

CHARTER AMENDMENT RESOLUTION NO. 2017-4

A RESOLUTION TO AMEND THE CHARTER OF THE CITY OF SALISBURY, MARYLAND BY DELETING REFERENCES TO THE DEPARTMENT OF INTERNAL SERVICES AND REPLACING THOSE REFERENCES WITH THE DEPARTMENT OF FINANCE AND DELETING REFERENCES TO THE DIRECTOR OF INTERNAL SERVICES AND REPLACING THAT POSITION WITH A DIRECTOR OF FINANCE IN ARTICLE VII: § SC7-1, § SC7-2, § SC7-3, § SC7-15, § SC7-22, § SC7-25, § SC7-37, § SC7-38, § SC7-39, § SC7-40, § SC7-41, § SC7-42, AND § SC7-46(D)(F).

WHEREAS, the Department of Internal Services is being divided into two separate departments, the Department of Finance and the Department of Procurement as part of the reorganization structure for the City of Salisbury; and

WHEREAS, Article VII of the current Salisbury City Charter refers to the Department of Internal Services that will be eliminated under the reorganization and replaced with the Department of Finance; and

WHEREAS, the Salisbury City Council has concluded that it is in the best interest of the city to amend the City Charter to accomplish the reorganization plan, which will not result in increased costs under the City's current budget and will allow the City to operate in a more efficient manner.

NOW, THEREFORE, BE IT RESOLVED by the Salisbury City Council, by virtue of the authority granted in Article XI-E of the Constitution of Maryland, Local Government Article § 4-301 et seq. of the Annotated Code of Maryland and § SC21-1 and § SC21-2 of the Salisbury City Code, that § SC7-1, § SC7-2, § SC7-3, § SC7-15, § SC7-22, § SC7-25, § SC7-37, § SC7-38, § SC7-39, § SC7-40, § SC7-41, § SC7-42, and § SC7-46 of the Salisbury City Charter is amended as follows:

Article VII – **[[INTERNAL SERVICES]]FINANCE**

§ SC7-1. Department of **[[Internal Services]]Finance**.

- A. There shall be a Department of **[[Internal Services]]Finance** headed by a Director of **[[Internal Services]]Finance**. The Director of **[[Internal Services]]Finance** shall be appointed by the Mayor with the advice and consent of a majority of the full Council and shall serve continuously unless terminated pursuant to § SC2-10. The compensation for the Director shall be determined by a majority of the full Council. All subordinate personnel shall be appointed as provided in § SC3-4.C of the City Charter.
- B. The financial powers of the city, except as otherwise provided by this Charter, shall be exercised by the Director of **[[Internal Services]]Finance** under the authority of the Mayor and the direct supervision of the City Administrator.

An Assistant Director of ~~[[Internal Services-]]~~Finance Operations and an Assistant Director of ~~[[Internal Services-]]~~Finance Accounting shall be recommended for appointment by the Director of ~~[[Internal Services]]~~Finance and appointed by the Mayor.

§ SC7-2. – Same: powers and duties.

Under the authority of the Mayor and the direct supervision of the City Administrator, the Director of ~~[[Internal Services]]~~Finance shall have authority and shall be required to:

- A. Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to assure the budget appropriations are not exceeded.
- B. Maintain a general accounting system for the city in such form as state law or the Council may require.
- C. Submit to the Council through the Mayor a monthly statement of all receipts and disbursements in such form as the Council may require.
- D. Submit at the end of each fiscal year a complete financial report to the Council through the Mayor.
- E. Ascertain that all taxable property within the city is assessed for taxation.
- F. Collect all taxes, special assessments, license fees, liens and all other revenues (including water revenues) of the city and all other revenues for ~~[[whose]]~~the collection of which the city is responsible and receive any funds receivable by the city, except that the collection of taxes and other revenues may be delegated to a third party through written agreement approved by the Council.
- G. Have custody of all public moneys belonging to or under the control of the city, except as to funds in the control of any set of trustees, and have custody of all bonds and notes of the city.
- H. Have custody of all investments and invested funds of the city or under the control of the city, except as to funds in the control of any set of trustees, and have custody of all bonds and notes of the city.
- I. Do such other things in relation to the fiscal or financial affairs of the city as the Mayor or the Council may require or as may be required elsewhere in this Charter.

§ SC7-3. – Bond

The Director of ~~[[Internal Services]]~~Finance shall provide a bond with such corporate surety and in such amount (but not less than fifty thousand dollars (\$50,000.00), as the Council by ordinance may require.

§ SC7-15 – Budget a public record.

The budget and budget message and all supporting schedules shall be a public record in the office of the Director of ~~[[Internal Services]]~~Finance open to public inspection by anyone. The Mayor shall cause sufficient copies of the budget and budget message to be prepared for distribution to interested persons. Separate copies of the capital program as finally adopted by the Council shall be prepared for distribution to interested persons.

§ SC7-22. – Certified copy on file.

A copy of the budget as finally adopted shall be certified by the Mayor and the City Clerk and filed in the office of the Director of **[[Internal Services]]Finance**. The budget so certified shall be printed, **[[mimeographed]]copied** or otherwise reproduced, and sufficient copies thereof shall be made available for the use of all offices, departments and agencies and for the use of interested persons and civic organizations.

§ SC7-25. – Signatures or authorization required for disbursements.

All disbursements of any kind whatsoever, including, but not limited to, checks, electronic transfers, ACH debits, etc., shall be signed or authorized by two individuals, one of whom shall be the President or the Vice-President of the Council and the other of whom shall be either the Director of **[[Internal Services]]Finance**, the Assistant Director of **[[Internal Services-]]Finance Operations**, or the Assistant Director of **[[Internal Services-]]Finance Accounting**, except that:

- A. All disbursements from the payroll account and for payroll-related items shall be signed or authorized by one of the following individuals: the Director of **[[Internal Services]]Finance**, the Assistant Director of **[[Internal Services-]]Finance Operations**, the Assistant Director of **[[Internal Services-]]Finance Accounting**, the President of the Council, or the Vice-President of the Council; and
- B. All disbursements relating to the purchasing of investments or debt payments of principal or interest investments or bond issues shall be signed or authorized by any two of the following individuals: the President of the Council, the Vice-President of the Council, the Director of **[[Internal Services]]Finance** or the Assistant Director of **[[Internal Services-]]Finance Operations**, or the Assistant Director of **[[Internal Services-]]Finance Accounting**.

§ SC7-37. – Tax Bills

Unless delegated by the City Council to Wicomico County, immediately after the levy is made by the Council in each year, the Director of **[[Internal Services]]Finance** shall give notice of the making of the levy in one (1) or more newspapers published in the city. He shall make **[[out]]** and mail or deliver in person to each taxpayer or his agent a bill or account of the taxes due from him. This bill or account shall contain an itemized statement of the amount of real and personal property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due and the date from which they will bear interest. In case the owner or his agent cannot be found, the Director of **[[Internal Services]]Finance** shall attach the bill or account to a piece of the real property or deliver it to the servant or bailee in custody of the personal property so assessed. He shall keep a copy of the bill or account with a memorandum thereon of the date of mailing, delivering or posting on the property, as the case may be, of such bill, and such memorandum shall be prima facie evidence of such mailing, delivering or posting.

§ SC7-38. – Sale of Property.

Unless delegated by the City Council to Wicomico County, on or after the first day of July succeeding the levy for any year, the Director of **[[Internal Services]]Finance** may enforce the payment of any taxes due and owing by mailing or delivering to the delinquent taxpayer or his agent, or by posting on property where owner or agent cannot be found, a notice giving the amount of taxes due, warning the delinquent that if the taxes are not paid within twenty (20) days from the date of the notice he will proceed to sell the delinquent's property for the payment of the taxes, interest and the penalty thereon. At the expiration of the twenty (20) days he may advertise the property or any part thereof by two (2) successive insertions in some newspaper published in Salisbury prior to the day of sale and by such other notice as he may deem proper. He may sell the property so advertised unless the taxes and penalties, together with the cost of advertising, shall be paid by the owner of the property on or before the sale of same. The notice of sale shall be sufficient if it contains the time, place and terms of sale, the year or years for which the taxes are due, the name of the person to whom the property is assessed and a description of the property sufficient to identify same. It shall not be necessary for him to levy upon any land sold hereunder. In case there is no real estate, he may levy upon and seize any personal property belonging to the delinquent taxpayer and, after giving at least ten (10) days' notice of the time, place and terms of sale by notice posted at the courthouse door in Salisbury, may sell the personal property levied upon and seized, or so much thereof as is necessary, for the payment of the taxes due, the penalties thereon and the costs of the sale.

§ SC7-39. – Report to Circuit Court

Unless delegated by the City Council to Wicomico County, when the Director of **[[Internal Services]]Finance** shall sell any real estate under the provisions of this Charter, he shall report such sale with his proceedings relating thereto to the Circuit Court for Wicomico County. Whereupon the Court shall pass an order nisi thereon, which order nisi shall be published for not less than three (3) successive weeks in some newspaper published in the City of Salisbury at least one (1) month before final ratification of the sale, warning the party to whom the property is assessed and all persons interested in the property to appear in the court on some certain day to be named therein and show cause, if any they have, why the sale should not be ratified. For hearing the objections and ratifying the sale the Court shall be deemed always open. If objections or exceptions are filed to the ratification of any sale so reported, the burden of proving noncompliance with the provisions of this Charter shall be upon the objectors or exceptant.

§ SC7-40. – Circuit Court action.

On hearing or if no objections are filed, the Court, if it is satisfied that the requirements of this Charter have been substantially complied with, shall finally ratify the sale, and its action shall be final and conclusive of all questions arising about the sale. In case the Court finds an objection, or the provisions of this Charter have not been substantially complied with, and shall not finally ratify such sales, the Court shall award costs in its discretion. The Director of **[[Internal Services]]Finance** may readvertise and sell the property for the payment of the taxes and shall first refund the purchase money to the purchaser. If the sale is finally ratified, the

purchaser shall pay the costs incurred in making report of the sale, together with the cost of recording same, and thereupon the Director of **[[Internal Services]]Finance** shall make a deed for the property to the purchaser at purchaser's expense. No case shall be reopened after final ratification except for fraud or collusion on the part of the Director of **[[Internal Services]]Finance** and the purchaser.

§ SC7-41. – Receipts from sale.

All moneys received from the sale of any property under this Charter shall be kept by the Director of **[[Internal Services]]Finance**, who, after deducting the amount of taxes, penalties and costs of sale, shall on demand pay the balance of the purchase money to the owner of the property sold. If the owner does not demand or will not receipt for the balance or for any reason cannot legally receipt therefor, then the same shall be deposited in a bank in Salisbury, designated by the Council, paying interest on deposits, to the credit of the City of Salisbury, for the use of delinquent taxpayers and shall be only paid out by checks signed by the Director of **[[Internal Services]]Finance** and countersigned by the President of the Council. The money so deposited shall not be used for any other purpose than payment of those entitled thereto. Once in every two (2) years the Director of **[[Internal Services]]Finance** shall publish in a newspaper printed in Wicomico County a statement of all sums remaining in this fund and the names of the person or persons entitled thereto, the expense of publication to be paid out of the fund. If at the expiration of six (6) years from the date of sale any part of the fund shall be unclaimed, then that not claimed shall become the property of the City of Salisbury and shall be transferred to the general money account of the city and used for any city purpose.

§ SC7-42. – Redemption of property.

Every deed given by the Director of **[[Internal Services]]Finance** for land sold under this Charter for taxes shall contain a statement of the name of the owner of the land and when recorded shall be indexed under the name of the grantor, grantees and the owner or owners. The owner of any land so sold may redeem the same at any time within one (1) year of the date of ratification of its sale by paying to the purchaser or to the Clerk of the Circuit Court for use of the purchaser the amount of the purchase money paid for the land, together with the costs and expenses incurred by him in the ratification of sale and of deed and record, with fifteen percent (15%) interest per annum on purchase money from the date of sale. Thereupon the purchaser shall reconvey the land to the owner, the land to be free of all liens or claims, except such as were against it before the tax sale. In case the purchaser or purchasers shall fail to execute such deed, the Circuit Court for Wicomico County on a petition filed by the owner in the matter of the Director of **[[Internal Services']]Finance's** report of sale under oath, setting out the facts of the sale of the property and the payment of the money, penalties and charges, as herein required, or the tender and refusal thereof, may pass an order to be served on the purchaser, or, if he cannot be found, to be published as directed by the Court, commanding the purchaser to be and appear in the Court on some certain day to be named therein and show cause, if any he have, why he should not reconvey the property. If no cause is shown as required, the Court shall pass a decree ordering that the property be reconveyed to the owner and appointing a trustee to convey same to him in the same manner and as fully as the purchaser would do. The cost of such petition and of the proceedings thereunder, including reasonable fee to his solicitor in case it is granted, shall be

paid by the purchaser and shall be ordered done so by the Court. If the purchaser shall fail to pay costs and charges for the period of thirty (30) days after decree, he may be adjudged guilty of contempt of court and may be confined in the county jail until he purges himself therefrom. In all cases of a sale of property for taxes, the City of Salisbury may buy same at a sum not to exceed the amount due for the taxes, penalties and costs and expenses of sale.

§ SC7-46. – Procedure

- D. Delivery. When signed and attested, the bonds, notes or other evidences of indebtedness shall be delivered to the Director of **[[Internal Services]]Finance**, who shall be responsible for their safekeeping until sold; provided that the Council may appoint a Trustee, bond registrar, paying agent or other custodian to act in place of the Director of **[[Internal Services]]Finance** for purposes of this section.
- F. Funds. Proceeds from the sale of all bonds, notes or other evidences of indebtedness shall be kept by the Director of **[[Internal Services]]Finance** under such rules and regulations as the Council may prescribe, unless the Council by resolution shall designate some other custodian.

EXPLANATION:

* *ITALICIZED PRINT INDICATES MATERIAL ADDED TO EXISTING LAW.*
Deleted material from the existing Charter is indicated by bold double bracketed **[[]]** language.

AND IT BE FURTHER RESOLVED THAT in accordance with Maryland Annotated Code, Local Government Article, Subsection 4-304, the Mayor and/or the City Clerk, who are authorized to act as outlined below, shall:

- a. Post a complete and exact copy of this Charter Amendment at the City Government Building, for at least forty (40) days after the passage of this Resolution; and
- b. Advertise a fair summary of this Resolution, which is deemed by the City Council to be the title of this Resolution, once per week for four (4) weeks in a newspaper of general circulation within the City of Salisbury beginning immediately after the passage of this Resolution.

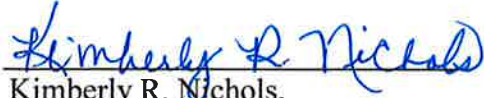
AND, BE IT FURTHER RESOLVED by the Salisbury City Council that the title of this Resolution shall be deemed a fair summary of the amendments provided for herein for publication and all other purposes;

AND, BE IT FURTHER RESOLVED by the Salisbury City Council that this Resolution shall take effect fifty (50) days from and after the date of its final passage and that its provisions shall be implemented on the 31st day of October, 2017, subject to the right of referendum. The City Clerk, on behalf of the Mayor, is hereby directed to proceed with the

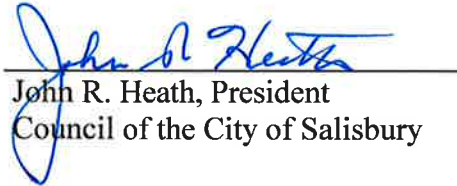
posting and publication of this Resolution, and the sending of information concerning the charter amendments provided for herein to the Maryland Department of Legislative Services pursuant to the requirements of the Maryland Annotated Code, Local Government Article, Subsection 4-304.

This Resolution was introduced, read and passed at a meeting of the Salisbury City Council held on the 11th day of September, 2017.

ATTEST:



Kimberly R. Nichols,
City Clerk



John R. Heath, President
Council of the City of Salisbury

Publish: September 15, 2017
 September 22, 2017
 September 29, 2017
 October 6, 2017



To: City Council
From: Julia Glanz, City Administrator
Subject: Reorganization- Charter and Code Changes
Date: August 2, 2017

During the FY18 Budget Process, the Mayor and I proposed a plan to reorganize the departments within our City government in order to more appropriately align them with the City's goals and objectives.

Substantial changes that constitute this reorganization include: a one-stop-shop for all development projects, the consolidation of our code enforcement officers by relocating them all to one department, a reworking and division of the legacy structure of our Public Works department, a new focus on GIS in all City departments, an independent Procurement department, and the revocation of a previous arrangement that placed Parking under Procurement's purview. This reorganization will be evident in the functionality of our City government and will have a minimal impact on the FY18 Budget.

To further explain this reorganization, all proposed City Code and Charter changes are attached for your review, as well as the ordinance necessary to accept those changes.