

CHARTER AMENDMENT RESOLUTION NO. 2017-8

A RESOLUTION TO AMEND THE CHARTER OF THE CITY OF SALISBURY, MARYLAND BY DELETING REFERENCES TO THE DEPARTMENT OF INTERNAL SERVICES AND THE DIVISION OF PROCUREMENT AND REPLACING THOSE REFERENCES WITH THE DEPARTMENT OF PROCUREMENT, AND DELETING ALL REFERENCES TO THE DIRECTOR OF INTERNAL SERVICES AND DELETING REFERENCES TO THE ASSISTANT DIRECTOR OF INTERNAL SERVICES-PROCUREMENT AND REPLACING THOSE REFERENCES WITH THE DIRECTOR OF PROCUREMENT, AND CORRECTING TYPOGRAPHICAL ERRORS IN ARTICLE XVI: § SC16-1, § SC16-2, § SC16-3A, § SC16-5, § SC16-6, § SC16-7, § SC16-8, AND § SC16-9; AND REPLACING THOSE WITH THE DIRECTOR OF FINANCE IN § SC16-10.

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 XVI of the current Salisbury City Charter refers to the Division of Procurement within the Department of Internal Services that will be eliminated under the reorganization and replaced with the Department of Procurement; 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 § SC16-1, § SC16-2, § SC16-3A, § SC16-5, § SC16-6, § SC16-7, § SC16-8, § SC16-9, and § SC16-10 of the Salisbury City Charter is amended as follows:

§ SC16-1. – **[[Division]]** *Department* of Procurement.

- A. There shall be a **[[Division]]** *Department* of Procurement **[[within the Department of Internal Services. An Assistant]]** A Director of **[[Internal Services—]]** Procurement shall be recommended for appointment by the **[[Director of Internal Services]]** *Deputy City Administrator* and appointed by the Mayor as provided in § SC3-4.C of the City Charter.
- B. Under the authority of the Mayor and the **[[direct]]** supervision of the *Deputy City Administrator*, the Director of **[[Internal Services]]** *Procurement* shall make all city purchases and sales and shall make or approve all city contracts, except contracts to sell city bonds or other evidences of the city's public debt, and except that the Council by

ordinance may permit direct purchasing by any office, department or agency of minor items where immediate procurement is necessary to prevent delays in its work and resulting *in* loss to the city. The Council by ordinance shall fix, and from time to time may change, the maximum amount of any such direct purchase, provided that such maximum authorized amount shall in no event exceed the maximum direct purchase amount set by the Ordinance of the Council, from time to time. The Director of **[[Internal Services]]***Procurement* shall issue regulations controlling the procedure for such direct purchasing.

- C. Except for such contracts to sell public debt securities and such direct purchases, no city purchase or contract for any purchase or sale or other contract shall be valid or enforceable unless approved in writing by the Director of **[[Internal Services]]***Procurement* or their authorized designee, and the City Administrator shall pay out no city funds for any contract or purchase unless so approved.

§ SC16-2. – Additional duties and powers of *the* Director of **[[Internal Services]]***Procurement*.

Under the authority of the Mayor and the **[[direct]]** supervision of the *Deputy* City Administrator, the Director of **[[Internal Services]]***Procurement* shall:

- A. Receive written requisitions or statements from the head of each city office, department or agency, specifying the public work done or to be done by it, or identifying the materials, equipment, supplies or services required by it, and authorizing its appropriation to be charged therefor.
- B. Invite bids whenever competitive bidding is required by § SC16-3 of this Article and conduct the competitive bidding procedure established by the Council under § SC16-4 of this Article.
- C. Enforce accounting control of each city purchase or contract as required by § SC16-6 of this Article and refuse to approve any purchase or contract involving any over expenditure prohibited thereby.
- D. After consulting the head of each city office, agency or department affected thereby, establish and enforce specifications with respect to supplies, materials, equipment and services required by it, except that any specifications fixed by the Board of Standardization created by § SC16-7 of this Article shall have precedence and be controlling.
- E. Through appropriate city offices, agencies or department see that all supplies, materials, equipment and services delivered to or performed for the city meet such specifications and arrange for the storage and proper care and custody of city property.
- F. Authorize the transfer of surplus or unused city property to or between city offices, departments or agencies.
- G. From time to time recommend to the Mayor and Council the sale or other disposition of surplus, obsolete or unused city property and obtain expert appraisal(s) thereof or estimate its value using his or her best information and judgment.
- H. Perform such other functions related to purchasing or the city's fiscal and financial affairs as the Mayor or the Council may require.

§ SC16-3. – General policy of competitive bidding; exceptions.

- A. To secure economy in the construction of public works and the purchase of materials and supplies needed by the city, to prevent collusion, fraud, favoritism and extravagance in public contracts and to ensure that all interested persons will be given fair and equal opportunity to participate, the general policy of the city shall be to afford ample opportunity for competitive bidding before making any city purchase or public works **[[contractor]]contract** or any contract to sell any property, except in the following cases where competitive bidding procedures are not necessary or appropriate:
- (1) The occurrence of an actual emergency, which is hereby defined to mean a situation which has suddenly and unexpectedly arisen and which requires immediate action in the public interest.
 - (2) Any single purchase or sale not exceeding an amount set by Ordinance of the Council from time to time.
 - (3) Contracts for professional services or for personal services requiring special training and skill.
 - (4) Contracts for insurance or for public utility services.
 - (5) Recording charges, court costs and other regular fees and charges required by general law to be paid to particular persons or public officials; charges for the printing of public notices and advertisements required by law; postage, payroll taxes and other applicable governmental charges or levies; and travel and other like expense, membership dues and subscriptions to publications.
 - (6) Contracts for the purchase, exchange, renting, leasing or acquisition of real property by the city and contracts for the sale, exchange, renting, leasing or other disposition of surplus real property owned by the city; provided, however, that contracts for the sale, leasing for term beyond three (3) years or other disposition of surplus real property owned by the city shall be excepted and exempt from competitive bidding procedures only if first offered for competitive public bidding at such time, after such public notice and subject to such bidding terms and conditions as the Council shall fix in its sole discretion and such bidding fails to produce a proposal acceptable to the Council in its sole discretion and if made within a period of six (6) months following the bidding date. In every such public offering of surplus city real property for sale, leasing for a term beyond three (3) years or other disposition, the Council shall reserve the right to reject any and all bids and may, in its discretion, establish a price or rental terms below which no bid will be considered or accepted.
 - (7) Contracts for the hire of chattels, or contracts for the purchase of special machinery and equipment and maintenance or replacement parts therefor, or other special materials and supplies, having an exclusive source of supply, provided that in each instance the hire of such chattels or purchase of such special item has first been approved by the Board of Standardization created by § SC16-7 of this Article.
 - (8) Construction, maintenance or repair of public works by the city's own employees in any amount, or by hired labor, but in the latter case not to exceed an amount set

by Ordinance of the Council from time to time for labor cost in any single instance.

- (9) Contracts in which the City receives a contract price negotiated by the State, County, or other governmental entity pursuant to a valid contract.

§ SC16-5. – Procedure when competitive bidding not required.

Whenever competitive bidding is not required by § SC16-3 of this Article for any purchase, contract or sale to which this Article applies, same shall be controlled, processed and handled for the city by the Director of **[[Internal Services]]Procurement** under the rules and regulations issued by him or her and after consultation with the head of each city office, agency or department affected thereby regarding detailed terms, conditions and provisions applicable thereto. Such purchases, contracts and sales shall be subject to all other provisions of this Article.

§ SC16-6. – Accounting control; overexpenditure forbidden.

All purchases and contracts made for the city shall be made pursuant to a written requisition from the head of the office, department or agency whose appropriation will be charged. No purchase or contract shall be made for the city unless there is to the credit of such office, department or agency a sufficient unencumbered appropriation balance to cover the cost of such purchase or contract; and after such office, department or agency has spent or encumbered three-fourths (3/4) of its appropriation for the budget year, no further purchase or contract shall be made for it unless and until the Director of **[[Internal Services]]Procurement** certifies the existence of such sufficient balance. Nothing in this section, however, shall apply to purchases or contracts which are to be financed by the issuance or sale of bonds or to payments which are deferred until a future budget year or years.

§ SC16-7. – Board of Standardization established; composition; compensation; power and duties; purchases without competitive bidding.

There shall be a Board of Standardization in the Department of **[[Internal Services]]Procurement**, and such Board shall be composed of the City Administrator, the President of the Council, the head of the city office, agency or department affected, the Director of **[[Internal Services]]Procurement** and one (1) person, not a city official, possessing professional or business experience, who shall be appointed by the Mayor and serve at his or her pleasure. The members of this Board shall receive no compensation for their services thereon. It shall be the duty of this Board to review and recommend to the Council adoption of such policies, procedures, rules and regulations, contract conditions, forms of agreement, etc., prepared by the Director of **[[Internal Services]]Procurement** which he or she deems necessary to carry out the general purchasing policy of the city. The Board, after full hearing and consideration and by affirmative vote of at least a majority of its full membership, may approve the purchase of special machinery and equipment and maintenance or replacement parts therefor or other special materials and supplies, having an exclusive source of supply, and may approve the hiring of particular chattels without competitive bidding.

§ SC16-8. – Sale or other disposition of surplus, obsolete or unused property.

Surplus, obsolete or unused city property listed on the city's capital assets inventory shall be sold or otherwise disposed of only upon recommendation of the Director of **[[Internal Services]]***Procurement* and after approval of the Council. If saleable, such property shall be sold for the city's account by the Department of **[[Internal Services]]***Procurement*, subject to the applicable provisions of this Article as to competitive bidding; but if not saleable may be abandoned, destroyed or otherwise disposed of.

§ SC16-9. – Sale or disposition of urban renewal property.

The provisions of this Article shall not apply to the sale or other disposition of urban renewal property, which shall be governed by the provisions of Article XIII of this Charter, except that the Director of **[[Internal Services]]***Procurement* shall conduct such sales or other disposition of such urban renewal property for the city pursuant to said Article XIII.

§ SC16-10. – City Property Inventory.

The Director of **[[Internal Services]]***Finance* shall prepare, prior to January 1, **[[1963, and thereafter]]** of each year, and maintain a permanent and perpetual inventory of all city properties classified as capital items (as distinguished from articles or materials and supplies consumed, converted or destroyed in their use or utilization), and such inventory shall show the location of such properties of the office, department or agency head and thereafter shall require from each of them an annual report showing all gains and losses since last report. The Director of **[[Internal Services]]***Finance* shall maintain in his or her office an independent record of all purchases and sales, shall at least annually audit the inventory by checking departmental records and reports against his or her independent records and by field check of city properties and shall report in writing to the Mayor and Council any discrepancies.

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

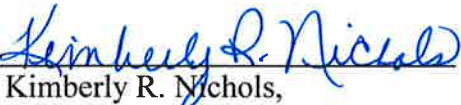
general circulation within the City of Salisbury beginning immediately after the passage of this Resolution.

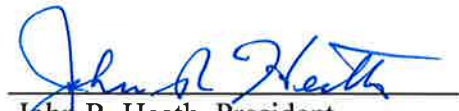
AND, BE IT FURTHER RESOLVED by the Salisbury City Council that the title of this Resolution shall be deemed a fair summary of the amendments provided for herein for publication and all other purposes;

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.