

**CHARTER AMENDMENT RESOLUTION NO. 2020-5**

**A RESOLUTION TO AMEND THE CHARTER OF THE CITY OF SALISBURY, MARYLAND BY AMENDING THE REQUIREMENT FOR COMPETITIVE BIDDING FOR LEASE TERMS BEYOND 3 YEARS IN THE EXCEPTIONS TO COMPETITIVE BIDDING IN ARTICLE XVI § SC16-3 A(6).**

WHEREAS, Article XVI of the current Salisbury City Charter specifies items or situations that are exempt from the requirement for competitive bidding; and

WHEREAS, the Salisbury City Council has concluded that it is in the best interest of the city to amend the City Charter to amend the requirement for competitive bidding for lease contracts beyond 3 years from the exemptions to competitive bidding, which 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 § SC16-3A(6) of the Salisbury City Charter is amended as follows:

§ 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 contract or any contract to sell any property, except in the following cases where competitive bidding procedures are not necessary or appropriate:

(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 *waived by resolution of Council or 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.

**EXPLANATION:**

\* *ITALICIZED AND UNDERLINED 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:

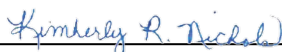
- a. Post a complete and exact copy of this Charter Amendment at the City Government Building, for at least forty (40) days after the passage of this Resolution; and
- b. Advertise a fair summary of this Resolution, which is deemed by the City Council to be the title of this Resolution, once per week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

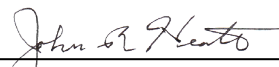
**AND, BE IT FURTHER RESOLVED** by the Salisbury City Council that the title of this Resolution shall be deemed a fair summary of the amendments provided for herein for publication and all other purposes;

**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 13th day of October, 2020, 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.

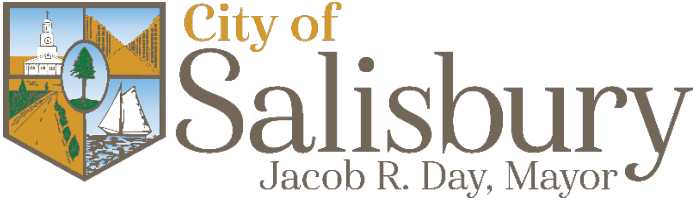
This Resolution was introduced, read and passed at a meeting of the Salisbury City Council held on the 24<sup>th</sup> day of August, 2020.

ATTEST:

  
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Kimberly R. Nichols,  
City Clerk

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

Publish: August 28, 2020  
September 4, 2020  
September 11, 2020  
September 18, 2020



**To: City Council**

**From: Julia Glanz, City Administrator**

**Subject: Amending the Charter for Competitive Bidding & Lease Terms**

**Date: July 30, 2020**

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As we continue to implement aspects of our Envision Salisbury Plan in the Downtown and other areas in Salisbury it has come to our attention that our current Charter requirements regarding competitive bidding and lease terms can be limiting in nature. The current lease term is for three years without competitive bidding. Three year terms can be challenging for development of any kind when large sums of money are being invested and there is ambiguity about the future of a project. It is important, when in the best interest of the City, to ensure that projects have long term commitments for success. This language would also prevent the City from having an unfair bidding process that would direct an award to a specific buyer. The City would openly explain its interests with public review.

This legislation would enable the City Council to waive the competitive bid/lease term if it was favorable and in the best interest to the City of the Salisbury. After reviewing other municipalities' charters and codes in Maryland the majority do not have a specified lease term. The current language is arbitrary and can limit growth and development throughout Salisbury. This process will allow the City to operate in a more efficient manner.

MUNICIPALITY	CODE LANGUAGE
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City of  
**Salisbury**  
Jacob R. Day, Mayor

Annapolis	<p><b>6.04.220 - Duration of City leases.</b></p> <p>A. The term of any lease to which the City is a party shall coincide with the City's fiscal year. Every such lease shall require that any request for renewal of the lease be given by the tenant not later than six months prior to the expiration of the then current lease term.</p> <p>B. The requirements of Subsection A of this section shall not apply to any lease term of less than one year's duration and may be waived by the City Council provided such waiver is included in the lease agreement.</p> <p>C. The provisions of this section shall not apply to any lease agreement in effect as of July 1, 1999.</p>
Berlin	Code does not stipulate terms of leases
Cambridge	Code does not stipulate terms of leases
Cheverly	Code does not stipulate terms of leases
Chevy Chase	Code does not stipulate terms of leases
Cumberland	Code does not stipulate terms of leases
Emmitsburg	Code does not stipulate terms of leases
Frederick	Code does not stipulate terms of leases
Frostburg	Code does not stipulate terms of leases
Gaithersburg	Code does not stipulate terms of leases
La Plata	Code does not stipulate terms of leases



City of  
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Laurel	Code does not stipulate terms of leases
Middletown	Code does not stipulate terms of leases
Mount Rinnier	Code does not stipulate terms of leases
Ocean City	Code does not stipulate terms of leases
Rockville	Code does not stipulate terms of leases
Woodsboro	Code does not stipulate terms of leases