
INTER

OFFICE

MEMO

Office of the Mayor

To: Council Members
From: John R. Pick *JRP*
Subject: Charter and Code Changes Pertaining to Appointment, Supervision and Termination of Department Heads and Related Matters
Date: May 17, 2005

Attached are both a recommended Charter Change and a change in the City Code pertaining to the appointment, supervision and termination of the City's department heads and a number of related matters.

The purposes of these changes are to:

- 1) standardize the provisions for appointment and supervision of the City's department heads;
- 2) correct a typographical error in the Charter;
- 3) rewrite Section SC2-10 of the Charter to provide a new termination and hearing procedure, which would apply to all department heads;
- 4) correct out-of-date provisions relating to the positions of Executive Officer and Executive Secretary;
- 5) remove references to the position of City Treasurer and replace with references to the position of Finance Director;
- 6) delete Section SC 11-11 which is an outdated provision concerning control of bridges;
- 7) standardize references to the Department of Procurement and the Director of Procurement;
- 8) make certain miscellaneous changes to clarify certain provisions;
- 9) change references from Policeman and Fireman to Police Officer and Fire Fighter; and

The most significant of these changes involves the substitution of the termination procedure set forth in Section SC2-10 of the City Charter with a new termination and hearing procedure. This change is being proposed because the current procedure contains a number of procedural deficiencies and because it does not apply to all department heads. The proposed language is much more complete and clear and provides all department heads, which may be faced with termination from their jobs, an opportunity for a hearing before the City Council. Many of the suggested changes in the various sections pertaining to the heads of the various departments are being made to conform those sections to the new Section SC 2-10.

Most of the rest of these changes are being suggested because they came to our attention as we were reviewing the Charter in connection with the other, more significant changes.

If you have any questions, please let me know.

cc: Mayor Tilghman
Paul Wilber
Brenda Colegrove

CITY OF SALISBURY

CHARTER AMENDMENT NO. 1247

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALISBURY TO AMEND THE CHARTER TO:

- (1) STANDARDIZE THE PROVISIONS FOR APPOINTMENT, SUPERVISION AND TERMINATION OF DEPARTMENT HEADS;**
- (2) CORRECT A CHARTER REFERENCE IN § SC2-7;**
- (3) REPLACE § SC2-10 WITH A REVISED PROCEDURE FOR THE DISCHARGE OF CERTAIN DEPARTMENT HEADS;**
- (4) CORRECT REFERENCES TO THE POSITION OF EXECUTIVE OFFICER AND EXECUTIVE SECRETARY;**
- (5) REMOVE REFERENCES TO THE POSITION OF CITY TREASURER AND REPLACE WITH REFERENCES TO THE FINANCE DIRECTOR;**
- (6) CHANGE THE NAME OF THE DEPARTMENT OF PURCHASING TO THE DEPARTMENT OF PROCUREMENT;**
- (7) DELETE § SC11-11 WHICH IS AN OUTDATED PROVISION CONCERNING CONTROL OF BRIDGES; and**
- (8) CHANGE REFERENCES FROM POLICEMAN AND FIREMAN TO POLICE OFFICERS AND FIREFIGHTERS.**

AND TO PROVIDE THAT THIS TITLE IS A FAIR SUMMARY OF SUCH CHARTER AMENDMENTS; AND TO PROVIDE FOR THE PROCEDURES TO BE FOLLOWED FOR THE EFFECTIVENESS OF THIS CHARTER AMENDMENT RESOLUTION.

WHEREAS, the City Council has concluded that it is in the best interest of the City that the provisions relating to appointment and termination of Department Heads be standardized.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that Articles II, III, VII, X, XI, XVI, XVII, XVIII, XIX, and XX of the Charter be amended as follows:

ARTICLE II The Council

§ SC2-7. Vacancies.

Vacancies in the Council shall be filled as provided in § SC6-24 12 of this Charter.

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

[The respective heads of the Department of Finance, the Department of Public Works, the Police Department and the Fire Department shall serve during good behavior and shall be dischargeable only for cause, as hereinafter defined, found by the Council after hearing. Written charges signed by a member of the Council, or by the Mayor, shall be served upon a department head accused of dischargeable cause at least ten (10) days prior to the Council hearing thereon, which hearing must be held within twenty-one (21) days from the date of service of such charges. At least three affirmative votes shall be required before such department head shall be dismissed from employment by the Council. The Mayor shall have the power to suspend without pay any department head upon whom written charges have been served pending the outcome of the Council hearing thereon. "Cause" is hereby defined to mean either neglect of duty; inefficiency; insubordination; habits or traits of character which render retention in employment to be against the public interests; continuing mental or physical disability of such a nature as to prevent adequate performance of duties; any conduct tending to prejudice good government or tending to bring the city, or any agency thereof, into public disrepute.]

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.

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ARTICLE III The Mayor

§ SC3-4. Powers.

A. Ordinances. The Mayor shall see that the ordinances of the city are faithfully executed and shall be the chief executive officer and the head of the administrative branch of the city government. In these capacities ~~[he]~~ the Mayor shall be assisted by ~~[an Executive Secretary]~~ a City Administrator as provided in §§ SC4-1 and SC4-2 of this Charter. The Mayor ~~[shall be]~~ is responsible for the administration of the city's affairs. ~~[to the Council and to the voters of the city.]~~

C. Appointments. The Mayor with the advice and consent of ~~[the]~~ a majority of the full Council shall appoint the heads of all offices, departments and agencies of the government of the City of Salisbury as established by this Charter or by ordinance of the Council, with the exception of the City Clerk, who shall be appointed as provided in § SC8-1. All office, department or agency heads so appointed shall serve at the pleasure of the Mayor and a majority of the full Council. All subordinate officers and employees of the offices, departments and agencies shall be appointed by the Mayor on the recommendation of the head of the office, department or agency concerned subject to budgetary appropriations. Except as may be modified by the adoption of a merit system, all subordinate officers and employees may be removed by the Mayor on the recommendation of the appropriate office, department or agency head.

ARTICLE VII Finance

§ SC7-1. Department of Finance.

A. There shall be a Department of Finance headed by a Finance Director ~~[also known as the City Treasurer]~~. The Finance Director shall be appointed by the Mayor with the advice and

consent of ~~[the]~~ a majority of the full Council and shall serve at the pleasure of the Mayor and a majority of the full Council. ~~[His]~~ The compensation for the Director shall be determined by the 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 Finance Director under the authority [direct supervision] of the Mayor and/~~[or]~~ the direct supervision of the [Executive Officer] City Administrator [to the Mayor].

An Assistant ~~[Treasurer]~~ Finance Director shall be recommended for appointment by the Finance Director and appointed by the Mayor.

§ SC7-2. Same: powers and duties.

Under the [supervision] authority of the Mayor and/~~[or Executive Secretary]~~ the direct supervision of the City Administrator [to the Mayor], the [City Treasurer] Finance Director 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 collection the city is responsible and receive any funds receivable by the city.

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 [City Treasurer] Finance Director shall provide a bond with such corporate surety and in such amount (but not less than fifty thousand dollars (\$50,000.)), as the Council by ordinance may require.

§ SC7-6. Estimates.

The Mayor, on such date as the Council may require, but at least by April 15th of each year, shall submit to the Council a budget and an explanatory budget message. For that purpose, as such date as he shall determine, the Mayor and/or the [Executive Officer] City Administrator shall obtain from the head of each office, department and agency estimates of revenue and expenditures for the next fiscal year, detailed by organization units and character and object of expenditure; such other supporting data as he may request; and an estimate of all capital projects pending or which such office, department or agency head believes should be undertaken within the budget year and within the five (5) next succeeding years. He shall refer such proposed

capital projects to the Planning Commission for its review and recommendation as to any project which it believes will or may affect the Master Plan or Comprehensive Plan of the city, which recommendation shall form part of his budget message but shall not be binding upon the Council. In preparing the budget, the Mayor and/or **[Executive Officer to the Mayor]** the City Administrator shall review the estimates, shall hold hearings thereon with the head or other representative of the office, department or agency concerned and may revise the estimates as deemed advisable.

§ 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 **[City Treasurer]** Finance Director 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 **[City Treasurer]** Finance Director. The budget so certified shall be printed, mimeographed 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 authorizations 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 the Finance Director or the Assistant ~~[Treasurer]~~ Finance Director, 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 Finance Director, the Assistant ~~[City Treasurer]~~ Finance Director, 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 Finance Director or the Assistant ~~[City Treasurer]~~ Finance Director.

§ SC7-37. Tax bills.

Immediately after the levy is made by the Council in each year, the ~~[City Treasurer]~~ Finance Director 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 ~~[City Treasurer]~~ Finance Director 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.

On or after the first day of July succeeding the levy for any year, the [City Treasurer] Finance Director 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 not 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.

When the [City Treasurer] Finance Director 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 [sitting in equity]. 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 [as in equity cases]. 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 [City Treasurer] Finance Director 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 [City Treasurer] Finance Director 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 [City Treasurer] Finance Director 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 [City Treasurer] Finance Director, 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 [City Treasurer] Finance Director 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 [City Treasurer] Finance Director 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 [City Treasurer] Finance Director 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

expense 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 [City Treasurer's] Finance Director'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 shall be delivered to the [City Treasurer] Finance Director, 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 [City Treasurer] Finance Director for purposes of this section.

E. Sale. The [City Treasurer] Finance Director shall sell bonds by sealed bids after giving two (2) weeks' notice in one (1) or more newspapers published in the City of Salisbury and in such other publications as the Council may decide; except that in the case of the city's revenue bonds, the [City Treasurer] Finance Director may, with the express advance permission and authority of the Council in each particular instance, offer and sell such revenue bonds at private sale, after such negotiation with one (1) or more prospective purchasers and after such notice of the proposed sale, to the general public or to one (1) or more prospective purchasers, by mail or published advertisement, as the Council in its discretion may approve and authorize. The sale of all bonds shall be carried on under such rules and regulations as the Council may prescribe. No bonds shall be sold except at prices approved by the Council and at not less than their face amount.

F. Funds. Proceeds from the sale of all bonds shall be kept by the [City Treasurer] Finance Director under such rules and regulations as the Council may prescribe, unless the Council by ordinance shall designate some other custodian.

ARTICLE X Department of Public Works

§ SC10-1. Director of Public Works.

A. There shall be a Department of Public Works headed by a Director of Public Works. The Director of Public Works shall be appointed by the Mayor with the advice and consent of [the] a majority of the full Council and shall serve at the pleasure of the Mayor and a majority of the full Council. ~~[His]~~ The compensation for the Director shall be determined by [the] a -

majority of the full Council. All subordinate personnel shall be appointed as provided in § SC3-4.C of the City Charter.

B. For convenience of administration, the Mayor and Director of Public Works, with the consent of ~~[the]~~ a majority of the full Council, may divide the Department of Public Works into bureaus, such as a Bureau of Engineering, a Bureau of Streets, a Bureau of Water Supply, a Bureau of Sanitation and other similar bureaus.

§ SC10-2. Duties.

Under the ~~[supervision]~~ authority of the Mayor and the direct supervision of the City Administrator, the Director of Public Works shall:

ARTICLE XI Public Ways and Sidewalks

§ SC11-11. ~~[Bridges.] [Repeal in its entirety]~~

~~[The city shall in no manner be responsible for the maintenance or control of the five (5) bridges across the branches of the Wicomico River, which shall be and remain under the control of the County Commissioners of Wicomico County.]~~

~~[§ SC11-12.]~~ **§ SC11-11. Dams.**

ARTICLE XVI Purchases and Sales; City Property Inventory

§ SC-16-1. Department of Procurement. [Central Purchasing Department established; appointment and compensation of Director of Procurement; general control of purchases and sales.]

A. There shall be a ~~[Central Purchasing]~~ Department of Procurement headed by a Director of Procurement. ~~[He or she]~~ The Director of Procurement shall be appointed by the Mayor with the advice and consent of ~~[the]~~ a majority of the full Council and shall serve at the pleasure of the Mayor and a majority of the full Council. ~~[His or her]~~ The compensation for the

Director shall be determined by **[the] a majority of the full Council**. All subordinate personnel shall be appointed as provided in § SC3-4.C of the City Charter.

B. Under the authority [supervision] of the Mayor and the direct supervision of the City Administrator [Council], the Director of 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 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 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 Procurement, and the **[City Treasurer] Finance Director** shall pay out no city funds for any contract or purchase unless so approved.

§ SC16-2. Additional duties and powers of Director of Procurement.

Under the **[supervision] authority** of the Mayor and **[Council] the direct supervision of the City Administrator**, the Director of 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 therefore.

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.

§ SC 16-6. 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 [City Treasurer] Finance Director 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; powers and duties; purchases without competitive bidding.

There shall be a Board of Standardization in the [Central Purchasing] Department of Procurement, and such Board shall be composed of the [Executive Officer to the Mayor] City Administrator, the President of the Council, the head of the city office, agency or department affected, the Director of 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 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 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 Procurement and after approval of the Council. If saleable, such property shall be sold for the city's account by the **[Central Purchasing] Department of 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.

§ SC16-10. City property inventory.

The **[City Treasurer] Finance Director** shall prepare, prior to January 1, 1963, and thereafter 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 **[City Treasurer] Finance Director** 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.

ARTICLE XVII Police Department

§ SC17-1. Chief of Police.

There shall be a Police Department headed by a Chief of Police. **[He] The Chief of Police** shall be appointed by the Mayor with the advice and consent of **[the] a majority of the full Council and shall serve at the pleasure of the Mayor and a majority of the full Council. [His]**

The compensation for the Chief shall be determined by [the] a majority of the full Council. All subordinate personnel shall be appointed as provided in § SC3-4.C of the City Charter.

§ SC17-2. Duties.

Under the **[supervision]** authority of the Mayor and the direct supervision of the City Administrator, the Chief of Police in person or through his subordinates shall do the following:

A. He shall enforce the bylaws, resolutions and ordinances of the city and the laws of the State of Maryland relating to crimes and misdemeanors committed in the city. He shall subdue riots, disorders and disturbances of the peace and shall take into custody all persons so offending against the public peace. He shall arrest all persons who shall obstruct or interfere with the execution of his duties.

B. He shall attend upon any court having the enforcement of any such offenses and shall promptly and faithfully execute all writs and process issuing from the court.

C. He shall be in charge of traffic engineering, parking meters, street signs, traffic lights and other devices for traffic control.

D. He shall perform such other lawful duties as are imposed on him by the Mayor or by the council.

E. He shall give bond in an amount to be set by the Council.

F. He shall take an oath as provided in § SC20-1 of this Charter.

§ SC17-3. [Policemen.] Police Officers.

All officers and employees of the Police Department except the Chief shall be appointed as provided in § SC3-4C of this Charter. The number of **[policemen]** police officers to be employed by the city **[and their hours of work]** shall be set by the Council. All **[policemen]** police officers shall have the powers of constables in this state.

§ SC17-4. Special [policemen] Police Officers.

The Mayor or, in his absence or disability, the President of the Council may appoint special [policemen] police officers, with all the powers of regular [policemen] police officers, for a term not exceeding thirty (30) days in cases of emergency. The appointing authority shall determine the compensation of the special [policemen] police officers.

ARTICLE XVIII Fire Department

§ SC18-1. Fire Chief.

There shall be a Fire Department headed by a Fire Chief. ~~[He]~~ The Fire Chief shall be appointed by the Mayor with the advice and consent of ~~[the]~~ a majority of the full Council and shall serve at the pleasure of the Mayor and a majority of the full Council. ~~[His]~~ The compensation for the Chief shall be determined by ~~[the]~~ a majority of the full Council. All subordinate personnel shall be appointed as provided in § SC3-4.C of the City Charter.

§ SC18-2. [Firemen] Firefighters.

§ SC18-3. Volunteer [firemen] Firefighters.

The city may use the services of as many special, part-time or volunteer [firemen] firefighters as the Council deems necessary. All shall be under the direction and supervision of the Fire Chief.

ARTICLE XIX Department of Parks and Public Property

§ SC19-1. [Parks.] Department of Parks and Public Property established.

When the Mayor and Council deem it advisable, the City [The City of Salisbury, when the Council deems it advisable,] may establish a Department of Parks and Public Property headed by a Director. The Director [head] of this Department shall be appointed by the Mayor with the advice and consent of ~~[the]~~ a majority of the full Council and shall serve at the pleasure

of the Mayor and a majority of the full Council. [His] The compensation for the Director shall be determined by [the] a majority of the full Council. All subordinate personnel shall be appointed as provided in § SC3-4C of this Charter. [The Department of Parks and Public Property shall supervise and control all parks and playgrounds and such additional ones as may be acquired in the future by the city. It also shall supervise the management of the public lands and buildings owned by the city.]

§ SC19-2. Duties. [Insert]

Under the authority of the Mayor and the direct supervision of the City Administrator, the Director shall supervise and control all parks and playgrounds and such additional ones as may be acquired in the future by the city, and also shall supervise the management of the public lands and buildings owned by the city.

[§ SC19-2.] § SC19-3. Possession.

[§ SC19-3.] § SC19-4. Property in trust.

[§ SC19-4.] § SC19-5. Protection.

ARTICLE XX Miscellaneous Provisions.

§ SC20-1. Oath of office.

The following persons, before entering upon the duties of their offices, shall make oath before the Clerk of the Circuit Court for Wicomico County that they will diligently and faithfully, without partiality, favor or prejudice, and well and truly perform the duties of their office: the Mayor, the members of the Council, the [Executive Secretary to the Mayor] City Administrator, the [City Treasurer] Finance Director, the City Clerk, the City Solicitor, the members of the Board of Supervisor of Elections, the Judges of Election, the heads of all offices, departments and agencies of the city government and such other officers and employees of the

city as the Council may require. Each oath shall be recorded in the office of the Clerk of the Circuit Court for Wicomico County. A certificate of each oath shall be returned by him to the Council and shall be recorded in the proceedings of the Council. Either of these records or a certified copy of either of the under seal may be used as evidence in any court in the state.

§ SC20-3. Official bonds.

The [City Treasurer] Finance Director and such other officers or employees of the city as the Council or this Charter may require shall give bond in such amount and with such surety as may be required by the Council. The premiums on such bonds shall be paid by the city.

§ SC20-4. Deeds.

No deed or deeds conveying real estate or chattels real, situated or located within the corporate limits of the City of Salisbury shall be admitted to record among the land records of the Circuit Court for Wicomico County until the property thereby conveyed or assigned has been duly transferred upon the city assessment books in the office of the [City Treasurer] Finance Director to the grantee or assignee named in such deed. Before such property shall be transferred on the assessment books, all city taxes, special assessments, water rents and other public charges due to the City of Salisbury for the current year and all prior years must be paid, and as evidence of such payment, the [City Treasurer] Finance Director shall stamp upon the deed his certificate thereof. The [City Treasurer] Finance Director shall further certify the fact of the transfer upon the deed, and the Clerk of the Circuit Court shall not record or accept for recording any deed without the certificates of the [City Treasurer] Finance Director, as prescribed by this section.

AND be it further enacted by the 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 enacted by the Council of the City of Salisbury that this Resolution take effect fifty (50) days from and after the date of its final passage, subject to the right of referendum, and that its provisions shall be implemented on the _____ day of _____, 2005. The City Clerk is hereby authorized to proceed with the posting and publication of this Resolution pursuant to the requirements of Article 23A of the *Annotated Code of Maryland*.

The above Resolution was introduced and read and passed at the regular meeting of the Council of the City of Salisbury held on this _____ day of _____, 2005.

Brenda J. Colegrove
City Clerk

Michael P. Dunn
President of the City Council
of the City of Salisbury