



## BALTIMORE CITY COUNCIL EQUITY AND STRUCTURE COMMITTEE

### Mission Statement

*On behalf of the Citizens of Baltimore City, the mission of the Equity and Structure Committee is to examine the current operating systems of our government, and to evaluate our policies and practices through a lens of equity in order to reduce systemic barriers in our processes and programs. In addition, this committee will conduct a thorough evaluation of the Charter Amendments that have been introduced. These Charter Amendments will address structural inequities, transparency and accountability to ensure sustainable government reform.*

**The Honorable Bill Henry  
Chairman**

**PUBLIC HEARING**

**Charter Amendment 20-0545  
Term - Limits**

## CITY COUNCIL COMMITTEES

### **BUDGET AND APPROPRIATIONS**

Eric Costello – Chair  
Leon Pinkett – Vice Chair  
Bill Henry  
Sharon Green Middleton  
Isaac “Yitzy” Schleifer  
Shannon Sneed  
Danielle McCray  
*Staff: Marguerite Currin*

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Isaac “Yitzy” Schleifer – Co-chair  
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Eric Costello  
Edward Reisinger  
Robert Stokes  
*Staff: Samuel Johnson*  
- *Larry Greene (pension only)*

### **TRANSPORTATION**

Ryan Dorsey – Chair  
Leon Pinkett – Vice Chair  
John Bullock  
*Staff: Jennifer Coates*



## BILL SYNOPSIS

### Committee: Equity and Structure

### Bill 20-0545

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#### Charter Amendment – Term Limits

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**Sponsor:** Councilmember Isaac Schleifer

**Introduced:** June 22, 2020

**Purpose:**

For the purpose of providing that a person who has served a certain number of terms as Mayor, Comptroller, President of the City Council, or Member of the City Council is ineligible to again serve in that office during the immediately following term; correcting, clarifying, and conforming related provisions; and submitting this amendment to the qualified voters of the City for adoption or rejection.

**Effective:** Upon the approval of the legal and qualified voters of Baltimore City.

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#### Agency Reports

Department of Law	Favorable
Department of Finance	
Office of the Comptroller	
Office of the Mayor	

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## Analysis

### Current Law:

Article III – City Council: Section 1(b) and 3 (a);

Article IV – Mayor, Section 1(a)(3);

Article V – Comptroller, Sections 1(a)(5), Baltimore City Charter (1996 Edition)

If enacted, Bill 20-0545 Charter Amendment – Term Limits would create language in the Baltimore City Charter that established term limits for the elected position of Mayor, City Council President, and City Council members. In Article III, IV, and V the below stated language would be added:

“After December 9, 2020, a person who has been popularly elected to serve 3 consecutive terms as a (member of the City Council, President, or Mayor) is ineligible to again serve as a member during the term that immediately follows those 3 terms.”

Instituting term limits would put a legal restriction in place that limits the number of years an incumbent can serve in an elected office. Term limits help to establish statutory limitations to ensure that the same individual(s) are not in the same public office for more than a specific number of years. Also, by establishing a framework for how long an individual(s) can hold one specific position it precludes that officeholder from accumulating and yielding a certain degree of power within their respective branch of government, which can help to prevent an abuse of power.

On a national level a small percentage of cities limit the length of time that a mayor or councilmember can stay in office. Currently, some of the major metropolitan cities that do have term limits are New York City, Philadelphia, Los Angeles, New Orleans, Houston and San Antonio.

<b>Arguments in favor of term limits</b>	<b>Arguments against term limits</b>
Increases ratio of competitive elections	Promotes loss of experience
Brings in more opportunities to serve in public office	Inexperienced leaders will be easy prey for special interest groups
Curbs the influence of lobbyist	Term limits remove popular leaders
Term limits will produce a “citizen legislature” of more ordinary people rather than professional politicians.	Term limits are undemocratic as they conflict with the will of the voters
It will promote fresh ideas	Term limits negatively affect the types of projects that elected leaders implement, and the continuity of those projects
Incumbency promotes more spending and bureaucracy	

## **Additional Information**

**Fiscal Note:** Not Available

**Information Source(s):** Baltimore City Charter, Agency Reports

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Analysis by: Samuel Johnson  
Analysis Date: July 8, 2020

Direct Inquiries to: (410) 396-1091

**CITY OF BALTIMORE**  
**COUNCIL BILL 20-0545**  
**(Resolution)**  
**(Charter Amendment)**

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Introduced by: Councilmembers Schleifer, Burnett, President Scott, Councilmembers Henry,  
Sneed, Cohen

Introduced and read first time: June 22, 2020

Assigned to: Equity and Structure Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Office of the  
Comptroller, Office of the Mayor

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A RESOLUTION ENTITLED

1 A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

2 **Charter Amendment – Term Limits**

3 FOR the purpose of providing that a person who has served a certain number of terms as Mayor,  
4 Comptroller, President of the City Council, or Member of the City Council is ineligible to  
5 again serve in that office during the immediately following term; correcting, clarifying, and  
6 conforming related provisions; and submitting this amendment to the qualified voters of the  
7 City for adoption or rejection.

8 BY proposing to amend

9 Article III - City Council  
10 Sections 1(b) and 3(a)  
11 Baltimore City Charter  
12 (1996 Edition)

13 BY proposing to add

14 Article IV - Mayor  
15 Section 1(a)(3)  
16 Baltimore City Charter  
17 (1996 Edition)

18 BY proposing to add

19 Article V - Comptroller  
20 Section 1(a)(5)  
21 Baltimore City Charter  
22 (1996 Edition)

23 **SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
24 City Charter is proposed to be amended to read as follows:

25 **Baltimore City Charter**

26 **Article III. City Council**

EXPLANATION: Underlining indicates matter added by amendment.  
~~Strike out~~ indicates matter deleted by amendment.

**Council Bill 20-0545**

**§ 1. Legislative Department; qualification and salary of members.**

*(b) Qualifications.*

- (1) Members of the City Council, except the President whose qualifications are provided for in Section 3, shall be citizens of the United States, at least 18 years old, and registered voters of Baltimore City.
- (2) They also shall be residents of the districts the members have been chosen to represent for at least 1 year next preceding their election, except as provided in Section 7(e), and during their term of office.
- (3) AFTER DECEMBER 9, 2020, A PERSON WHO HAS BEEN POPULARLY ELECTED TO SERVE 3 CONSECUTIVE TERMS AS A MEMBER OF THE CITY COUNCIL IS INELIGIBLE TO AGAIN SERVE AS A MEMBER DURING THE TERM THAT IMMEDIATELY FOLLOWS THOSE 3 TERMS.

**§ 3. President.**

*(a) Election, qualifications, duties, etc.*

- (1) At the same time that they elect the members, the voters shall elect from Baltimore City at large, a person to be the President of the City Council, who shall possess the qualifications required for the Mayor of the City.
- (2) AFTER DECEMBER 9, 2020, A PERSON WHO HAS BEEN POPULARLY ELECTED TO SERVE 3 CONSECUTIVE TERMS AS PRESIDENT IS INELIGIBLE TO AGAIN SERVE AS PRESIDENT DURING THE TERM THAT IMMEDIATELY FOLLOWS THOSE 3 TERMS.
- (3) It [shall be] IS the President’s duty to preside over the City Council, vote on all questions, and perform [such] THE other duties [as may be] prescribed by law.
- (4) The salary of the President shall be set [in the Ordinance of Estimates] AS PROVIDED IN ARTICLE VII, §§ 117 THROUGH 125 OF THIS CHARTER

**Article IV. Mayor**

**§ 1. Election, term, etc.**

*(a) Election and qualifications.*

- (3) AFTER DECEMBER 7, 2020, A PERSON WHO HAS BEEN POPULARLY ELECTED TO SERVE 3 CONSECUTIVE TERMS AS MAYOR IS INELIGIBLE TO AGAIN SERVE AS MAYOR DURING THE TERM THAT IMMEDIATELY FOLLOWS THOSE 3 TERMS.

**Council Bill 20-0545**

**Article V. Comptroller**

**§ 1. Election, term, etc.; Deputy Comptroller; Staff.**

(a) *Election and qualifications; Term; Salary.*

(5) AFTER DECEMBER 7, 2020, A PERSON WHO HAS BEEN POPULARLY ELECTED TO SERVE 3 CONSECUTIVE TERMS AS COMPTROLLER IS INELIGIBLE TO AGAIN SERVE AS COMPTROLLER DURING THE TERM THAT IMMEDIATELY FOLLOWS THOSE 3 TERMS.

**SECTION 2. 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.



**EQUITY AND STRUCTURE  
COMMITTEE**

**AGENCY REPORTS**

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CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG  
Mayor



DEPARTMENT OF LAW  
DANA P. MOORE, ACTING CITY SOLICITOR  
100 N. HOLLIDAY STREET  
SUITE 101, CITY HALL  
BALTIMORE, MD 21202

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July 7, 2020

The Honorable President and Members  
of the Baltimore City Council  
Attn: Natawna B. Austin, Executive Secretary  
Room 409, City Hall, 100 N. Holliday Street  
Baltimore, Maryland 21202

Re: City Council Bill 20-0545 – Charter Amendment – Term Limits

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 20-0545 for form and legal sufficiency. The bill provides that a person who has served a certain number of terms as Mayor, Comptroller, President of the City Council, or Member of the City Council is ineligible to again serve in that office during the immediately following term. It also corrects, clarifies and conforms related provisions and submits this amendment to the qualified voters of the City for adoption or rejection.

The substance of the bill presents no legal impediments. We would, however, want the City Council to be aware of how the Law Department would interpret the bill's language: that is, if an elected official has served two consecutive terms prior to December 2020, upon completing a third consecutive term in 2024, this bill would prohibit the person from standing for re-election in 2024.


Under Article XI-A, Section 5 of the Maryland Constitution, a resolution of the Mayor and City Council, such as City Council Bill 20-0545, is an appropriate method of initiating an amendment to the Baltimore City Charter. The Law Department, therefore, approves the resolution for form and legal sufficiency as drafted.

Sincerely,

A handwritten signature in black ink that reads "Victor K. Tervala".

Victor K. Tervala  
Chief Solicitor

cc: Dana Moore, Acting Solicitor  
Matt Stegman, Mayor's Legislative Liaison  
Caylin Young, President's Legislative Director  
Elena DiPietro, Chief Solicitor, General Counsel Division  
Hilary Ruley, Chief Solicitor  
Ashlea Brown, Assistant Solicitor

<b>FROM</b>	NAME & TITLE	David A. Randall, Executive Director <i>David A. Randall</i>	CITY OF BALTIMORE  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Employees', Elected Officials', Retirement Savings Plan Systems -- 7 E. Redwood Street, 12 <sup>th</sup> floor		
	SUBJECT	<b>City Council Bill 20-0545 – Charter Amendment – Term Limits</b>		

DATE: July 8, 2020

**TO**

The Honorable President and Members of the Baltimore City Council  
 Attn: Natawna B. Austin, Executive Secretary  
 Room 409, City Hall  
 100 N. Holliday Street

Dear Mr. President and City Council Members:

City Council Bill 20-0545 was referred to the Elected Officials' Retirement System ("EOS") for comment. The Bill's stated purpose is for providing that a person who has served three (3) terms as Mayor, Comptroller, President of the City Council, or Member of the City Council is ineligible to again serve in that office during the immediately following term; correcting, clarifying, and conforming related provisions; and submitting this amendment to the qualified voters of the City for adoption or rejection.

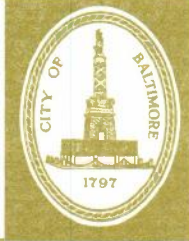
Based on actuarial assumptions, the term limit bill should not add an additional cost to the City's contribution to the EOS, which has been zero for the last five (5) years. Also, please note that the opportunity would exist for a lower retirement benefit for those members that serve only three (3) terms due to lower years of service.

Please call me or email me if you would like additional information.

DAR/dsb  
 CC: Henry Raymond, Board Chairman  
 Nichelle Lashley, Deputy Director

COMPTROLLER

JOAN M. PRATT, CPA  
Room 204, City Hall  
Baltimore, Maryland 21202-3461



OFFICE OF THE COMPTROLLER

Department of Audits  
Department of Real Estate  
Municipal Post Office  
Municipal Telephone Exchange  
Harbor Master

July 8, 2020

The Honorable President and Members  
of the Baltimore City Council  
Attn.: Natawna B. Austin, Executive Secretary  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, MD 21202

**Re: City Council Bill 20-0545 (Resolution) (Charter Amendment)—Charter Amendment—  
Term Limits**

Dear President and City Council Members:

The Comptroller's Office has reviewed City Council Bill 20-0545. This City Council Bill would amend Article V §1 of the City Charter to prohibit a person who has been elected to three consecutive terms as Baltimore City Comptroller from serving as Comptroller again during the term that immediately follows the three consecutive terms. Other provisions of the City Council Bill apply similar prohibitions to the President of the City Council, the Mayor, and City Council members.

The term limits imposed by this City Council Bill amount to as many as twelve consecutive years in office for City elected officials. Any legislation that proposes term limits should strike a balance between the need for continuity in government operations and policy implementation, and the goal of bringing new perspectives and experiences to the elected leadership of the City. The three-term limit in this City Council Bill is a reasonable compromise.

For these reasons, the Office of the Comptroller supports City Council Bill 20-0545.

Sincerely,

Joan M. Pratt, CPA  
Comptroller

cc: Mr. Dominic McAlily, Legislative Assistant, Office of the City Council President  
Mr. Matt Stegman, Deputy Director of Government Relations, Office of the Mayor  
Ms. Nina Themelis, Legislative Liaison, Office of the Mayor