

**RESOLUTION NO. 2109
AS AMENDED ON OCTOBER 10, 2011**

CHARTER AMENDMENT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND AMENDING THE CITY OF SALISBURY CHARTER SECTIONS § SC9-1, § SC9-2 AND § SC9-3 (ARTICLE IX - DEPARTMENT OF LAW) TO GRANT TO THE CITY COUNCIL THE APPOINTMENT AND OVERSIGHT AUTHORITY OF THE CITY SOLICITOR, ANY ASSISTANT CITY SOLICITORS AND ADDITIONAL LEGAL COUNSEL, AND TO MAKE MINOR CLARIFICATIONS TO THE DUTIES OF THE CITY SOLICITOR AND ANY ASSISTANT CITY SOLICITORS; AND TO AMEND CHARTER SECTION § SC3-4 (C) TO REFLECT THE APPOINTMENT AND TERMINATION PROCESS FOR THE CITY CLERK, THE CITY ADMINISTRATOR, THE CITY SOLICITOR AND ALL OTHER DEPARTMENT HEADS; AND TO AMEND SALISBURY CHARTER SECTION § SC4-5 TO STATE THAT THE CITY CLERK AND CITY SOLICITOR ARE NOT SUPERVISED BY THE CITY ADMINISTRATOR.

WHEREAS, Sections § SC9-1, § SC9-2 and § SC9-3 of the City of Salisbury Charter establish a Department of Law headed by a City Solicitor and define by whom the City Solicitor and any Assistant City Solicitors are appointed and at whose pleasure they serve, and further defines the qualifications and duties of these legal professionals, as well as the authority to obtain additional legal counsel; and

WHEREAS, under the Constitution and laws of the State of Maryland and by the powers vested by the Salisbury City Charter, the City Council is the legislative body of the City government and must work closely with legal counsel in order to create laws and policies in the best interest of the citizens of the City of Salisbury and to carry out the City Council's duties in accordance with the City of Salisbury Charter and Municipal Code; and

WHEREAS, it is imperative that the City Council have timely and full access to the City Solicitor and other legal counsel to fulfill the Council's role and duties as noted above, and lack of such access has been identified as an impediment to the required work of the City Council; and

WHEREAS, the City Council has determined that timely and full access to the City Solicitor, any Assistant Solicitors and additional legal counsel for the Council should be secured by the provisions of the City of Salisbury Charter; and

WHEREAS, the City Council has determined that amendment of Charter Sections § SC3-4 and § SC4-5 is necessary to update, clarify and resolve current and future inconsistencies in the appointment process, termination process and supervisory hierarchy for the City Clerk and City Solicitor;

NOW, THEREFORE, BE IT RESOLVED that the Salisbury City Council deems it to be in the best interest of the citizens of Salisbury to secure for the City Council the timely and full access to [of] the City Solicitor, any Assistant City Solicitors and additional legal counsel by amending the City of Salisbury Charter and to clarify the appointment and termination process and supervisory hierarchy for the City Clerk and City Solicitor by amending the City of Salisbury Charter to be read as follows:

ARTICLE IX

Department of Law

§ SC9-1. City Solicitor.

There shall be a Department of Law headed by the City Solicitor. The City Solicitor and Assistant City Solicitors, as necessary, shall be appointed by and serve at the pleasure [the Mayor with the advice and consent] of the Council. **[The City Solicitor and**

Assistant City Solicitors, as necessary, shall serve at the pleasure of the Mayor.] The compensation of the City Solicitor and Assistant City Solicitors, as necessary, shall be determined by the Council. Additional legal counsel may be authorized and/or retained from time to time by the Council.

[1959 Code, sec. 392. 1951, ch. 534, sec. 110] [Amended 7-14-86 by Res. No. 288]

§ SC9-2. Qualifications.

The City Solicitor and Assistant City Solicitors, as necessary, shall be members of the Bar of the Circuit Court of Wicomico County who have practiced law and maintained a principal office in the City of Salisbury for not less than one (1) year preceding appointment.

[1959 Code, sec. 393. 1951, ch. 534, sec. 111] [Amended 7-14-86 by Res. No. 288]

§ SC9-3. Duties.

The duties of the City Solicitor and Assistant City Solicitors, as necessary, **[shall be determined and assigned by the Mayor and]** shall include the following:

A. Legal adviser. The City Solicitor and Assistant City Solicitors, as necessary, shall be the legal advisers of the City of Salisbury and shall have general supervision and direction of all legal business of the city.

B. Litigation. The City Solicitor and Assistant City Solicitors, as necessary, shall have charge of the preparation and trial of all suits, actions and proceedings of every kind to which the city shall be involved in any court, board, commission or any other legal proceeding.

C. Opinions and advice. Upon the request of the Mayor, Council, any member thereof or any officer of the city, the City Solicitor or Assistant City Solicitors, as necessary, shall give oral and/or written advice on all questions of law which may be referred.

D. Ordinances and resolutions. The City Solicitor and Assistant City Solicitors, as necessary, shall prepare, or supervise or review the preparation of, any ordinances or resolutions for introduction into the Council.

E. Contracts. The City Solicitor and Assistant City Solicitors, as necessary, shall prepare, or supervise or review the preparation of, examine and approve as to form all the contracts, specifications, deeds and other legal papers of the city.

[F. Additional legal counsel. The City Solicitor and Assistant City Solicitors, as necessary, may, with the approval of the Mayor and Council, authorize and/or retain additional legal counsel as is reasonably necessary for the handling of any of the duties referred to above.]

[1959 Code, sec. 394. 1951, ch. 534, sec. 112] [Amended 7-14-86 by Res. No. 288]

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, the Mayor shall be assisted by a City Administrator as provided in § SC4-1 and § SC4-2 of this Charter. The Mayor is responsible for the administration of the city's affairs.

B. Report. The Mayor shall prepare or cause to be prepared annually a report in the name of the government of the City of Salisbury. This report shall deal not only with the financial condition of the city, but also with the accomplishments of the various agencies and the city. This report shall be printed for general distribution.

C. Appointments. The Mayor with the advice and consent of 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 and the City Solicitor, who shall be appointed as provided in § SC8-1 and § SC9-1, respectively. The City Clerk and City Solicitor shall serve at the pleasure of a majority of the full Council, the City Administrator shall serve at the pleasure of the Mayor and a majority of the full Council, and all other department heads shall serve continuously unless terminated pursuant to

§ SC2-10. [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, excepting those serving under the City Clerk and the City Solicitor, 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, excepting those serving under the City Clerk and the City Solicitor.

D. Vetoes. The Mayor shall have the power to veto ordinances passed by the Council as provided in § SC2-12.

E. Recommendations. The Mayor each year shall report to the Council the condition of municipal affairs and make such recommendations as he deems proper for the public good and welfare of the city.

F. Budget. The Mayor annually shall prepare or have prepared a budget and submit it to the Council. He shall be responsible for the administration of the budget as adopted by the Council.

[1959 Code, sec. 304. 1951, ch. 534, sec. 23] [Amended 5-23-05 by Res. No. 1247]

ARTICLE IV

City Administrator

§ SC4-5. Duties.

The duties of the City Administrator shall be determined and assigned by the Mayor and shall include:

(1) To serve as Chief of Staff of the department heads, excepting the City Clerk and City Solicitor;

(2) To exercise supervisory authority over department heads, excepting the City Clerk and City Solicitor;

(3) To direct the operations of the city government;

(4) To supervise the Office of Mayor at the direction of the Mayor and to be responsible for the execution of the duties and responsibilities of the Office of the Mayor;

(5) To supervise the preparation of the city budget;

(6) To recommend candidates to the Mayor for appointment as department heads, excepting the City Clerk and City Solicitor;

(7) When necessary, to recommend disciplinary actions against department heads to the Mayor, excepting the City Clerk and City Solicitor;

(8) To assist the Mayor in the formation of policy and the implementation of plans to address demands for municipal services, enhance the quality of life and strengthen the economic vitality of the city; and

(9) To perform such duties not inconsistent with the Charter as may be delegated by the Mayor from time to time.

[Added 9-13-04 by Res. No. 1141]

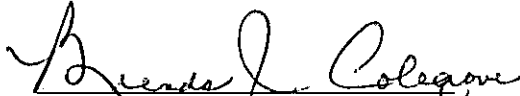
AND, BE IT FURTHER RESOLVED by the Salisbury City Council that the title of this Resolution shall be deemed a fair summary of the amendments provided for herein for publication and all other purposes;

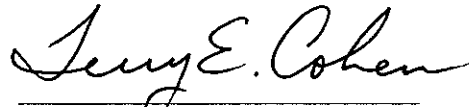
AND, BE IT FURTHER RESOLVED by the Salisbury City Council that this Resolution shall take effect fifty (50) days after the date of its final passage and that its provisions shall be implemented on the 29th day of November, 2011, subject to the right of petition to referendum. The City Clerk, on behalf of the Mayor, is hereby directed to proceed with the posting of this Resolution, the publication of its fair summary, and the sending of information concerning the charter amendments provided for herein to the Maryland Department of Legislative Services pursuant to the requirements of Article 23A of the Annotated Code of Maryland;

AND, BE IT FURTHER RESOLVED that, to the extent that any Section of the City of Salisbury Charter is in conflict with the provisions of this Resolution, such Section or Sections be and hereby are repealed to the extent of such conflict.

The above Resolution was introduced, read and passed at the regular meeting of the City Council of the City of Salisbury held on this 10th day of October, 2011.

ATTEST:


Brenda J. Colegrove, City Clerk


Terry E. Cohen, President of the
Council of the City of Salisbury

Publish: 10/21/11
10/28/11
11/4/11
11/11/11