

CITY OF BALTIMORE
RESOLUTION _____
Council Bill 13-0236

Introduced by: President Young, Councilmembers Middleton, Stokes, Henry, Holton, Spector,
Welch, Clarke, Branch, Kraft, Scott, Mosby, Reisinger

Introduced and read first time: June 3, 2013

Assigned to: Judiciary and Legislative Investigations Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: November 4, 2013

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

**Charter Amendment –
City Council – Independent Counsel**

FOR the purpose of authorizing the City Council to retain the services of independent legal counsel; providing for the qualifications and term of that counsel; specifying the duties of that counsel; providing for the counsel’s compensation and expenses; and submitting this amendment to the qualified voters of the City for adoption or rejection.

BY adding

Article III - City Council
Section(s) 15
Baltimore City Charter
(1996 Edition)

BY repealing and reordaining, with amendments

Article VII - Executive Departments
Section(s) 24(c)
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 III. City Council

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

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1 § 15. GENERAL COUNSEL.

2 (A) AUTHORITY TO EMPLOY.

3 ~~BY RESOLUTION, THE~~ THE CITY COUNCIL MAY EMPLOY ~~OR CONTRACT FOR~~ THE SERVICES
4 OF AN INDEPENDENT GENERAL COUNSEL. THE SELECTION AND EMPLOYMENT OF THE
5 GENERAL COUNSEL SHALL BE CONSISTENT WITH THIS SECTION, AS SUPPLEMENTED BY THE
6 RULES OF THE CITY COUNCIL.

7 (B) QUALIFICATIONS.

8 THE GENERAL COUNSEL:

9 (1) MUST BE A MEMBER OF THE MARYLAND BAR;

10 (2) MUST MEET ALL OTHER QUALIFICATIONS FOR THE POSITION SET BY THE RULES OF
11 THE CITY COUNCIL;

12 (3) DURING HIS OR HER TERM, IS SUBJECT TO THE RULES OF THE CITY COUNCIL THAT
13 GENERALLY GOVERN OFFICERS AND EMPLOYEES OF THE COUNCIL; AND

14 (4) DURING HER OR HIS TERM, MAY NOT ENGAGE IN ANY OTHER PRACTICE OF LAW
15 UNLESS:

16 (i) IT IS UNCOMPENSATED AND IN THE NATURE OF COMMUNITY SERVICE, SUCH
17 AS PRO BONO ADVICE TO OR REPRESENTATION OF INDIGENT CLIENTS; OR

18 (ii) IT IS ON BEHALF OF HER- OR HIMSELF OR HER OR HIS PARENT, SPOUSE, OR
19 CHILD.

20 (C) TERM.

21 THE GENERAL COUNSEL SERVES AT THE PLEASURE OF THE CITY COUNCIL.

22 (D) DUTIES.

23 AS THE CITY ~~COUNSEL~~ COUNCIL DIRECTS, THE GENERAL COUNSEL SHALL:

24 (1) PROVIDE INDEPENDENT LEGAL ADVICE TO THE CITY COUNCIL, ITS COMMITTEES,
25 AND SUBCOMMITTEES, ~~AND ITS MEMBERS;~~

26 (2) ASSIST THE CITY COUNCIL IN INVESTIGATIONS UNDERTAKEN BY THE CITY
27 COUNCIL OR ANY OF ITS COMMITTEES OR SUBCOMMITTEES; AND

28 (3) ~~REPRESENT THE CITY COUNCIL IN A JUDICIAL OR OTHER PROCEEDING IF THE~~
29 ~~COUNCIL IS A PARTY TO OR DESIRES TO INTERVENE IN THE PROCEEDING; AND~~

30 (3) (4) GENERALLY SERVE AS ATTORNEY FOR THE CITY COUNCIL.

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1 (E) *COMPENSATION; EXPENSES.*

2 ~~(1) THE GENERAL COUNSEL'S COMPENSATION SHALL BE AS SET BY RESOLUTION OF THE~~
3 ~~CITY COUNCIL.~~

4 ~~(2) AT LEAST 30 DAYS BEFORE THE BOARD OF ESTIMATES ADOPTS ITS PROPOSED~~
5 ~~ORDINANCE OF ESTIMATES FOR THE NEXT FISCAL YEAR, THE CITY COUNCIL~~
6 ~~PRESIDENT SHALL CERTIFY TO THE BOARD OF ESTIMATES THE AGGREGATE AMOUNT~~
7 ~~OF MONEY THAT THE PRESIDENT ESTIMATES WILL BE NEEDED DURING THE NEXT~~
8 ~~FISCAL YEAR FOR THE COMPENSATION AND RELATED EXPENSES OF THE GENERAL~~
9 ~~COUNSEL.~~

10 ~~(3) IN THE PROPOSED ORDINANCE OF ESTIMATES SUBSEQUENTLY SUBMITTED TO THE CITY~~
11 ~~COUNCIL, THE BOARD OF ESTIMATES:~~

12 ~~(I) SHALL INCLUDE AN APPROPRIATION FOR THE AGGREGATE AMOUNT CERTIFIED~~
13 ~~BY THE PRESIDENT, UP TO \$100,000; AND~~

14 ~~(II) MAY INCLUDE IN THAT APPROPRIATION ALL OR ANY PORTION OF THE AMOUNT~~
15 ~~CERTIFIED THAT EXCEEDS \$100,000.~~

16 (1) THE GENERAL COUNSEL'S COMPENSATION SHALL BE AT LEAST EQUAL TO THAT OF A
17 FULL-TIME CHIEF OF THE LAW DEPARTMENT'S GENERAL COUNSEL DIVISION.

18 (2) THE BOARD OF ESTIMATES SHALL ANNUALLY INCLUDE IN THE ORDINANCE OF
19 ESTIMATES SUBMITTED TO THE CITY COUNCIL AN AMOUNT SUFFICIENT TO FUND THE
20 GENERAL COUNSEL'S COMPENSATION AND NECESSARY EXPENSES.

21 (3) (4) THE AMOUNT APPROPRIATED FOR THE GENERAL COUNSEL'S COMPENSATION AND
22 EXPENSES SHALL BE IN ADDITION TO AND MAY NOT SUPPLANT, BE DEDUCTED FROM,
23 OR SERVE AS A BASIS FOR REDUCING ANY PART OF THE OPERATING BUDGET OF THE
24 CITY COUNCIL.

25 **Article VII. Executive Departments**

26 **§ 24. Department of Law: powers and duties.**

27 (c) *Outside counsel.*

28 (1) The City Council, Comptroller, and, with the approval of the Mayor, a department,
29 commission, board, or other authority, may select outside counsel to represent it if:

30 (I) [(1)] the City Solicitor gives it written notice that representation of it by the
31 Department of Law involves an irreconcilable conflict of interest; and

32 (II) [(2)] the Board of Estimates authorizes the employment of outside counsel.

33 (2) THE CITY COUNCIL ALSO MAY EMPLOY LEGAL COUNSEL AS PROVIDED IN ARTICLE III,
34 § 15 OF THIS CHARTER.

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1 **SECTION 2. AND BE IT FURTHER RESOLVED**, That this proposed amendment to the City
2 Charter be submitted to the legal and qualified voters of Baltimore City, for adoption or rejection,
3 in accordance with Article XI-A, § 5 of the Maryland Constitution, in the form specified by the
4 City Solicitor.

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City