



## **BALTIMORE CITY COUNCIL COMMITTEE OF THE WHOLE**

### *Mission Statement*

*On behalf of the Citizens of Baltimore City*, the mission of the Committee of the Whole is to meet, discuss and study matters that have particular interest to the city as a whole and its citizens.

**Nick Mosby  
Chairman**

### **PUBLIC HEARING**

**WEDNESDAY, NOVEMBER 29, 2023  
5:01 P.M.  
CLARENCE "DU" BURNS COUNCIL CHAMBERS**

**CC23-0449  
Public Safety - Baltimore City Police Department**

## CITY COUNCIL COMMITTEES

### **ECONOMIC AND COMMUNITY DEVELOPMENT (ECD)**

Sharon Green Middleton, Chair  
John Bullock – Vice Chair  
Mark Conway  
Ryan Dorsey  
Antonio Glover  
Odette Ramos  
Robert Stokes

*Staff: Anthony Leva (410-396-1091)*

### **WAYS AND MEANS (W&M)**

Eric Costello, Chair  
Kristerfer Burnett  
Ryan Dorsey  
Danielle McCray  
Sharon Green Middleton  
Isaac “Yitzy” Schleifer  
Robert Stokes

*Staff: Marguerite Currin (443-984-3485)*

### **PUBLIC SAFETY AND GOVERNMENT OPERATIONS (SGO)**

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Kristerfer Burnett  
Zeke Cohen  
Erick Costello  
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Phylicia Porter  
Odette Ramos

*Staff: Anthony Leva (410-396-1091)*

### **FINANCE AND PERFORMANCE (FP)**

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Eric Costello, Vice Chair  
Isaac “Yitzy” Schleifer  
Danielle McCray  
Phylicia Porter

*Staff: Marguerite Currin (443-984-3485)*

### **COMMITTEE OF THE WHOLE (COW)**

President Nick Mosby, Chair  
All City Council Members

*Staff: Larry Greene (410-396-7215)*

### **EDUCATION, WORKFORCE, AND YOUTH (EWY)**

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John Bullock  
Zeke Cohen  
Antonio Glover  
Sharon Green Middleton  
Phylicia Porter  
James Torrence

*Staff: Deontre Hayes (410-396-1260)*

### **HEALTH, ENVIRONMENT, AND TECHNOLOGY (HET)**

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Mark Conway  
Ryan Dorsey  
Phylicia Porter  
James Torrence

Isaac “Yitzy” Schleifer

*Staff: Deontre Hayes (410-396-1260)*

### **RULES AND LEGISLATIVE OVERSIGHT (OVERSIGHT)**

Isaac “Yitzy” Schleifer, Chair  
Kristerfer Burnett  
Mark Conway  
Eric Costello  
Sharon Green Middleton  
Odette Ramos  
James Torrence

*Staff: Richard Krummerich (410-396-1266)*

### **LEGISLATIVE INVESTIGATIONS (LI)**

Eric Costello, Chair  
Sharon Green Middleton, Vice Chair  
Isaac “Yitzy” Schleifer  
Robert Stokes  
Danielle McCray

*Staff: Marguerite Currin (443-984-3485)*



**BILL SYNOPSIS**

**Committee:** Committee of the Whole

**Bill CC23-0449**

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**Public Safety - Baltimore City Police Department**

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**Sponsor:** Councilmember Conway, et al

**Introduced:** October 30, 2023

**Purpose:**

FOR the purpose of repealing Subtitle 16 of the Public Laws of Baltimore City; creating a new article in the Baltimore City Code designated "Police Department", defining certain terms; requiring the promulgation of certain rules and regulations; requiring the Police Commissioner to maintain the records of the Department; requiring that the Department be composed of a certain percentage of civilian employees; establishing a procedure for redistricting police districts; providing for collective bargaining and negotiations relating to direct compensation of police officers; establishing certain provisions relating to the qualifications, appointment, promotion, and probation of police officers; permitting police officers to earn witness fees; providing for a special effective date; and generally relating to the Baltimore City Police Department.

**Effective:** Take effect on the date it is enacted.

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**Agency Reports**

Department of Law	
Police Department	
Sheriff Department	



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## Analysis

### **Current Law** (*Propose to be repealed*)

*Public Local Laws of Baltimore City of Baltimore*  
*Subtitle 16 - Police Department*  
*Sections 16-1 through 16-15, and 16-17 through 16-55*  
*Article 4 - Code of Public Local Laws of Maryland*  
*(Edition 1979, Supplement 1997, and 2000 Supplement, as amended)*

Add

Article 17 - Police Department  
Sections 1-1 to 1-4 to be under the new subtitle designation  
"Subtitle 1. General Provisions; Definitions"  
Baltimore City Code  
(Edition 2000)

Add

Article 17 - Police Department  
Sections 2-1 to 2-2 to be under the new subtitle designation  
"Subtitle 2. Police Department"

Add

Article 17 - Police Department  
Sections 3-1 to 3-3 to be under the new subtitle designation  
"Subtitle 3. Police Officers"  
Baltimore City Code  
(Edition 2000)

City Council Bill 23-0449 would repeal the current laws in the Marland Code of Public Local Laws of Baltimore City and create a new law in the Baltimore City Code designated as "Police Department". The legislation would define specific terms, officially announce rules and regulations, require the Police Commissioner to maintain all records of the department, require the department to maintain a certain number of civilian employees, establish an official procedure for redistricting police districts, establish collective bargaining and negotiations for compensation of police officers and provide certain provisions related to the qualifications, appointment, promotion, and probation of police officers, as well as permit police officers to earn witness fees.

## Additional Information

**Fiscal Note:** Not Available

**Information Source(s):** CC23-0449 Legislation

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Analysis by: Larry E. Greene  
Analysis Date: November 22, 2023

Direct Inquiries to: 410-396-7215

**CITY OF BALTIMORE  
COUNCIL BILL 23-0449  
(First Reader)**

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Introduced by: Councilmember Conway and President Mosby

Introduced and read first time: October 30, 2023

Assigned to: Committee of the Whole

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Police Department, Sheriff's  
Department

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Public Safety – Baltimore City Police Department**

3 FOR the purpose of repealing Subtitle 16 of the Public Laws of Baltimore City; creating a new  
4 article in the Baltimore City Code designated “Police Department”; defining certain terms;  
5 requiring the promulgation of certain rules and regulations; requiring the Police  
6 Commissioner to maintain the records of the Department; requiring that the Department be  
7 composed of a certain percentage of civilian employees; establishing a procedure for  
8 redistricting police districts; providing for collective bargaining and negotiations relating to  
9 direct compensation of police officers; establishing certain provisions relating to the  
10 qualifications, appointment, promotion, and probation of police officers; permitting police  
11 officers to earn witness fees; providing for a special effective date; and generally relating to  
12 the Baltimore City Police Department.

13 BY repealing

14 The Public Local Laws of Baltimore City

15 Subtitle 16 - Police Department

16 Sections 16-1 through 16-15, and 16-17 through 16-55

17 Article 4 - Code of Public Local Laws of Maryland

18 (Edition 1979, Supplement 1997, and 2000 Supplement, as amended)

19 BY adding

20 Article 17 - Police Department

21 Sections 1-1 to 1-3 to be under the new subtitle designation

22 “Subtitle 1. General Provisions; Definitions”

23 Baltimore City Code

24 (Edition 2000)

25 BY adding

26 Article 17 - Police Department

27 Sections 2-1 to 2-2 to be under the new subtitle designation

28 “Subtitle 2. Police Department”

29 Baltimore City Code

30 (Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

**Council Bill 23-0449**

1 BY adding  
2 Article 17 - Police Department  
3 Sections 3-1 to 3-3 to be under the new subtitle designation  
4 “Subtitle 3. Police Officers”  
5 Baltimore City Code  
6 (Edition 2000)

7 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That  
8 §§ 16-1 through 16-15 and §§ 16-17 through 16-55 of Subtitle 16 {“Police Department”} of the  
9 Code of Public Local Laws of Baltimore City are hereby repealed.

10 **SECTION 2. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That a  
11 new “Article 17 – Police Department” of the Baltimore City Code is enacted to read as follows:

12 **Baltimore City Code**

13 **ARTICLE 17. POLICE DEPARTMENT**

14 **SUBTITLE 1. GENERAL PROVISIONS; DEFINITIONS**

15 **§ 1-1. DEFINITIONS.**

16 (A) *IN GENERAL.*

17 IN THIS ARTICLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

18 (B) *COMMISSIONER.*

19 “COMMISSIONER” MEANS THE POLICE COMMISSIONER OF BALTIMORE CITY.

20 (C) *DEPARTMENT.*

21 “DEPARTMENT” MEANS THE BALTIMORE CITY POLICE DEPARTMENT.

22 (D) *DEPARTMENT STAFF.*

23 “DEPARTMENT STAFF” MEANS AN INDIVIDUAL EMPLOYED BY THE MAYOR AND CITY  
24 COUNCIL OF BALTIMORE ASSIGNED TO WORK FOR THE DEPARTMENT, WHETHER A  
25 CIVILIAN OR A POLICE OFFICER.

26 (E) *POLICE OFFICER.*

27 “POLICE OFFICER” MEANS A PERSON WHO IS:

28 (1) LEGALLY AUTHORIZED TO ENFORCE THE GENERAL CRIMINAL LAWS OF THE STATE;

29 (2) LEGALLY AUTHORIZED TO ENFORCE THE CRIMINAL AND CIVIL LAWS OF THE CITY;  
30 AND

31 (3) AN EMPLOYEE OF THE MAYOR AND CITY COUNCIL OF BALTIMORE.

**Council Bill 23-0449**

**§ 1-2. RULES AND REGULATIONS.**

SUBJECT TO TITLE 4 {“ADMINISTRATIVE PROCEDURE ACT – REGULATIONS”} OF THE CITY GENERAL PROVISIONS ARTICLE, THE POLICE COMMISSIONER SHALL:

- (1) ADOPT RULES AND REGULATIONS TO CARRY OUT THIS ARTICLE;
- (2) ADOPT RULES, REGULATIONS, ORDERS, POLICIES, OR OTHER DIRECTIVES:
  - (I) RELATING TO OR IN CONNECTION WITH THE ADMINISTRATION OF THE DEPARTMENT; AND
  - (II) FOR THE PURPOSE OF:
    - (A) SAFEGUARDING THE LIVES AND SAFETY OF ALL INDIVIDUALS WITHIN THE CITY;
    - (B) PROTECTING PROPERTY WITHIN THE CITY; AND
    - (C) ASSISTING IN SECURING TO ALL INDIVIDUALS THE EQUAL PROTECTION OF THE LAW.

**§ 1-3. RECORDS.**

SUBJECT TO SUBTITLE 10 {“RECORDS MANAGEMENT”} OF ARTICLE 1 OF THE CITY CODE, THE POLICE COMMISSIONER SHALL:

- (1) DESIGNATE A RECORDS OFFICER FOR THE DEPARTMENT TO:
  - (I) SERVE AS THE DEPARTMENT LIAISON TO THE CITY RECORDS MANAGEMENT OFFICER, AS ESTABLISHED UNDER § 10-5 {“CITY RECORDS MANAGEMENT OFFICER: IN GENERAL”} OF ARTICLE 1 OF THE CITY CODE; AND
  - (II) ASSIST THE CITY RECORDS MANAGEMENT OFFICER IN CARRYING OUT THE RECORDS MANAGEMENT PROGRAM FOR THE DEPARTMENT;
- (2) ON THE REQUEST OF THE CITY RECORDS MANAGEMENT OFFICER, PREPARE A RECORD INVENTORY;
- (3) COOPERATE WITH THE CITY RECORDS MANAGEMENT OFFICER IN THE PREPARATION OF RECORD RETENTION AND DISPOSITION SCHEDULES FOR THE DEPARTMENT; AND
- (4) COMPLY WITH THE RULES AND REGULATIONS ADOPTED BY THE CITY RECORDS MANAGEMENT OFFICER.

**SUBTITLE 2. POLICE DEPARTMENT**

**§ 2-1. REQUIRED PERCENTAGE OF CIVILIAN EMPLOYEES.**

AT LEAST 20 PERCENT OF THE DEPARTMENT SHALL BE CIVILIAN EMPLOYEES.



**Council Bill 23-0449**

1 **§ 2-2. REDISTRICTING.**

2 (A) *DEFINITIONS.*

3 (1) *IN GENERAL.*

4 IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

5 (2) *DISTRICT.*

6 “DISTRICT” MEANS A POLICE DISTRICT OF THE DEPARTMENT.

7 (3) *PLAN.*

8 “PLAN” MEANS THE PROPOSAL FOR THE ADJUSTMENT OF DISTRICT BOUNDARIES  
9 PRESENTED BY THE MAYOR TO THE CITY COUNCIL FOR ADOPTION OR AMENDMENT BY  
10 RESOLUTION.

11 (B) *COMMISSIONER TO PREPARE PLAN FOR REALLOCATION OF BOUNDARIES.*

12 TO ENSURE THAT THE RESOURCES OF THE DEPARTMENT ARE EFFICIENTLY ALLOCATED,  
13 FOLLOWING EACH DECENNIAL CENSUS OF THE UNITED STATES, THE COMMISSIONER  
14 SHALL:

15 (1) PREPARE A PROPOSAL FOR THE ADJUSTMENT OF THE GEOGRAPHIC BOUNDARIES OF  
16 EACH DISTRICT AND THE REALLOCATION OF THE RESOURCES AND PERSONNEL OF  
17 THE DEPARTMENT AMONG THE DISTRICTS USING:

18 (I) DECENNIAL CENSUS POPULATION AND HOUSING DATA OF THE UNITED  
19 STATES CENSUS BUREAU;

20 (II) DISTRICT CALL VOLUME TRENDS;

21 (III) DISTRICT RESPONSE TIMES; AND

22 (IV) ANY OTHER INFORMATION DEEMED NECESSARY BY THE COMMISSIONER;  
23 AND

24 (2) WITHIN 1 YEAR FROM THE ISSUANCE OF THE DECENNIAL CENSUS POPULATION AND  
25 HOUSING DATA BY THE UNITED STATES CENSUS BUREAU, PRESENT A PROPOSAL  
26 FOR THE ADJUSTMENT OF DISTRICT BOUNDARIES TO THE MAYOR.

27 (C) *ACTION BY THE MAYOR.*

28 UPON RECEIPT OF A PROPOSAL FROM THE COMMISSIONER UNDER SUBSECTION (B) OF THIS  
29 SECTION THE MAYOR SHALL:

30 (1) REVIEW AND REVISE THE PROPOSAL FOR THE ADJUSTMENT OF DISTRICT  
31 BOUNDARIES, AS APPROPRIATE; AND



**Council Bill 23-0449**

1 (III) LONGEVITY PAY BASED ON NUMBER OF YEARS WORKED FOR THE  
2 DEPARTMENT;

3 (IV) SHIFT DIFFERENTIAL;

4 (V) BONUSES; AND

5 (VI) LEAVE WITH MONETARY VALUE.

6 (2) *EXCLUSIONS.*

7 "DIRECT COMPENSATION" DOES NOT INCLUDE:

8  
9 (I) A PENSION OR ANY BENEFIT THAT IS TO BE PAID ON OR AFTER AN EMPLOYEE'S  
10 RETIREMENT OR TERMINATION OF EMPLOYMENT; AND

11 (II) DEPARTMENT POLICIES AND ACTIONS THAT DO NOT RELATE TO DIRECT  
12 COMPENSATION, INCLUDING:

13 (A) JOB SECURITY;

14 (B) DISCIPLINARY PROCEDURES;

15 (C) INVESTIGATIONS AND ACTIONS;

16 (D) PROMOTIONS;

17 (E) DEPLOYMENT OR SCHEDULING, INCLUDING ELIGIBILITY AND  
18 ASSIGNMENT TO DETAILS AND POSITIONS;

19 (F) LOSS OF LEAVE AS PROVIDED IN THE GENERAL ORDERS; AND

20 (G) ISSUES RELATING TO ELIGIBILITY FOR OVERTIME COMPENSATION.

21 **§ 3-2. LABOR RELATIONS; COLLECTIVE BARGAINING.**

22 (A) *MUNICIPAL EMPLOYEE RELATIONS LAW TO APPLY.*

23 EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE PROVISIONS OF ARTICLE 12 OF  
24 THE CITY CODE AS AMENDED FROM TIME TO TIME AND ANY RULES AND REGULATIONS  
25 ADOPTED PURSUANT THERETO GOVERNING OR RELATING TO LABOR RELATIONS OR  
26 COLLECTIVE BARGAINING WITH GENERAL MUNICIPAL EMPLOYEES OF THE CITY SHALL  
27 APPLY TO LABOR RELATIONS AND COLLECTIVE BARGAINING BETWEEN THE CITY AND  
28 DEPARTMENT STAFF.

**Council Bill 23-0449**

1 (B) *NEGOTIATIONS.*

2 (1) NEGOTIATIONS WITH A CERTIFIED EXCLUSIVE REPRESENTATIVE, ON BEHALF OF POLICE  
3 OFFICERS, SHALL BE CONDUCTED JOINTLY BY THE POLICE COMMISSIONER AND THE  
4 LABOR COMMISSIONER, OR THE DESIGNEES OF THE POLICE COMMISSIONER AND THE  
5 LABOR COMMISSIONER, ON BEHALF OF THE EMPLOYER.

6 (2) AN EMPLOYEE ORGANIZATION MAY NOT BE DENIED CERTIFICATION AS THE EXCLUSIVE  
7 REPRESENTATIVE OF ANY POLICE OFFICERS SOLELY FOR THE REASON THAT IT:

8 (I) PERMITS BOTH RANK AND FILE EMPLOYEES IN ADDITION TO SUPERVISORY AND  
9 PROFESSIONAL EMPLOYEES TO JOIN ITS MEMBERSHIP; OR

10 (II) AFFILIATES WITH ANOTHER EMPLOYEE ORGANIZATION THAT PERMITS RANK  
11 AND FILE, SUPERVISORY, OR PROFESSIONAL EMPLOYEES TO JOIN ITS  
12 MEMBERSHIP.

13 (C) *RIGHT TO REQUEST ARBITRATION.*

14 (1) IF THE CERTIFIED EXCLUSIVE REPRESENTATIVE AND THE DEPARTMENT HAVE NOT  
15 REACHED A WRITTEN AGREEMENT CONCERNING ALL ISSUES OF DIRECT COMPENSATION  
16 BY MARCH 1 OF ANY YEAR, EITHER PARTY MAY AT ANY TIME THEREAFTER REQUEST  
17 ARBITRATION BY A BOARD OF ARBITRATION, AS PROVIDED FOR IN THIS SUBSECTION.

18 (2) A REQUEST FOR ARBITRATION BY EITHER THE CERTIFIED EXCLUSIVE REPRESENTATIVE  
19 OR THE DEPARTMENT MUST BE HONORED.  
20

21 (D) *BOARD OF ARBITRATION; COMPOSITION.*

22 (1) THE BOARD OF ARBITRATION SHALL BE COMPOSED OF 3 MEMBERS.

23 (2) WITHIN 4 DAYS OF THE REQUEST FOR ARBITRATION:

24 (I) 1 MEMBER WILL BE APPOINTED BY THE MAYOR; AND

25 (II) 1 MEMBER WILL BE APPOINTED JOINTLY BY THE CERTIFIED EXCLUSIVE  
26 REPRESENTATIVE.

27 (3) WITHIN 8 DAYS OF THE REQUEST FOR ARBITRATION, 1 MEMBER WILL BE APPOINTED BY  
28 THE 2 MEMBERS PREVIOUSLY CHOSEN UNDER PARAGRAPH (2) OF THIS SUBSECTION.

29 (4) THE MEMBER CHOSEN BY THE 2 MEMBERS DESCRIBED UNDER PARAGRAPH (2) OF THIS  
30 SUBSECTION SHALL SERVE AS THE CHAIR OF THE BOARD OF ARBITRATION.

31 (E) *BOARD OF ARBITRATION; LIST OF ARBITRATORS.*

**Council Bill 23-0449**

1 (1) *IN GENERAL.*

2 IN ACCORDANCE WITH THE PROCEDURES OF THE AMERICAN ARBITRATION  
3 ASSOCIATION, THE MEMBER APPOINTED TO THE BOARD OF ARBITRATION UNDER  
4 SUBSECTION (D)(3) OF THIS SECTION MUST BE SELECTED FROM A LIST OF 7  
5 ARBITRATORS FURNISHED BY THE AMERICAN ARBITRATION ASSOCIATION.

6 (2) *QUALIFICATIONS.*

7 ALL OF THE ARBITRATORS ON THE LIST FURNISHED BY THE AMERICAN ARBITRATION  
8 ASSOCIATION UNDER PARAGRAPH (1) OF THIS SUBSECTION MUST BE MEMBERS OF THE  
9 NATIONAL ACADEMY OF ARBITRATORS.

10 (F) *CHAIR OF THE BOARD; ALTERNATIVE SELECTION PROCESS.*

11 IF THE 2 MEMBERS PREVIOUSLY APPOINTED UNDER SUBSECTION (D)(2) OF THIS SECTION DO  
12 NOT MUTUALLY AGREE ON THE 3<sup>RD</sup> MEMBER, THEN:

13 (1) THE PARTY REQUESTING THE ARBITRATION SHALL FIRST STRIKE 1 NAME FROM THE  
14 LIST FURNISHED UNDER SUBSECTION (E)(1) OF THIS SECTION; AND THEN

15 (2) THE REMAINING PARTY SHALL STRIKE 1 NAME FROM THE LIST; AND

16 (3) THIS PROCESS SHALL CONTINUE UNTIL 1 NAME REMAINS, WHO SHALL BE THE 3<sup>RD</sup>  
17 MEMBER OF THE BOARD OF ARBITRATION.

18 (G) *BOARD OF ARBITRATION; POWERS.*

19 THE BOARD OF ARBITRATION SHALL HAVE THE POWER TO:

20 (1) ADMINISTER OATHS;

21 (2) COMPEL THE ATTENDANCE OF WITNESSES; AND

22 (3) REQUIRE THE PRODUCTION OF EVIDENCE BY SUBPOENA.

23 (H) *BOARD OF ARBITRATION; PROCEDURE.*

24 (1) *START OF PROCEEDINGS.*

25 THE BOARD OF ARBITRATION SHALL BEGIN THE ARBITRATION PROCEEDINGS WITHIN 7  
26 DAYS AFTER THE CHAIR IS SELECTED.

27 (2) *DECISION; 30-DAY TIME LIMIT.*

28 THE BOARD OF ARBITRATION SHALL MAKE ITS DECISION WITHIN 30 DAYS.

**Council Bill 23-0449**

1           (3) *DECISION; MAJORITY VOTE*

2           A DECISION BY THE BOARD OF ARBITRATION SHALL BE DETERMINED BY A MAJORITY  
3           VOTE.

4           (4) *TIME REQUIREMENTS; DISCRETION OF THE CHAIR.*

5           FOR GOOD CAUSE THE CHAIR MAY EXTEND ANY OF THE TIME REQUIREMENTS  
6           ESTABLISHED BY THIS SUBSECTION.

7           (i) *PROPOSALS; LABOR COMMISSIONER*

8           WITHIN 3 DAYS AFTER THE SELECTION OF THE CHAIR OF THE BOARD OF ARBITRATION, THE  
9           LABOR COMMISSIONER OR THE LABOR COMMISSIONER'S DESIGNEE SHALL PROVIDE EACH  
10          MEMBER OF THE BOARD OF ARBITRATION AND ALL PARTIES WITH A DETAILED  
11          ITEMIZATION OF THE LAST PROPOSAL MADE BY EACH OF THE RESPECTIVE PARTIES DURING  
12          THE NEGOTIATIONS WITH RESPECT TO ISSUES OF DIRECT COMPENSATION.

13          (j) *APPLICATION OF SECTION; EXCLUSIVITY.*

14          (1) THE PROVISIONS OF THIS SECTION GOVERNING INTEREST ARBITRATION FOR POLICE  
15          OFFICERS SHALL APPLY ONLY TO THE TERMS OF COLLECTIVE BARGAINING  
16          AGREEMENTS DIRECTLY RELATING TO DIRECT COMPENSATION.

17          (2) THE PROVISIONS OF THIS SECTION MAY NOT BE CONSTRUED AS BEING CONTRADICTORY  
18          TO THE PROVISIONS OF THE GENERAL ORDERS.

19          (3) IF THERE IS A DISPUTE OVER WHETHER AN ISSUE IS AN ISSUE OF DIRECT  
20          COMPENSATION, THE BOARD OF ARBITRATION SHALL DECIDE THE ISSUE AND THE  
21          DECISION BY THE BOARD OF ARBITRATION IS FINAL AND BINDING ON BOTH PARTIES.

22          (k) *DECISION; FACTORS.*

23          (1) *FACTORS.*

24          THE BOARD OF ARBITRATION SHALL IDENTIFY THE MAJOR ISSUES IN THE DISPUTE,  
25          REVIEW THE POSITIONS OF ALL PARTIES, AND BASE ITS DECISION ON THE FOLLOWING  
26          FACTORS:

27                  (i) THE LAWFUL AUTHORITY OF THE CITY;

28                  (ii) THE FINANCIAL CONDITIONS OF THE CITY;

29                  (iii) THE STIPULATIONS OF THE PARTIES;

30                  (iv) PROVIDING FOR DIRECT COMPENSATION FOR EMPLOYEES INVOLVED IN THE  
31                  ARBITRATION PROCEEDING;

**Council Bill 23-0449**

1 (V) THE OVERALL COMPENSATION AND BENEFITS PAID TO THE EMPLOYEES  
2 INVOLVED IN THE ARBITRATION PROCEEDING, WHETHER REACHED BY A  
3 COLLECTIVE BARGAINING AGREEMENT OR OTHERWISE, INCLUDING ANY  
4 INCREASED COST TO THE CITY FOR PROVIDING THE BENEFITS;

5 (VI) THE TERMS AND CONDITIONS OF EMPLOYMENT FOR OTHER EMPLOYEES OF THE  
6 MAYOR AND CITY COUNCIL OF BALTIMORE INCLUDING ANY CHANGES TO THE  
7 TERMS AND CONDITIONS FOR THE PERIOD TO BE COVERED BY THE DECISION OF  
8 THE BOARD OF ARBITRATION;

9 (VII) THE OVERALL COMPENSATION AND BENEFITS OF PUBLIC SAFETY EMPLOYEES  
10 IN THE STATE; AND PUBLIC SAFETY EMPLOYEES IN COMPARABLE  
11 OUT-OF-STATE METROPOLITAN POLITICAL SUBDIVISIONS AS COMPARED WITH  
12 PRIVATE SECTOR EMPLOYEES IN THE METROPOLITAN BALTIMORE CITY AREA;

13 (VIII) FACTORS THAT ARE NORMALLY USED IN THE DETERMINATION OF WAGES AND  
14 OTHER BENEFITS IN THE COLLECTIVE BARGAINING PROCESS, INCLUDING:

15 (A) COST-OF-LIVING DATA; AND

16 (B) CONSUMER PRICES FOR GOODS AND SERVICES

17 (IX) THE INCREASES AND DECREASES IN THE CONSUMER PRICE INDEX PUBLISHED  
18 BY THE BUREAU OF LABOR STATISTICS IN THE UNITED STATES DEPARTMENT  
19 OF LABOR;

20 (X) THE PUBLIC WELFARE, INCLUDING THE IMPACT OF THE BOARD OF  
21 ARBITRATION'S DECISION ON THE CITY'S ABILITY TO CONTINUE PROVIDING  
22 SERVICES GENERALLY TO THE RESIDENTS OF THE CITY; AND

23 (XI) THE TERMS OF THE EXISTING COLLECTIVE BARGAINING AGREEMENT  
24 NEGOTIATED BETWEEN THE PARTIES IN THE PAST.

25 (2) *DECISION; ADVERSE EFFECT ON PUBLIC SERVICES.*

26 NOTWITHSTANDING PARAGRAPH 1 OF THIS SUBSECTION, THE BOARD OF ARBITRATION  
27 MAY NOT RENDER A DECISION RELATING TO DIRECT COMPENSATION THAT ADVERSELY  
28 IMPACTS THE CITY'S ABILITY TO CONTINUE TO FUND OTHER PUBLIC SERVICES  
29 GENERALLY.

30 (L) *DECISION; SPECIFICATIONS.*

31 (1) *IMPLEMENTATION OF LAST PROPOSAL.*

32 THE BOARD OF ARBITRATION, AFTER HEARING WITNESSES AND RECEIVING AND  
33 CONSIDERING THE WRITTEN EVIDENCE THAT IS SUBMITTED, SHALL ISSUE A WRITTEN  
34 DECISION THAT ORDERS THE IMPLEMENTATION OF THE LAST PROPOSAL OF 1 OF THE  
35 RESPECTIVE PARTIES SUBMITTED IN ACCORDANCE WITH SUBSECTION (I) OF THIS  
36 SECTION.

**Council Bill 23-0449**

1           (2) *WRITTEN DECISION; CONSIDERATION AND APPLICATION OF FACTORS.*

2           THE BOARD OF ARBITRATION SHALL ISSUE A WRITTEN DECISION THAT:

3                   (I) DEMONSTRATES THAT ALL THE FACTORS SET FORTH IN SUBSECTION (L) OF THIS  
4                   SECTION HAVE BEEN CONSIDERED AND APPLIED; AND

5                   (II) INCLUDES THE EVIDENCE ON RECORD RELIED ON IN MAKING THE DECISION.

6           (3) *FINALITY OF DECISION.*

7                   (I) THE DECISION OF A MAJORITY OF THE MEMBERS OF THE BOARD OF ARBITRATION  
8                   SHALL BE FINAL AND BINDING ON THE MAYOR AND CITY COUNCIL OF BALTIMORE  
9                   AND ON THE CERTIFIED EMPLOYEE ORGANIZATIONS INVOLVED IN THE  
10                  PROCEEDINGS.

11                  (II) NO APPEAL OF THE DECISION IS ALLOWED.

12                  (III) THE DECISION CONSTITUTES:

13                           (A) A MANDATE TO THE MAYOR OF BALTIMORE CITY WITH RESPECT TO THE  
14                           MATTERS THAT CAN BE REMEDIED ADMINISTRATIVELY BY THE MAYOR;  
15                           AND

16                           (B) A MANDATE TO THE BOARD OF ESTIMATES AND THE CITY COUNCIL  
17                           WITH RESPECT TO THE MATTERS WHICH REQUIRE LEGISLATIVE ACTION  
18                           NECESSARY TO IMPLEMENT THE DECISION OF THE BOARD OF ARBITRATION.

19           (4) *REQUIRED LEGISLATIVE ACTION.*

20           LEGISLATION FOR MATTERS THAT REQUIRE LEGISLATIVE ACTION FOR  
21           IMPLEMENTATION SHALL BE ENACTED WITHIN 45 DAYS FOLLOWING THE DATE OF THE  
22           ARBITRATION DECISION.

23           (5) *SALARIES AND WAGE SCALES; ORDINANCE OF ESTIMATES.*

24           THE AMOUNTS OF SALARIES AND WAGE SCALES DETERMINED BY THE FINAL DECISION  
25           OF THE BOARD OF ARBITRATION SHALL BE INCLUDED IN THE PROPOSED ORDINANCE OF  
26           ESTIMATES IN ACCORDANCE WITH ARTICLE VI, § 12(B) {"MULTI-YEAR COLLECTIVE  
27           BARGAINING AGREEMENTS"} OF THE CITY CHARTER.

28           (M) *COST OF ARBITRATION.*

29           THE COST OF THE ARBITRATION PROCEEDINGS, INCLUDING THE COST FOR A COURT  
30           REPORTER, PROVIDED UNDER THIS SECTION SHALL BE PAID EQUALLY BY THE PARTIES  
31           INVOLVED.



**Council Bill 23-0449**

**§ 3-2. POLICE OFFICERS – QUALIFICATIONS, APPOINTMENT, PROMOTION, PROBATION.**

(A) *EXAMINATIONS.*

(1) *IN GENERAL.*

THE DEPARTMENT SHALL ADMINISTER COMPETITIVE EXAMINATIONS AND SUCH OTHER TESTS AS MAY BE NECESSARY TO ASCERTAIN THE RELATIVE QUALIFICATIONS FOR A:

(I) CANDIDATE FOR APPOINTMENT AT THE ENTRY LEVEL; AND

(II) CANDIDATE FOR PROMOTIONAL APPOINTMENT WITHIN THE DEPARTMENT.

(2) *EXAMINATION REQUIREMENTS.*

EXAMINATIONS SHALL:

(I) BE PUBLIC;

(II) FAIRLY TEST THE CAPACITY AND FITNESS OF THE CANDIDATE TO DISCHARGE THE DUTIES OF THE POSITION THE CANDIDATE IS SEEKING; AND

(III) BE PREPARED WITH GUIDANCE FROM A NATIONALLY-RECOGNIZED POLICE OR TESTING GROUP, AS DESIGNATED BY THE COMMISSIONER.

(3) *PREPARATION OF GRADED LISTS.*

THE DEPARTMENT SHALL PREPARE GRADED LISTS OF QUALIFIED CANDIDATES DETERMINED FROM THE EXAMINATIONS AND OTHER TESTS ADMINISTERED UNDER THIS SUBSECTION.

(B) *APPOINTMENTS AT THE ENTRANCE LEVEL.*

(1) *ELIGIBILITY LIST.*

THE DEPARTMENT SHALL PREPARE AN ELIGIBILITY LIST THAT RANKS QUALIFIED CANDIDATES IN ORDER FROM HIGHEST TO LOWEST BASED ON EXAMINATION AND TEST SCORES.

(2) *RULE OF 5.*

(i) *IN GENERAL.*

THE COMMISSIONER SHALL MAKE APPOINTMENTS AT THE ENTRANCE LEVEL FROM THE 5 HIGHEST SCORING CANDIDATES ON THE ELIGIBILITY LIST PREPARED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

**Council Bill 23-0449**

1 (II) *CONTINUING USE OF ELIGIBILITY LIST.*

2 AFTER THE FIRST APPOINTMENT IS MADE, AS PRESCRIBED BY SUBPARAGRAPH (I) OF  
3 THIS PARAGRAPH, THE COMMISSIONER SHALL CONTINUE TO FILL AVAILABLE  
4 ENTRY LEVEL POSITIONS WITH THOSE CANDIDATES THAT HAVE THE NEXT 5  
5 HIGHEST SCORES ON THE ELIGIBILITY LIST.

6 (3) *TERM OF ELIGIBILITY LIST.*

7 (I) EACH ELIGIBILITY LIST CREATED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY  
8 NOT BE USED FOR LONGER THAN 1 YEAR, UNLESS THE LIST IS EXTENDED UPON THE  
9 REQUEST OF THE COMMISSIONER.

10 (II) THE COMMISSIONER MAY NOT EXTEND THE USE OF AN ELIGIBILITY LIST FOR MORE  
11 THAN 2 YEARS, DATING FROM THE TIME THAT THE LIST WAS FIRST CREATED.

12 (4) *REMOVING A CANDIDATE FROM THE ELIGIBILITY LIST.*

13 (I) *IN GENERAL.*

14 THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE MAY NOT REMOVE A  
15 CANDIDATE FROM AN ELIGIBILITY LIST.

16 (II) *EXCEPTIONS.*

17 THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE MAY REMOVE A  
18 CANDIDATE FROM AN ELIGIBILITY LIST IF THE CANDIDATE:

19 (A) IS NO LONGER AVAILABLE FOR APPOINTMENT;

20 (B) WILFULLY MISREPRESENTED A MATERIAL FACT IN THE CANDIDATE'S  
21 APPLICATION FOR THE POSITION; OR

22 (C) IS CONVICTED OF A CRIME AFTER THE ELIGIBILITY LIST IS CREATED.

23 (5) *INSPECTION OF ELIGIBILITY LIST.*

24 (I) *PUBLIC INSPECTION.*

25 AN ELIGIBILITY LIST IS SUBJECT TO THE MARYLAND PUBLIC INFORMATION ACT.

26 (II) *INSPECTION BY COMMISSIONER AND APPLICANT.*

27 THE ELIGIBILITY LIST, EXAMINATION PAPERS, AND OTHER MATERIALS USED IN  
28 DETERMINING A CANDIDATE'S ELIGIBILITY MAY BE INSPECTED BY:

29 (A) THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE; AND

30 (B) THE INDIVIDUAL APPLICANT, IF THE MATERIALS PERTAIN TO THE  
31 INDIVIDUAL'S APPLICATION.

**Council Bill 23-0449**

1 (C) *PROMOTIONAL APPOINTMENTS.*

2 (1) *PROMOTION LIST.*

3 THE DEPARTMENT SHALL PREPARE A PROMOTION LIST THAT RANKS QUALIFIED  
4 CANDIDATES IN ORDER FROM HIGHEST TO LOWEST BASED ON EXAMINATION AND TEST  
5 SCORES.

6 (2) *25 PERCENT RULE.*

7 (I) *IN GENERAL.*

8 THE COMMISSIONER SHALL MAKE A PROMOTIONAL APPOINTMENT FROM THE  
9 CANDIDATES THAT ARE THE HIGHEST SCORING 25 PERCENT OF CANDIDATES ON  
10 THE PROMOTION LIST PREPARED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

11 (II) *CALCULATION OF 25 PERCENT.*

12 (A) *IN GENERAL.*

13 THE TOP 25 PERCENT OF CANDIDATES IS THE QUARTILE OF CANDIDATES ON  
14 THE PROMOTION LIST THAT SCORE THE HIGHEST.

15 (B) *TIMING OF CALCULATION.*

16 THE 25 PERCENT HIGHEST SCORING CANDIDATES SHALL BE CALCULATED  
17 WHEN THE PROMOTION LIST IS CREATED AND SHALL REMAIN FIXED FOR THE  
18 LIFE OF THE PROMOTION LIST.

19 (III) *CONTINUING USE OF PROMOTION LIST.*

20 AFTER THE FIRST PROMOTION IS MADE, AS PRESCRIBED BY SUBPARAGRAPH (I) OF  
21 THIS PARAGRAPH, THE COMMISSIONER SHALL FILL THE NEXT VACANCY IN THE  
22 DEPARTMENT, IF ANY, FROM THE HIGHEST SCORING REMAINING AND AVAILABLE  
23 CANDIDATE ON THE PROMOTION LIST.

24 (3) *EXHAUSTION OF PROMOTION LIST.*

25 ALL PROMOTIONAL APPOINTMENTS MADE AFTER THE CREATION OF A PROMOTION LIST  
26 MUST BE MADE IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION UNTIL THE  
27 ELIGIBLE LIST IS EXHAUSTED BY SUCH APPOINTMENTS.

28 (4) *TERM OF PROMOTION LIST.*

29 (I) EACH PROMOTION LIST CREATED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY  
30 NOT BE USED FOR LONGER THAN 1 YEAR, UNLESS THE LIST IS EXTENDED UPON THE  
31 REQUEST OF THE COMMISSIONER.

32 (II) THE COMMISSIONER MAY NOT EXTEND THE USE OF A PROMOTION LIST FOR MORE  
33 THAN 2 YEARS, DATING FROM THE TIME THAT THE LIST WAS FIRST CREATED.

**Council Bill 23-0449**

1 (5) *REMOVING A CANDIDATE FROM THE PROMOTION LIST.*

2 (I) *IN GENERAL.*

3 THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE MAY NOT REMOVE A  
4 CANDIDATE FROM AN PROMOTION LIST.

5 (II) *EXCEPTIONS.*

6 THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE MAY REMOVE A  
7 CANDIDATE FROM AN PROMOTION LIST, IF:

8 (A) THE CANDIDATE IS NO LONGER AVAILABLE FOR APPOINTMENT; OR

9 (B) BETWEEN THE TIME THE CANDIDATE APPLIED FOR THE PROMOTION AND  
10 THE TIME IN WHICH THE CANDIDATE IS TO BE SELECTED FOR THE  
11 PROMOTION, A MISCONDUCT COMPLAINT AGAINST THE CANDIDATE FOR  
12 WHICH THE PUNISHMENT COULD BE TERMINATION HAS BEEN RECEIVED  
13 AND SUSTAINED BY THE BOARD OR THE DEPARTMENT'S DISCIPLINARY  
14 REVIEW COMMITTEE.

15 (6) *INSPECTION OF PROMOTION LIST.*

16 (I) *PUBLIC INSPECTION.*

17 A PROMOTION LIST IS SUBJECT TO THE MARYLAND PUBLIC INFORMATION ACT.

18 (II) *INSPECTION BY COMMISSIONER AND APPLICANT.*

19 THE PROMOTION LIST, EXAMINATION PAPERS, AND OTHER MATERIALS USED IN  
20 DETERMINING A CANDIDATE'S ELIGIBILITY MAY BE INSPECTED BY:

21 (A) THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE; AND

22 (B) THE INDIVIDUAL APPLICANT, AS LIMITED TO THOSE MATERIALS THAT  
23 PERTAIN TO THEIR APPLICATION.

24 (D) *APPOINTMENTS WITHOUT EXAMINATION.*

25 (I) NOTWITHSTANDING ANY PROVISIONS OF THIS SUBTITLE, THE COMMISSIONER MAY  
26 MAKE ANY APPOINTMENT TO THE DEPARTMENT ABOVE THE RANK OF LIEUTENANT  
27 WITHOUT EXAMINATION.

28 (II) NO POSITION ABOVE THE RANK OF LIEUTENANT SHALL BE FILLED BY A POLICE OFFICER  
29 WITHIN THE DEPARTMENT OF A RANK LESS THAN LIEUTENANT.

30 (III) WHERE ANY SUCH APPOINTMENT IS MADE, THE POLICE OFFICER SO APPOINTED SHALL,  
31 UPON THE TERMINATION OF SERVICE IN SUCH POSITION, BE RETURNED TO THE RANK  
32 FROM WHICH THE POLICE OFFICER WAS ELEVATED, OR TO SUCH HIGHER RANK AS THE  
33 POLICE OFFICER BECAME ELIGIBLE TO SERVE IN DURING THE APPOINTMENT.

**Council Bill 23-0449**

1 (E) *PROBATION.*

2 ANY PROVISIONS RELATING TO THE DEPARTMENT CONTAINED IN §§ 94 TO 103 OF  
3 ARTICLE VII OF THE CITY CHARTER NOTWITHSTANDING, ALL APPOINTMENTS AND  
4 PROMOTIONAL APPOINTMENTS SHALL BE PROBATIONARY IN ACCORDANCE WITH THE  
5 FOLLOWING RULES:

- 6 (1) DURING THE 1<sup>ST</sup> YEAR, ALL APPOINTMENTS TO THE DEPARTMENT AT THE  
7 ENTRANCE LEVEL OF CIVILIAN EMPLOYEES SHALL BE KNOWN AND REGARDED AS  
8 PROBATIONARY.
- 9 (2) ALL APPOINTMENTS OF A POLICE OFFICER TO THE DEPARTMENT SHALL, DURING  
10 THE 1<sup>ST</sup> YEAR OF SERVICE FOLLOWING COMPLETION OF ENTRANCE LEVEL TRAINING,  
11 BE KNOWN AND REGARDED AS PROBATIONARY.
- 12 (3) AT ANY TIME DURING THE 1-YEAR PROBATIONARY PERIOD FOR EITHER A CIVILIAN  
13 EMPLOYEE OR A POLICE OFFICER THE APPOINTEE’S EMPLOYMENT MAY, IN THE  
14 DISCRETION OF THE COMMISSIONER, BE FORTHWITH TERMINATED WITHOUT THE  
15 NECESSITY FOR A HEARING, AND WHEN SO TERMINATED THE APPOINTEE SHALL  
16 CEASE TO BE A MEMBER OF THE DEPARTMENT, IF:
- 17 (I) THE SERVICES OF AN APPOINTEE ARE NOT SATISFACTORY TO THE  
18 COMMISSIONER; OR
- 19 (II) THE APPOINTEE IS NOT CERTIFIED BY THE POLICE PHYSICIAN AS  
20 PHYSICALLY QUALIFIED TO CONTINUE TO DISCHARGE THE APPOINTED  
21 INDIVIDUAL’S DUTIES.
- 22 (4) ALL PROMOTIONAL APPOINTEES, BOTH CIVILIAN EMPLOYEES AND POLICE  
23 OFFICERS, SHALL BE PROBATIONARY FOR 1 YEAR AFTER WHICH, IF THE  
24 APPOINTEE’S SERVICES ARE SATISFACTORY TO THE COMMISSIONER, AND THE  
25 APPOINTEE IS PHYSICALLY ABLE TO PERFORM THE DUTIES OF THE APPOINTEE’S  
26 RANK, GRADE, OR POSITION, AS CERTIFIED BY THE POLICE PHYSICIAN, THE  
27 PROMOTIONAL APPOINTMENT SHALL BE MADE PERMANENT.
- 28 (5) IF, IN THE JUDGMENT OF THE COMMISSIONER THE SERVICES OF A PROMOTIONAL  
29 APPOINTEE HAVE NOT BEEN SATISFACTORY OR THE APPOINTEE IS NOT PHYSICALLY  
30 QUALIFIED FOR THE PROMOTIONAL APPOINTMENT, THE APPOINTEE SHALL BE  
31 REDUCED TO THE RANK, GRADE, OR POSITION FROM WHICH THE APPOINTEE WAS  
32 PROMOTED.

33 **§ 3-3. WITNESS FEES.**

34 (A) *IN GENERAL.*

35 POLICE OFFICERS BELOW THE RANK OF CAPTAIN MAY RECEIVE WITNESS FEES FOR TIME  
36 SPENT OFF-DUTY AS A WITNESS IN CONNECTION WITH OFFICIAL DUTIES, INCLUDING  
37 APPEARANCES IN OR BEFORE:

- 38 (1) A FEDERAL COURT:

**Council Bill 23-0449**

- 1           (2) A STATE COURT;
- 2           (3) A DULY CONSTITUTED GRAND JURY; OR
- 3           (4) THE MARYLAND MOTOR VEHICLE ADMINISTRATION.

4        (B) *COMPENSATION.*

5           (1) *IN GENERAL.*

6           WITNESS FEES PAID TO A POLICE OFFICER SHALL BE IN ADDITION TO ALL OTHER  
7           COMPENSATION RECEIVED AS AUTHORIZED BY LAW.

8           (2) *RULES AND REGULATIONS; BOARD OF ESTIMATES*

9           THE BOARD OF ESTIMATES SHALL ESTABLISH RULES AND REGULATIONS GOVERNING  
10          THE PAYMENT OF WITNESS FEES TO POLICE OFFICERS AS AUTHORIZED UNDER  
11          SUBSECTION (A) OF THIS SECTION.

12        **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is  
13        enacted.

**COMMITTEE OF THE WHOLE**

**AGENCY  
REPORTS**

**CC Bill #23-0449**

**\*No agency reports submitted at this time.**