



Legislation Details (With Text)

File #: 22-0238 **Version:** 0 **Name:** Charter Amendment - Inspector General - Advisory Board

Type: Mayor and City Council Res. **Status:** Enacted

File created: 5/16/2022 **In control:** Baltimore City Council

On agenda: **Final action:** 7/29/2022

Enactment date: **Enactment #:** 22-04

Title: Charter Amendment - Inspector General - Advisory Board
For the purpose of altering the method by which individuals are selected to be members of the advisory board that appoints the Inspector General; requiring a member of the City Council to consider certain factors when nominating a candidate for the advisory board; setting term limits and staggering certain terms; and submitting this amendment to the qualified voters of the City for adoption or rejection.

Sponsors: Odette Ramos, Phylcia Porter, Zeke Cohen, Mark Conway

Indexes: Charter Amendment, Office of the Inspector General

Code sections:

Attachments: 1. 22-0238~1st Reader, 2. 22-0238 OIG, 3. ETHICS 22-0238, 4. Law 22-0238, 5. Finance 22-0238, 6. 2nd Reader Amendments (RLO), 7. 22-0238~3rd Reader, 8. 22-0238 signed, 9. Completed Ordinance 22-0238

Date	Ver.	Action By	Action	Result
8/15/2022	0	Mayor	Signed by Mayor	
7/25/2022	0	Baltimore City Council	Advanced to 3rd Reader on same day	
7/25/2022	0	Baltimore City Council	Approved and Sent to the Mayor	
7/25/2022	0	Rules and Legislative Oversight	Recommended Favorably with Amendment	
7/21/2022	0	Rules and Legislative Oversight	Recommended Favorably with Amendment	Pass
7/11/2022	0	Rules and Legislative Oversight	Scheduled for a Public Hearing	
6/27/2022	0	Rules and Legislative Oversight	Scheduled for a Public Hearing	
5/19/2022	0	Baltimore City Council	Refer to Office of the Inspector General	
5/19/2022	0	Baltimore City Council	Refer to Board of Ethics	
5/19/2022	0	Baltimore City Council	Refer to City Solicitor	
5/19/2022	0	Baltimore City Council	Refer to Dept. of Finance	
5/16/2022	0	Baltimore City Council	Assigned	
5/16/2022	0	Baltimore City Council	Introduced	

Explanation: Capitals indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

*** Warning:** This is an unofficial, introductory copy of the bill.
The official copy considered by the City Council is the first reader copy.

Introductory*

City of Baltimore

**Council Bill
(Charter Amendment)**

Introduced by: Councilmember Ramos

A Resolution Entitled

A Resolution of the Mayor and City Council concerning
Charter Amendment - Inspector General - Advisory Board

For the purpose of altering the method by which individuals are selected to be members of the advisory board that appoints the Inspector General; requiring a member of the City Council to consider certain factors when nominating a candidate for the advisory board; setting term limits and staggering certain terms; and submitting this amendment to the qualified voters of the City for adoption or rejection.

By proposing to amend

Article IV - Mayor
Section 6(g)
Baltimore City Charter
(1996 Edition)

By proposing to amend

Article VII - Executive Departments
Section 110
Baltimore City Charter
(1996 Edition)

By proposing to amend

Article X - Office of the Inspector General
Section 2
Baltimore City Charter
(1996 Edition)

By proposing to renumber

Article X - Office of the Inspector General
Sections 3, 4, 5, and 6, respectively
to be Sections 4, 5, 6, and 7 respectively
Baltimore City Charter
(1996 Edition)

Section 1. Be it resolved by the Mayor and City Council of Baltimore, That the City Charter is proposed to be amended to read as follows:

Baltimore City Charter

Article IV. Mayor

§ 6. Appointments of municipal officers.

(g) *Vacancies - Boards and commissions.*

When a vacancy occurs on a board or commission established by this Charter, or other law, the Mayor shall have, for 120 days after the occurrence of that vacancy, the sole power of appointment to the vacant office. Such appointment shall be subject to confirmation by the City Council in the manner prescribed in this section.

If the Mayor fails to submit a nomination within the time prescribed in this subsection, the power of appointment shall vest and be held by the board or commission to which the vacancy shall apply, and that board or commission, by majority vote, shall certify the name of a person to the City Council for confirmation in the manner prescribed in this section.

For the purposes of this subsection only, a vacancy shall occur upon the occurrence of an event enumerated in subsection (f) hereof, and also upon the rejection by the City Council of a nomination to a board or commission.

This subsection is not applicable to the advisory board established by Article X, Section 2, of this Charter.

Article VII. Executive Departments

Board of Ethics

§ 110. Chair: Powers and duties.

The Chair of the Board of Ethics shall have exclusive authority to select at random the 7 members of the advisory board to appoint the Inspector General, as described in Article X, Section 2 of this Charter.

In the event a vacancy occurs on the advisory board, the Chair shall be authorized to fill the vacancy through the process outlined in Article X, Section 2 of this Charter.

§ 111. [110.] Board of Ethics: Modification by ordinance.

The Mayor and City Council, by ordinance, may modify, amend, alter, clarify or implement any or all of the provisions of Sections 105 through [110] 111 of this Article VII.

Article X. Office of the Inspector General

§ 2. Office of Inspector General: [The Inspector General.] Advisory board.

(a) *[Appointment.] In general.*

(1) The Inspector General is appointed by an advisory board to be comprised of [5 or] 7 members as provided in this [subsection (a)] section.

[(2) The advisory board consists of the following:]

[(i) the Mayor, or the Mayor's designee;]

[(ii) the City Solicitor, who serves as the Chair of the advisory board and may assign staff to the advisory board from the Law Department;]

[(iii) the Comptroller, or the Comptroller's designee;]

[(iv) the City Council President, or the President's designee; and]

[(v) a member of the City Council appointed by the City Council President.]

[(3) The Mayor and City Council President may appoint 2 additional members to the advisory board from the list provided in paragraph (4) of this subsection if:]

[(i) the Mayor and the City Council President jointly agree to an appointment;
and]

[(ii) the members appointed agree to serve on the advisory board.]

[(4) The 2 additional members that may be selected to serve on the advisory board pursuant to paragraph (3) of this subsection may only be as follows:]

[(i) the Dean of the University of Maryland School of Law; and]

[(ii) the Dean of the University of Baltimore School of Law.]

(2) The advisory board is entitled to the assistance of the Baltimore City Department of Human Resources for purposes of advertising a vacancy and interviewing and hiring candidates for the position of Inspector General.

(3) The Mayor must provide the advisory board with access to City resources to facilitate the advisory board's completion of its responsibilities.

(b) *Qualifications.*

An individual is qualified to serve as a member of the advisory board if the individual:

- (1) has resided within the City of Baltimore for the full 2 years immediately preceding the date of the individual's application for the position;
- (2) is over the age of 21 years old;
- (3) has never been convicted of an offense under Section 16-201(a)(5) or (6) of the State Election Law Article; and
- (4) has a background in, or familiarity with, ethics, law, program or performance evaluation, or accounting or has a familiarity with the Office of the Inspector General and the duties of the Office.

(c) *Eligibility.*

In addition to the required qualifications in Subsection (b) of this section, an applicant is not eligible for appointment to the advisory board if the individual:

- (1) is or becomes an elected officer or employee of:
 - (i) the State of Maryland;
 - (ii) the City of Baltimore;
 - (iii) any State or City agency, instrumentality, or any other unit of a State entity except:
 - (A) a State college;
 - (B) a State university; or
 - (C) another institution of higher education;

- (2) is or becomes a candidate for elected public office of:
 - (i) the State of Maryland;
 - (ii) the City of Baltimore; or
 - (iii) any county or municipality of the State.
- (3) is or becomes an elected municipal officer's:
 - (i) spouse;
 - (ii) parent;
 - (iii) child; or
 - (iv) sibling;
- (4) is or becomes a responsible officer, as defined in Section 1-101(mm) of the State Election Law Article;
- (5) is or becomes employed by the City of Baltimore or the State of Maryland in any capacity; or
- (6) is or becomes a lobbyist under:
 - (i) the State General Provisions Article, Title 5 {"Maryland Public Ethics Law"};
 - (ii) Article 8, Subtitle 8 {"Lobbying"} of the City Code; or
 - (iii) the ethics code of any political subdivision of the State.

(d) *Nomination process: In general.*

- (1) An individual who meets the requirements set forth in Subsections (c) and (d) of this section may submit an application to the member of the City Council who represents the district in which the individual resides, in the form required by the Board of Ethics.
- (2) Each member of the City Council must review the applications received pursuant to Paragraph (1) of this subsection and select on individual as the nominee to the advisory board from that member's district;

(e) *Nomination process: diversity.*

- (1) The membership of the advisory board must be inclusive and reflect the racial and gender diversity of the City of Baltimore.
- (2) A member of the City Council must give reasonable consideration to the diversity of the member's district when selecting a nominee to the advisory board.

(f) *Nomination process: Final appointments.*

- (1) Final random selections to the advisory board must be made by the Chair of the Board of Ethics, pursuant to Article VII, Section 109 of this Charter.

- (2) 5 of the 7 members of the advisory board must be randomly selected by the Chair of the Board of Ethics on the following basis:
 - (i) 1 member from among the 3 nominees submitted from City Council districts 1, 2, and 3;
 - (ii) 1 member from among the 3 nominees submitted from City Council districts 4, 5, and 6;
 - (iii) 1 member from among the 3 nominees submitted from City Council districts 7, 8, and 9;
 - (iv) 1 member from among the 3 nominees submitted from City Council districts 10, 11, and 12; and
 - (v) 1 member from among the 2 nominees submitted from City Council districts 13 and 14.
- (3) The 2 members of the advisory board not selected from the City Council district nominees, as described in Paragraph 2 of this subsection, must be selected by the Chair of the Board of Ethics at random from among the membership of any of the following professional organizations:
 - (i) the Baltimore City Bar Association;
 - (ii) the Association of Certified Fraud Examiners; or
 - (iii) the Association of Certified Public Accountants.
- (4) The 2 members of the advisory board selected pursuant to Paragraph (3) of this subsection must also comply with all eligibility requirements for advisory board members outlined in this subsection.

(g) *Term of members.*

- (1) The terms of the members of the advisory board must be staggered and may not be coterminous with the Mayor's term of office.
- (2) Of the initial 7 appointments to the advisory board:
 - (i) the members appointed pursuant to Paragraphs (2)(v) and (3) of Subsection (f) of this section must each serve a term of 3 years; and
 - (ii) the remaining members must each serve a term of 4 years.
- (3) After the initial terms of the advisory board members have expired, a member of the advisory board shall serve a term of 4 years.
- (4) The term required by Paragraph (2)(i) of this subsection shall be considered a full term for the purposes of the term limits established in Article IV, Section 6(e) of this Charter.
- (5) No member of the advisory board may serve more than 2 consecutive full terms.

(h) *Removal of advisory board member.*

- (1) The Board of Ethics may remove members of the advisory board at any time, subject to approval by a majority vote of the members of the Board of Ethics.
- (2) If a member of the advisory board is removed pursuant to Paragraph 1 of this subsection, the date and time of the removal shall coincide with the date and time the Board of Ethics approved the removal.

(i) *Vacancies.*

The Chair of the Board of Ethics shall select at random a member from the nominations submitted at the outset of that particular position's term.

(j) *Procedures.*

- (1) [(5)] A quorum of the advisory board consists of 4 members.
- (2) The advisory board shall elect a chair from the membership of the advisory board.
- (3) [(6)] An affirmative vote of at least 4 members shall be necessary to appoint an Inspector General.

(k) *Required training.*

Prior to beginning their duties, the members of the advisory board shall attend a training session, to be provided by the Chair of the Board of Ethics, that details:

- (1) Baltimore City ethics law;
- (2) the rules governing the advisory board; and
- (3) the rules governing and duties of the Inspector General.

(l) *Annual overview.*

The advisory board shall appear before the City Council at least once a year to provide the City Council with an overview of the activities of the advisory board and the Office of the Inspector General.

§ 3. Office of Inspector General: The Inspector General.

(a) [(b)] *Qualifications.*

- (1) The Inspector General shall be appointed without regard to political affiliation and must have substantial experience in auditing, financial analysis, criminal justice law, management analysis, public administration, investigations, or another appropriate field.
- (2) The Inspector General shall hold at the time of appointment, or be required to obtain within 7 months after appointment, certification as a Certified Inspector General.

(b) [(c)] *Term.*

The Inspector General shall serve a term of 6 years commencing from the date of appointment.

(c) [(d)] *Removal.*

The Inspector General may be removed from office by an affirmative vote of at least 4 members of the advisory board for:

- (1) misconduct in office;
- (2) persistent failure to perform the duties of office; or
- (3) conduct prejudicial to the proper administration of justice.

(d) [(e)] *Reports concerning a vacancy or incapacity.*

Whenever the Office of the Inspector general remains vacant for 180 days, or whenever the Inspector General is incapacitated or otherwise unable to perform the duties of the office for 180 days, the Chair of the advisory board shall issue a report to the City Council on the 180th day, and every 2 months thereafter until the vacancy is filled or the Inspector General reports to work, describing the status of the efforts to fill the vacancy or the status of the Absent Inspector General.

(e) [(f)] *Performance review.*

The advisory board shall meet at least once annually to review the performance of the Inspector General.

Section 4. And be it further resolved, That Sections 3, 4, 5, and 6, respectively of Article X - Office of the Inspector General of this Charter are renumbered to be Sections 4, 5, 6, and 7, respectively.

Section 3. And be it further resolved, That this proposed amendment to the City Charter be submitted to the legal and qualified voters of Baltimore City, for adoption or rejection, in accordance with Article XI-A, § 5 of the Maryland Constitution, in the form specified by the City Solicitor.