

**CITY OF BALTIMORE**  
**RESOLUTION \_\_\_\_\_**  
**Council Bill 19-0381**  
**(Charter Amendment)**

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Introduced by: Councilmembers Burnett, Henry, Pinkett, Clarke, Scott, Ex Officio President  
Middleton, Councilmembers Costello, Bullock, Cohen, Dorsey, Schleifer, Stokes, Sneed,  
Reisinger

Introduced and read first time: April 29, 2019

Assigned to: Equity and Structure Committee

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Committee Report: Favorable with amendments

Council action: Adopted

Read second time: May 11, 2020

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**A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING**

1 **Charter Amendment – Removal of Elected Officials**

2 FOR the purpose of providing for the removal from office by the City Council of certain City  
3 elected officials under certain circumstances; expanding the potential individuals or entities  
4 entitled to prefer charges for consideration of removal from office; conforming and clarifying  
5 related provisions; and submitting this amendment to the qualified voters of the City for  
6 adoption or rejection.

7 BY proposing to add  
8 Article III - City Council  
9 Section 2(d)  
10 Baltimore City Charter  
11 (1996 Edition)

12 BY proposing to amend  
13 Article III - City Council  
14 Sections 3(b) and 10(d)  
15 Baltimore City Charter  
16 (1996 Edition)

17 BY proposing to amend  
18 Article IV - Mayor  
19 Section 2  
20 Baltimore City Charter  
21 (1996 Edition)

22 BY proposing to amend  
23 Article V - Comptroller  
24 Section 2  
25 Baltimore City Charter  
26 (1996 Edition)

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

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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 III. City Council

§ 2. Members.

(D) REMOVAL.

THE CITY COUNCIL BY A THREE-FOURTHS VOTE OF ITS MEMBERS MAY REMOVE AN INDIVIDUAL MEMBER FROM OFFICE FOR INCOMPETENCY, MISCONDUCT IN OFFICE, WILFUL NEGLIGENCE OF DUTY, OR FELONY OR MISDEMEANOR IN OFFICE, ON CHARGES PREFERRED BY THE MAYOR, THE CITY COUNCIL'S COMMITTEE ON LEGISLATIVE INVESTIGATIONS, OR BY THE INSPECTOR GENERAL, AND AFTER NOTICE OF THOSE CHARGES AND AN OPPORTUNITY TO BE HEARD BY THE CITY COUNCIL ARE GIVEN TO THE INDIVIDUAL MEMBER.

§ 3. President.

(b) Removal.

The City Council, by a [two-thirds] THREE-FOURTHS vote of its members, may remove the President of the City Council from office for incompetency, MISCONDUCT IN OFFICE, wilful neglect of duty, or FELONY OR misdemeanor in office, [upon] ON charges preferred by the Mayor, BY THE CITY COUNCIL'S COMMITTEE ON LEGISLATIVE INVESTIGATIONS, A VERIFIED PETITION SIGNED BY AT LEAST 20% OF THE QUALIFIED VOTERS IN BALTIMORE CITY, OR BY THE INSPECTOR GENERAL, after notice of [such] THOSE charges and an opportunity to be heard by the City Council are given to the President.

§ 10. Procedures; Council officers.

(d) *Judge of member qualifications[: Discipline].*

The City Council shall be judge of the election and qualifications of its members, subject to appeal by petition of the party aggrieved as provided by law. [With the concurrence of three-fourths of its members, the City Council may expel any member for disorderly behavior or misconduct in office, but not a second time for the same offense.]

Article IV. Mayor

§ 2. REMOVAL, Vacancy, or Absence.

(A) REMOVAL.

THE CITY COUNCIL BY A THREE-FOURTHS VOTE OF ITS MEMBERS MAY REMOVE THE MAYOR FROM OFFICE FOR INCOMPETENCY, MISCONDUCT IN OFFICE, WILFUL NEGLIGENCE OF DUTY, OR FELONY OR MISDEMEANOR IN OFFICE, ON CHARGES PREFERRED BY THE CITY COUNCIL'S COMMITTEE ON LEGISLATIVE INVESTIGATIONS, A VERIFIED PETITION SIGNED

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1 BY AT LEAST 20% OF THE QUALIFIED VOTERS IN BALTIMORE CITY, OR BY THE INSPECTOR  
2 GENERAL, AND AFTER NOTICE OF THOSE CHARGES AND AN OPPORTUNITY TO BE HEARD BY  
3 THE CITY COUNCIL ARE GIVEN TO THE MAYOR.

4 (B) [(a)] *Vacancy.*

5 In case of vacancy in the office of the Mayor by death, resignation, REMOVAL, or  
6 permanent disqualification, the President of the City Council shall be Mayor for the  
7 remainder of the term for which the Mayor was elected.

8 (C) [(b)] *Absence.*

9 In case of, and during, sickness, temporary disqualification or necessary absence of the  
10 Mayor, the President of the City Council shall be ex officio Mayor of the City.

### 11 Article V. Comptroller

#### 12 § 2. Removal; Vacancy.

13 (A) *REMOVAL.*

14 The City Council by a [majority] THREE-FOURTHS vote of its members may remove the  
15 Comptroller from office for incompetency, MISCONDUCT IN OFFICE, wilful neglect of duty,  
16 or FELONY OR misdemeanor in office, [upon] ON charges preferred by the Mayor, BY THE  
17 CITY COUNCIL'S COMMITTEE ON LEGISLATIVE INVESTIGATIONS, A VERIFIED PETITION  
18 SIGNED BY AT LEAST 20% OF THE QUALIFIED VOTERS IN BALTIMORE CITY, OR BY THE  
19 INSPECTOR GENERAL, and after notice of [such] THOSE charges and an opportunity to be  
20 heard by the City Council are given to the Comptroller.

21 (B) *VACANCY.*

22 In the event of the death, resignation, or removal from office of the Comptroller, a  
23 successor, to fill out the unexpired term, shall be elected by the City Council by a  
24 majority vote of its members.

25 **SECTION 2. AND BE IT FURTHER RESOLVED,** That the City Council shall amend the Rules of  
26 the City Council of Baltimore to provide for the conduct and procedures of the notice and  
27 hearings required for removal of an elected official under this proposed amendment.

28 **SECTION 3. AND BE IT FURTHER RESOLVED,** That this proposed amendment to the City  
29 Charter be submitted to the legal and qualified voters of Baltimore City, for adoption or rejection,  
30 in accordance with Article XI-A, § 5 of the Maryland Constitution, in the form specified by the  
31 City Solicitor.

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Certified as duly passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Chief Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Mayor, Baltimore City