “Vote Count”, to make provisions for resolving a Tie Vote, remove an invalid provision with respect to eliminating Voters from the Supplemental List, provide that no Election will be held and the qualified Candidates will be Declared Elected by the Supervisors of Elections if the number of qualified Candidates is not more than the number of seats to be filled, change how Notice of Elections is given, to allow for Publication in the Town Journal and posting to the Town’s website, any Town Listserv, and at Town Hall, limit Appeals of Supervisors of Elections decisions to Candidates and other qualified voters and set a time limit, extend the deadline to qualify as a Candidate to the third Monday in May in the event that no Candidate has timely filed for an office, clarify that qualifications for office are determined at the time of filing of the Certificate of Nomination, allow the Council by Resolution in an Emergency to postpone an Election until such time as it can be safely held, and to make other changes, allow the Council by Resolution to Authorize vote by mail, and allow placement of drop boxes for receipt of ballots.
2. **Ordinance No. O-03-2020 (Public Hearing)** – An Ordinance of the Mayor and Town Council of Kensington to Amend Chapter VIII, “Health and Environmental Regulations”, by Enacting Article 9, “Pesticides”, to incorporate Chapter 33B, of the Montgomery County Code

entitled “Pesticides”, which contains various provisions to protect the health of the public and to make conforming changes.

3. **Ordinance No. O-01-2021** – Introduction of an Ordinance of the Mayor and Council of the Town of Kensington Amending Chapter 2, “Government and Administration”, Article 2, “Elections”, Section 2-201, “General Voter Registration”, Section 2-202, “Distribution of Absentee Ballots”, Section 2-203, “Procedures of Absentee Voting”, and Section 2-204, “Canvassing of Absentee Ballots” of the Town Code to delete any requirement that a voter provide a reason for voting by Absentee Ballot and to delete an invalid provision with respect to eliminating voters from the supplemental list.

- a. *The Public Hearing will be set for Monday, February 8, 2021, 7:00 pm.*

### **ADJOURNMENT**

*(The Mayor and Council may move to close the meeting and may move to reopen the meeting)*

THE NEXT SCHEDULED MEETING(S) OF THE MAYOR AND TOWN COUNCIL WILL BE HELD:

***Monday, February 8, 2021, 7:00 pm***

Zoning Text Amendment No.: 20-07  
Concerning: R-60 Zone – Use and  
Standards  
Draft No. & Date: 4 – 11/25/2020  
Introduced: December 8, 2020  
Public Hearing:  
Adopted:  
Effective:  
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

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Lead Sponsor: Councilmember Jawando

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- allow duplexes, townhouses, and apartments in the R-60 zone under certain circumstances;
- amend the density, infill development, and parking standards in the R-60 zone under certain circumstances; and
- generally amend the provisions for R-60 zoned property near Metrorail Stations

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

Division 3.1.	“Use Table”
Section 3.1.6.	“Use Table”
Division 3.3.	“Residential Uses”
Section 3.3.1.	“Household Living”
Division 4.1.	“Rules for All Zones”
Section 4.1.4.	“Building Types Allowed by Zone in the Agricultural, Rural Residential, and Residential Zones”
Division 4.4.	“Residential Zones”
Section 4.4.1.	“Standard Method Development”
Section 4.4.9.	“Residential - 60 Zone (R-60)”
Division 6.2.	“Parking, Queuing, and Loading”
Section 6.2.4.	“Parking Requirements”

**EXPLANATION:** **Boldface** indicates a Heading or a defined term.

Underlining indicates text that is added to existing law by the original text amendment.

[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.

Double underlining indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

\* \* \* indicates existing law unaffected by the text amendment.

## ORDINANCE

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:*

## Sec. 1. Division 3.1. Use Table

\* \* \*

### Section 3.1.6. Use Table

The following Use Table identifies uses allowed in each zone. Uses may be modified in Overlay zones under Division 4.9.

USE OR USE GROUP	Definitions and Standards		Residential							
			Residential Detached							
			RE-2	RE-2C	RE-1	R-200	R-90	R-60	R-40	
* * *										
RESIDENTIAL										
Household Living	3.3.1									
Single-Unit Living	3.3.1.B	* * *	P	P	P	P	P	P	P	
Two-Unit Living	3.3.1.C			L	L	L	L	L	P	
Townhouse Living	3.3.1.D			L	L/C	L/C	L/C	L/C	L	
Multi-Unit Living	3.3.1.E							L		

**Key:** P = Permitted Use L = Limited Use C = Conditional Use Blank Cell = Use Not Allowed

\* \* \*

## Sec. 2. Division 3.3. Residential Uses

### Section 3.3.1. Household Living

#### A. Defined, In General

Household Living means the residential occupancy of a dwelling unit by a household for 30 consecutive days or longer.

#### B. Single-Unit Living

##### 1. Defined

Single-Unit Living means one dwelling unit contained in a detached house building type.

##### 2. Use standards

Where Single-Unit Living is allowed as a limited use, it must satisfy the following standards:

- a. In the GR, NR, and EOF zones, the gross floor area of all Household Living uses is limited to 30% of the gross floor area on the subject site.
- b. In the LSC zone, all Household Living uses are limited to 30% of the maximum allowed FAR mapped on the subject site.

#### C. Two-Unit Living

##### 1. Defined

Two-Unit Living means 2 dwelling units contained in a duplex building type.

##### 2. Use Standards

Where Two-Unit Living is allowed as a limited use, it must satisfy the following standards:

- a. In the RE-2C and RE-1 zones, Two-Unit Living is permitted as part of a development including optional method Moderately Priced Dwelling Units (see Division 4.4) if it is:
  - i. served by public sewer service; or
  - ii. designated for sewer service in the applicable master plan.
- b. In the R-200 zone, Two-Unit Living is permitted as part of a development including optional method Moderately Priced Dwelling Units (see Division 4.4).
- c. In the R-90 and R-60 zones, Two-Unit Living is permitted:
  - i. as part of a development including optional method Moderately Priced Dwelling Units or optional method Cluster Development (see Division 4.4); and

ii. in the R-60 zone on a lot with an area of 25,000 square feet or less, located within a 1-mile radius of an entrance to a Metrorail station entrance.

d. In the GR, NR, and EOF zones, the gross floor area of all Household Living uses is limited to 30% of the gross floor area on the subject site.

e. In the LSC zone, all Household Living uses are limited to 30% of the maximum allowed FAR mapped on the subject site.

D. Townhouse Living

1. Defined

Townhouse Living means 3 or more dwelling units in a townhouse building type.

2. Use Standards

a. Where Townhouse Living is allowed as a limited use, it must satisfy the following standards:

i. In the RE-2C and RE-1 zones, Townhouse Living is permitted as part of a development including optional method Moderately Priced Dwelling Units (see Division 4.4) if it is:

(a) served by public sewer service; or

(b) designated for sewer service in an applicable master plan.

ii. In the R-200 and R-40 zones, Townhouse Living is permitted as part of a development including optional method Moderately Priced Dwelling Units (see Division 4.4).



- iii. In the R-90 and R-60 zones, Townhouse Living is permitted as part of the following:
      - (a) a development including optional method Moderately Priced Dwelling Units (see Division 4.4);
      - (b) optional method cluster development (see Division 4.4) that is a minimum of 10 acres in size; [or]
      - (c) optional method cluster development (see Division 4.4) that is a minimum of 3 acres or more in size and recommended in a master plan; or
      - (d) in the R-60 zone, a standard method development on a lot with an area of 25,000 square feet or less, located within a 1-mile radius of an entrance to a Metrorail station entrance.
  - iv. In the GR, NR, and EOF zones, the gross floor area of all Household Living uses is limited to 30% of the gross floor area on the subject site.
  - v. In the LSC zone, all Household Living uses are limited to 30% of the maximum allowed FAR mapped on the subject site.

\* \* \*

## E. Multi-Unit Living

### 1. Defined

Multi-Unit Living means dwelling units in an apartment or multi-use building type. Multi-Unit Living includes ancillary offices to manage, service, and maintain the development.

### 2. Use Standards

Where Multi-Unit Living is allowed as a limited use, it must satisfy the following standards:

- a. In the GR, NR, and EOF zones, the gross floor area of all Household Living uses is limited to 30% of the gross floor area on the subject site.
- b. In the LSC zone, all Household Living uses are limited to 30% of the maximum allowed FAR mapped on the subject site.
- c. In the R-60 zone, an Apartment Building is permitted on a lot with an area of 25,000 square feet or less, located within a 1-mile radius of a Metrorail station entrance.

### **Sec. 3. Division 4.1. Rules for All Zones**

\* \* \*

#### **Section 4.1.4. Building Types Allowed by Zone in the Agricultural, Rural Residential, and Residential Zones**

In the Agricultural, Rural Residential, and Residential zones, building types are allowed by zone as follows:

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex	Townhouse	Apartment Building
<b>Agricultural Zone</b>				
Agricultural Reserve (AR)	A	--	--	--
<b>Rural Residential Zones</b>				
Rural (R)	A	--	--	--
Rural Cluster (RC)	A	--	--	--
Rural Neighborhood Cluster (RNC)	A	A	A	--
<b>Residential Detached Zones</b>				
Residential Estate - 2 (RE-2)	A	TDR	TDR	TDR
Residential Estate - 2C (RE-2C)	A	MPDU	MPDU	--
Residential Estate - 1 (RE-1)	A	MPDU	MPDU	--
Residential - 200 (R-200)	A	MPDU, TDR	MPDU, TDR	TDR
Residential - 90 (R-90)	A	MPDU, CD, TDR	MPDU, CD, TDR	TDR
Residential - 60 (R-60)	A	<u>A</u> , MPDU, CD, TDR	<u>A</u> , MPDU, CD, TDR	<u>A</u> , TDR
Residential - 40 (R-40)	A	A	MPDU	--
<b>Residential Townhouse Zones</b>				
Townhouse Low Density (TLD)	A	A	A	--
Townhouse Medium Density (TMD)	A	A	A	--
Townhouse High Density (THD)	A	A	A	--
<b>Residential Multi-Unit Zones</b>				
Residential Multi-Unit Low Density - 30 (R-30)	A	A	A	A
Residential Multi-Unit Medium Density - 20 (R-20)	A	A	A	A
Residential Multi-Unit High Density - 10 (R-10)	A	A	A	A

**KEY:** A = Allowed to accommodate permitted, limited, and conditional uses -- = Not allowed CD = Allowed as part of an optional method Cluster Development MPDU = Allowed as part of an optional method MPDU Development TDR = Allowed in a TDR Overlay zone as part of optional method TDR Development under Section 4.9.15.B

\* \* \*

## **Sec. 4. Division 4.4. Residential Zones**

### **Section 4.4.1. Standard Method Development**

\* \* \*

#### **B. Residential Infill Compatibility**

##### **1. Applicability**

[The] Except in the R-60 zone for the construction of duplexes, townhouses, and multi-unit living within a 1/2-mile radius of a Metrorail Station entrance, the standards in Section 4.4.1.B apply to the R-200, R-90, R-60, and R-40 zones where:

- a. the lot was created:
  - i. by a plat recorded before January 1, 1978; or
  - ii. by a plat of resubdivision that created fewer than 6 lots from a lot previously created by a plat recorded before January 1, 1978;
- b. the lot is less than 25,000 square feet in area; and
- c. the construction proposed is:
  - i. a new detached house;
  - ii. the demolition and reconstruction of more than 50% of the floor area of an existing detached house; or
  - iii. the addition of more than 50% of the floor area of the detached house.

\* \* \*

### **Section 4.4.9. Residential - 60 Zone (R-60)**

#### **A. Intent Statement**

The intent of the R-60 zone is to provide designated areas of the County for moderate density residential uses. The predominant use is residential in a

146 detached house. [A limited number of other] Other building types may be  
147 permitted [allowed under the optional method of development].

148 **B. R-60 Zone, Standard Method Development Standards**

149

<b>1. Lot and Density</b>		<b>Detached House, Duplex, Townhouse, Apartment Building or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b>
<b>Lot (min)</b>		
Lot area		6,000 SF
Lot width at front building line		60'
Lot width at front lot line		25'
Frontage on street or open space		Required, except as exempt under Chapter 50
<b>Density (max)</b>		
Density (units/acre)		7.26
<b>Coverage (max)</b>		
Lot		35%
<b>Specification for Lot and Density</b>		
a. Lot width at the front building line and setback requirements may be reduced under Section 4.4.3.		
b. Development with [a detached house] <u>any residential building</u> type may have to satisfy Section 4.4.1.B, Residential Infill Compatibility.		
c. The lot coverage maximum does not apply to Religious Assembly.		
d. The maximum density does not apply to a lot with an area of 25,000 square feet or less, located within a 1-mile radius of a Metrorail station entrance.		
<b>2. Placement</b>		
<b>Principal Building Setbacks (min)</b>		
Front setback		25'
Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone		25'
Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone		15'
Side setback		8'
Sum of side setbacks		18'
Rear setback		20'
<b>Specification for Principal Building Setbacks</b>		
a. Development may have to satisfy Section 4.4.1.A, Established Building Line.		

150 \* \* \*

151 **Sec. 5. Division 6.2. Parking, Queuing, and Loading**

152 \* \* \*

153 **Section 6.2.4. Parking Requirements**

154 **A. Using the Parking Tables**

155 Uses on the parking table match the allowed uses and use groups in  
156 Article 59-3. The number of required spaces is based on a metric specific to  
157 each use. If the proposed intensity of the use is less than the metric in the  
158 tables in subsections B and C, the baseline minimum is calculated using a  
159 fraction of that metric. The number of vehicle parking spaces required also  
160 depends upon whether the property is located in or outside of a Parking Lot  
161 District or Reduced Parking Area.

162 **B. Vehicle Parking Spaces**

USE or USE GROUP	Metric	Agricultural, Rural Residential, Residential, and Industrial Zones	
		Baseline Minimum	
<b>AGRICULTURAL</b>			
* * *			
<b>RESIDENTIAL</b>			
Household Living			
Single-Unit Living Two-Unit Living Townhouse Living	Dwelling Unit	2.00	
Multi-Unit Living	Efficiency Dwelling Unit	1.00	
	1 Bedroom Dwelling Unit	1.25	
	2 Bedroom Dwelling Unit	1.5	* * *
	3+ Bedroom Dwelling Unit	2.0	
<u>Household Living - R-60 zone within a ½-mile radius of a Metrorail Station entrance</u>			
<u>Single-Unit Living</u> <u>Two-Unit Living</u> <u>Townhouse Living</u>	<u>Dwelling Unit</u>	<u>2.00</u> <u>1.00</u> <u>1.00</u>	
<u>Multi-Unit Living</u>	<u>Efficiency Dwelling Unit</u>	<u>0.50</u>	
	<u>1+ Bedroom Dwelling Unit</u>	<u>1.00</u>	
* * *			

163

164           **Sec. 6. Effective date.** This ordinance becomes effective 20 days after the  
165 date of Council’s adoption.

166



167 This is a correct copy of Council action.

168

169

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170 Selena Mendy Singleton, Esq.

171 Clerk of the Council

# TextMyGov

TextMyGov  
P.O. Box 3784  
Logan, Utah 84323  
435-755-5126

## Partnership Proposal

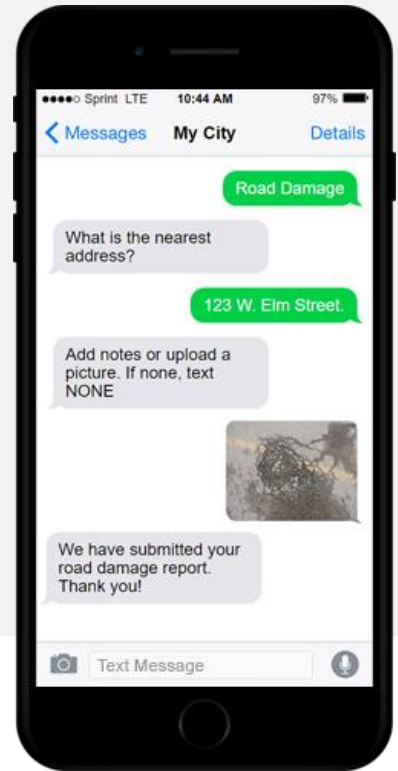
### Introducing TextMyGov

TextMyGov was developed to open lines of communication with local government agencies and citizens. The system works 24 hours a day and easily connects with your website and other communication methods.

Using the regular messaging app on any smartphone, the smart texting technology allows the citizen to ask questions and get immediate responses, find links to information on the agency's website, address problems, report any issues and upload photos.

According to the Pew Research Center, **97% of smartphone owners text regularly.**

The technology analysts at Compuware reported **that 80 to 90% of all downloaded apps are only used once and then eventually deleted** by users.



### TextMyGov Solutions:

*Communicate, Engage, Boost Website Traffic, Track, and Work*



#### Communicate

TextMyGov uses smart texting technology to communicate with citizens. Local government agencies can answer questions, send links to their website, and provide details on garbage pickup, utility payments, city news, events, office hours, just to name a few.



#### Engage

TextMyGov uses smart texting technology to engage with citizens. Citizens can easily report issues to any department, such as potholes, drainage problems, tall grass, junk cars. The issue reporting function can be customized for each department and their most commonly reported items. Agencies can engage citizens and ask specific guided questions regarding location, address, street name, and more. If your goal is to engage with citizens and get smart valuable data- You need TextMyGov.



## **Boost Website Traffic**

TextMyGov uses smart texting technology to maximize a cities website. Citizens can text in keywords like festival, parking, ticketing, meeting, sporting event, etc. The smart texting technology can answer the question or send a link from the city's website with additional information. Local government agencies spend thousands of dollars each year on their website. TextMyGov is the best way to benefit from that investment. If your goal is to benefit from your website investment- You need TextMyGov.



## **Track**

TextMyGov uses smart texting technology to track and record all the information that is sent in. Agencies can track the cell phone number, date, and time of every request. If your agency wants to be compliant with FOIA- You need TextMyGov.



## **Work**

Smart texting uses detailed information to track a citizen's request or create a work order. Work orders and requests can be generated and completed. Smart texting allows you to easily collect information like name, location, street address, and allows the user to upload a photo. If your agency wants to track real requests and real work orders submitted by a real cell phone number- You need TextMyGov.

# **Implementation**

## **Getting Started**

After the execution of the basic service agreement, a project manager will be assigned to assist the client through implementation. A local phone number will be obtained for use with TextMyGov.

## **Configuration**

The project manager will work with the client to customize interactive responses, create automation flows, and keyword lists. Training will be provided on how to quickly create and edit data.

## **Media Kit**

Advertising materials will be provided to the client, including an infographic for the website and downloadable flyer for social media and other communication methods used by the agency.

## **Unlimited Training and Support**

After initial implementation and training, unlimited on-going support is included. Our experts are available M-F 6am-5pm MST.

## Subscription Cost Breakdown

This quote represents a subscription to TextMyGov with an annual reoccurring charge for a period of two years. The agreement is set to automatically renew on the date of this agreement, after year two. See below for package price and other details.

Terms and conditions can be printed and attached as Exhibit A or viewed at [www.TextMyGov.com/terms](http://www.TextMyGov.com/terms)

**Prepared for:**

Kensington  
3710 Mitchell Street Kensington, MD 20895  
Matt Hoffman (MJHoffman@tok.md.gov)

**Prepared by:**

Drake Russell  
Account Executive  
P.O. Box 3784  
Logan, UT 84323

Package	Package Price	Billing
<b>TextMyGov</b> Package includes: <ul style="list-style-type: none"><li>• TextMyGov Web-Based Software</li><li>• Local Phone Number</li><li>• Short Code Number (for outgoing messages)</li><li>• Unlimited Users</li><li>• Unlimited Departments</li><li>• Unlimited Support for Every User</li><li>• 25,000 Text Messages per year</li><li>• 10 GB Managed online data storage</li><li>• Additional text messages can be purchased for: (\$750 for 100,000), (\$550 for 50,000), (\$300 for 25,000)</li></ul>	\$1,700	Annual
Implementation/Setup Fee	\$500	One Time
<b>Total (First Year):</b>	<b>\$2,200</b>	<b>First Year</b>
<b>Total (Ongoing):</b>	<b>\$1,700</b>	<b>Annual</b>

**Notes:**

1. This is a two-year contract. After the initial two years, the contract can be canceled by providing 60-day written notice.
2. After the initial two-year contract, the agreement will revert to a year to year.
3. Customer is required to put Text My Gov widget on the Agencies Web Home page.

# Agreement Confirmation

## Implementation Team Information

Name:

Title:

Email:

Office Phone:

Cell Phone (Required):

## Implementation Team Information

Name:

Title:

Email:

Office Phone:

Cell Phone (Required):

## Billing Information

Billing Contact Name:

Title:

Email:

Office Phone:

Address:

## Agreement Signature

Name:

Title:

Date (Subscription Start):

Signature:

# **IWORQ SERVICE AGREEMENT**

## **For iWorQ applications and services**

Kensington here after known as ("Customer"), enters into THIS SERVICE AGREEMENT ("Agreement") with iWorQ Systems Inc. ("iWorQ") with its principal place of business 1125 West 400 North, Suite 102, Logan, Utah 84321.

### **1. SOFTWARE AS A SERVICE (SaaS) TERMS OF ACCESS:**

iWorQ grants Customer a non-exclusive, non-transferable limited access to use iWorQ service(s), application(s) on iWorQ's authorized website for the fee(s) and terms listed in Appendix A. This agreement will govern all application(s) and service(s) listed in the Appendix A.

### **2. CUSTOMER RESPONSIBILITY:**

Customer acknowledges that they are receiving only a limited subscription to use the application(s), service(s), and related documentation, if any, and shall obtain no titles, ownership nor any rights in or to the application(s), service(s), and related documentation, all of which title and rights shall remain with iWorQ. Customer shall not permit any user to reproduce, copy, or reverse engineer any of the application(s), service(s) and related documentation.

iWorQ is not responsible for the content entered into iWorQ's database or uploaded as a document or image. Access to iWorQ cannot be used to record personal or confidential information such as driver license numbers, social security numbers, financial data, credit card information or upload any images or documents considered personal or confidential.

### **3. TRAINING AND IMPLEMENTATION:**

Customer agrees to provide the time, resources, and personnel to implement iWorQ's service(s) and application(s). iWorQ will assign a senior account manager and an account management team to implement service(s) and application(s). Typical implementation will take less than 60 days. iWorQ account managers will call twice per week, provide remote training once per week, and send weekly summary emails to the customer implementation team. iWorQ can provide project management and implementation documents upon request. iWorQ will do ONE import of the Customer's data. This import consists of importing data, sent by the Customer, in an electronic relational database format.

Customer must have clear ownership of all forms, letters, inspections, checklists, and data sent to iWorQ.

Data upload and storage is provided to every Customer. This includes uploading files up to 3MB and 10 GB of managed data storage on AWS GovCloud. Additional upload file sizes and managed data storage sizes can be provided based on the application(s) and service(s) listed in Appendix A.

#### **4. CUSTOMER DATA:**

Customer data will be stored on AWS GovCloud. iWorQ will use commercially reasonable efforts to backup, store and manage Customer data. iWorQ does backups twice per week and offsite backups twice per week. The subscription will renew each year on the anniversary date of this Agreement unless terminated (see 7. TERMINATION).

Customer can run reports and export data from iWorQ application(s) at any time.

Customer can pay iWorQ for additional data management service(s), onsite backups, application(s) and other service(s).

Data upload and storage is provided to every Customer. This includes uploading files up to 3MB and 10 GB of managed data storage on AWS GovCloud. Additional upload file sizes and managed data storage sizes can be provided based on the application(s) and service(s) listed in Appendix A.

#### **5. CUSTOMER SUPPORT:**

Customer support and training are FREE and available Monday-Friday, from 6:00 A.M. to 5:00 P.M. MST, for any authorized user with a login. iWorQ provides unlimited remote Customer training (through webinars), phone support, help files, and documentation. Basic support request is typically handled the same day. iWorQ provides "Service NOT Software".

#### **6. BILLING:**

iWorQ will invoice Customer on an annual basis. iWorQ will send invoice by mail and by email to the address(s) listed in Appendix A. Terms of the invoice are net 30 days. Any billing changes will require that a new Service(s) Agreement be signed by Customer.

Any additional costs imposed by the Customer including business licenses, fees, or taxes will be added to the Customer's invoice yearly.

#### **7. TERMINATION:**

Either party may terminate this agreement, after the initial 1-YEAR TERM, without cause if the terminating party gives the other party sixty (60) days written notice. Should Customer terminate any application(s) and or service(s) the remaining balance will immediately become due. Should Customer terminate any part of the application(s) and or service(s) a new Service(s) Agreement will need to be signed.

Upon termination (6. TERMINATION), iWorQ will discontinue all application(s) and or service(s) under this Agreement; iWorQ will provide customer with an electronic copy of all of Customer's data, if requested by the Customer (within 3-5 business days).

During the term of the Agreement, the Customer may request a copy of all of Customer's data for a cost of no more than \$2,500; and all provisions of this Agreement will continue.

## **8. ACCEPTABLE USE:**

Customer represents and warrants that the application(s) and service(s) will only be used for lawful purposes, in a manner allowed by law, and in accordance with reasonable operating rules, and policies, terms and procedures. iWorQ may restrict access to users upon misuse of application(s) and service(s).

## **9. MICELLANEOUS PROVISIONS:**

This Agreement will be governed by and construed in accordance with the laws of the State of Utah.

## **10.CUSTOMER IMPLEMENTATION INFORMATION:**

Primary Implementation Contact \_\_\_\_\_ Title \_\_\_\_\_

Office Phone \_\_\_\_\_ Cell \_\_\_\_\_

Email \_\_\_\_\_

Secondary Implementation Contact \_\_\_\_\_ Title \_\_\_\_\_

Office Phone \_\_\_\_\_ Cell \_\_\_\_\_

Email \_\_\_\_\_

## **11. CUSTOMER BILLING INFORMATION:**

Billing Contact \_\_\_\_\_ Title \_\_\_\_\_

Billing Address: \_\_\_\_\_

Office Phone \_\_\_\_\_ Cell \_\_\_\_\_

Email \_\_\_\_\_

PO# \_\_\_\_\_ (if required) Tax Exempt ID # \_\_\_\_\_



## 12.ACCEPTANCE:

The effective date of this Agreement is listed below. Authorized representative of Customer and iWorQ have read the Agreement and agree and accept all the terms.

Signature \_\_\_\_\_

Effective Date: \_\_\_\_\_

Printed Name \_\_\_\_\_

Title \_\_\_\_\_

Office Number \_\_\_\_\_

Cell Number \_\_\_\_\_

## **iWorQ Service(s) Agreement**

### **APPENDIX A**

## iWorQ Price Proposal

<b>Kensington</b>	<b>Population- 2,394</b>
<b>3710 Mitchell Street Kensington, MD 20895</b>	<b>Prepared by: Steve Hulse</b>

### Annual Subscription Fees

<u>Application(s) and Service(s)</u>	<u>Package Price</u>	<u>Billing</u>
<b>Community Development (Enterprise Package)</b>  *Permit Management *Code Enforcement *Portal Home  Quarterly upload of parcel information to iWorQ's GIS Map Track contractors, inspections, property information Track code violations, fees, and activities Unlimited reports and ad-hoc reporting Unlimited letters and documents configured through iWorQ's template library and 3 custom letters 3 custom forms for Portal Home Premium Data (25MB Uploads & 100GB Storage) Online credit/debit card processing integrated with iWorQ. (Payroc) <b>GIS REST Services</b> - iWorQ will publish your agency's WMS layers in iWorQ Community Development applications. iWorQ will update parcel information monthly from the published service. Note: If GIS configurations change (FTP location, name format, field changes, etc.) iWorQ will charge a minimum \$500 fee to accommodate new configuration adjustments (subject to additional hourly charges)	<b>\$5,000</b>	Annual
<b>Subscription Fee Total (This amount will be invoiced each year)</b>	<b>\$5,000</b>	Annual

## One-Time Setup, GIS integration, and Data Conversion Fees

<b>Service(s)</b>	<b>Full Price Cost</b>	<b>Package Price</b>	<b>Billing</b>
Implementation and Setup cost year 1	\$3,350	\$3,350	Year One
Up to 5 hours of GIS integration and data conversion	<del>\$1,000</del>	Included	Year One
Data Conversion (see attached guidelines Appendix B)	<del>\$4,900</del>	Included	Year One
<b>One-Time Setup Total (This amount will be added year 1)</b>	<del>\$9,250</del>	\$8,350	Year One
<b>Grand Total Due Year 1</b>	<del>\$14,250</del>	\$8,350	Year One

## NOTES AND SERVICE DESCRIPTION

- I. Invoice for the (Annual Subscription Fee Total + One-Time Total) will be sent out 2 weeks after signature and Effective Date
- II. This subscription Fee and Agreement have been provided at the Customer's request and is valid for 25 days
- III. This cost proposal cannot be disclosed or used to compete with other companies.

Charter Resolution No. CR-01-2020

Introduced: December 14, 2020

Adopted:

OF THE MAYOR AND COUNCIL OF THE TOWN OF KENSINGTON AMENDING ARTICLE VII REGISTRATION, NOMINATIONS AND ELECTIONS, SECTION 703, "REMOVAL", SECTION 704, "DUTIES", SECTION 705, "NOTICE OF ELECTIONS", SECTION 706, "APPEAL OF THE ACTIONS OF THE BOARD OF SUPERVISORS OF ELECTIONS", SECTION 707, "REGISTRATION", SECTION 708, "NOMINATIONS", SECTION 709, "ELECTION OF THE MAYOR AND THE COUNCIL MEMBERS", SECTION 710, "CONDUCT OF ELECTIONS", AND SECTION 712, "VOTE COUNT", TO MAKE PROVISION FOR RESOLVING A TIE VOTE, REMOVE AN INVALID PROVISION WITH RESPECT TO ELIMINATING VOTERS FROM THE SUPPLEMENTAL LIST, PROVIDE THAT NO ELECTION WILL BE HELD AND THE QUALIFIED CANDIDATES WILL BE DECLARED ELECTED BY THE SUPERVISORS OF ELECTIONS IF THE NUMBER OF QUALIFIED CANDIDATES IS NOT MORE THAN THE NUMBER OF SEATS TO BE FILLED, CHANGE HOW NOTICE OF ELECTIONS IS GIVEN, TO ALLOW FOR PUBLICATION IN THE TOWN JOURNAL AND POSTING TO THE TOWN'S WEBSITE, ANY TOWN LISTSERV, AND AT TOWN HALL, LIMIT APPEALS OF SUPERVISORS OF ELECTIONS DECISIONS TO CANDIDATES AND OTHER QUALIFIED VOTERS AND SET A TIME LIMIT, EXTEND THE DEADLINE TO QUALIFY AS A CANDIDATE TO THE THIRD MONDAY IN MAY IN THE EVENT THAT NO CANDIDATE HAS TIMELY FILED FOR AN OFFICE, CLARIFY THAT QUALIFICATIONS FOR OFFICE ARE DETERMINED AT THE TIME OF FILING OF THE CERTIFICATE OF NOMINATION, ALLOW THE COUNCIL BY RESOLUTION IN AN EMERGENCY TO POSTPONE AN ELECTION UNTIL SUCH TIME AS IT CAN BE SAFELY HELD, AND TO MAKE OTHER CHANGES, ALLOW THE COUNCIL BY RESOLUTION TO AUTHORIZE VOTE BY MAIL, AND ALLOW PLACEMENT OF DROP BOXES FOR RECEIPT OF BALLOTS.

A Charter Resolution of the Mayor and Council of the Town of Kensington, Maryland, adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and of §4-301 *et seq.*, Local Government Article, Annotated Code of Maryland, as amended; and

**WHEREAS**, §5-202 *et seq.* of the Local Government Article, Annotated Code of Maryland, authorizes the Mayor and Council to adopt those Charter resolutions as they may deem necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to

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CAPS : Indicate matter added to existing law.

[Brackets] : Indicate matter deleted from law.

CAPS : Indicate matter added in amendment of proposed Charter Amendment.

~~CAPS~~ : Indicate matter deleted in amendment of proposed Charter Amendment.

Asterisks \* \* \* : Indicate matter remaining unchanged in existing law but not set forth in Charter Amendment.

secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality; and

**WHEREAS**, the Mayor and Council undertook a thorough review of the Charter with respect to registration of voters, nomination of candidates and elections; and

**WHEREAS**, the Mayor and Council have determined that it is in the public interest to adopt the amendments as proposed.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Town of Kensington, Maryland, that:

**Section 1.** Article VII, “Registration, Nominations and Elections”, Section 703 “Removal” of the Town Charter is repealed, re-enacted and amended as follows:

#### Section 703. Removal

Any member of the Board of Supervisors of Elections may be removed for good cause by the Council. Before removal, the member of the Board of Supervisors of Elections to be removed shall be given a written copy of the charges for removal. There shall be a public hearing on the charges before the Council if the member of the Board SO requests within ten (10) days after receiving the written copy of the charges.

**Section 2.** Article VII, “Registration, Nominations and Elections”, Section 704 “Duties” of the Town Charter is repealed, re-enacted and amended as follows:

#### Section 704. Duties

The Board of Supervisors of Elections shall ~~[be in charge of]~~ ADMINISTER nominations and all Town elections. The Board may appoint election clerks or other ~~[employees]~~ PERSONS to assist it in any of its duties, but no salary, expenses, or other compensation shall be paid to such appointees except as provided by the Council. The Board shall be the judge of the election ~~[and qualifications of its members]~~.

**Section 3.** Article VII, “Registration, Nominations and Elections”, Section 705, “Notice of Elections” of the Town Charter is repealed, re-enacted and amended as follows:

#### Section 705. Notice of Elections

The Board of Supervisors of Elections shall give at least two (2) weeks’ notice of

every election, by POSTING A NOTICE THEREOF AT TOWN HALL, TO THE OFFICIAL TOWN WEBSITE, AND TO ANY TOWN-MAINTAINED E-MAIL LISTSERV, AND BY PUBLISHING IN THE TOWN NEWSLETTER ~~[, an advertisement published in at least one newspaper of general circulation in the Town and by posting a notice thereof in some public place or places in the Town].~~

**Section 4.** Article VII, “Registration, Nominations and Elections”, Section 706

“Appeal of the Actions of the Board of Supervisors of Elections” of the Town Charter is repealed, re-enacted and amended as follows:

Section 706. Appeal of the Actions of the Board of Supervisors of Elections

If any ~~[person]~~ CANDIDATE OR OTHER QUALIFIED VOTER shall feel aggrieved by the action of the Board of Supervisors of Elections ~~[by any action]~~, such person may appeal to the Council WITHIN FIFTEEN (15) DAYS OF THE ACTION. Any decision or action of the Council upon such appeals may, in turn, be appealed to the Circuit Court for Montgomery County within thirty (30) days of the decision or action of the Council.

**Section 5.** Article VII, “Registration, Nominations and Elections”, Section 707

“Registration” of the Town Charter is repealed, re-enacted and amended as follows:

Section 707. Registration

~~[Registration by a resident with the Montgomery County Board of Supervisors of Elections shall be deemed registration for Town elections.]~~ A. ANY PERSON RESIDING WITHIN THE CORPORATE LIMITS OF THE TOWN OF KENSINGTON WHO IS REGISTERED TO VOTE WITH THE MONTGOMERY COUNTY BOARD OF SUPERVISORS OF ELECTIONS AND WILL BE AT LEAST 18 YEARS OF AGE ON ELECTION DAY SHALL AUTOMATICALLY BECOME A REGISTERED VOTER OF THE TOWN AND BE ENTITLED TO VOTE AT GENERAL OR SPECIAL ELECTIONS OF THE TOWN, provided that the application for such registration is received by the Montgomery County Board of Supervisors of Elections no later than 9:00 p.m. on the fifth Monday prior to an election. The Kensington Board of Supervisors of Elections shall accept the list of registered voters provided by the Montgomery County Board of Supervisors of Election as a valid registration list for the Town.

B. Registration of voters shall be permitted in the Town offices during regular office hours every day such offices are open, to develop a supplemental list of registered voters, and at such other times and places as the Council may establish from time to time. Town registration books shall be closed on the last Tuesday in May prior to the Town election. The Board of Supervisors of Elections shall keep the Town supplemental registration lists up to date by striking from the lists any persons who have died, OR ~~[who have moved out of]~~ NO LONGER

MAINTAIN RESIDENCE IN the Town [~~or who has not voted in a Town election within the five preceding calendar years.~~] The Council, by ordinance, [~~shall~~] MAY adopt and enforce any provisions necessary to establish and maintain a system of permanent registration and provide for re-registration when necessary.

**Section 6.** Article VII, “Registration, Nominations and Elections”, Section 708

“Nominations” of the Town Charter is repealed, re-enacted and amended as follows:

Section 708. Nominations

A. Persons may be nominated AND QUALIFY for elective office in the Town by filing a certificate of nomination AND THE FINANCIAL DISCLOSURE REQUIRED BY SECTION 2-308 OF THE KENSINGTON CODE at the office of the Board of Supervisors of Elections on or before the second Monday in May preceding the Town election. No person shall file for nomination to more than one elective Town public office or [~~to~~] hold more than one elective Town public office at any one time.

B. IN THE EVENT THAT NO QUALIFIED CANDIDATE FILES FOR THE OFFICE OF MAYOR OR ONE OR MORE COUNCIL SEATS ON OR BEFORE THE SECOND MONDAY IN MAY PRIOR TO THE ELECTION AS REQUIRED HEREIN, THEN THE DEADLINE FOR RECEIPT OF CERTIFICATES OF NOMINATION AND AUTHORIZATIONS IS EXTENDED TO THE THIRD MONDAY IN MAY PRIOR TO THE ELECTION.

C. NO CERTIFICATES OF NOMINATION FOR AN INDIVIDUAL SHALL BE CONSIDERED VALID UNLESS THAT INDIVIDUAL POSSESSES ALL THE REQUIRED QUALIFICATIONS FOR THE OFFICE SOUGHT BY THE DATE OF FILING.

**Section 7.** Article VII, “Registration, Nominations and Elections”, Section 709,

“Election of the Mayor and the Council Members” of the Town Charter is repealed, re-enacted and amended as follows:

Section 709. Election of the Mayor and the Council Members

A. On the first Monday in June in every even numbered year, the voters of the Town shall elect the Mayor and two (2) persons as Council Members. On the first Monday in June in every odd numbered year, the registered voters of the Town shall elect two (2) persons as Council Members. The Mayor and the Council Members shall serve for terms of two (2) years.

B. WHEN A STATE OF EMERGENCY HAS BEEN DECLARED FOR THE TOWN BY THE MAYOR AND COUNCIL, OR BY THE STATE OF MARYLAND OR MONTGOMERY COUNTY, PURSUANT TO STATE OR LOCAL LAW, AND IN THE JUDGMENT OF THE MAYOR AND COUNCIL THE STATE OF EMERGENCY



PREVENTS THE SAFE, ORDERLY AND EFFICIENT CONDUCT OF A TOWN ELECTION, THE MAYOR AND COUNCIL MAY, BY RESOLUTION, POSTPONE AN ELECTION UNTIL SUCH TIME AS THE ELECTION MAY BE CONDUCTED IN A SAFE, ORDERLY AND EFFICIENT MANNER AND MAKE NECESSARY CHANGES TO THE METHOD, CONDUCT, OR VOTING SYSTEM OF AN ELECTION TO ENSURE AN ACCURATE VOTE COUNT AND CERTIFICATION OF THE ELECTION RESULTS.

C. THE MAYOR AND COUNCIL MAY BY RESOLUTION:

1. AUTHORIZE AN ELECTION TO BE CONDUCTED IN WHOLE OR IN PART BY MAIL, AND
2. MAKE PROVISION FOR A DROP-BOX FOR BALLOTS AT TOWN HALL.

**Section 8.** Article VII, “Registration, Nominations and Elections”, Section 710

“Conduct of Elections” of the Town Charter is repealed, re-enacted and amended as follows:

Section 710. Conduct of Elections

It is the duty of the Board of Supervisors of Elections to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and ballots and/or voting machines. The ballots and/or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of this Charter, arranged in alphabetical order by office with no party designation of any kind. The Board of Supervisors of Elections shall keep the polls open from 6:00 p.m. to 9:00 p.m. on election days or for ~~longer~~ SUCH hours ~~if~~ THAT the Council BY RESOLUTION requires. The Board of Supervisors of Elections shall provide for absentee ballots.

AS OF THE DEADLINE FOR NOMINATION SET FORTH IN SECTION 708, IF THE NUMBER OF QUALIFIED CANDIDATES IS NOT MORE THAN THE NUMBER OF SEATS TO BE FILLED, THEN NO ELECTION WILL BE HELD, AND THE QUALIFIED CANDIDATES SHALL BE DECLARED ELECTED FOR THE TERM BY THE BOARD OF SUPERVISORS OF ELECTIONS AT THE NEXT PUBLIC MEETING OF THE MAYOR AND COUNCIL.

**Section 9.** Article VII, “Registration, Nominations and Elections”, Section 712 “Vote

Count” of the Town Charter is repealed, re-enacted and amended as follows:

Section 712. Vote Count

Within twenty-four (24) hours after the closing of the polls, OR AS SOON AS PRACTICABLE THEREAFTER, the Board of Supervisors of Elections shall determine the vote cast for each candidate or question and shall certify the results of the election to the Mayor of the Town who shall order the results recorded in the minutes of the Council. The candidate for Mayor with the highest number of votes in the general election shall be declared elected as Mayor. The two (2) COUNCIL MEMBER candidates ~~[for Council Members]~~ with the highest

number of votes in the ~~[municipal]~~ GENERAL election shall be declared elected as Council Members.

IF TWO OR MORE CANDIDATES FOR MAYOR, OR THREE OR MORE CANDIDATES FOR COUNCILMEMBER, RECEIVING THE HIGHEST NUMBER OF VOTES, RECEIVE AN EQUAL NUMBER OF VOTES, THE MAYOR AND COUNCIL SHALL DIRECT THE BOARD OF SUPERVISORS OF ELECTIONS TO ADMINISTER A SPECIAL ELECTION. THE SUPERVISORS OF ELECTIONS SHALL DECLARE THE CANDIDATE FOR MAYOR, AND THE TWO COUNCIL MEMBER CANDIDATES, RECEIVING THE HIGHEST NUMBER OF VOTES IN THE SPECIAL ELECTION TO BE ELECTED TO THE RESPECTIVE OFFICES.

**Section 10.** Article VII, "Registration, Nominations and Elections", Section 714

"Vacancies" of the Town Charter is repealed, re-enacted and amended as follows:

Section 714. Vacancies

A. In the case of a vacancy for any reason in the position of Council Member which occurs ninety (90) days or more prior to the expiration of the term, a special election shall be called within sixty (60) days to fill such vacancy for the unexpired term. ~~[In the case of]~~ FOR any such vacancy ~~[which]~~ THAT occurs less than ninety (90) days prior to the expiration of the term ~~[vacancy for the unexpired term shall be]~~ OFFICE SHALL REMAIN VACANT UNTIL filled at the next general election.

B. In the case of a vacancy in the office of Mayor for any reason, which occurs ninety (90) days or more prior to the expiration of the term, a special election shall be called within sixty (60) days to fill such vacancy for the unexpired term. In the case of any such vacancy which occurs less than ninety (90) days prior to the expiration of ~~[the expiration of]~~ the term, the ~~[vacancy for the unexpired term shall be]~~ OFFICE SHALL REMAIN VACANT UNTIL filled at the next general election~~[-, provided that such term shall not expire on the second Monday after such election].~~

**Section 11.** BE IT FURTHER RESOLVED that this Charter Resolution was introduced on the \_\_\_\_ day of \_\_\_\_\_, 2020 and was considered for adoption after a public hearing. It is adopted this \_\_\_\_ day of \_\_\_\_\_, 2021, after at least 21 days of prior public notice of the public hearing and shall be and become effective upon the fiftieth (50<sup>th</sup>) day after its passage by the Town unless petitioned to referendum in accordance with §4-304 *et seq.* of the Local Government Article, Annotated Code of Maryland, within forty (40) days following its passage. A complete and exact copy of this Charter Resolution

shall be posted in the Town offices located at 3710 Mitchell Street, Kensington, Maryland 20895 for forty (40) days following its passage by the Mayor and Council and a fair summary of the Charter Resolution shall be published in a newspaper having general circulation in the Town not less than four (4) times, at weekly intervals, also within the forty (40) day period following its adoption by the Town .

**Section 12.** **BE IT FURTHER RESOLVED** that after the Charter Resolution hereby enacted becomes effective, either as herein provided or following referendum, the Town Manager for the Town of Kensington shall send separately, by certified mail, return receipt requested, to the Department of Legislative Reference, the following information concerning the Charter Resolution: (i) the complete text of this Resolution; (ii) the date of referendum election, if any, held with respect thereto; (iii) the number of votes cast for and against this Resolution by the Council of the Town of Kensington or in the referendum; and (iv) the effective date of the Charter Resolution.

**Section 13.** **BE IT FURTHER RESOLVED** that if any provision of this Resolution or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other application of this Resolution or of the Charter which can be given effect without the invalid provisions or application, and to this end, all the provisions of this Resolution and of the Charter are hereby declared to be severable.

**INTRODUCED** by the Mayor and Council of the Town of Kensington, Maryland at a regular meeting on the \_\_\_\_\_ day of December, 2020.

**ADOPTED** by the Mayor and Council of the Town of Kensington, Maryland in public meeting assembled on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**EFFECTIVE** the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**ATTEST:**

**TOWN OF KENSINGTON**

\_\_\_\_\_  
Susan Engels, Town Clerk-Treasurer

By \_\_\_\_\_  
Tracey Furman, Mayor

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

\_\_\_\_\_  
Suellen M. Ferguson, Town Attorney

Ordinance No. O-03-2020  
 Introduced: December 14, 2020  
 Adopted:

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF KENSINGTON TO AMEND CHAPTER VIII, "HEALTH AND ENVIRONMENTAL REGULATIONS", BY ENACTING ARTICLE 9, "PESTICIDES", TO INCORPORATE CHAPTER 33B, OF THE MONTGOMERY COUNTY CODE ENTITLED "PESTICIDES", WHICH CONTAINS VARIOUS PROVISIONS TO PROTECT THE HEALTH OF THE PUBLIC AND TO MAKE CONFORMING CHANGES.

**WHEREAS**, §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, and Article VI, "Powers of the Council", Section 601, "General Powers", of the Town Charter authorizes the Mayor and Council to adopt such ordinances as it may deem necessary for the good government of the Town; for the protection and preservation of property, rights, and privileges; for the preservation of peace and good order; for securing person and property from violation, danger, or destruction; and for the protection and promotion of the health, safety, and welfare, of the residents and visitors of the Town; and

**WHEREAS**, the Mayor and Town Council have determined that it is in the public interest to amend Chapter VIII, "Health and Environmental Regulations", by enacting Article 9, "County Pesticides Law Adopted", and otherwise make conforming changes.

#### **Section 1.**

**NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Council of the Town of Kensington, that Chapter VIII, "Health and Environmental Regulations", Article 9, "Pesticides" be enacted to read as follows:

#### ARTICLE 9 PESTICIDES

##### SECTION 8-901. COUNTY PESTICIDES LAW ADOPTED

(A) CHAPTER 33 B OF THE MONTGOMERY COUNTY CODE ENTITLED "PESTICIDES", WHICH CONTAINS VARIOUS PROVISIONS TO PROTECT THE HEALTH OF THE PUBLIC, INCLUDING ANY FUTURE AMENDMENTS, REVISIONS, OR CHANGES THERETO, IS HEREBY ADOPTED AND MADE PART OF THE THIS CODE BY REFERENCE, EXCEPT AS OTHERWISE PROVIDED IN THIS CODE.

#### **CAPS**

[Brackets]

Asterisks \* \* \*

CAPS

[Brackets]

: Indicate matter added to existing law.

: Indicate matter deleted from law.

: Indicate matter remaining unchanged in existing law but not set forth in Ordinance

:Indicate matter added in amendment

: Indicate matter deleted in amendment

(B) THIS SECTION IS AN EXCEPTION TO THE GENERAL EXEMPTION ENACTED BY THE TOWN OF KENSINGTON IN SECTION 1-202 OF THIS CODE.

(C) THE TOWN HEREBY REQUESTS AND AUTHORIZES MONTGOMERY COUNTY TO ENFORCE THE PROVISIONS OF THIS SECTION.

(D) A COPY OF CHAPTER 33B OF THE MONTGOMERY COUNTY CODE SHALL BE KEPT IN THE TOWN OFFICE AND SHALL BE MADE AVAILABLE DURING NORMAL BUSINESS HOURS.

## **Section 2.**

**BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the Town of Kensington that upon formal introduction of this proposed Ordinance, the Town Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the Town Clerk. The proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council, shall be:

- a. Posted at the town hall by the next business day;
- b. Posted on the official town website;
- c. Sent to those persons listed on the official town email list /mail subscription service; and
- d. Published once prior to the public hearing in the town newsletter or sent by substitute regular mail to newsletter circulation addresses.

The public hearing shall be held at least fifteen (15) days after introduction and may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. This Ordinance shall become effective on \_\_\_\_\_ provided that the ordinance or a fair summary thereof is:

- a. Posted at the town hall by the next business day for at least two (2) weeks;

**CAPS**

[Brackets]

Asterisks \* \* \*

**CAPS**

[Brackets]

: Indicate matter added to existing law.

: Indicate matter deleted from law.

: Indicate matter remaining unchanged in existing law but not set forth in Ordinance

:Indicate matter added in amendment

: Indicate matter deleted in amendment

b. Posted on the official town website;

c. Sent to those persons listed on the official town email list /mail subscription service;

and

d. Published once in the town newsletter.

If any part of provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part of provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof.

**INTRODUCED** by the Mayor and Town Council of Kensington, Maryland at the regular public meeting assembled on the \_\_\_\_ day of December, 2020.

**ADOPTED** by the Mayor and Town Council of Kensington, Maryland at the regular public meeting assembled on the \_\_\_\_ day of February, 2021.

**EFFECTIVE** the \_\_\_\_ day of March, 2021.

**ATTEST:**

**TOWN OF KENSINGTON**

By: \_\_\_\_\_  
Susan C. Engels, Clerk – Treasurer

\_\_\_\_\_  
Tracey C. Furman, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Suellen M. Ferguson, Town Attorney

**CAPS**

[Brackets]

Asterisks \* \* \*

**CAPS**

[Brackets]

: Indicate matter added to existing law.

: Indicate matter deleted from law.

: Indicate matter remaining unchanged in existing law but not set forth in Ordinance

: Indicate matter added in amendment

: Indicate matter deleted in amendment

Ordinance No. O-01-2021  
Introduced: January 11, 2021  
Adopted:

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF KENSINGTON AMENDING CHAPTER 2, "GOVERNMENT AND ADMINISTRATION", ARTICLE 2, "ELECTIONS", SECTION 2-201. "GENERAL VOTER REGISTRATION", SECTION 2-202, "DISTRIBUTION OF ABSENTEE BALLOTS", SECTION 2-203, "PROCEDURES OF ABSENTEE VOTING", AND SECTION 2-204, "CANVASSING OF ABSENTEE BALLOTS" OF THE TOWN OF KENSINGTON CODE TO DELETE ANY REQUIREMENT THAT A VOTER PROVIDE A REASON FOR VOTING BY ABSENTEE BALLOT AND TO DELETE AN INVALID PROVISION WITH RESPECT TO ELIMINATING VOTERS FROM THE SUPPLEMENTAL LIST.

**WHEREAS**, pursuant to §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, the Town of Kensington (hereinafter, the "Town") has the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the citizens of the municipality and to prevent and remove nuisances; and

WHEREAS, Chapter 2, "Government and Administration", Article 2, "Elections", Section 2-202, "Distribution of Absentee Ballots", Section 2-203, "Procedures of Absentee Voting", and Section 2-204, "Canvassing of Absentee Ballots" were adopted by the Mayor and Council to provide for voting by absentee ballot in Town elections; and

**WHEREAS**, pursuant to §4-108 of the Local Government Article, Annotated Code of Maryland, the Town is prohibited from requiring an individual to provide a reason that the individual will be unable to vote in person on election day in order to vote by absentee ballot; and

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CAPS	: Indicate matter added to existing law.
[Brackets]	: Indicate matter deleted from law.
Asterisks * * *	: Indicate matter remaining unchanged in existing law but not set forth in Ordinance.
CAPS	: Indicate matter added in amendment
[Brackets]	: Indicate matter deleted in amendment



**WHEREAS**, Maryland law prohibits removing a registered voter from the vote list merely for the failure to vote; and

**WHEREAS**, the Mayor and Council have determined that it is in the public interest and required by State law to delete the provisions in Sections 2-202, 2-203 and 2-204 that reference any requirement that a voter provide a reason for voting by absentee ballot and to delete the provision in Section 2-102 allowing removal of persons from the voter list if that person has not voted in the past five years.

**Section 1.** **NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Council of the Town of Kensington, Maryland that Chapter 2, "Government and Administration", Article 2, "Elections", Section 2-201, "General Voter Registration," of the Code of the Town of Kensington be, and is hereby, repealed and re-enacted with amendments to read as follows:

Section 2-201. General Voter Registration

(a) – (e) \* \* \* \* \*

(f) The Board of Supervisors of Elections shall review the books of registration prior to the second Monday in May preceding the next Town election for removal of any person who has died, who has moved out of Town, ~~[who has not voted in at least one Town election within the five preceding calendar years,]~~ or who is otherwise legally disqualified. The Board of Supervisors of Elections shall report, in writing to the Town Council the names of all persons whose registrations are withdrawn and the reasons therefor. All questions arising in connection with the registration or withdrawal of registration of any person shall be determined and decided as provided in Section 707 of the Town Charter.

(g) – (h) \* \* \* \* \*

Section 2. **BE IT FURTHER ORDAINED AND ENACTED**, by the Mayor and Council of the Town of Kensington, Maryland that Chapter 2, "Government and Administration", Article 2,

**Commented [A1]:** The Town will generally be relying on the County's system for maintaining the voter rolls.

"Elections", Section 2-202, "Distribution of Absentee Ballots," of the Code of the Town of Kensington be, and is hereby, repealed and re-enacted with amendments to read as follows:

Section 2-202 Distribution of Absentee Ballots

(a) Any qualified and registered voter may apply in writing or in person to the Clerk-Treasurer or Board of Supervisors of Elections for an absentee ballot ~~[if he or she can not be present at any upcoming Town election].~~

(b) If an applicant appears to be eligible to vote as an absentee voter, the Clerk- Treasurer shall, as soon as practicable, deliver to him or her at the place so designated by the applicant, an absentee ballot and envelopes therefor, as hereinafter described in Subsection (f) below. If it appears that the applicant is not eligible to vote as an absentee voter, the Clerk-Treasurer shall, as soon as practicable, so notify the applicant.

(c) The Clerk-Treasurer shall deliver with each ballot and envelope instructions clearly explaining the manner in which the recipient may vote as an absentee voter under the provisions of this Article.

(d) The Clerk-Treasurer shall keep a record of applications for absentee ballots as they are received, showing the date received, the names and residences of the applicants, and places where such ballots were delivered, and, if any such applicants were rejected, the reasons for such rejections. Such applications and records shall be available for public examination for a period of six months after the election. The individual record of each voter to whom an absentee ballot was delivered shall be marked to indicate the fact that an absentee ballot was delivered to the applicant and the date of such delivery. Only those voters to whom absentee ballots have been delivered shall be permitted to use such ballots. No voter to whom an absentee ballot has been delivered shall be allowed to vote in person at the polls at the election, except as provided in Section 2-203 (c) of this Article.

(e) No more than one absentee ballot shall be delivered to any one applicant unless the Clerk-Treasurer has reasonable grounds to believe that the absentee ballot previously delivered has been lost, destroyed or spoiled.

(f) The form of ballots and envelopes for absentee voters shall be as follows:

(1) The ballots shall contain the words "absentee ballot" in large letters in a clear space at the top of each ballot and the signature of the Clerk-Treasurer.

(2) The following shall be delivered to the absentee voter:

(i) An envelope marked "Ballot Envelope" of sufficient size to contain the absentee ballot

(ii) Another envelope, hereinafter referred to as the "Outer Envelope", of sufficient size to contain the Ballot Envelope. ~~;~~ and (iii) Oath of absentee voter as follows:

~~"I, \_\_\_\_\_, do hereby swear (or affirm) under penalty of perjury that I am legally qualified to vote in the Town of Kensington's election to be held on \_\_\_\_\_; that I will be unable to vote in person on the day of such election because \_\_\_\_\_ as stated in my application for the enclosed ballot; that the enclosed ballot was marked secretly, folded and enclosed and sealed in the enclosed Ballot Envelope and in this envelope; and that I am now disqualified from voting in person in the Town election."~~

~~\_\_\_\_\_~~  
~~(Signature of absentee voter)]~~

**Section 3. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the Town of Kensington that Chapter 2, "Government and Administration", Article 2, "Elections", Section 2-203, " Procedures of Absentee Voting " of the Code of the Town of Kensington be, and is hereby, repealed and re-enacted with amendments to read as follows:

Section 2-203. Procedures of Absentee Voting

(a) The procedure for absentee voting is as follows: The absentee voter shall mark the absentee ballot, insert it in the Ballot Envelope and then seal this envelope. The voter shall then insert this envelope~~[, together with a completed and signed oath]~~ into the outer envelope, and then seal this envelope. The voter shall then deliver the foregoing to the Clerk-Treasurer or the Board of Supervisors of Elections on or before the close of the polls on Election Day.

(b) No absentee ballots actually received by the Clerk-Treasurer or the Board of Supervisors of Elections after the close of the polls shall be valid.

(c) Any person to whom an absentee ballot has been delivered who has not returned said ballot as provided in Subsection (a) above and who ~~[finds that he or she is able]~~ DECIDES to vote in person at the polls on Election Day, may vote in such election if ~~[he or she delivers their]~~ THEIR unmarked absentee ballot, together with both the Ballot Envelope and the Outer Envelope, IS RETURNED to

the Board of Supervisors of Elections prior to the close of the polls. The Board of Supervisors of Elections shall clearly mark each of such materials "void" and shall enter in the appropriate register the fact that such materials have been returned but not used.

**Section 4.** BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the Town of Kensington that Chapter 2, "Government and Administration", Article 2, "Elections, Section 2-204, "Canvassing of Absentee Ballots", of the Code of the Town of Kensington be, and is hereby, repealed and re-enacted with amendments to read as follows:

Section 2-204 Canvassing of Absentee Ballots

The procedure for the canvassing of ballots shall be as follows:

(a) The Clerk-Treasurer shall deliver all sealed Outer Envelopes received to the Board of Supervisors of Elections. No sealed Outer Envelopes shall be opened at any time prior to the canvassing of the absentee ballots.

(b) When an Outer Envelope is opened, the Board of Supervisors of Elections shall conclusively determine whether or not the person who has submitted the absentee ballot is a qualified, registered voter in the Town to whom an absentee ballot was delivered under this Article ~~[, has properly completed the oath specified in Section 2-202 (f) (2) (iii) above,]~~ and has not voted in person at the election. The Board of Supervisors of Elections shall then enter in the appropriate register the fact that the voter ~~[whose name appears on the oath]~~ has voted by absentee ballot. They shall thereafter separately open the Ballot Envelopes in such a manner that they are unable to match the name of the absentee voters with the particular absentee ballots that have been submitted. The Board of Supervisors of Elections shall then proceed to count and certify the absentee ballots.

(c) The Ballot Envelopes found to be invalid by the Board of Supervisors of Elections shall not be opened. The Board of Supervisors of Elections shall keep a record of all absentee ballots which have been rejected and the reason for each such rejection. Such record, and envelopes ~~[and oaths]~~ described in Section 2-202 of this Article, shall be available for public inspection at the Town office for a period of six months after the election.

(d) Whenever the Board of Supervisors of Elections shall determine from proof or investigation that any person who has marked and delivered to the Clerk-Treasurer or Board of Supervisors of Elections an absentee ballot has died before Election Day, said Board of Supervisors of Elections shall not count the ballot of the deceased voter. If at or prior to the time of such

counting and canvassing the Board of Supervisors of Elections shall not have determined that the absentee resident who marked a ballot had died before Election Day, said ballot shall be counted. The fact that said absentee resident may later be shown to have been actually dead on Election Day shall not invalidate said ballot or said election.

(e) For the purpose hereof the term “deliver” shall mean delivery by mail or by any other means.

**Section 5.** BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the Town of Kensington that upon formal introduction of this proposed Ordinance, the Town Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the Town Clerk. The proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council, shall be:

- a. Posted at the town hall by the next business day;
- b. Posted on the official town website;
- c. Sent to those persons listed on the official town email list /mail subscription service; and
- d. Published once prior to the public hearing in the town newsletter or sent by substitute regular mail to newsletter circulation addresses.

The public hearing shall be held at least fifteen (15) days after introduction and may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. This Ordinance shall become effective on \_\_\_\_\_ provided that the ordinance or a fair summary thereof is:

- a. Posted at the town hall by the next business day for at least two (2) weeks;

b. Posted on the official town website;

c. Sent to those persons listed on the official town email list /mail subscription service;  
and

d. Published once in the town newsletter.

**INTRODUCED** by the Mayor and Council of the Town of Kensington, Maryland at a public meeting assembled on the \_\_\_\_ day of \_\_\_\_\_ 2021.

**ADOPTED** by the Mayor and Council of the Town of Kensington, Maryland at a public meeting assembled on the \_\_\_\_ day of \_\_\_\_\_ 2021.

**EFFECTIVE** the \_\_\_\_ day of \_\_\_\_\_, 2021.

**ATTEST:**

**TOWN OF KENSINGTON**

By: \_\_\_\_\_

Susan Engels, Clerk-Treasurer

By: \_\_\_\_\_

Tracey Furman, Mayor

**APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY:**

\_\_\_\_\_

Suellen M. Ferguson, Town Attorney