

CHARTER AMENDMENT RESOLUTION NO. 01-2022

A CHARTER AMENDMENT RESOLUTION
OF THE COMMISSIONERS OF THE TOWN OF CHURCH HILL,
MARYLAND AMENDING ARTICLE V, FINANCE, SECTION 519,
PURCHASES AND CONTRACTS, OF THE CHARTER OF THE TOWN OF
CHURCH HILL TO INCREASE THE AMOUNT OF A PROCUREMENT
THAT REQUIRES COMPETITIVE BIDDING FROM \$10,000 TO \$50,000

WHEREAS, pursuant to Article XI-E, § 3 of the Constitution of Maryland, the Commissioners of the Town of Church Hill (the “Commission”), as the legislative body of the Town of Church Hill (the “Town”), is authorized and empowered to amend the Charter of the Town of Church Hill (the “Charter”); and

WHEREAS, pursuant to Article XI-E, § 4 of the Constitution of Maryland, an amendment to the Charter shall be proposed either by a resolution of the Town Council; and

WHEREAS, pursuant to Md. Code Ann., Local Gov't §§ 4-302(1) and 4-304, the Commission may initiate a proposed amendment or amendments to the Charter by a resolution which, except as otherwise specified in Title 4, Subtitle 3 of the Local Government Article, is adopted in the same manner as other resolutions in the Town by a majority of all the individuals elected to the Commission, as the legislative body of the Town, subject to the right of referendum; and

WHEREAS, Section 519, Purchases and Contracts, of the Charter provides that all expenditures for supplies, materials, equipment, construction of public improvements, or contractual service involving more than ten thousand dollars (\$10,000) shall be made utilizing competitive bids and by written contracts; and

WHEREAS, the cost of supplies, materials, equipment, construction and contractual services has increase dramatically since the Town established the competitive bidding requirement for procurements exceeding \$10,000; and

WHEREAS, the Commission desires to increase the amount of a purchase that requires competitive bidding to continue to maintain its buying power in today's markets.

SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSISONERS OF THE TOWN OF CHURCH HILL, MARYLAND that Article V, Finance, Section 519, Purchases and Contracts, of the Charter of the Town of Church Hill shall be and hereby is amended to read as follows:

Section 519. Purchases and Contracts.

(a) All purchases and contracts for the Town government shall be made by the Town Administrator or designee under the direction of the Commissioners. The Commission may provide by ordinance for rules and regulations regarding the use of competitive bidding and contracts for all Town purchases and contracts.

(b) Competitive Bidding Requirements. All expenditures for supplies, materials, equipment, construction of public improvements, or contractual service involving more than ((ten)) FIFTY thousand dollars (((\$10,000)) \$50,000) shall be made utilizing competitive bids and by written contracts. The Town Administrator OR DESIGNEE shall be required to advertise for sealed bids in such a manner as shall be prescribed by ordinance, for all such written contracts. Such written contracts, shall be awarded to the bidder who submits the most responsive and responsible bid giving consideration to factors such as the lowest price, quality of goods and work, ability to deliver goods or complete work promptly, the bidder's demonstration of overall qualifications and assurances to perform the work or provide the services which are the subject of the bid and responsibility of bidders. All such written contracts shall be approved by the Commission before becoming effective and all written contracts may be protected by such bonds, penalties and conditions as the town may require.

(c) The ((Town Administrator and the)) Commission shall have the right to reject all bids and re-advertise.

(d) The Commission by unanimous vote of those present may waive the bidding requirements of this section for good cause shown.

(e) The town at any time in its discretion may employ its own forces or those of any other government or governmental agency for the construction or reconstruction of public improvements without advertising for (or re-advertising for) or receiving bids.

(f) Notwithstanding the foregoing, whenever a state, county, municipality or other governmental entity, quasi-governmental entity, bi-county agency or any consortium or purchasing alliance composed of any such entities, provided that such governmental entity or association has adopted procurement regulations that are comparable to those enacted by the town, has conducted a bid and awarded a contract authorizing local governments to purchase the bid item at the bid price, the Town Administrator OR DESIGNEE may, without soliciting bids and with the Commission's approval, purchase the item in question at the bid price from the successful bidder, without having to conduct bidding for the Town of Church Hill if the Town Administrator OR DESIGNEE independently acquires and documents market conditions, information and determines that the bid price is competitive. However, for any purchase order exceeding ((ten)) FIFTY thousand dollars (((\$10,000.00)) \$50,000) the Town Administrator shall request that the Commission waive bidding for good cause shown.

(g) Furthermore, all contracts involving professional services, including, but not limited to accounting, architecture, auditing, engineering, law, planning and surveying need not be on a bid basis but may be negotiated by the Town Administrator OR DESIGNEE and approved by the Town Commission.

(h) The Town Administrator OR DESIGNEE, with the approval of the president of the Commission or in the president's absence one of the two remaining Town Commissioners, may authorize the emergency procurement of supplies, materials, equipment, services, or construction without competition where there exists a threat to public health, welfare or safety; during a state of emergency declared by the president of the Commission or in the president's absence one of the two remaining Commissioners; where delay would significantly injure the Town, financially or otherwise; to prevent a break-down in machinery and/or threatened termination of essential services (including maintenance and repair of essential office equipment); or in any other circumstance in which goods, materials, equipment, supplies, services, or construction are needed immediately. The Town Commissioners shall promptly be notified of all emergency procurements.

SECTION 2. BE IT FURTHER RESOLVED by the Commissioners of The Town of Church Hill that, in this Resolution, new or added language is set forth in capital letters and new numbers are underscored, and deleted text is enclosed in double bold parentheses. Language

added after the date of introduction, if any, is in italicized type and text deleted after the date of introduction is enclosed in bold brackets.

SECTION 3. BE IT FURTHER RESOLVED by the Commissioners of the Town of Church Hill that all ordinances and resolutions enacted by the Commissioners of the Town of Church Hill prior to the date upon which the Charter adopted by this Resolution takes effect shall thereafter continue in full force and effect, except to the extent that the authority, either express or implied, for any such ordinance or resolution is not granted to the Town of Church Hill by the Charter adopted by this Resolution or by other law, and further except to the extent that any such ordinance or resolution may irreconcilably conflict with any provision of the Charter adopted by this resolution. To the extent that any section of the Charter is in conflict with the provisions of Section 1 of this Resolution, such section or sections shall be and hereby are repealed to the extent of such conflict.

SECTION 4. BE IT FURTHER RESOLVED by the Commissioners of the Town of Church Hill that if any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Resolution, it being the intent of the Commissioners that this Resolution shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 5. BE IT FURTHER RESOLVED by the Commissioner of the Town of Church Hill that a public hearing regarding the proposed Charter amendments contained in this Resolution was conducted on the ___ day of _____, 202__, prior to the adoption of Charter Amendment Resolution 01-2022. Further, the Town Administrator/Clerk published a notice of the public hearing in a newspaper of general circulation in the Town of Church Hill on the ___ day of _____, 20____, which was at least 21 days' prior to the date of the public hearing.

SECTION 6. BE IT FURTHER RESOLVED by the Commissioners of the Town of Church Hill that the Charter amendments adopted by this Resolution on the ___ day of _____, 202__, shall become effective upon the fiftieth (50th) day after adoption unless a proper petition for a referendum hereon shall be filed on or before the fortieth (40th) day after adoption, as provided by law. A complete and exact copy of this Resolution shall be posted at Town House for a period of at least forty (40) days following its adoption, and the title to this Resolution, being a fair summary of the Charter amendments adopted hereby, shall be published in a newspaper of general circulation in the Town not less than four (4) times, at weekly intervals within a period of at least forty (40) days, starting immediately after the date of its adoption.

SECTION 7. BE IT FURTHER RESOLVED by the Commissioners of the Town of Church Hill that as soon as the Charter amendment adopted by this Resolution shall become effective, either as herein provided or following a referendum, the Town Administrator/Clerk shall send by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to the Department of Legislative Services of the State of Maryland, the following documents or information concerning the Charter amendment herein: (1) the complete text of this Resolution; (2) the date of the referendum election, if any, held with respect thereto; (3) the number of votes cast for or against this Resolution by the members of the Town Council or in a referendum;

and (4) the effective date of the Charter amendment.

SECTION 8. BE IT FURTHER RESOLVED by the Commissioners of the Town of Church Hill that the Town Administrator/Clerk is hereby authorized and directed to carry out the provisions of Sections 6 and 7 hereof; and as evidence of compliance herewith, the Town Administrator/Clerk shall cause to be affixed to the minutes of the Town Commissioners for the meeting at which this Resolution is adopted: (1) a certificate to the effect that this Resolution was duly and properly posted as provided in Section 5 herein; (2) an appropriate certificate of publication in the newspaper in which the fair summary of the Charter amendments herein shall have been published as provided in Section 5 herein; and (3) the return receipt of the mailing as provided in Section 6 herein; provided, however, that failure to comply with any of the foregoing shall not invalidate this Resolution.

INTRODUCED by the Commissioners of the Town of Church Hill, Maryland at a regular meeting on the ____ day of _____, 2022.

ADOPTED by the Commissioners of the Town of Church Hill, Maryland at a regular meeting on the ____ day of _____, 2022.

ATTEST:

THE COMMISSIONERS OF THE TOWN
OF CHURCH HILL

Nancy Lindyberg, Town Administrator

Charles M. Rhodes, Jr., President

John P. Griffin, Sr., Commissioner

Edward C. Raffetto, Jr., Commissioner