

CHARTER AMENDMENT RESOLUTION NO. ____

**A RESOLUTION TO AMEND THE CHARTER OF POCOMOKE CITY,
MARYLAND BY ADDING AND DELETING LANGUAGE TO SECTION C-65
PURCHASING AND CONTRACTS**

WHEREAS, the Municipal Corporation Charter of Pocomoke City, Maryland, § C-65 sets forth limited rules, guidelines, and practices purchasing and contracts for and on behalf of Pocomoke City; and

WHEREAS, the current Charter provisions do not provide for sufficient detail and have not kept pace with inflation or modern purchasing practices; and

WHEREAS, the Mayor and Council of Pocomoke City have concluded that it is appropriate for them to amend § 65 of the Charter to provide the power and duty of the Mayor and Council to enact, from time to time appropriate standards for purchasing, contracting competitive bidding, delegation of authority, and modernization of the purchasing process for Pocomoke; and

WHEREAS, the Mayor and Council deem it appropriate that all purchases of twenty-five thousand dollars or more be approved by the Mayor and Council; and

WHEREAS, the Mayor and Council have determined that these proposed changes are for the peace, order, and benefit of Pocomoke City and its citizens;

1. NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of Pocomoke City, by virtue of the authority granted in Article XI-E of the Constitution of Maryland, that Section C-65 of the Municipal Charter of Pocomoke City, be amended to read as follows:*

§ C-65. Purchasing and contracts.

[[All purchases and contracts for the City government shall be made by the City Manager. The Council may provide by ordinance or resolution for rules and regulations regarding the use of competitive bidding and contracts for all City purchases and contracts. All expenditures for supplies, materials, equipment, construction of public improvements, or contractual services involving more than five thousand dollars (\$5,000.00) shall be made on written contract. The City Manager shall be required to advertise for sealed bids, in such manner as may be prescribed by ordinance or resolution for all such contracts except in those instances where the Council determines that it would be in the best interest of the City to waive the requirements for advertising and/or sealed bids. Such written contracts shall be awarded to the bidder who offers the lowest or best bid, quality of goods and work, time of delivery or completion, and responsibility of bidders being considered. All such written contracts shall be approved by the Council before becoming effective. The City Manager shall have the right to reject all bids and readvertise. The City Manager, at any time in his/her discretion, may employ City forces for the construction or reconstruction of public improvements without advertising for (or readvertising for) or receiving bids. All written contracts may be protected by such bonds, penalties and conditions as the City Manager may require.]]

All purchases and contracts shall be made under the direction of the City Manager.

The Council shall provide, by ordinance, for rules, regulations, standards, guidelines, and procedures for the purchase of materials, goods, and services for or on behalf of Pocomoke City, including standards for competitive pricing and for sealed bidding where appropriate. Anything in this Charter to the contrary notwithstanding, all purchases twenty-five thousand dollars or more must be approved by the Council in a public meeting thereof; provided, however, that purchases and commitments otherwise requiring such approval may be made in bona fide emergency circumstance by the City Manager, who shall immediately report same to the Mayor and Council.

* *Italicized print indicates material added to existing law.* Deleted material from the existing Charter is indicated by bold double bracketed [[]] language.

2. AND BE IT FURTHER RESOLVED THAT

In accordance with § 4-304 of the Local Government Article of the Annotated Code of Maryland, the City Manager shall:

- a. Post a complete and exact copy of this Charter Amendment at the City Hall Office, for at least forty (40) days after the passage of this Resolution; and
- b. Publishing a fair summary of this Resolution once per week for four (4) weeks in a newspaper of general circulation beginning immediately after the passage of this resolution.

3. AND BE IT FURTHER RESOLVED THAT

This Resolution shall become effective fifty (50) days after passage, in accordance with § 4-304 of the Local Government Article of the Annotated Code of Maryland.

This Resolution was introduced and read at a meeting of the Mayor and Council of Pocomoke City held on the day of , 2016, and passed for Second Reading.

The Resolution was finally passed and signed and approved by the Mayor and Council of Pocomoke City on the 2016.

Attest:

THE MAYOR AND COUNCIL OF
POCOMOKE CITY, MARYLAND

Carol L. Sullivan, City Clerk

Bruce Morrison, Mayor

George Tasker, First Vice-President

Publish: _____

