

ARTICLE II The Council

§ SC2-1. Number; selection; term.

All legislative powers of the city shall be vested in a Council of five (5) members who shall be elected as hereinafter provided and who shall hold office for a term of four (4) years or until their successors are duly elected and qualified.

[1959 Code, sec. 286. 1951, ch. 534, sec. 6][Amended 6-11-12 by Res. No. 2170]

[Amended 4-25-2022 by Res. No. 2022-2]

§ SC2-2. Qualifications.

Councilmembers must have been domiciled in the City of Salisbury for at least one (1) year immediately preceding their election and the Councilmembers from each District shall be domiciled in the boundaries of the District from which they are to be elected on the date of filing for election and must continue to be domiciled therein during the term to which they are elected, must be at least twenty-one (21) years of age and shall be qualified registered voters of the City. The City of Salisbury Election Board shall be the judge of the qualifications of candidates for City Council.

[1959 Code, sec. 287. 1951, ch. 534, sec. 8] [Amended 7-12-65 by Res. No. 59*; 11-12-73 by Res. No. 172**; 12-14-81 by Res. No. 232; 11-8-93 by Res. No. 441; 6-11-12 by Res. No. 2170; 9-8-2014 by Res. No. 2443]

(Res. No. 2023-1, §§ 1, 2, 5-8-2023; Charter Res. No. 2024-2, §§ 1, 2, 9-23-2024)

Editor's note(s)—* The preamble to Res. No. 59, adopted 7-12-65, was as follows:

"Whereas, the present salary rates of councilmen and the mayor as compensation for their services were established in Sections 8 and 22 respectively of the Charter of the City of Salisbury over thirteen years ago; and

"Whereas, during such period of time the volume and complexity of the City's business and affairs has increased greatly, and such increase is continuing, with the result that the City's demands on the councilmen and the mayor for their services and time have increased substantially and are likely to continue to increase; and

"Whereas, the rates of compensation for personal services of all kinds in the community have increased greatly during the same period; and

"Whereas, in the judgment of the Council it is both proper and equitable that the salaries aforementioned be increased to reflect the trend of the times and especially in view of the ever-increasing demand on their time in attending to matters of public business."

** Editor's Note: The preamble to Res. No. 172, adopted 11-12-73, was as follows:

"WHEREAS, the present salary rates of Councilmen and the Mayor as compensation for their services were established in Sections 8 and 22 respectively of the Charter of the City of Salisbury over five years ago; and

"WHEREAS, during such period of time the volume and complexity of the City's affairs has increased greatly, and such increase is continuing, with the result that the City's demands on the Councilmen and the Mayor for their services and time have increased substantially and are likely to continue to increase; and

"WHEREAS, the rates of compensation for personal services of all kinds in the community have increased greatly during the same period; and

"WHEREAS, in the judgment of the Council it is both proper and equitable that the salaries aforementioned be increased to reflect the trend of the times and especially in view of the ever-increasing demand on their time in attending to matters of public business."

§ SC2-3. Salary.

Each Councilmember shall receive a salary. A Salary Review Committee comprised of five (5) members to be appointed by the Mayor is hereby created to review salaries of Councilmembers. The Committee shall make a written recommendation to the City Council six months prior to the next election for Councilmembers, with salaries to be effective in the fiscal year after all five Councilmembers' current terms have expired. Salary recommendations shall be considered by the City Council and salary shall be set forth and adopted in an Ordinance passed by the City Council. Thereafter, a Salary Review Committee shall be appointed by the Mayor every four (4) years to perform the task set forth herein with salaries to be established by the City Council by Ordinance. Councilmembers may also be eligible to participate in benefit programs by paying the full cost of participation in the employee benefit programs. Nothing herein shall permit salaries or benefits to be changed to be effective during the term for which a Councilmember is then serving. The Committee established herein shall be the same Committee established for a similar review of the salary of the Mayor.

[1959 Code, sec. 288. 1951, ch. 534, sec. 8] [Amended 7-12-65 by Res. No. 59*; 11-12-73 by Res. No. 172**; 12-14-81 by Res. No. 232; 11-8-93 by Res. No. 439; 2-22-10 by Res. No. 1890; 2-25-11 by Res. No. 2036]

* Editor's Note: See Section SC2-2 Editor's Note.

** Editor's Note: See Section SC2-2 Editor's Note.

§ SC2-4. Meetings.

The newly elected Council shall meet on the second Monday evening following its election for the purpose of organization, after which the Council shall meet regularly at such times as may be prescribed by its rules but not less frequently than twice a month, except the Council may meet once during the months of June, July, August and December. Special meetings may be called in writing by the Mayor or by a majority of the members of the Council as often as necessary for the transaction of business.

[1959 Code, sec. 289. 1951, ch. 534, sec. 9] [Amended 12-13-99 by Res. No. 684; 1-24-05 by Res. 1186]

§ SC2-5. Quorum.

A majority of the Council shall constitute a quorum for the transaction of business, and a majority of those present shall decide any question unless otherwise provided in this Charter.

[1959 Code, sec. 290. 1951, ch. 534, sec. 10]

§ SC2-6. Procedure.

The Council shall organize by electing a permanent President and Vice-President of the Council. If the President is absent, the Vice-President shall preside at such meeting. The Council shall determine its own rules and order of business. It shall keep a journal of its proceedings, and the journal shall be open to public inspection.

[Repealed and reenacted 12-28-98 by Res. No. 622]

§ SC2-7. Vacancies.

Vacancies in the Council shall be filled as provided in § SC6-12 of this Charter.

[1959 Code, sec. 292. 1951, ch. 534, sec. 12] [Amended 5-23-05 by Res. No. 1247]

§ SC2-8. Departments.

The Council by ordinance may create, change and abolish offices, departments or agencies, other than the offices, departments and agencies established by this Charter. The Council by ordinance may assign additional functions or duties to offices, departments or agencies established by this Charter, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department or agency.

[1959 Code, sec. 293. 1951, ch. 534, sec. 13]

§ SC2-9. Salaries of officers and employees.

The Council shall fix the salaries of all employees and appointees of the City of Salisbury, including the salaries of all heads of offices, departments or agencies, but not including the salary of the Mayor or Councilmen or other elected officials.

[1959 Code, sec. 294. 1951, ch. 534, sec. 14]

§ SC2-10. Procedure for discharge of certain department heads.

All department heads shall serve during good behavior and shall be dischargeable only for cause. "Cause" is hereby defined to mean either incompetency, inefficiency; neglect of duty; malfeasance, misfeasance; insubordination; habits or traits of character which render retention in employment to be against the public interests; material violation of the City's drug and/or alcohol use policies as established from time to time; a continuing mental or physical disability of such a nature as to prevent adequate performance of duties (subject to applicable federal or state laws prohibiting discrimination against disabled individuals); or any conduct tending to prejudice good government or tending to bring the City, or any agency thereof, into public disrepute.

If the Mayor decides that a department head should be terminated, then the Mayor shall serve a written notice upon the department head at least thirty (30) days in advance of the intended termination date. The written notice shall set forth a brief summary of the cause or causes upon which such termination is based. Within five (5) days after receipt of such notice, the department head may elect to have a hearing on such termination by serving a written notice of such election upon the City Administrator, in which event the department head's termination shall be deferred until a decision is rendered in connection with the hearing. A hearing before the Mayor and City Council will then be scheduled within twenty (20) days from the date of service of notice of the election by the department head. The hearing shall be closed to the public and be conducted in accordance with such rules and procedures as may be proposed by the Mayor and adopted by the Council, from time to time. Sworn testimony may be provided at that time.

After the conclusion of the hearing, the Mayor and Council may privately deliberate before rendering a decision; provided however, that a written decision must be rendered within five (5) days from the conclusion of the hearing. In order to uphold the termination of the department head, the vote of the Mayor and at least three (3) votes of the Council must be in favor of termination.

The Mayor shall have the power to suspend without pay any department head upon whom a notice of termination has been served pending the outcome of the termination hearing before the Mayor and Council. If the termination is not upheld, nothing herein shall prevent the Mayor from taking other disciplinary action with respect to the department head.

[1959 Code, sec. 295] [Added 9-9-57 by Ord. No. 765A as sec. 14A; amended 5-23-05 by Res. No. 1247]

§ SC2-11. Ordinances.

When any ordinance is introduced for passage by the Council, it shall be read but not passed at the meeting at which it is introduced. As soon thereafter as conveniently may be, a statement of the substance of the ordinance shall be published by posting the same at some public place in the city of Salisbury (or by printing the same in some newspaper of general circulation printed in the city of Salisbury). At any regular or special meeting of the Council held not more than sixty (60) nor less than six days after the meeting at which the ordinance was introduced and first read, the ordinance shall be read for a second time and passed, or amended and passed, or rejected, or its consideration deferred to some specified future date by the Council, provided that no ordinance shall be passed until it has been published as required by this section for at least five days.

[1959 Code, sec. 296. 1951, ch. 534, sec. 15]

§ SC2-12. Veto.

All ordinances and bylaws passed by the Council shall be delivered by the city clerk at once, or as soon as conveniently may be, to the Mayor for his approval. The Mayor shall return the same to the city clerk within six days after delivery to him (inclusive of the day of delivery and of return) with his approval or disapproval. Any ordinance or bylaw returned by the Mayor without his approval shall not become a law unless subsequently passed at a meeting by four-fifths of the whole Council within twenty (20) days from the time of the return of the ordinance. If the Mayor fails to return the ordinance or bylaw within six days of its delivery as aforesaid, then the ordinance or bylaw shall become a law without his approval.

[1959 Code, sec. 297. 1951, ch. 534, sec. 16] [Amended 3-11-02 by Res. No. 823; 6-27-02 by Res. No. 853]

§ SC2-13. File of ordinances.

Ordinances, when passed and approved by the Mayor or when passed over his veto, shall be permanently filed by the city clerk in a book or books kept for that purpose.

[1959 Code, sec. 298. 1951, ch. 534, sec. 17]

§ SC2-14. Ordinances to be delivered to People's Court.

The city clerk shall deliver to the Judge of the People's Court of Wicomico County a certified copy of all ordinances for the violation of which the Judge may impose a fine or imprisonment, or both, or other punishment. The Judge shall take judicial notice of all ordinances so certified to him and of the due passage thereof.

[1959 Code, sec. 299. 1951, ch. 534, sec. 18]

§ SC2-15. General powers.

The Council shall have the power to pass all such bylaws and ordinances not contrary to the Constitution, the laws of Maryland or this Charter, as it may deem necessary for the good government of the city; for the protection and preservation of the city's property, rights and privileges; for the preservation of peace and good order and for securing persons and property from violence, danger or destruction; and for the protection of the health, comfort and convenience of the residents of Salisbury and visitors thereto and sojourners therein.

[1959 Code, sec. 300. 1951, ch. 534, sec. 19] [Amended 4-30-01 by Res. No. 824; 6-27-02 by Res. No. 854]

§ SC2-16. Referendum.

If, before the expiration of twenty (20) calendar days following the approval of any ordinance or resolution by the Mayor or passage of any ordinance or resolution over the Mayor's veto, a petition is filed with the city clerk containing not less than twenty percent (20%) of the qualified registered voters of the city of Salisbury requesting that the ordinance or resolution, or any part thereof, be submitted to a vote of the qualified voters of the city of Salisbury for their approval or disapproval, the Council shall have the ordinance or resolution, or part thereof requested for referendum, placed on the ballot of the next regularly scheduled election, or at a special election for the sole purpose of the referendum if the Council deems such a special election warranted. Moreover, the Council, if it so chooses, may pass legislation subject to a referendum which will necessitate a vote to approve or disapprove the legislation prior to its enactment as valid law. Additionally, no ordinance or resolution shall become effective following the receipt of a petition set forth herein until and unless approved at the election by a majority (more than fifty percent (50%)) of the electorate participating in the voting on the question. However, the Council, as a stated purpose, may designate an ordinance or resolution to be emergency legislation which shall become effective at approval by the Mayor or upon passage by the Council over Mayor's veto for a period of sixty (60) days following the receipt of a petition as set forth above. If such emergency legislation has not been submitted to the qualified voters within sixty (60) days following the receipt of the petition, the operation of the ordinance or resolution, or part thereof requested for referendum, shall be suspended until approved by a majority (more than fifty percent (50%)) of the electorate participating in the election on the question. Nothing herein shall permit the electorate to petition for referendum regarding any of the following: (1) the budget ordinance; (2) the assessment of taxes; (3) the issuance of bonds; (4) the levying of taxes to retire public indebtedness; and (5) the levying of special assessments. However, the Council may, at its discretion, submit any of the referenced issues to the public by express grant at the time of the passage of the Ordinance.

[Added 11-8-93 by Res. No. 437]