

Introduced by: Councilmember Schleifer, *Ryan Dorsey, Scott Pinkett, Bulluck, Barnett*

Prepared by: Department of Legislative Reference

Date: January 4, 2017

Referred to: JUDICIARY AND LEGISLATIVE INVESTIGATIONS Committee

Committee

Henry Seed Clarke

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 17-6005

A RESOLUTION ENTITLED

A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

Charter Amendment – Term Limits

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.

BY proposing to amend
Article III - City Council
Sections 1(b) and 3(a)
Baltimore City Charter
(1996 Edition)

BY proposing to add
Article IV - Mayor
Section 1(a)(3)
Baltimore City Charter
(1996 Edition)

BY proposing to add
Article V - Comptroller
Section 1(a)(5)
Baltimore City Charter
(1996 Edition)

Bud Judge
Ryan Dorsey
Scott Pinkett
John Bulluck
Henry Seed Clarke
Robert Stokes
John Barnett

****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

_____	Baltimore City Public School System
_____	Baltimore Development Corporation
_____	City Solicitor
_____	Comptroller's Office
_____	Department of Audits
_____	Department of Finance
_____	Department of General Services
_____	Department of Housing and Community Development
_____	Department of Human Resources
_____	Department of Planning
_____	Other: _____
_____	Other: _____
_____	Other: _____
_____	Board of Estimates
_____	Board of Ethics
_____	Board of Municipal and Zoning Appeals
_____	Comm. for Historical and Architectural Preservation
_____	Commission on Sustainability
_____	Employees' Retirement System
_____	Other: _____
_____	Other: _____
_____	Other: _____
_____	Environmental Control Board
_____	Fire & Police Employees' Retirement System
_____	Labor Commissioner
_____	Parking Authority Board
_____	Planning Commission
_____	Wage Commission
_____	Other: _____
_____	Other: _____
_____	Other: _____
_____	Department of Public Works
_____	Department of Real Estate
_____	Department of Recreation and Parks
_____	Department of Transportation
_____	Fire Department
_____	Health Department
_____	Mayor's Office of Employment Development
_____	Mayor's Office of Human Services
_____	Mayor's Office of Information Technology
_____	Office of the Mayor
_____	Police Department
_____	Other: _____
_____	Other: _____
_____	Other: _____
_____	Boards and Commissions

CITY OF BALTIMORE

CATHERINE E. PUGH,
Mayor



DEPARTMENT OF LAW
ANDRE M. DAVIS, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

February 9, 2018

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 17-0005- Charter Amendment – Term Limits

Dear President and City Council Members:

The Law Department has been asked to review City Council Bill 17-0005 for form and legal sufficiency. The bill amends the City Charter and provided 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.

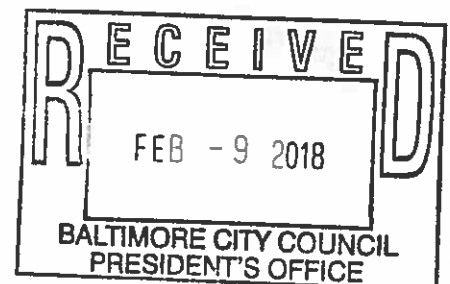
The substance of the bill presents no legal impediments. We would, however, want the committee to be aware of how the Law Department would interpret the bill's language: that is, if an elected official has served two consecutive terms prior to December 2020, upon completing a third consecutive term in 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 17-0005, 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, appearing to read "Victor K. Tervalo".


Victor K. Tervalo
Chief Solicitor



A handwritten mark in black ink, resembling the number "7".

**cc: Andre M. Davis, City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Jennifer Landis, Assistant Solicitor**

Andrew Kleine

FROM	NAME & TITLE	Andrew Kleine, Chief	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432. City Hall (410) 396-4941		
	SUBJECT	City Council Bill #17-0005 – Charter Amendment – Term Limits		

TO

DATE:

The Honorable President and
Members of the City Council
Room 400, City Hall

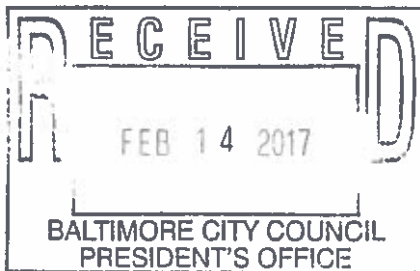
February 13, 2017

Attention: Ms. Natawna Austin

City Council Resolution 17-0005 has been introduced for the purpose of imposing term limits for the offices of Mayor, Comptroller, City Council President, and City Council Members effective December 2020.

The Finance Department has reviewed this bill and does not anticipate a fiscal impact.

cc: Henry Raymond
Angela Gibson



Comments

Roselyn H. Spencer

FROM	NAME & TITLE	Roselyn H. Spencer, Executive Director and CIO
	AGENCY NAME & ADDRESS	Employees' and Elected Officials' Retirement System 7 East Redwood Street, 12th Floor
	SUBJECT	<i>City Council Bill 17-0005</i>

CITY of
BALTIMORE
MEMO



DATE: January 24, 2017

TO
The Honorable President and Members of the
Baltimore City Council
Attn: Natawna B. Austin
Room 409, City Hall

Dear Mr. President and Members of the City Council:

On behalf of the Board of Trustees of the Employees' and Elected Officials' Retirement System (the "ERS/EOS Board"), I hereby submit the following response to City Council Bill 17-0005 (the "Bill").

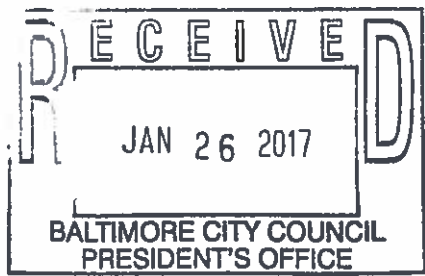
The Bill proposes to amend several provisions of the Baltimore City Charter by imposing term limits on the Mayor, Comptroller, President of the City Council and Members of the City Council.

At its January 19, 2017 meeting, the ERS/EOS Board voted to take no position on the Bill.

I would be pleased to answer any questions concerning this response.

- cc: Karen Stokes, Director of Government Relations
 Angela Gibson, Legislative Officer
 Henry J. Raymond, Director of Finance
 Larry Greene, Director, Office of Council Services
 Avery Aisenstark, Director, Legislative Reference
 David E. Ralph, Acting City Solicitor
 Deborah F. Moore-Carter, Labor Commissioner and ERS/EOS Board Chair
 The Honorable Joan M. Pratt, City Comptroller and ERS/EOS Board Vice-Chair
 Ian N. Berger, ERS/EOS General Counsel

*No
position*



**CITY OF BALTIMORE
COUNCIL BILL 17-0005
(Resolution)**

Introduced by: Councilmembers Schleifer, Henry, Dorsey, Scott, Stokes, Pinkett, Bullock,
Burnett, Sneed, Clarke, President Young

Introduced and read first time: January 9, 2016

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Elected
Officials' Retirement System

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:**

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

Council Bill 17-0005

Baltimore City Charter

Article III. City Council

§ 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(c), 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.

Council Bill 17-0005

1 (3) AFTER DECEMBER 7, 2020, A PERSON WHO HAS BEEN POPULARLY ELECTED TO SERVE
2 3 CONSECUTIVE TERMS AS MAYOR IS INELIGIBLE TO AGAIN SERVE AS MAYOR
3 DURING THE TERM THAT IMMEDIATELY FOLLOWS THOSE 3 TERMS.

4 **Article V. Comptroller**

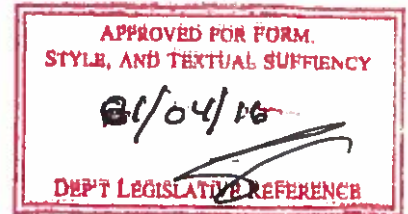
5 **§ 1. Election, term, etc.; Deputy Comptroller; Staff.**

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

7 (5) AFTER DECEMBER 7, 2020, A PERSON WHO HAS BEEN POPULARLY ELECTED TO SERVE
8 3 CONSECUTIVE TERMS AS COMPTROLLER IS INELIGIBLE TO AGAIN SERVE AS
9 COMPTROLLER DURING THE TERM THAT IMMEDIATELY FOLLOWS THOSE 3 TERMS.

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

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____
(Charter Amendment)



Introduced by: Councilmember Schleifer

A RESOLUTION ENTITLED

A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

Charter Amendment – Term Limits

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.

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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:

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.

Baltimore City Charter

Article III. City Council

§ 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.
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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.

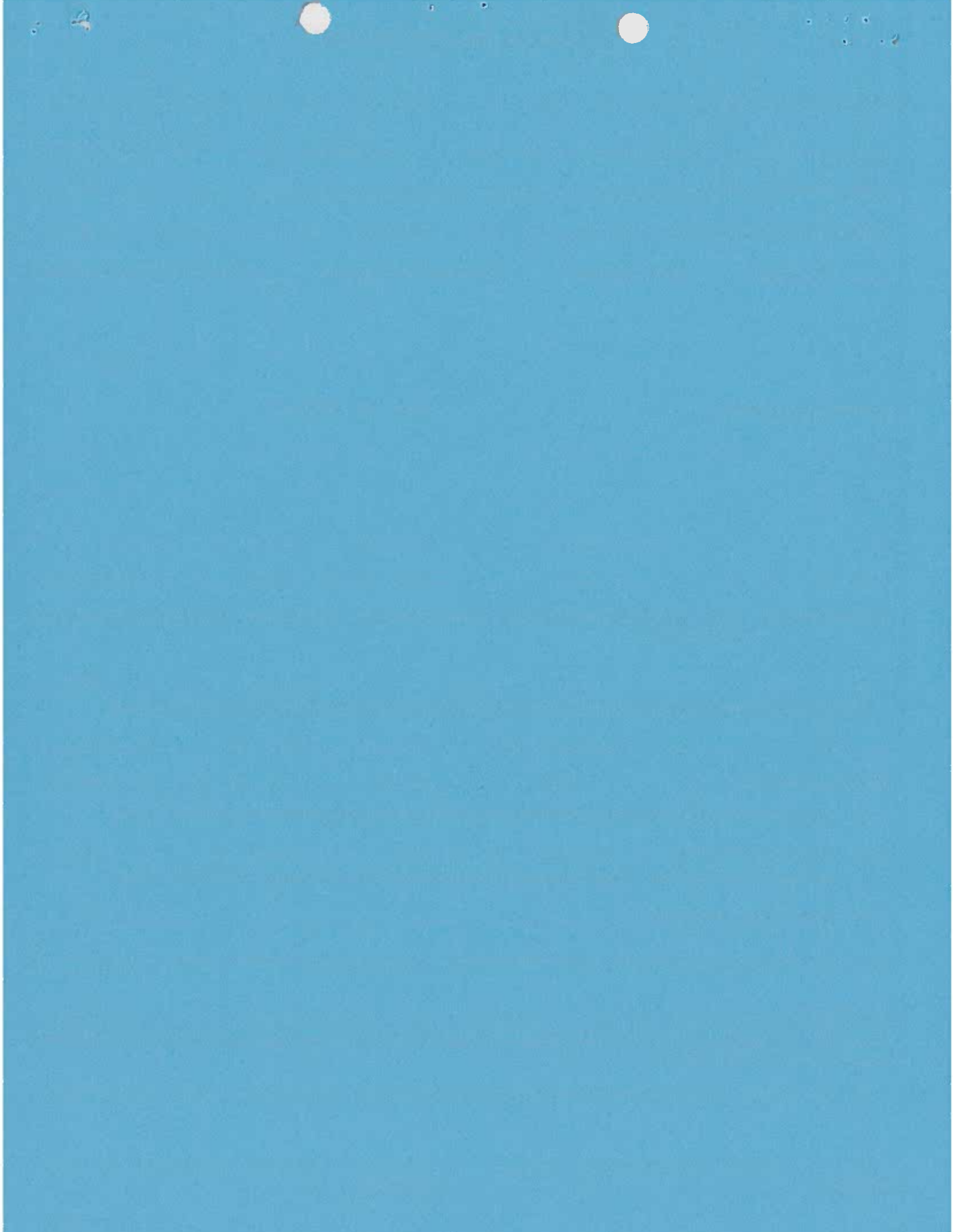
Article V. Comptroller

§ 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.



ACTION BY THE CITY COUNCIL

JAN 09 2017

FIRST READING (INTRODUCTION) _____ 20 _____

PUBLIC HEARING HELD ON _____ 20 _____

COMMITTEE REPORT AS OF _____ 20 _____

_____ FAVORABLE _____ UNFAVORABLE _____ FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION

E-T-Curt

Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

_____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ 20 _____

WITHDRAWAL _____ 20 _____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

President

Chief Clerk