



**BALTIMORE CITY COUNCIL
CHARTER REVIEW
SPECIAL COMMITTEE**

The Honorable Ryan Dorsey

CHAIR

PUBLIC HEARING

4/14/2026

1:00PM

CLARENCE "DU" BURNS COUNCIL CHAMBERS

Charter Amendment

Charter Committee Recommendations

26-0172

City Council Committees

BUDGET AND APPROPRIATIONS

Danielle McCray - Chair
Isaac “Yitzy” Schleifer – Vice Chair
Sharon Green Middleton
Paris Gray
Antonio Glover

*Staff: Paroma Nandi
(Paroma.Nandi@baltimorecity.gov)*

PUBLIC SAFETY

Mark Conway - Chair
Zac Blanchard – Vice Chair
Danielle McCray
Isaac “Yitzy” Schleifer
Paris Gray
Phylicia Porter
Antonio Glover

*Staff: Ethan Navarre
(Ethan.Navarre@baltimorecity.gov)*

HOUSING AND ECONOMIC DEVELOPMENT

James Torrence – Chair
Odette Ramos – Vice Chair
Zac Blanchard
Jermaine Jones
Antonio Glover

*Staff: Juliane Jemmott
(Juliane.Jemmott@baltimorecity.gov)*

PUBLIC HEALTH AND ENVIRONMENT

Phylicia Porter - Chair
Mark Conway - Vice Chair
Mark Parker
Ryan Dorsey
James Torrence
John Bullock
Odette Ramos

*Staff: Marguerite Currin
(Marguertie.Currin@baltimorecity.gov)*

LEGISLATIVE INVESTIGATIONS

Isaac “Yitzy” Schleifer - Chair
Antonio Glover – Vice Chair
Ryan Dorsey
Sharon Green Middleton
Paris Gray

*Staff: Ethan Navarre
(Ethan.Navarre@baltimorecity.gov)*

LAND USE AND TRANSPORTATION

Ryan Dorsey – Chair
Sharon Green Middleton – Vice Chair
Mark Parker
Paris Gray
John Bullock
Phylicia Porter
Zac Blanchard

*Staff: Anthony Leva
(Anthony.Leva@baltimorecity.gov)*

LABOR AND WORKFORCE

Jermaine Jones – Chair
James Torrence – Vice Chair
Danielle McCray
Ryan Dorsey
Phylicia Porter

*Staff: Juliane Jemmott
(Juliane.Jemmott@baltimorecity.gov)*

EDUCATION, YOUTH AND OLDER ADULT

John Bullock – Chair
Mark Parker – Vice Chair
Sharon Green Middleton
James Torrence
Zac Blanchard
Jermaine Jones
Odette Ramos

*Staff: Juliane Jemmott
(Juliane.Jemmott@baltimorecity.gov)*

CHARTER REVIEW SPECIAL COMMITTEE

Ryan Dorsey - Chair
John Bullock - Vice Chair
Zac Blanchard
Jermaine Jones
Odette Ramos

Staff: Ethan Navarre (Ethan.Navarre@baltimorecity.gov)

CITY OF BALTIMORE

Brandon M. Scott – Mayor
Zeke Cohen – Council President



Office of Council Services

Nancy Mead – Director
100 Holliday Street, Room 415
Baltimore, MD 21202

CHARTER REVIEW SPECIAL COMMITTEE

The Honorable Ryan Dorsey
CHAIR

Bill Hearing

26-0172

Charter Amendment – Charter Committee Recommendations

For the purpose of amending certain processes, requirements, and permissions relating to the adoption and rejection of ordinances and resolutions, the City's budget, and establishing certain tax rates; providing for the grant of certain minor privilege rights under a process established by ordinance; removing certain improper, non-essential, obsolete, and redundant provisions; setting a special effective date; and submitting this amendment to the qualified voters of the City for adoption or rejection.

REPORTING AGENCIES

- Law Department
 - Office of the Comptroller
 - Planning Commission
 - Department of Finance
 - Mayor's Office of Government Relations
 - Department of Transportation
-

BACKGROUND

The current Baltimore City Charter was ratified by the people of Baltimore on [November 8, 1994](#). Since its 1994 ratification, the Charter has seen 30 years of incremental updates. Under the [Constitution of the State of Maryland](#), the Mayor and City Council may propose amendments to the City Charter by resolution before submission to the voters at the next general election occurring after the passage of the resolution. Voters may also petition for the submission of a Charter amendment to the City electorate via a petition signed by 10,000 registered voters of the City.

The Charter Review Special Committee was established in October 2026 and tasked with deliberatively evaluating potential revisions to the Baltimore City Charter. Over the course of [several months](#), the Committee met and discussed proposals submitted by the public, its own members, others in government, and outside experts. Throughout its discussions, the Committee reviewed proposals and made determinations as to whether each was generally recommendable, likely to be approved by the full City Council, and able to be developed into a complete detailed proposal in time to appear on the 2026 general election ballot.

The Committee also paid special attention to whether proposals were proper or improper material for a City charter. In Maryland, the notion of “[improper charter material](#)” comes from [Cheeks v. Cedlair Corp., 287 Md. 595 \(1980\)](#), wherein the Court held a proposed amendment to the City Charter was not “charter material” because “a charter is thus a permanent document intended to provide a broad organizational framework establishing the form and structure of government” and that “to permit the voters, by charter amendment, to exercise the City's police or general welfare powers would constitute an unlawful extension or enlargement of the City's limited grant of express powers and would violate the constitutional requirement that those powers be exercised by ordinance enacted by the City Council.”

The proposed amendment reflects the Committee’s conversations and public engagement via the Committee’s dedicated email (charter.review.committee@baltimorecity.gov), several public “listening sessions” that occurred around the City, and in-person testimony at Committee meetings.

The proposed amendment would make several minor but impactful changes to the City Charter and contains novel transition provisions intended to ensure stability in areas where existing provisions are the subject of repeal. Changes can be roughly divided into three separate but interrelated content groups: budget and spending; final action on legislation; and minor privileges.

I. BUDGET AND SPENDING

[Article VI](#) of the Charter currently includes provisions related to the Board of Estimates (BOE), City budget process, and spending procedures. The proposed amendment would restructure the Article to differentiate between provisions related to the budget process, which touches three branches of government (Mayoralty, Council, and BOE), and the BOE. Beyond its structure, proposed changes to the text of the article would predominantly affect the City budget process and spending procedures, as well as the Council’s ability to shape them.

A. BUDGET TIMING

Currently, the Charter requires that the BOE create the Ordinance of Estimates (budget) with the assistance of the [Finance Department and Planning Commission](#). Subsequently, the BOE must make the budget available to the public for [30 days](#) before the BOE adopts the proposed budget. During that time, the BOE is required to hold public hearings on the proposed appropriations. Following the 30-day period, the BOE is required to deliver the budget to the City Council [“at least forty-five days before the beginning of \[the next\] fiscal year.”](#) Subsequently, the Council is required by the Charter to adopt an Ordinance of Estimates at least [five days](#) prior to the start of the upcoming fiscal year.

In effect, this provision ensures the Council receives the budget on approximately May 15 - a date far outside the norm of other jurisdictions in Maryland. In contrast, other county-level jurisdictions’ legislatures receive proposed budgets from county executives earlier in the calendar year:

County	Date
Baltimore County	April 16
Anne Arundel County	April 30
Howard County	April 20
Prince George's County	March 15
Montgomery County	March 15

The Committee’s proposed amendment would bring Baltimore City more in-line with peer jurisdictions and ensure that Council has additional time to review the budget on behalf of constituents by removing the 30-day BOE waiting period and requiring that the BOE deliver its proposed budget to the Council by April 15.

B. CONTINGENCY FUND

The Charter limits the amount of funds that can be held in a “contingent fund” for use in the upcoming fiscal year for emergencies or unexpected expenses to \$1 million (about .02% of the City’s total annual budget). While the City does maintain a [Budget Stabilization Reserve](#) to address major uncorrectable expenses or shortfalls in revenue, the \$1 million dollar cap for annual contingent appropriations is insufficient to address typical budgetary challenges that exist in a given year as evidenced by the [many supplemental appropriations requests](#) submitted to the City Council each year.

The Committee’s proposed amendment would uncap the contingent fund and allow the fund balance to be set annually at an appropriate level reflecting the contemporary fiscal environment, like any other City appropriation.

C. CONDITIONED FUNDING

The Charter currently [permits](#) the Council to insert a provision into the proposed budget making an appropriation to a non-City entity conditional upon the entity undertaking a certain action; however, unlike other legislative bodies, the Charter does not permit the Council to condition funds to City entities on the basis of certain actions or performance. The limitation is unlike several peer jurisdictions including [Montgomery](#) and [Howard](#) Counties, as well as practices at the [state level](#), which do permit respective legislatures to condition funds to government entities.

The Committee’s proposed amendment would clarify that the City Council may insert a provision in the proposed budget to make an appropriation conditional upon certain action.

D. NON-LAPSING FUNDS

[Various provisions](#) in the Charter have been interpreted to have the effect of preventing the Council from creating a non-lapsing fund by ordinance. A non-lapsing fund is a fund whose balance does not revert to the general fund upon the end of the fiscal year, unlike all other appropriations. Historically, to circumvent the “lapse,” non-lapsing funds were created in the [Charter itself](#). However, non-lapsing and other special funds are improper charter material and not appropriate for inclusion as they are legislative budgetary decisions which impose constraints on the City Council’s ability to govern by ordinance.

The proposed amendment would expressly provide the Council with the authority to create and fund non-lapsing funds by ordinance, a practice seen in other local-level Maryland jurisdictions like [Montgomery County](#), [Prince George's County](#), and [Baltimore County](#).

E. PROCUREMENT

The Charter currently contains provisions governing the City's [procurement practices](#). As those practices are administrative and legislative in nature, they are improper material for inclusion in the Charter. Current procurement practices enshrined in the Charter also mandate that the City consider bids on city contracts on exclusively a "[low bid](#)" basis, leaving the City unable to evaluate other criteria including a bid's potential best value or public benefit. In practice, accepting the lowest bid locks the City into contracts that are often supplemented with overage requests, resulting in a higher cost than initially reported.

The proposed amendment would remove all procurement provisions from the City Charter allowing the City to enact revised procurement practices by ordinance and/or regulation.

II. FINAL ACTION ON LEGISLATION

Provisions detailing the process for final action on legislation are enshrined in [Article IV](#) of the Charter. The proposed amendment would make three changes to provisions governing the Mayor's veto and the Council's respective power to override a veto.

A. EXCEPTION FOR THE ORDINANCE OF ESTIMATES

The Charter implicitly and explicitly creates unique provisions and requirements for a veto and/or veto override of the Ordinance of Estimates. Explicitly, the Charter gives the Mayor a "[line item](#)" power to veto specific items of appropriation within the budget. Implicitly, by setting the start of the fiscal year at [July 1](#), combined with the existing provisions providing the Mayor with "[three actual regular \[Council\] meetings](#)" to deliver a veto to the Council and limitations placed on the Council's ability to consider a veto override at a previously unscheduled meeting within less than [five days](#), the Charter effectively prevents the City Council from consider overriding a mayoral veto on the budget after the start of the next fiscal year.

To address this discrepancy, the amendment would result in the Mayor having two days after the Council's passage of the budget to deliver any veto or line-item veto to the Council. At minimum, in tandem with proposed changes to veto override timing, this would provide the Council with three days to consider overriding any veto of the budget before the start of the fiscal year, assuming the Council does not pass the budget until five days before the start of the fiscal year.

B. OTHER VETO DELIVERY TIMING

As noted, the Charter currently requires that the Mayor deliver a veto the Council "[within three actual regular meetings, not more than one of which shall occur in any one calendar week.](#)"

The proposed amendment would require that the Mayor deliver a veto of any non-Ordinance of Estimates legislation to the Council “within two meetings, not more than one of which shall occur in any one calendar week.” This proposal would still result in a longer window for the Mayor to consider a veto than [Baltimore County](#), [Howard County](#), and [Prince George’s County](#) (each of which requires the County Executive to deliver a veto to the respective Council within ten days).

C. VETO OVERRIDE TIMING

The Charter currently only allows the Council to override a veto at a “regular” meeting that [occurs](#):

- (i) after 5 calendar days from when the Mayor's objections have been read to the Council; and*
- (ii) either:*
 - (A) within 20 calendar days from when the Mayor's objections have been read to the Council; or*
 - (B) if no regular meeting is held during that 20-day period, at the first regular meeting that is scheduled after that 20-day period.*

In practice, this limitation can leave the Council effectively prohibited from considering a veto override on the Ordinance of Estimates or legislation passed near the end of a term.

The committee’s proposed amendment would simplify the aforementioned text and permit the Council to consider a veto override at any time within 21 days of receiving the Mayor’s veto.

III. MINOR PRIVILEGES

Article VII governs City processes related to its ability to enter into franchise agreements – contracts between the City and non-City entities to use portions of city property and public rights of way, such as public transit systems and use of the City’s underground conduit by utility providers. Franchises also include “minor privileges” – smaller scale uses of the public right including storefront signage and bay windows. Currently, the Charter [requires](#) that minor privileges be approved by the BOE and that all other franchise agreements be approved by the BOE and authorized by City ordinance.

The proposed amendments to Article VII would permit the City to define minor privileges and prescribe a process by which minor privileges can be approved by ordinance. Once those provisions take effect, all other franchise agreements not defined as minor privileges by ordinance would continue to require approval by ordinance and affirmative vote or resolution by the BOE.

IV. TRANSITION PROVISIONS

In addition to the changes to the existing operative text of the Charter, the proposed amendment also includes noteworthy transition provisions intended to safeguard existing city operations that may be affected by the amendment. If enacted and approved by City voters, additions and alterations to the existing Charter language would take effect on January 1, 2027; however, repealed provisions, such as procurement standards, defined minor privileges, and the process for approving minor privileges, would remain in effect until either the next general election, or the passage of an ordinance or

promulgation of a regulation governing the subject matter of the repealed provision. This provision would provide the City with ample time to replace those provisions struck from the Charter with laws or regulations of similar subject matter.

FISCAL NOTE

The amendments would have no immediate fiscal impact; however, use of updated budgetary authority in the 2027 budget process may result in changes to the City's fiscal policy. Likewise, as noted, procurement standards currently set forth in the Charter would remain in effect until the next general election or the passage of an ordinance or promulgation of a regulation governing procurement standards. Those future ordinances and/or regulations may have a fiscal impact.

Analysis by: Ethan Navarre
Analysis Date: 4/13/2026

Direct Inquiries to: Ethan.Navarre@baltimorecity.gov

PROPOSED 2026 CHARTER CHANGES

ARTICLE	CURRENT	2026 CHANGE
<p>VI. BUDGET AND BOARD OF ESTIMATES</p> <p>Budget introduction timeline</p>	<p>The BOE must deliver the budget (Ordinance of Estimates) it receives from the Mayor to the Council by May 15, limiting the Council’s time to review and alter the budget based on feedback from constituents.</p>	<p>The BOE must deliver the budget to the Council by April 15 which would provide the Council with more time to review the budget and is aligned with most Maryland county timelines.</p>
<p>VI. BUDGET AND BOARD OF ESTIMATES</p> <p>Contingency fund allowance</p>	<p>The budget can include a contingency fund of only about .02% of the City’s annual budget to address emergency and uncommon circumstances resulting in spending above regular appropriations.</p>	<p>The contingency fund is uncapped and can be established at an appropriate level in the annual budget, like any other appropriation.</p>
<p>VI. BUDGET AND BOARD OF ESTIMATES</p> <p>Conditional appropriations</p>	<p>The City Council cannot make any funding to City agencies conditional, making it difficult to hold City agencies accountable.</p>	<p>The City Council can make certain appropriations contingent on actions or information from City agencies.</p>
<p>VI. BUDGET AND BOARD OF ESTIMATES</p> <p>Special/Non-Lapsing funds</p>	<p>The City Council cannot set aside money for specific funds or programs without any remaining money reverting to the City’s general fund at the end of the year.</p>	<p>The City Council can create discrete funds to benefit specific programs that should exist independent of other City spending like the Affordable Housing or Fair Election funds.</p>
<p>VI. BUDGET AND BOARD OF ESTIMATES</p> <p>Procurement reform</p>	<p>The City can only approve contracts to the lowest bidder often leaving the City on the hook to contractors who game the system and actually end up costing the City more.</p>	<p>The Charter will not contain any provisions related to procurement practices and the Council can take up legislation to create a better system that allows the City to choose contracts based on the actual value they offer.</p>

<p>IV. MAYOR</p> <p>Timeline for final action on bills</p>	<p>The Mayor must provide a veto of legislation within three actual regular Council meetings which can leave the Council unable to even consider a veto override.</p>	<p>The Mayor must provide a veto within two Council meetings, and only one of those meetings can occur within a single week.</p>
<p>IV. MAYOR</p> <p>Timeline for final action on budget</p>	<p>There is no specific process for the Mayor’s veto of the budget, despite having an additional power to only veto specific parts of the budget. The beginning of the new fiscal year also creates a practical impossibility of a veto override.</p>	<p>The Mayor, knowing the provisions of their budget, has two days to decide whether to veto any or all of the budget. This allows the Council at least three days to consider overriding a veto prior to the start of the fiscal year.</p>
<p>IV. MAYOR</p> <p>Veto override procedure</p>	<p>The City Council may override a Mayoral veto after 5 days that it receives the veto but not more than 20 days after it receives the veto unless a regular meeting is not held within 20 days in which case the Council must take up a veto override at the next occurring regular meeting of the Council.</p>	<p>The Council has 21 days to consider a veto override.</p>
<p>VIII. FRANCHISES</p> <p>Minor privilege reform</p>	<p>Residents who want to put a sign on the front of their business or add a bay window to their home must get approval from the Board of Estimates and small requests must appear on the public agenda.</p>	<p>The Council can create a new process for minor privileges that can be updated to reflect the evolving needs of the City and allow residents to apply for permits from city agencies and get approved by those agencies.</p>

**CITY OF BALTIMORE
COUNCIL BILL 26-0172
(First Reader)**

Introduced by: The Council President

At the request of: Charter Review Special Committee

Cosponsored by: Councilmembers Dorsey, Conway, Bullock, Porter, Blanchard, Jones, Glover,
and Ramos

Introduced and read first time: April 6, 2026

Assigned to: Charter Review Special Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Office of the
Comptroller, Mayor's Office of Government Relations, Planning Commission, Department of
Transportation

A RESOLUTION ENTITLED

1 A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

2 **Charter Amendment – Charter Committee Recommendations**

3 FOR the purpose of amending certain processes, requirements, and permissions relating to the
4 adoption and rejection of ordinances and resolutions, the City's budget, and establishing
5 certain tax rates; providing for the grant of certain minor privilege rights under a process
6 established by ordinance; removing certain improper, non-essential, obsolete, and redundant
7 provisions; setting a special effective date; and submitting this amendment to the qualified
8 voters of the City for adoption or rejection.

9 BY proposing to amend

10 Article IV – Mayor
11 Section 5
12 Baltimore City Charter
13 (1996 Edition)

14 BY proposing to add

15 Article VI – Board of Estimates
16 Section 8 and the new part designations,
17 “Part I. Budget” and “Part II. Board of Estimates”
18 Baltimore City Charter
19 (1996 Edition)

20 BY proposing to renumber

21 Article VI – Board of Estimates
22 Sections 1 and 8, respectively
23 to be
24 Sections 12 and 6, respectively
25 Baltimore City Charter
26 (1996 Edition)

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

Council Bill 26-0172

1 BY proposing to amend and renumber
2 Article VI – Board of Estimates
3 Sections 3 through 7, 9, 10, 11, and 18 respectively
4 to be
5 Sections 1 through 5, 7, 9, 10, and 11 respectively
6 Baltimore City Charter
7 (1996 Edition)

8 BY proposing to repeal
9 Article VI - Board of Estimates
10 Sections 2 and 12 through 17
11 Baltimore City Charter
12 (1996 Edition)

13 BY proposing to add
14 Article VI - Board of Estimates
15 Section 13
16 Baltimore City Charter
17 (1996 Edition)

18 BY proposing to amend
19 Article VIII – Franchises
20 Sections 1 and 2
21 Baltimore City Charter
22 (1996 Edition)

23 BY proposing to repeal
24 Article VIII – Franchises
25 Sections 4 through 9
26 Baltimore City Charter
27 (1996 Edition)

28 BY proposing to amend and renumber
29 Article VIII – Franchises
30 Section 3
31 to be
32 Section 4
33 Baltimore City Charter
34 (1996 Edition)

35 BY proposing to add
36 Article VIII – Franchises
37 Section 3
38 Baltimore City Charter
39 (1996 Edition)

40 **SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
41 Article VI – Board of Estimates of the City Charter be renamed to be Article VI – Budget and
42 Board of Estimates of the City Charter.

Council Bill 26-0172

1 (4) [(3)] Notwithstanding paragraph [(2)] (3) of this subsection, no vetoed ordinance or
2 resolution may be reconsidered by a City Council that has been newly-elected and
3 sworn since the passage of the vetoed ordinance or resolution.

4 (5) [(4)] If the ordinance or resolution, after reconsideration, is again passed by the City
5 Council by a vote of two-thirds of its members, it becomes an ordinance or resolution
6 of the City. In these cases, after the reconsideration, the votes on the question of the
7 passage of the ordinance or resolution over the veto of the Mayor shall be determined
8 by yeas and nays, and the names of the persons voting for and against passage of the
9 ordinance or resolution over the veto of the Mayor shall be entered on the Journal of
10 the City Council.

11 (c) *No action by Mayor.*

12 If an ordinance or resolution duly passed by the City Council shall not be returned by the
13 Mayor to the City Council within [three actual regular] TWO meetings, no more than one
14 of which shall occur in any one calendar week, after it shall have been delivered to the
15 Mayor, it shall become an ordinance or resolution of the City in the same manner as if the
16 Mayor had approved it, unless the City Council by an adjournment sine die, or for a
17 period exceeding one month, shall prevent its return, in which case it shall not be law.

18 (d) *Items of appropriation.*

19 If an ordinance or resolution duly passed by the City Council shall embrace different
20 items of appropriation, the Mayor may approve the provisions thereof relating to one or
21 more items of appropriation and disapprove the others, and in such case those the Mayor
22 shall approve shall become effective and those which the Mayor shall not approve shall
23 be reconsidered by the City Council, and shall become effective if again passed over the
24 veto of the Mayor by the vote as above prescribed for the passage over the veto of the
25 [Mayor of entire ordinances or resolutions. The procedures governing the Mayor’s veto of
26 an item of appropriation and the Council’s reconsideration of that item shall be the same
27 as those in this section that govern the passage, veto, reconsideration and override of
28 ordinances and resolutions.] MAYOR.

29 **Article VI. BUDGET AND Board of Estimates**

30 **PART I. BUDGET**

31 **§ 1. [3.] Fiscal year; Budget schedule.**

32 (a) *Fiscal year.*

33 The fiscal, budget, and accounting year of the City shall begin on the first day of July and
34 end on the thirtieth day of June in every year unless otherwise provided by law.

Council Bill 26-0172

1 (b) *Notice and hearing.*

2 [At least thirty days prior to the adoption by the Board of Estimates of a proposed
3 Ordinance of Estimates the] THE Board shall make public the Director of Finance’s
4 recommended operating budget, the Planning Commission’s recommended capital budget
5 and long-range capital improvement program, and the reports of the Director of Finance
6 and Planning Commission on these documents.

7 Thereafter, the Board [shall] MAY hold public hearings at which members of the City
8 Council, heads of municipal agencies, and citizens shall have the opportunity to appear
9 before the Board to speak for or against the inclusion of any appropriation in the proposed
10 Ordinance of Estimates.

11 (c) *Submission to Council.*

12 The Board of Estimates shall submit to the City Council the proposed Ordinance of
13 Estimates for the next fiscal year [at least forty-five days before the beginning of that
14 fiscal year.] IN THE MANNER REQUIRED BY § 4 {“ADOPTION OF PROPOSED ORDINANCE OF
15 ESTIMATES”} OF THIS ARTICLE VI NO LATER THAN APRIL 15 EACH YEAR.

16 (d) *Adoption by Council.*

17 [The City Council shall have at least forty days after receipt of the Board’s proposed
18 Ordinance of Estimates to enact an Ordinance of Estimates.]

19 The City Council shall adopt an Ordinance of Estimates at least five days prior to the
20 beginning of the fiscal year to which it is [applicable if the Board of Estimates submits its
21 proposed Ordinance of Estimates within the period prescribed by Section 3(c).]
22 APPLICABLE.

23 **[§ 2. Powers and duties.]**

24 [The Board of Estimates shall formulate and execute the fiscal policy of the City to the
25 extent, and in the manner provided for, in the Charter. To exercise its powers and perform its
26 duties, the Board may promulgate rules and regulations and summon before it the heads of
27 departments, bureaus or divisions, municipal officers, and members of commissions and
28 boards.]

29 **§ 2. [4.] Assistance from Finance Director and Planning Commission.**

30 To assist the Board of Estimates in the preparation of the proposed Ordinance of Estimates:

Council Bill 26-0172

1 (1) [(a)] *Recommendations on agency estimates.*

2 The Director of Finance shall submit for the consideration of the Board a
3 recommended operating budget, which shall include the estimates submitted by the
4 municipal agencies for the next fiscal year, the recommendations of the Director of
5 Finance thereon, and all other estimates for appropriations to be made in the next
6 fiscal year, other than for capital improvements; provided, however, the estimates for
7 the Fire Department shall include such amounts, if any, as may be determined by a
8 final decision of a board of arbitration convened to arbitrate unresolved negotiations
9 between the City and the certified employee organizations representing the fire
10 fighters and fire officers, as prescribed by existing Section 53 of Article VII.

11 (2) [(b)] *Recommendations on capital budget, etc.*

12 The Planning Commission shall submit for the consideration of the Board a
13 recommended capital budget, a recommended long-range capital improvement
14 program, and a report on both. The Director and Board of Finance shall review the
15 recommended capital budget and program, and make a report and recommendations
16 about both to the Board of Estimates.

17 **§ 3. [5.] Preparation of proposed Ordinance of Estimates.**

18 (a) *Contents.*

19 After receiving the recommendations of the Department of Finance and the Planning
20 Commission, the Board shall prepare its proposed Ordinance of Estimates, which shall
21 consist of:

22 (1) an operating budget: estimates for the next fiscal year of the appropriations needed
23 for the operation of each municipal agency and for all other purposes, other than
24 for capital improvements. These estimates shall state the amounts needed by every
25 municipal agency for each particular program, purpose, activity, or project and the
26 source of funds, if other than general funds, for each.

27 (2) a capital budget: estimates of the amounts to be appropriated to each municipal
28 agency for capital improvements in the next fiscal year. The capital budget
29 proposed by the Board also shall include the projects that the Board includes in
30 the first year of its long-range capital improvement program and the source of
31 funds for all capital improvements. However, no capital project shall be included
32 in the capital budget portion of the proposed Ordinance of Estimates submitted by
33 the Board of Estimates to the City Council unless the Board has received and
34 considered the reports and recommendations of the Planning Commission, the
35 Director of Finance, and the Board of Finance with regard to such capital project.
36 The Board of Estimates may establish additional procedures for the development
37 of a long-range capital improvement program and a capital budget.

Council Bill 26-0172

1 (b) *Contingent fund.*

2 The Board may include annually in the proposed Ordinance of Estimates a [sum up to one
3 million dollars (\$1,000,000.00)] PORTION of the General Fund appropriations to be used
4 during the next fiscal year as a contingent fund in case of an emergency or necessity for
5 the expenditure of money in excess of or other than the appropriations regularly passed
6 for any municipal agency.

7 At least one week before it approves a contingent fund expenditure, the Board shall report
8 to the City Council the reasons for the expenditure.

9 **§ 4. [6.] Adoption of proposed Ordinance of Estimates.**

10 (a) *Adoption, submission, and publication.*

11 [After the public notice and hearings prescribed by Section 3(b), the] THE Board shall
12 adopt a proposed Ordinance of Estimates by a majority vote of all the members.

13 The Board shall deliver the proposed Ordinance of Estimates to the President of the City
14 Council and contemporaneously publish a copy of the proposed ordinance in two daily
15 newspapers in Baltimore City.

16 (b) *Accompanying materials.*

17 The proposed Ordinance of Estimates that the Board submits to the City Council shall be
18 accompanied by the following materials:

19 (1) a breakdown of the amounts stated for each program, purpose, activity, or project of
20 each municipal agency in the proposed operating budget by standard categories of
21 expenditure, for

22 (I) [(a)] personal services,

23 (II) [(b)] materials, supplies, and equipment,

24 (III) [(c)] debt service, and

25 (IV) [(d)] such other categories as the Board of Estimates may deem advisable.

26 The personal services category shall include the compensation of every
27 officer and salaried employee of the City; provided, however, that the
28 salaries for employees in the same classification who have a uniform
29 salary or salary range may be combined into a single entry, which shall
30 indicate the number of such employees, their aggregate salaries, and the
31 name or title of the classification.

32 (2) a comparison by standard categories of expenditures of the appropriations contained
33 in the proposed operating budget with

Council Bill 26-0172

- 1 (I) [(a)] the amounts requested by the municipal agencies in their budget
2 submissions
- 3 (II) [(b)] the amounts appropriated for the current fiscal year and
4 (III) [(c)] the amounts expended in the prior fiscal year;
- 5 (3) detailed information about the sources of funds to meet the aggregate total of the
6 appropriations contained in the proposed Ordinance of Estimates;
- 7 (4) the long-range capital improvement program adopted by the Board and for each
8 capital project included in the capital budget, the following:
- 9 (I) a brief description and location,
10 (II) the total estimated cost,
11 (III) the appropriations authorized to date,
12 (IV) the appropriations proposed for the next fiscal year,
13 (V) the appropriations required thereafter to complete the project, and
14 (VI) the estimated additional annual maintenance and operation cost;
- 15 (5) a statement setting out:
- 16 (I) [(a)] the revenues which the City can reasonably expect to receive in the next
17 fiscal year from all existing sources of revenue at existing rates other than the
18 full rate property tax but including amounts believed to be collectible from
19 taxes for prior years and including an estimate of the surplus expected at the
20 end of the current fiscal year;
- 21 (II) [(b)] the difference between the revenues expected under [(a)] (I) above and
22 the total amount of appropriations provided in the proposed Ordinance of
23 Estimates;
- 24 (III) [(c)] the estimated taxable basis for the next ensuing fiscal year for the levy of
25 full rate property taxes;
- 26 (IV) [(d)] the rate for the levy of full rate property taxes which, given the revenues
27 expected under [(a)] (I) above, the total appropriations in the proposed
28 Ordinance of Estimates, and the taxable basis, will be necessary to raise
29 sufficient total revenues to cover total anticipated expenditures;

Council Bill 26-0172

1 (V) [(e)] new sources of revenue or new rates on existing sources of revenue, and
2 the amounts which can reasonably be expected from each of them, which the
3 Board of Estimates believes should be adopted for the next fiscal year; also the
4 rate for the levy of full rate property taxes which, in view of such new sources
5 of revenue or new rates on existing sources of revenue, will be necessary to
6 bring total expected revenues for the next fiscal year into balance with total
7 anticipated expenditures for the year;

8 (6) a message from the Mayor explaining the major emphasis and objectives of the City's
9 budget for the next fiscal year;

10 (7) such other information as the Board of Estimates may deem advisable.

11 **§ 5. [7.] Enactment of Ordinance of Estimates.**

12 (a) *Introduction; authorized cuts.*

13 (1) On receipt of the proposed Ordinance of Estimates and the accompanying materials,
14 the President of the City Council shall promptly cause it to be introduced in the City
15 Council, and the Council shall hold public hearings on the proposed Ordinance of
16 Estimates.

17 (2) By a majority vote of its members, the City Council may reduce or eliminate any of
18 the amounts in the proposed Ordinance of Estimates, except:

19 (i) amounts fixed by state or federal law;

20 (ii) amounts for the Fire Department established by a board of arbitration and
21 included in the proposed Ordinance of Estimates; [and]

22 (iii) amounts for the payment of the interest and principal of the municipal [debt.]
23 DEBT; AND

24 (IV) AMOUNTS DEDICATED TO NON-LAPSING FUNDS BY ORDINANCE.

25 (b) *[Increases and additions.] INCREASES, ADDITIONS, AND CONDITIONS.*

26 (1) Except as provided in this subsection, the City Council does not have the power to
27 increase the amounts fixed by the Board or to add any amount for any new purpose in
28 the proposed Ordinance of Estimates.

29 (2) (i) By a majority vote of its members, the City Council may increase items of
30 appropriation within the general fund or add items within the general fund for new
31 purposes provided that:

32 (A) the aggregate amount of the increase does not exceed the aggregate
33 amount by which the City Council has reduced or eliminated from the
34 Ordinance of Estimates under subsection (a) of this section;

Council Bill 26-0172

1 (B) the increases authorized by this subsection do not derive from the
2 reduction or elimination of revenue, which by law, contract, or
3 regulation must be used to support appropriations for specific purposes;
4 and

5 (C) an item added for a new purpose is or will be authorized by legislation
6 separate and apart from the Ordinance of Estimates.

7 (ii) In no event, however, may:

8 (A) the total amount of the Operating Budget or the Capital Budget, as
9 amended by the City Council, exceed the total amount of the Operating
10 Budget or Capital Budget, respectively, as proposed by the Board of
11 Estimates; or

12 (B) any increase or addition be made to or for any item described in
13 subsection (a)(2)(i), (ii), [or (iii)] (III), OR (IV) of this section.

14 (3) [If the carrying out of a particular program, purpose, activity, or project depends on
15 action by a body other than the City, the City Council may insert a specific provision
16 in the proposed Ordinance of Estimates making the appropriation for the particular
17 program, purpose, activity, or project contingent on that action.]

18 THE CITY COUNCIL MAY INSERT A SPECIFIC PROVISION IN THE PROPOSED ORDINANCE
19 OF ESTIMATES MAKING AN APPROPRIATION FOR A SPECIFIC PROGRAM, PURPOSE,
20 ACTIVITY, OR PROJECT CONTINGENT ON CERTAIN ACTION.

21 (c) *Revenue ordinances.*

22 (1) *COUNCIL TO ENACT.*

23 (I) As soon as practicable after the passage of the Ordinance of Estimates, the City
24 Council shall enact such revenue ordinances as are necessary to produce sufficient
25 expected revenues, as estimated by the Board of Estimates, to cover the total
26 anticipated expenditures [authorized by] IN the Ordinance of Estimates.

27 (II) The Council may adopt revenue sources or revenue rates other than those
28 proposed by the Board and in each such instance the estimate of the revenue to be
29 yielded by such a source or rate shall be made by the Board of Estimates.

30 (2) *PROPERTY TAX.*

31 (I) The Board of Estimates shall, taking into account any reductions and eliminations
32 made by the City Council in the anticipated expenditures contained in the
33 proposed Ordinance of Estimates and the revenues to be derived from all existing
34 sources and from any new sources or new rates enacted by the City Council,
35 certify to the Council the difference between the anticipated expenditures for the
36 next fiscal year contained in the Ordinance of Estimates and all expected revenues
37 other than from [the] full rate property [tax.] TAXES.

Council Bill 26-0172

1 (II) The Board shall then state [a rate] ALL RATES for the levy of full rate property
2 taxes sufficient to realize the amount required to meet the said difference and the
3 ordinance making the annual levy of full rate property taxes shall fix [a rate] ALL
4 RATES not less than that stated by the Board so that it shall not be necessary at any
5 time for the City to create a floating debt to meet any deficiency, and it shall not
6 be lawful for the City to create a floating debt for any such purpose.

7 **§ 6. [8.] Deficiencies; Supplementary appropriations.**

8 (a) *Deficiencies.*

9 No temporary loan shall be authorized or made to pay any deficiency arising from a
10 failure to realize sufficient income from all sources to meet the amounts provided in the
11 Ordinance of Estimates, but the City may temporarily borrow money for its use in
12 anticipation of the receipts of taxes levied for any year. In case of any such deficiency the
13 Board of Estimates shall effect reductions (which need not be pro rata) in appropriations
14 other than those for the payment of the principal and interest of the City debt and such
15 amounts as are fixed by law and contained in the Ordinance of Estimates, except to the
16 extent that the City Council shall, upon the recommendation of the Board of Estimates,
17 enact an ordinance which shall supply revenues to meet all or any part of such deficiency.
18 No emergency loan shall be made except in accordance with the provisions of Article XI
19 of the Constitution of Maryland.

20 (b) *Supplementary appropriations — when authorized.*

21 (1) Except as provided herein, the Ordinance of Estimates shall include all the moneys to
22 be appropriated by the City for all purposes for the fiscal year for which the ordinance
23 is applicable.

24 (2) Additional appropriations are permitted during the fiscal year only in the following
25 circumstances and under the following conditions:

26 (i) *Excess revenues.*

27 Revenues from any source other than the full rate property tax and other taxes
28 imposed under the authority of Article II, in excess of or in addition to those
29 relied on by the Board of Estimates in determining the tax levy required to
30 balance the budget, may be made available for expenditure by the municipal
31 agency responsible for the production of those revenues by a supplementary
32 appropriation ordinance recommended to the City Council by the Board of
33 Estimates, duly passed by the City Council by a majority vote of its members
34 and approved by the Mayor.

Council Bill 26-0172

1 (ii) *Unanticipated grants.*

2 Grants from private or governmental sources that could not be expected with
3 reasonable certainty at the time of the formulation of the proposed Ordinance
4 of Estimates may be made available to the appropriate municipal agency for
5 expenditure by a supplementary appropriation ordinance recommended to the
6 City Council by the Board of Estimates, duly passed by the City Council by a
7 majority vote of its members and approved by the Mayor.

8 (iii) *Material changes; new programs.*

9 Further appropriations for programs included in the proposed Ordinance of
10 Estimates made necessary by a material change in circumstances, or additional
11 appropriations for new programs that could not reasonably be anticipated at
12 the time of the formulation of the proposed Ordinance of Estimates may be
13 made available to the appropriate municipal agency for expenditure by a
14 supplementary appropriation ordinance recommended to the City Council by
15 the Board of Estimates, duly passed by the City Council by a vote of
16 three-fourths of its members and approved by the Mayor.

17 (c) *Supplementary appropriations – Requisites of ordinance.*

18 Every such further or additional appropriation shall be embodied in a separate ordinance
19 limited to a single program, purpose, activity or project therein stated, and each such
20 supplementary appropriation ordinance shall also, anything contained in the Charter to the
21 contrary notwithstanding, provide the revenue necessary to pay the appropriation by a
22 source, other than the full rate property tax, imposed under the authority of Article II. The
23 revenue shall be levied and collected as directed in the ordinance. The estimate of the
24 revenues to be derived from any source proposed in a supplementary appropriation
25 ordinance shall be made by the Board of Estimates.

26 **§ 7. [9.] Uses of appropriations.**

27 (a) *In general.*

28 Following the passage of the Ordinance of Estimates and the enactment of the revenue
29 measures necessary to achieve a balance between expected revenues and anticipated
30 expenditures for the next fiscal year, EXCEPT AS CERTAIN APPROPRIATIONS MAY BE
31 CONDITIONAL, AS PROVIDED FOR UNDER § 5(B)(3) OF THIS ARTICLE, the sums contained in
32 the Ordinance of Estimates shall, after the beginning of the fiscal year to which it is
33 applicable, be and become appropriated for the purposes therein named.

34 No appropriation provided for in the Ordinance of Estimates shall be used for any
35 purpose other than that named in that ordinance, except:

- 36 (1) the Board of Estimates may increase the amount for a particular program, purpose,
37 activity, or project or introduce an amount for a new program, purpose, activity or
38 project by transferring thereto amounts already appropriated to that agency; and

Council Bill 26-0172

1 (2) upon the recommendation of the Board of Estimates, the City Council by
2 ordinance may authorize the transfer of an appropriation contained in the
3 Ordinance of Estimates from one municipal agency to another municipal agency;

4 provided, however, that new or different amounts for capital projects from those
5 stated in the capital budget portion of the Ordinance of Estimates shall not be
6 authorized unless the Board of Estimates has received and considered the reports
7 and recommendations thereon of the Planning Commission and the Director of
8 Finance.

9 (b) *Expenditure schedule.*

10 Upon the authorization of the Board of Estimates and under procedures established by the
11 Board, the Director of Finance shall establish an expenditure schedule, applicable to any
12 or all municipal agencies whenever, in the opinion of the Board, financial conditions
13 warrant such budgetary allotments.

14 (c) *Carry-overs; Lapses.*

15 (1) Appropriations contained in the Ordinance of Estimates for a particular program,
16 purpose, activity, or project may, upon the recommendation of the head of the
17 municipal agency concerned and the Director of Finance, and with the approval of the
18 Board of Estimates, be carried over to fiscal years subsequent to the one for which the
19 appropriation is initially made if necessary to accomplish that program, purpose,
20 activity, or project.

21 (2) Funds encumbered for contracts, projects or other actual commitments and funds
22 dedicated by any act of Congress or by State law or by the terms of any private grant
23 to some specific purpose shall be carried over to the next fiscal year.

24 (3) All appropriations not so carried over shall lapse at the end of the fiscal year from
25 which made, except as provided in paragraph (4) of this subsection.

26 (4) Any balance remaining in ANY NON-LAPSING FUND OR IN the fund of the water,
27 sanitary wastewater, or stormwater utility (under Section [18] 11 of this article) at the
28 end of the fiscal year shall remain to the credit of that utility [and an estimate of that
29 balance shall be included in that utility's budget for the next year as an estimated
30 receipt.] OR FUND.

31 (d) *Surpluses.*

32 (1) In case of any surplus arising in any fiscal year by reason of an excess of revenue over
33 the expenditures (including any appropriation carried over) for that year, the surplus
34 shall become a part of the general revenue of the City and shall be available for the
35 general expenditures of the City for the next fiscal year, in accordance with the
36 Ordinance of Estimates for that year. An estimate of the surplus shall be made by the
37 Board of Estimates and included in expected revenues for the next year.

Council Bill 26-0172

1 (2) However, any surplus or retained earnings of the water, sanitary wastewater, or
2 stormwater utility fund (under § [18] 11 of this article) at the end of the fiscal year
3 shall remain to the credit of that utility and the estimate of that balance shall be
4 included in that utility’s budget for the next year as an estimated receipt.

5 **§ 8. NON-LAPSING FUNDS.**

6 NOTHING IN THIS CHARTER PREVENTS THE ESTABLISHMENT OF NON-LAPSING FUNDS BY
7 ORDINANCE, OR THE DEDICATION OF REVENUE SOURCES TO SUCH FUNDS BY ORDINANCE.

8 **§ 9. [10.] Salaries.**

9 [(a) *In-term increases or decreases — in general.*]

10 (A) [(1)] In preparing the Ordinance of Estimates, the Board of Estimates may increase or
11 decrease the salaries of all municipal officers, except:

12 (1) [(i)] the elected officials subject to Article VII, §§ 117 through 125 of this
13 Charter; and

14 (2) [(ii)] the appointed municipal officers who serve as members of the Board of
15 Estimates,

16 (B) [(2)] If the salary of an appointed municipal officer is so increased or decreased, it may
17 not again be increased or decreased, as the case may be, during that officer’s term.

18 (C) [(b) *In-term increases or decreases — Board members.*]

19 [(1)] The Mayor and City Council may, by ordinance, increase or decrease the salaries of
20 the appointed municipal officers who serve as members of the Board of Estimates.

21 [(2) If the salary of an appointed municipal officer on the Board is so increased or
22 decreased, it may not again be increased or decreased, as the case may be, during that
23 officer’s term.]

24 [(c) *Employment contingent on appropriation.*]

25 [No person shall be appointed or employed as a paid municipal officer or employee
26 unless an appropriation to cover that person’s compensation is included in the Ordinance
27 of Estimates;]

28 [provided, however, that this provision shall not apply to:]

29 [(1) appointments or employments approved by resolution of the Board of Estimates,
30 where funds are available for payment of the designated compensation; and]

31 [(2) persons whose appointment or employment is to be made and whose
32 compensation is to be fixed by the Board of School Commissioners as provided
33 in Section 63 of Article VII.]

Council Bill 26-0172

1 [(d) *Increases beyond Ordinance of Estimates.*]

2 [Except in cases of promotion, the salary or compensation of no officer or employee of
3 the City shall be increased beyond that set forth in the materials accompanying the
4 proposed Ordinance of Estimates unless the increase be approved by the Board of
5 Estimates upon the recommendation of the head of the agency concerned, and funds
6 therefor are available in the appropriation allotted in the Ordinance of Estimates to the
7 agency in question;]

8 [provided, however, that the Board of Estimates may adopt rules and regulations
9 governing increments to be granted to employees whose classifications call for an annual
10 increment until the maximum of such classification is reached;]

11 [provided, further, that nothing in this provision shall affect the power conferred by
12 Section 63 of Article VII upon the Board of School Commissioners.]

13 [(e) *Payment intervals.*]

14 [The salaries of all municipal officers and employees, whether or not fixed by the Charter,
15 shall be paid at such intervals, but not less frequently than semi-monthly, as the Board of
16 Estimates may determine from time to time.]

17 **§ 10. [11.] Procurement.**

18 [(a) *Board of Estimates responsible.*]

19 [The Board of Estimates shall be responsible for awarding contracts and supervising all
20 purchasing by the City as provided in this section and elsewhere in the Charter.]

21 (A) [(b)] *Authority of City Council.*

22 [(1)] By ordinance passed by two-thirds of the City Council members, the Mayor and City
23 Council shall set the dollar thresholds for:

24 (1) [(i)] contracts that must be formally advertised; and

25 (2) [(ii)] contracts that must be approved by the Board of Estimates.

26 (B) [(2)] *EFFECTIVE DATE OF THRESHOLD AMOUNTS.*

27 [Pending enactment of an Ordinance under this subsection, the Board of Estimates shall
28 set initial threshold amounts. Those initial existing threshold amounts shall remain in
29 effect until different amounts have been set by Ordinance under this subsection.]

30 THRESHOLD AMOUNTS SET BY ORDINANCE SHALL REMAIN IN EFFECT UNTIL DIFFERENT
31 AMOUNTS HAVE BEEN SET BY ORDINANCE UNDER THIS SECTION.

Council Bill 26-0172

1 [(c) *Formal advertisement.*]

2 [In contracting for any public work, or the purchase of any supplies (unless otherwise
3 provided by ordinance for foodstuffs and related perishables), materials, equipment, or
4 services other than professional services, for the City or by any municipal agency,
5 involving an expenditure of greater than the threshold set under subsection (b) of this
6 section, advertisements for proposals shall first be published at least twice in two or more
7 newspapers of general circulation published in Baltimore City, and published
8 electronically to the public, unless otherwise provided by the Charter. The first
9 publication shall be made not less than 10 nor more than 90 days prior to the day set for
10 opening the bids.]

11 [(d) *Professional services.*]

12 [All professional services contracted for by the City shall be engaged in the manner
13 prescribed by resolution of the Board of Estimates.]

14 [(e) *Emergencies, etc.*]

15 [(i) When any supplies, materials, equipment, services, or public works are of such a
16 nature that no advantage will result in seeking, or it is not practicable to obtain,
17 competitive bids, or when the need for supplies, materials, equipment, services, or
18 public works is of an emergency nature and the using agency certifies this in writing
19 to the Board of Estimates, with written notice to the Department of Finance, the
20 provisions of subsection (c) of this section may be dispensed with. However, the
21 purchase may not be made, nor may the City incur any obligation for it, until
22 approved by the Board of Estimates after considering the recommendation of the
23 Department of Finance. When practicable, the City's intent to make a purchase under
24 this exception shall be posted electronically to the public for comment prior to the
25 approval of the purchase by the Board of Estimates.]

26 [(ii) In the event of an emergency of such a nature that the public welfare would be
27 adversely affected by awaiting the approval of the Board of Estimates, the Department
28 of Finance, upon application by the head of the municipal agency involved, may
29 proceed to obtain the supplies, materials, equipment, services, or public works
30 required without reference to the provisions of subsection (c) of this section. A full
31 report of any this action shall be promptly submitted to the Board of Estimates.]

32 [(f) *Contracts subject to Board of Estimates approval.*]

33 [All purchases of services other than professional services, of property other than real
34 estate or interests therein (except as may be otherwise provided by ordinance for
35 foodstuffs and related perishables), and all other contracts involving an expenditure
36 greater than an amount set under subsection (b) of this section, except those awarded by
37 the Board of Estimates pursuant to the provisions of subsection (h) of this section, made
38 by any municipal agency, in addition to compliance with other applicable provisions of
39 the Charter, shall be submitted to the Board of Estimates for its approval and shall be
40 binding upon the City only when so approved.]

Council Bill 26-0172

1 [The Board of Estimates may adopt rules and regulations governing the procedures and
2 requirements to be followed by any municipal agency in making purchases or other
3 contracts involving an expenditure that does not require formal advertising under
4 subsection (c) of this section.]

5 [(g) *Prequalification of bidders.*]

6 [In contracting for any public work or the purchase of any supplies, materials, equipment,
7 or services for the City or by any municipal agency, the Board of Estimates may establish,
8 maintain, and modify rules, regulations, and standards for the prequalification of bidders.]

9 [(h) *Bid awards.*]

10 [(1)(i) All bids made to the City in response to the formal advertising procedures
11 contained in this section, for materials, supplies, equipment, services, or public
12 works, or for any other purpose, unless otherwise provided in the Charter, shall be
13 opened by the Board of Estimates.]

14 [(ii) After opening the bids, the Board of Estimates shall award the contract, as an
15 entirety to the lowest responsive and responsible bidder or by items to the
16 respective lowest responsive and responsible bidders, or in the case of Requests
17 for Proposals to the highest scoring responsive and responsible bidder, or shall
18 reject all bids. However, whenever alternative bids are invited for two or more
19 different things, then, after all bids have been opened, the Board may select the
20 particular item that will be procured, and shall award the contract to the lowest
21 responsive and responsible bidder or in the case of Requests for Proposals to the
22 highest scoring responsive and responsible bidder for that particular item.]

23 [(iii) In the event of tie bids, the using agency, with written notice to the Department of
24 Finance, shall make a written recommendation and report to the Board of
25 Estimates setting forth all pertinent considerations and the reasons for its
26 recommendation. The Board, after also considering the recommendation of the
27 Department of Finance, may then award the contract in its discretion, as long as
28 the total cost to the City does not exceed the amount of the tie bid.]

29 [(iv) Once filed, bids are irrevocable.]

30 [(v) Any recommendation that is made by any municipal agency to the Board of
31 Estimates as to the appropriate award to be made by the Board is advisory only
32 and not binding on the Board.]

33 [(vi) Notwithstanding the competitive bid provisions of this Charter, the Board of
34 Estimates may adopt rules and regulations that establish uniform procedures for
35 providing, on a neighborhood service, neighborhood public work, or
36 neighborhood public improvement contract, limited bid preferences to responsive
37 and responsible bidders who are residents of, or have their principal places of
38 business in, that neighborhood.]

Council Bill 26-0172

1 [(2)(i) All bids for construction contracts let for the Department of Public Works, the
2 Department of General Services, and the Department of Transportation and any
3 other contracts for public works shall be accompanied by a check or bid bond. For
4 all other contracts, the Director of Finance shall implement policies and
5 procedures to determine whether a bid bond is required for a contract, the term
6 and face value of the bond, and the manner in which the bond shall be provided
7 and refunded.]

8 [(ii) Except as otherwise provided in this paragraph (2), the check shall be a certified
9 check of the bidder, a bank cashier’s check, or a bank treasurer’s check, drawn on
10 a clearing house bank. The check shall be in an amount provided by ordinance, by
11 the bid specifications, or by an order or regulation of the using agency. In the case
12 of bid checks of \$5,000 or less, the check may be of any type drawn on any
13 banking institution of the United States.]

14 [(iii) The bid bond shall be in the form and amount provided by the rules and
15 regulations of the Board of Estimates, and shall be filed by the bidder with the
16 Department of Finance.]

17 [(3)(i) The successful bidder promptly shall execute a formal contract, to be approved as
18 to its form, terms, and conditions by the City Solicitor.]

19 [(ii) For all construction contracts let for the Department of Public Works, the
20 Department of General Services, and the Department of Transportation and any
21 other contracts for public works , the bidder shall execute and deliver to the
22 Mayor a good and sufficient performance bond, irrevocable letter of credit, or
23 certification that the successful bidder meets the requirements under the City’s
24 self-insurance program for performance coverage. For all other contracts, the
25 Director of Finance shall implement policies and procedures to determine whether
26 a performance bond is required for a contract, the term and face value of the bond,
27 and the manner in which the bond shall be provided.]

28 [(iii) The bond, letter of credit, or certification shall be:]

29 [1. in an amount equal to the full contract price; or]

30 [2. for each year in a multi-year contract (other than a construction contract), in
31 an amount equal to the estimated contract price for that year, as determined
32 by the Director of Finance.]

33 [(iv) Any successful bidder who fails to execute promptly and properly the required
34 contract, performance bond, irrevocable letter of credit, or certification, as
35 applicable, shall forfeit the amount deposited, or an equivalent amount under the
36 bid bond. This amount shall be taken and considered as liquidated damages and
37 not as penalty for the bidder’s failure.]

38 [(4) When the successful bidder executes the contract and, if required, the performance
39 bond, the bid checks shall be returned to all bidders or the equivalent amounts
40 charged against their bid bond shall be released. If the City has deposited bid
41 checks, the City shall reimburse these bidders in the amounts of the bid checks.]

Council Bill 26-0172

1 [(5) If a bidder is not required to file a bid bond under the policies and procedures
2 adopted by the Director of Finance and the bidder fails to execute and perform any
3 contract awarded to that bidder, the exempted bidder shall forfeit the right to bid on
4 any future City contract for a period of time determined by the Board of Estimates,
5 and shall be liable for any costs incurred by the City as a result of the default.]

6 [(i) *Local, small, and disadvantaged business enterprise programs.*]

7 [The Mayor and City Council may, by ordinance, establish programs that grant
8 purchasing preferences to local, small, or disadvantaged businesses and, for that purpose,
9 waive or modify the application of this section (with the exception of subsection (a)) to
10 certain transactions.]

11 [§ 12. Salary and wage scales; Work conditions.]

12 [(a) *In general.*]

13 [(1) The Board shall fix the salary or wage scales for the several classifications of the
14 City employee in the Classified Civil Service, and such scales, so far as practicable,
15 shall be uniform for all like classifications except that where a final decision of a
16 board of arbitration convened to arbitrate unresolved negotiations between the City
17 and the certified employee organization representing the fire fighters and fire
18 officers has been rendered in any year, the amounts as determined shall be adopted
19 by the Board of Estimates as the salary and wage scales for employees of the Fire
20 Department.]

21 [(2) The Board shall also adopt such rules and regulations as it may deem appropriate to
22 insure, so far as practicable, like working conditions for the employees in the
23 several municipal agencies, including vacation and sick leave.]

24 [(b) *Multi-year collective bargaining agreements.*]

25 [(1) The Board of Estimates may approve a collective bargaining agreement between the
26 City and one or more of the Baltimore Fire Fighters, IAFF Local 734, the Baltimore
27 Fire Officers, IAFF Local 964, the American Federation of State, County and
28 Municipal Employees, AFL-CIO, Council 67 (AFSCME Locals 44, 558, and 2202),
29 the City Union of Baltimore, and the Baltimore City Lodge No. 3, Fraternal Order
30 of Police, Inc., Units I and II, for a term of not less than 1 fiscal year and not more
31 than 3 consecutive fiscal years, so long as the term of the collective bargaining
32 agreement does not extend beyond the fiscal year in which the current Mayor's term
33 of office ends.]

34 [(2) The Board shall annually include in the Ordinance of Estimates submitted to the
35 City Council an amount sufficient to fund the salaries provided for in any collective
36 bargaining agreement between the City and the local unions listed in paragraph (1)
37 of this subsection.]

Council Bill 26-0172

1 **[§ 13. Command appearance of municipal officers.]**

2 [The Board shall have power at any time to summon before it the heads of departments and
3 their respective bureaus or divisions, all municipal officers, and members of commissions,
4 and boards.]

5 **[§ 14. Bonds of municipal officers.]**

6 [Except as otherwise provided by State law, the Board of Estimates shall determine which
7 officials of the City shall be bonded for the faithful performance of their duties and the form
8 and amount of such bonds. All premiums on official bonds shall be paid by the City. All
9 bonds executed in favor of the City shall be approved by the Mayor.]

10 **[§ 15. Claims against or by City.]**

11 [No private claims against the City shall be paid nor shall any claims held by the City be
12 compromised or released except in accordance with procedures established by the Board of
13 Estimates. Nothing contained in this section shall be held to apply to claims against the City
14 or held by the City in any case where, by the express terms of any contract, an engineer,
15 architect or other agent or representative of the City is authorized to decide as to such
16 claims.]

17 **[§ 16. Salaries of State's Attorney's Office.]**

18 [The Board of Estimates is hereby authorized and empowered to fix the salaries of the State's
19 Attorney, the Deputy State's Attorney, and Assistant State's Attorneys of Baltimore City, in
20 amounts not less than those prescribed by the Constitution of Maryland.]

21 **[§ 17. Expenditures for new improvements.]**

22 [Except as provided in Section 61 of Article VII, no expenditure for any new improvement
23 shall be made out of any appropriation in the Ordinance of Estimates unless the plans for
24 such improvement are first submitted to and approved by the Board of Estimates.]

25 **§ 11. [§ 18.] Water, sanitary wastewater, and stormwater utilities.**

26 (a) *To be separate enterprises.*

27 (1) Water, sanitary wastewater, and stormwater utilities each shall be conducted as a
28 separate enterprise.

29 (2) Each of the utilities shall be financially self-sustaining and shall be operated without
30 profit or loss to the other funds or programs of the City.

31 (b) *Utility budgets; Agency budget estimates.*

32 (1) Separate budgets, which shall include estimates of revenue and expense for the
33 ensuing fiscal year, shall be prepared annually for the water, sanitary wastewater, and
34 stormwater utilities. The actions of the Board of Estimates and the City Council on
35 the utilities' budgets are subject to this section.

Council Bill 26-0172

1 (2) The budget estimates of each agency of the City shall include items for the use of
2 services provided by the water, sanitary wastewater, and stormwater utilities, as
3 applicable.

4 (c) *Interfund and other borrowing.*

5 Nothing in this section prevents the following, if otherwise in accordance with law:

6 (1) interfund cash borrowings between the water, sanitary wastewater, and
7 stormwater utilities to meet temporary cash requirements; or

8 (2) borrowings by these utilities from the General Fund or any other fund of the City.

9 (d) *Transfer of employees.*

10 Nothing in this section prevents:

11 (1) the transfer or assignment of employees from one utility to another utility or to
12 any department, board, commission, or agency of the City; or

13 (2) the division of employees' time among the utilities or between a utility and any
14 department, board, commission, or agency of the City.

15 (e) *Supplemental legislation.*

16 The Mayor and City Council may enact, from time to time, ordinances not inconsistent
17 with this Charter, as necessary or desirable to implement the provisions of this section.

18 **PART II. BOARD OF ESTIMATES**

19 **§ 12. [1.] Establishment and organization.**

20 (a) *In general.*

21 There shall be a Board of Estimates composed of the Mayor, President of the City
22 Council, Comptroller, City Solicitor, and Director of Public Works, none of whom shall
23 receive any additional salary as members of the Board.

24 The President of the City Council shall be President of the Board, and one of the
25 members shall act as Secretary.

26 The Board may employ such employees as may be necessary to discharge its duties; their
27 number and compensation shall be fixed in the Ordinance of Estimates.

Council Bill 26-0172

1 (b) *Meetings.*

2 The first meeting of the Board in every year shall be called by notice from the Mayor or
3 President of the City Council personally served upon members of the Board. Subsequent
4 meetings shall be called as the Board may direct.

5 (c) *Representatives.*

6 If a member is unable to attend a Board meeting, that member’s representative, as
7 designated in the Charter, may attend and exercise the powers of the member. The Mayor
8 may designate a municipal officer or member of the Mayor’s personal staff to represent
9 the Mayor and exercise the Mayor’s power at Board meetings in the Mayor’s absence.

10 **§ 13. POWERS AND DUTIES.**

11 (A) *IN GENERAL.*

12 THE BOARD OF ESTIMATES SHALL:

- 13 (1) SUBMIT TO THE CITY COUNCIL THE PROPOSED ORDINANCE OF ESTIMATES FOR THE
14 NEXT FISCAL YEAR;
- 15 (2) AWARD CONTRACTS AND SUPERVISE ALL PURCHASING BY THE CITY; AND
- 16 (3) PERFORM DUTIES AND EXERCISE POWERS AS MAY BE DIRECTED BY ORDINANCE.

17 (B) *TO EXERCISE.*

18 THE BOARD MAY, TO EXERCISE ITS POWERS AND PERFORM ITS DUTIES:

- 19 (1) SUMMON BEFORE IT THE HEADS OF DEPARTMENTS, BUREAUS, OR DIVISIONS,
20 MUNICIPAL OFFICERS, AND MEMBERS OF COMMISSIONS AND BOARDS; AND
- 21 (2) PROMULGATE RULES AND REGULATIONS NOT INCONSISTENT WITH THE PROVISIONS
22 OF ANY ORDINANCE.

23 **Article VIII. Franchises**

24 **§ 1. Authority to grant.**

25 (A) *TITLE IS INALIENABLE.*

26 The title of the City in and to its waterfront, wharf property, land under water, public
27 landings, wharves and docks, streets, lanes, and parks, its sewer system and water-supply
28 system, as described in Article VII, §§ 33 and 34 of this Charter, and its underground
29 conduit system for cables, wires, and similar facilities is hereby declared to be
30 inalienable.

Council Bill 26-0172

1 (B) *GRANT OF FRANCHISES.*

2 (1) With the exception of the City’s sewer [system,] AND water-supply [system, and
3 underground conduit system for cables, wires, and similar facilities,] SYSTEMS, the
4 City may grant for a limited time and subject to the limitations and conditions
5 contained in the Charter, specific franchises or rights in or relating to any of the public
6 property or places mentioned in [the preceding sentence;] SUBSECTION (A) OF THIS
7 SECTION; provided that such grant is in compliance with the requirements of the
8 Charter, and that the terms and conditions of the grant shall have first been authorized
9 and set forth in an ordinance duly adopted.

10 (2) THE CITY MAY NOT, BY GRANT OR ORDINANCE, DIVEST ITSELF OF THE RIGHT OR
11 POWER TO REGULATE THE EXERCISE OF A FRANCHISE OR A RIGHT.

12 (C) *REQUIRED PROVISIONS.*

13 [Every such grant shall specifically set forth and define the nature, extent and duration of
14 the franchise or right thereby granted, and no franchise or right shall pass by implication
15 under any such grant; and, notwithstanding any such grant the City shall at all times have
16 and retain the power and right to reasonably regulate in the public interest the exercise of
17 the franchise or right so granted; and the City shall not have the power by grant or
18 ordinance to divest itself of the right or power so to regulate the exercise of such
19 franchise or right.]

20 EACH FRANCHISE AGREEMENT OR GRANT SHALL:

21 (1) SPECIFY THE NATURE, SCOPE, AND DURATION OF THE FRANCHISE OR RIGHT BEING
22 GRANTED;

23 (2) NOT TRANSFER ANY FRANCHISE OR RIGHT BY IMPLICATION; AND

24 (3) PRESERVE THE CITY’S CONTINUING AUTHORITY TO REASONABLY REGULATE THE
25 EXERCISE OF THE GRANTED FRANCHISE OR RIGHT IN THE PUBLIC INTEREST.

26 **§ 2. [Procedures; Compensation; Minor privileges.] PROCEDURE; COMPENSATION.**

27 Whenever an ordinance is introduced into the City Council pursuant to the provisions of
28 Section 1 of this Article VIII, which ordinance shall contain all the terms and conditions of
29 the proposed grant, including a provision as to the rates, fares and charges, if the grant
30 provides for the charging of rates, fares or charges, and a provision that the franchise or right
31 shall be executed and enjoyed within six months after the grant, it shall, after the first
32 reading, be referred forthwith to the Board of Estimates. The said Board shall make diligent
33 inquiry as to the money value of said franchise or right proposed to be granted and the
34 adequacy of the proposed compensation to be paid therefor to the City as offered in said
35 ordinance, and the propriety of the terms and conditions of said ordinance, and said board is
36 empowered to increase the compensation to be paid therefor to the City and to alter the terms
37 and conditions of said ordinance, including the space in or over which the franchise or right is
38 proposed to be granted and the person to whom the franchise or right shall be granted,
39 provided such alterations are not inconsistent with the requirements and provisions of the
40 Charter, and it shall be the duty of said Board to fix in said ordinance the said compensation

Council Bill 26-0172

1 at the largest amount it may be able to obtain, by advertising or otherwise, for said franchise
2 or right, and no grant thereof by the City Council shall be made except for the compensation
3 and on the terms approved by vote or resolution of the said Board, entered in the minutes or
4 records of said Board and attached to said ordinance with the signature of a majority of said
5 Board signed thereto, and in the absence of such vote or resolution of said Board said
6 proposed ordinance may not be passed but shall lapse and be void.

7 **§ 3. MINOR PRIVILEGES.**

8 (A) *DEFINITIONS.*

9 (1) *IN GENERAL.*

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

11 (2) *MINOR PRIVILEGE.*

12 “MINOR PRIVILEGE” MEANS A RIGHT GRANTED BY THE CITY TO A PERSON TO USE A
13 PORTION OF PUBLIC PROPERTY FOR PRIVATE PURPOSES AS IDENTIFIED AND DEFINED BY
14 ORDINANCE.

15 (3) *TEMPORARY MINOR PRIVILEGE.*

16 “TEMPORARY MINOR PRIVILEGE” MEANS A MINOR PRIVILEGE THAT CAN BE REMOVED
17 WITHOUT MATERIALLY ALTERING THE PUBLIC PROPERTY WHERE IT IS LOCATED.

18 (4) *PERMANENT MINOR PRIVILEGE.*

19 “PERMANENT MINOR PRIVILEGE” MEANS A MINOR PRIVILEGE THAT CANNOT BE
20 REMOVED WITHOUT MATERIALLY ALTERING THE PUBLIC PROPERTY WHERE IT IS
21 LOCATED.

22 (B) *TEMPORARY AND PERMANENT MINOR PRIVILEGES*

23 [Provided, that the] THE right to use the streets, or other public property, by any person
24 for [steps, porticoes, bay windows, bow windows, show windows, signs, columns, piers,
25 or other projections or structural ornaments of any character except so far as the same
26 may be prohibited by law, and covered vaults, covered areaways, drains, drainpipes,] A
27 TEMPORARY OR PERMANENT MINOR PRIVILEGE or any other private purpose not prohibited
28 by law or ordinance and not being a franchise or right requiring a formal grant by
29 ordinance, may be granted by [the Board of Estimates for such an amount of money and
30 upon such terms as the said Board may consider right and proper without the necessity of
31 an ordinance or advertising.] AN EXECUTIVE AGENCY UNDER A PROCESS ESTABLISHED BY
32 ORDINANCE.

Council Bill 26-0172

1 [The applicant for any such right shall make written application therefor to the Board of
2 Estimates, stating therein the use desired and the amount he proposes to pay therefor.
3 Before filing the application with the Board of Estimates, the applicant shall serve copies
4 thereof on the owners of the adjoining properties. The use applied for shall be enjoyed
5 only on the payment of the consideration fixed by said Board and on the terms and
6 conditions prescribed by it in writing, which terms and conditions, including the
7 consideration charged therefor, may be changed from time to time by the Board — but
8 with respect to “permanent” minor privileges, as defined in Section 9 of this Article VIII
9 of the Charter, only after reasonable notice to the holder of the privilege and opportunity
10 to him to be heard before the Board or its designated representative — and provided
11 further, that all grants of minor privileges shall also be subject to the provisions of said
12 Section 9 of this Article VIII.]

13 [The Board of Estimates may delegate to any department or other municipal agency, and
14 such department or other municipal agency shall exercise, any administrative powers and
15 duties relating to minor privileges.]

16 **§ 4. [3. Duration.] TERM; RENEWAL; TRANSFER ON TERMINATION.**

17 No franchise or right in relation to any street, either on, above or below the surface of the
18 same, or franchise or right with respect to any other public property, shall be granted by the
19 City to any person for a longer period than twenty-five years, but such grant may, at the
20 option of the City, provide for giving to the grantee the right (on fair revaluation, including in
21 such revaluation the value derived from the said franchise or right) to renewals not exceeding
22 in the aggregate twenty-five years.

23 Regardless of the number of previous grants of a given franchise to its holder, or the number
24 of years such holder may have held the same, the City may renew the same to him on the
25 same or different terms from that theretofore granted, including an increase or decrease of the
26 consideration or charge therefor, provided always, no grant by the City of a franchise or right
27 in, over or under any part of its public property, whether an original grant or a renewal
28 thereof, shall (save for a possible provision for renewals in accordance with the first sentence
29 of this section) create a term therefor or a right to obtain a renewal of said term extending
30 more than twenty-five years from the date of the ordinance granting or renewing the same, as
31 the case may be.

32 Any grant of a franchise may provide that upon the termination of the said franchise or right
33 granted by the City, the plant, as well as the property of the grantee situated in, above or
34 under the streets or other public property aforesaid with its appurtenances, shall thereupon be
35 and become the property of the City, without further or other compensation to the grantee; or
36 such grant may provide that upon such determination, there shall be a fair valuation of the
37 plant and property, which shall be and become the property of the City at its election, on
38 paying the grantee said valuation. If, by virtue of the grant, the plant and property are to
39 become the property of the City without money payment therefor, the City shall have the
40 option either to take and operate the said property on its own account, or to renew the said
41 grant for not exceeding twenty-five years on a revaluation or sell the same to the highest
42 bidder at public sale. If the original grant shall prescribe that the City shall at its election
43 make payment for such plant and property, such payment shall be at a fair valuation of the
44 same as property, excluding any value derived from the franchise or right and if the City shall
45 make payment for such plant and property, it may, in that event, operate the plant and

Council Bill 26-0172

1 property on its own account for five years, after which it may determine either to continue
2 such operation on its own account or to lease the said plant and property and the said
3 franchise or right to use the streets, or other public property in connection therewith, for
4 limited periods, not to exceed twenty-five years from the date of the grant, under such rules
5 and regulations as it may prescribe, or to sell the plant and property to the highest bidder at
6 public sale.

7 Every grant of any such franchise or right shall make provision, by way of forfeiture or
8 otherwise, for the purpose of compelling compliance with the terms of the grant, and to
9 secure efficiency of public service at reasonable rates, and the maintenance of the property in
10 good condition, throughout the full term of the grant. The grant shall also specify the mode
11 of determining the valuations and revaluations which may be provided for therein.

12 SECTIONS 1, 2, AND 4 OF THIS ARTICLE VIII SHALL APPLY TO ANY RENEWAL OR EXTENSION OF
13 A FRANCHISE, WHETHER TO THE SAME GRANTEE OR TO OTHERS.

14 **[§ 4. Street railways.]**

15 [The Board of Estimates, subject to ratification and approval by ordinance, is empowered to
16 agree with any street railway company for the surrender of any of its franchises, easements or
17 rights-of-way, and in substitution for the franchise, easement or right-of-way so surrendered
18 to grant a new franchise, easement or right-of-way on any street, and which may be for the
19 same duration as the franchise, easement or right-of-way surrendered; and to provide, in
20 appropriate cases, for a graduated park tax, as prescribed by Chapter 566 of the Acts of the
21 General Assembly of 1906.]

22 **[§ 5. Trackless trolleys.]**

23 [The City may, by ordinance, permit any street railway company to operate under its existing
24 franchises vehicles propelled by electricity furnished by overhead wires but not operated
25 upon rails, and any such grant heretofore made is hereby ratified and confirmed.]

26 **[§ 6. Advertising.]**

27 [Before any grant of the franchises or right to use any street, or other public property, either
28 on, above or below the surface of the same shall be made, the proposed specific grant, except
29 as provided in the second paragraph of Section 2 of this Article VIII, embodied in the form of
30 a brief advertisement, prepared by the Board of Estimates, at the expense of the applicant,
31 shall be published by the Comptroller for at least three days in one daily newspaper published
32 in Baltimore City to be designated by the Board of Estimates, and all the provisions of the
33 first paragraph of Section 2 of this Article VIII shall be complied with.]

34 **[§ 7. Reservation of rights.]**

35 [When the grant of a franchise or right is made in compliance with the foregoing sections, the
36 City shall not part with, but shall expressly reserve the right and duty at all times to exercise
37 in the interest of the public full municipal superintendence, regulation and control in respect
38 to all matters connected with said grant and not inconsistent with the terms thereof.]

Council Bill 26-0172

1 [§ 8. Renewals.]

2 [Sections 1, 2,[3, 6, and 7 of this Article VIII shall apply to any renewal or extension of a
3 franchise, whether to the same grantee or to others.]

4 [§ 9. Minor privileges.]

5 [(a) *Temporary minor privilege charges.*]

6 [Beginning with the year 1935, the amount of the lien of the City for charges for
7 temporary minor privileges, as hereinafter defined, shall be limited to the amount of the
8 charge therefor for the last calendar year for which made. The person to whom such
9 temporary minor privilege is granted shall be personally liable to the City for the amount
10 of such charges. If any such charge is not paid by April 1st of the year succeeding that in
11 respect of which the charge was made, the Department of Finance shall record the lien for
12 such previous year's charge in the tax lien record, where it shall continue to be a lien,
13 until paid, upon the property on which such minor privilege is located. The Department of
14 Finance may proceed to enforce the liability above provided for or to sell the property in
15 satisfaction of such lien under the provisions of Article 81 of the Code of Public General
16 Laws of Maryland.]

17 [(b) *“Temporary” and “permanent” defined; Procedures.*]

18 [Temporary minor privileges are those in the nature of awnings, barber poles, signs,
19 skids, clothes racks, sidewalk displays and vending machines and the like, which can be
20 removed without a material alteration of the property where the said privilege is located.]

21 [Permanent minor privileges are those in the nature of steps, porticoes, bay windows, bow
22 windows, show windows, columns, tiers, covered vaults, covered areaways, drains or
23 drainpipes, and the like which cannot be removed without a material alteration of the
24 property where the said privilege is located.]

25 [The procedure for granting minor privileges is set forth in Section 2 of this Article VIII.]

26 [(c) *Savings clause.*]

27 [Nothing contained in this section shall affect the payment or collection of any minor
28 privilege charges, temporary, or permanent, accruing before the year 1935 or the payment
29 or collection of charges for permanent minor privileges during and after the year 1935. As
30 to any of such charges which are not paid when due, the Department of Finance may
31 institute suit against the holder of the privilege and the owner of the property at the time
32 the charge arose, and shall record them in the tax lien record, and they shall remain a lien
33 until paid and may sell the property at which the privilege is located under the provisions
34 of said Article 81.]

35 [(d) *Designation by Board of Estimates.*]

36 [In issuing minor privileges the Board of Estimates shall designate the same as being
37 “temporary” or “permanent” as defined in this section.]

Council Bill 26-0172

1 **SECTION 3. AND BE IT FURTHER RESOLVED**, That each provision repealed by this Resolution
2 shall, upon approval by the legal and qualified voters of Baltimore City, become fully effective
3 upon the date of the next General Election conducted in Baltimore City or upon passage of an
4 ordinance or promulgation of a regulation governing the subject matter of the repealed provision,
5 whichever is sooner. To the extent of any inconsistency or conflict between such ordinance or
6 regulation and the repealed provision, the ordinance shall prevail.

7 **SECTION 4. AND BE IT FURTHER RESOLVED**, That all provisions of this amendment to the
8 City Charter not contemplated by Section 3 shall become effective on January 1, 2027.

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

BALTIMORE CITY COUNCIL



CHARTER REVIEW SPECIAL COMMITTEE

Charter Amendment
Charter Committee Recommendations
26-0172

Agency Reports

CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
EBONY THOMPSON
CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

April 14, 2026

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

Re: City Council Bill 26-0172 – Charter Amendment – Charter Committee Recommendations

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 26-0172 for form and legal sufficiency. The bill—entitled a Resolution—would amend the City’s Charter in a number of ways. Under Section 5 of Article XI-A of the Maryland Constitution, a resolution of the Mayor and City Council, such as this one, is an appropriate method of initiating an amendment to the Baltimore City Charter. If enacted, the Resolution would be placed on the ballot at the City’s next general election and, if approved by the voters, the amendment would be adopted and become part of the Charter 30 days after the election. Md. Constit., Art. XI-A, § 5.

Below is a summary of the changes, along with Law Department recommended amendments where appropriate.

- Veto Process in Article IV
 - Amends current Section 5(b)(1) to require the Mayor to return written objections to ordinances or resolutions within two meetings, instead of within three actual regular meetings. Retains the requirement that no more than one meeting may occur in any one calendar week.
 - Amends current Section 5(c) to provide that if the Mayor does not return objections within two meetings, the ordinance becomes law. Retains the requirement that no more than one meeting may occur in any one calendar week.
 - Creates a new Section 5(b)(2) to require the Mayor to return written objections to the Ordinance of Estimates (“OOE”) or an item of appropriation therein within two calendar days after it was delivered to the Mayor.

- Amends current Section 5(b)(2)—proposed Section 5(b)(3)—to permit the Council to override the Mayor’s objections/veto at any time within 21 calendar days after receipt, including the Mayor’s veto of items of appropriation in Section 5(d).
- Budget Process in Article VI
 - Amends current Section 1(b) to eliminate the 30-day publication period before the Board of Estimates (“BOE”) can adopt the proposed OOE, and also eliminates the requirement for the BOE to hold public hearings. The Council must still hold public hearings.
 - Amends current Section 1(c) to require the BOE to submit the proposed OOE to the Council no later than April 15, instead of forty-five days before the beginning of the fiscal year, *i.e.*, May 17.
 - Amends Current Section 1(d) to eliminate the 45-day window in which the Council must enact the OOE after receipt from the BOE. The Section retains the requirement that the OOE be adopted at least five days before the beginning of the fiscal year, *i.e.*, June 26.
 - **Recommended Amendment: Due to the possibility of continuing ambiguity about how the veto and veto override process applies to the OOE, there should be a new subsection on page 5 stating explicitly that the OOE must be adopted no later than the beginning of the fiscal year, notwithstanding the process for veto and override stated elsewhere.**
- Practically, if the other amendments related to veto, override, and budget timing are adopted, there should be ample time for the full process to play out before the beginning of the fiscal year.
- Amends current Section 5(b)—proposed Section 3(b)—to eliminate the \$1 million cap on a contingent fund in the OOE, now saying “a portion” of the General Fund may be devoted to that purpose.
- Non-Lapsing Funds in Article VI
 - Creates a new Section 8 of Article VI—as renumbered—to explicitly state that nothing in the Charter prevents the establishment of non-lapsing funds by ordinance, or the dedication of revenue sources to such funds by ordinance.
 - **Recommended Amendment: This Section should be amended to reflect the reality that non-lapsing funds and the amounts dedicated thereto are contained in the proposed OOE as already-calculated top line special revenue sources. In other words, the money from those funds is appropriated in the OOE for authorized purposes; the OOE does not itself**

appropriate money for those funds. Accordingly, the following amendment is recommended on page 14 (added language is underlined):

§ 8. NON-LAPSING FUNDS. NOTHING IN THIS CHARTER PREVENTS THE ESTABLISHMENT OF NON-LAPSING FUNDS BY ORDINANCE, OR THE DEDICATION OF REVENUE SOURCES TO SUCH FUNDS BY ORDINANCE FOR APPROPRIATION IN THE ORDINANCE OF ESTIMATES OR A SUPPLEMENTAL APPROPRIATION.

Without this amendment, ambiguity exists as to whether an ordinance dedicating revenue sources to a non-lapsing fund is itself some kind of appropriation ordinance. The Charter only envisions two kinds of appropriation ordinance: the annual OOE and supplemental appropriation ordinances.

- Creates a new Section 5(a)(2)(iv)—as renumbered—to state that the Council may not reduce or eliminate “amounts dedicated to non-lapsing funds by ordinance”.
- **Recommended Amendment: As explained immediately above, the OOE does not itself appropriate money into the non-lapsing funds. Instead, the proposed OOE accounts for such funds and the dedicated sources of funding deposited into such funds as top line special revenue sources and appropriates money from those funds for authorized purposes. Accordingly, it doesn’t make sense to prohibit the Council from cutting the amounts in the OOE dedicated to non-lapsing funds by ordinance. The way the Council would cut dedicated funding for such funds is by repealing or amending the dedication ordinance itself. Accordingly, the recommendation is to delete this language on page 9:**

~~IV) AMOUNTS DEDICATED TO NON-LAPSING FUNDS BY ORDINANCE.~~

- Amends current Section 9(c)(4)—proposed Section 7(c)(4)—to clarify that any balance remaining in a non-lapsing fund at the end of the fiscal year remains to the credit of that fund.
- Conditions on Appropriations in Article VI
 - Amends current Section 7(b)(3)—proposed Section 5(b)(3)—to provide that the Council may insert a specific provision in the proposed OOE making an appropriation for a specific program, purpose, activity, of project contingent on certain action.
 - Also amends current Section 9(a)—proposed Section 7(a)—to clarify that conditional appropriations are an exception to the general provision that, following

the passage of the OOE, the sums contained therein “be and become appropriated for the purposes therein named.

- **Recommended Amendment: Use the word “conditional” instead of “contingent” in proposed Section 5(b)(3) for consistency with proposed Section 7(a) (added language underlined):**

THE CITY COUNCIL MAY INSERT A SPECIFIC PROVISION IN THE PROPOSED ORDINANCE OF ESTIMATES MAKING AN APPROPRIATION FOR A SPECIFIC PROGRAM, PURPOSE, ACTIVITY, OR PROJECT ~~CONTINGENT~~ CONDITIONAL ON CERTAIN ACTION.

- Board of Estimates Duties in Article VI
 - Creates a new Section 13 that lists the duties of the BOE as follows:
 - Submitting the proposed OOE to the Council;
 - Awarding contracts and supervising purchasing;
 - Performing duties and exercising powers as may be directed by ordinance;
 - Summoning City officials in exercising its powers and performing its duties; and
 - Promulgating rules and regulations.
 - Deletes Section 2, including the statement that the BOE “shall formulate and execute the fiscal policy of the City”.
 - Amends current Section 10—proposed Section 9—to eliminate the requirement that employment of City officers is contingent on appropriation in the OOE or approval by the BOE where funds are available for payment.
 - **Recommended Amendment: Retain Section 10, proposed Section 9. It’s important that personnel are only hired if a full appropriation has been made to cover their salary. Unlike many other agency expenses, which are paid up front, salaries are paid over a period of time. Without an explicit requirement that hiring is dependent on prior appropriation in the OOE, agencies could hire personnel and eventually exceed their allotted appropriations when meeting salary obligations, thus resulting in floating debt, which is prohibited by the Charter and the Maryland Constitution.**
 - Eliminates current Section 12, which requires the BOE to fix salaries and wage scales and approve collective bargaining agreements.
 - Eliminates Section 16, authorizing the BOE to set the salaries of the State’s Attorney’s Office.

- Eliminates current Section 15, which requires BOE approval for certain claims against the City.
- Eliminates current Section 17, which requires BOE approval for certain improvements.
- Procurement in Article VI
 - Eliminates nearly all procurement requirements and processes in current Section 11. Retains the requirement in current Section 11(b)—proposed Section 10(a)—that the Council must set by ordinance the dollar thresholds for contracts that must be formally advertised and contracts that must be approved by the BOE.
- Franchises in Article VIII
 - Clarifies in current Section 1—proposed Section 1(b)(1)—that the City may grant franchises in the City’s conduit system.
 - Simplifies and rewords in a new Section 1(b)(2) and Section 1(c) the current language in the third paragraph of Section 1.
 - Simplifies and rewords current Sections 2 and 9—proposed Section 3—related to minor privileges, including providing that minor privileges may be identified and defined by ordinance.
 - Eliminates the requirement for BOE approval of minor privileges and instead states that such privileges may be granted by an executive agency under a process established by ordinance.
 - Eliminates current Sections 4 through 9.
- Transition Provisions and Effective Dates
 - Section 3 of the Resolution states that each provision repealed becomes effective upon the earlier of the date of the next general election—*i.e.*, roughly two years— or upon passage of an ordinance or promulgation of a regulation governing the subject matter of the repealed provision.
 - Section 4 of the Resolution states that all other provisions become effective on January 1, 2027.
 - **Recommended Amendment: Unless there’s a good reason to use the January 1, 2027 effective date, consider amending Section 4 to mirror the language in Section 5 of Article XI-A of the Maryland Constitution on page 28 (added language is underlined):**

SECTION 4. AND BE IT FURTHER RESOLVED, That all provisions of this amendment to the City Charter not contemplated by Section 3 shall become effective ~~on January 1, 2027.~~ upon adoption on the 30th day after this general election, pursuant to Section 5 of Article XI-A of the Maryland Constitution.

The Charter amendments above, including the provisions proposed for repeal that may instead be addressed in ordinance, relate to the “form and structure of government” and so constitute proper Charter material. *See, e.g., Baltimore City Bd. of Elections v. Mayor & City Council of Baltimore*, 489 Md. 465, 478 (2025) (“A charter is equivalent to a constitution. As with a constitution, a charter provides a broad organizational framework establishing the form and structure of government in pursuance of which the local jurisdiction is to be governed and local laws enacted.”) (cleaned up).

Assuming amendments are adopted consistent with those suggested above, the Law Department can approve the bill for form and legal sufficiency. However, the Law Department urges the expeditious and thoughtful adoption of ordinances to replace the important provisions repealed above, such as those processes governing wage scales, collective bargaining, and procurement. Assuming the voters approve the Resolution, the Mayor and City Council will have up to two years to enact such ordinances before the repeals are effective.

Sincerely,



Jeffrey Hochstetler
Chief Solicitor

cc: Ebony Thompson, City Solicitor
Nina Themlis, Mayor’s Office of Government Relations
Ty’lor Schnella, Mayor’s Office of Government Relations
Hilary Ruley, Chief Solicitor, General Counsel Division
Ashlea Brown, Chief Solicitor
Michelle Toth, Assistant Solicitor
Desireé Luckey, Assistant Solicitor



MEMORANDUM

To: The Honorable President and Members of the City Council
c/o Shamoyia Gardiner, Deputy Chief of Staff, Council President's Office

From: KC Kelleher, Deputy Chief of Staff, Comptroller's Office
J Hardy, Community & Legislative Affairs Coordinator

Date: April 13, 2026

Re: 26-0172– Charter Amendment - Charter Committee Recommendations

Position: Favorable with Amendments

The Office of the Comptroller (OTC) is responding to the request for a report on 26-0172– Charter Amendment - Charter Committee Recommendations.

Budget Structure

The Office of the Comptroller is supportive of provisions that expand the City Council's power to deliberate over the budget. Enhancing the Council's deliberative role strengthens accountability and ensures that those representatives have the time necessary to conduct thorough fiscal oversight on behalf of Baltimore residents.

If the current budget structure remains unchanged—specifically, if responsibility for drafting the budget does not revert back to the Comptroller and the composition of the Board is not modified—it is not necessary for the Board of Estimates to receive the budget.

Minor Privileges

Regarding restructuring minor privileges, future legislation should incorporate a clear and accessible public appeals process. Minor privilege applications constitute real property transactions that permit private use of the public right-of-way. As such, the Baltimore City Board of Estimates has historically provided a public forum through which proposed uses may be reviewed, protested, and, where appropriate, modified. These real property uses, fees and processes should have codified protection and transparent processes especially as it relates to commercial uses of the public right of way.

Amendments

If the Council chooses to maintain the current budget structure, the OTC suggests:

On p. 5 lines 7-10 Strike in its entirety, “Thereafter, the Board MAY hold public hearings at which members of the City Council, heads of municipal agencies, and citizens shall have the opportunity to appear before the Board to speak for or against the inclusion of any appropriation in the proposed Ordinance of Estimates.”

REASON: “May” is ambiguous. If a member of the public does wish to speak to the Board directly, there are procedures in place set by the Board of Estimates for them to do so. Otherwise, the Charter lays out ample opportunity for taxpayers to engage in lobbying the elected officials that actually have power over changing the budget – the City Council. Retaining this permissive language risks public confusion without providing meaningful additional access.

On p. 22, line 18, strike “May” and insert “shall”.

REASON: The Board of Estimates must be the governing body of city procurement and capital contracts and thus must have the duty & responsibility of promulgating regulations that take in the needs of all city agencies. Stronger language will ensure a comprehensive approach is taken. Under the current permissive language, individual agencies could develop their own ad hoc regulations, undermining consistency, accountability, and the Board’s central oversight function.

The Office of the Comptroller requests a favorable report on City Council Bill 26-0172– Charter Amendment - Charter Committee Recommendations.

BALTIMORE CITY COUNCIL



CHARTER REVIEW SPECIAL COMMITTEE

*Charter Amendment
Charter Committee Recommendations
26-0172*

Additional Materials

REVISING THE CITY CHARTER OF BALTIMORE: REVIEW OF EXISTING PROVISIONS

Victor K. Tervala | January 2018

This review is intended to be a guide to revising the Baltimore City Charter based on certain legal constraints on charter-making established by the Maryland courts. The review is in three parts. The first part sets out the court-established guidelines and their overall implications. *It assumes the reader has no knowledge of local government law or practices.* The second part discusses problems with applying the guidelines to the Baltimore City Charter. The third part provides conclusions about the content of the current Charter and presents reasons for retaining or deleting certain Charter provisions based on the guidelines.

Three caveats:

- It is recommended that you read Parts I and II before reading Part III, since Part III is based on the material discussed in the earlier parts.
- The conclusions reached about the current City Charter are my own and not those of the Law Department.
- The views expressed are based on almost 30 years of advising counties and municipalities throughout Maryland about establishing and revising local charters.

PART I: 13 PRINCIPLES AND CONSTRAINTS GOVERNING CHARTER REVISIONS

1. Article XI-A of the Maryland Constitution gives the voters total control over all the content in a charter. A charter is initially created by a handful of city/county voters and must be sent to voters without change to the voters for approval, even over the objection a city/county governing body. Art. XI-A, §§ 1 and 1a. After approval, amendments can be PROPOSED by both the voters and a city/county governing body, but only the voters can ACTUALLY AMEND a charter. A city/county governing body is prohibited from unilaterally amending a charter. Art. XI-A, § 5.
2. For this reason, the charter is truly the “people’s document.” Within the parameters established by State law, the voters determine how a government is generally organized and conducted.
3. This fact colors what should and should not be contained in a charter.
4. According to the Maryland courts, a charter – and thus the voters - can only establish the basic organization, components and processes of the government. *Cheeks v. Cedlair Corp.*, 287 Md. 595, 607 (1980). Any other subject matter is considered “improper charter material.” *Id.* While the voters under Maryland law are granted the power to establish the basic machinery of government through the charter, the details of actual governance – the strategies used to govern the community and the regulation of a government’s internal

affairs – must be created and implemented by those elected to perform those activities; that is, the governing body, and not the voters themselves.

5. Operational details and strategies for governing are deemed legislative or regulatory in nature. Under Maryland law, only a legislative body can exercise legislative powers (although a legislative body can delegate those powers to an administrative agency if appropriate guidelines are in place. *See Andy's Ice Cream v. City of Salisbury*, 125 Md. App. 125, 161 (1999)).
6. This fact establishes the fundamental difference between what is found in law and what is found in a charter. One is legislative in nature and therefore controlled by the governing body. The other is constitutional in nature (that is, a charter, like a constitution, establishes how the government is “constituted”) and therefore controlled by the voters. *See e.g., Board of Sup’rs of Elections of Anne Arundel County v. Smallwood*, 327 Md. 220, 249 (1992).
7. This fact explains why improper charter material is voidable by a court. The voters are not empowered to control the material. *See, e.g., Cheeks* at 608.
8. In effect, the details of governing are left to those who have sufficient information and resources to do the actual work of governing as well as the legal responsibility to do it.
9. Given the fact that a charter can only establish a government’s broad machinery, the following would be considered “essential charter material”:
 - Establishing the composition of the governing body (for the City, this means describing the Offices of the Mayor and City Council)
 - Establishing the way members of the governing body are selected (for the City, this means describing the election process or the appointment process for filling vacancies)
 - Establishing the duties of the governing body (Council, Mayor)
 - Establishing the legislative process (that is, how proposals become law)
 - Establishing the budget process
10. Nothing else is needed or required in a charter.
11. Equally important is the observation that the average voter will be able to form a reasonable opinion about each of these essential elements. No special knowledge, skills or abilities are required.
12. Note that the above list is devoid of items related to administrative affairs. Administrative affairs are not essential charter material but optional. Descriptions of administrative affairs are lawful to include in a charter, but only if the material is not so detailed that it can be deemed legislative or regulatory in nature – that is, matters requiring some amount of

knowledge or expertise in deliberating their ultimate disposition. This fact operates as a serious constraint on material that can be properly proposed or found in a charter.

13. The constraints on charter-making raise concerns about providing specific government departments in a charter. Since administrative affairs are entirely optional subject-matter, government departments need not be mentioned at all. On the other hand, if the choice is made to discuss government departments, operational details would be considered legislative (or regulatory) in nature and therefore deemed improper charter material. Provisions that broadly establish the existence of a given department and its duties, but avoid administrative and operational detail, are entirely proper. Note further that once a charter provides for a given department, any desired reorganization of the department (and the administrative apparatus generally, if many departments are mentioned) may require one or more charter amendments, which may hinder and, in some cases, even prevent a reorganization.

PART II. PROBLEMS WITH APPLYING THE GUIDELINES TO THE CURRENT CITY CHARTER

The application of these principles to the Baltimore City Charter is problematic because the City Charter, for various reasons, is stuffed with administrative and legislative (or regulatory) subject matter. Deleting some of the material will be disruptive for three reasons.

1. The deletion of legislative subject matter may require – at least in some cases - the actual adoption of legislation to replace the deleted charter material. The politics involved in adopting new legislation, to say nothing of the resources and time involved, can act as a serious obstacle confronting their deletion.
2. The entire operation of City administration revolves around the administrative material contained in the current City Charter. In many cases, deleting it will cause anxiety and confusion in public managers, even if the absence of these provisions would not prevent a department from continuing to operate as it always has done.
3. Certain interest groups have arisen around, and strongly adhere to, certain provisions that may, under a strict application of the law, be deemed improper charter material. This fact will serve as a serious obstacle confronting their deletion.

Given these problems, it is unrealistic to anticipate that a revision of the current City Charter will resolve many of the problems that appear to exist in it. It is merely hoped that some of the identified problems will be cured. Furthermore, it is hoped that by identifying these problems, they might inform decisions about which proposals to include in a general charter revision.

PART III. CONCLUSIONS ABOUT THE CURRENT CHARTER

Article I General Provisions

Under the above principles, most of Article 1, General Provisions, is non-essential. The Charter needs to include the provisions of Section 1 Corporate Entity, which are standard charter material. Sections 10 thru 14 concern establishing certain funds “by ordinance.” Typically, establishing funds and accounts is a legislative act. A strict application of the guidelines would have these sections deemed improper charter material. These funds were created before the Council had its current budget authority to add or strike lines of appropriation in the Ordinance of Estimates. While popular with Council members as tokens of commitment to certain issues, these funds are not proper charter material and now may be stricken.

Leaving aside the above material, the following sections appear to be non-essential charter material and voidable:

§ 3. Property rights; Trusts; Gifts.

How the City deals with these subjects are policy matters (and policy can be proper Charter material), but the policies presented in this section are unremarkable and no significant reason exists for their inclusion in a charter.

§ 4. Condemnation interests.

This subject is handled under State law and need not be in the City Charter.

§ 5. Uniform application throughout City; Public ways.

Charters are focused entirely on how governmental machinery operates. It does not regulate different parts of the City differently, but rather applies uniformly to government operations. As such, this section is superfluous.

§ 6. Uniform taxation.

Tax uniformity is handled under the Declaration of Rights, Article 16. This section is superfluous.

§ 7. Records; Reports.

Purely administrative and should be deleted. Much of it also is unworkable considering Public General Law that was adopted after it was included in the Charter.

§ 8. Official time.

Unnecessary provision. Consider repealing or condensing.

§ 9. Inner Harbor Park.

The dedication of a park is legislative in nature. The topic does not concern the basic organization, components and processes of the government. It is improper charter material, but its deletion probably would cause consternation.

§ 13(c)(1). Children and Youth Fund Revenue Sources.

The Charter may not dictate specific appropriations. Not proper charter material.

Article II General Powers

This Article, which provides the City's express legislative powers, cannot be amended locally. Amendments require State legislation and thus, the approval of the City delegation.

Currently, the City delegation in Annapolis is considering striking the second phrase of Section 27 of Article II to further clarify the City's control of the Baltimore City Police Department.

Article III City Council

This Article is essential charter material as it establishes one of the components of the City governing body, the City Council. Certain sections, however, are unnecessary:

§ 2(e). Members Term Limits. – Consider repealing

§ 3(c). President Term Limit. – Consider repealing

§ 7(b). Council districts — Redistricting Plan. – Consider giving more than 60 days for Council review.

§ 9. Floor privileges of municipal officers

It will be useful to keep the requirement that certain City official and board members can be summoned to appear before the City Council, but the rest of the section is unnecessary.

§ 12. Evidence of legislative acts.

Superfluous and dated.

§ 13. Style of ordinances.

The subject matter does not rise to the level of “essential” charter material.

§ 15. General Counsel

While it is customary to discuss the office of City Solicitor (or County or Municipal Attorney) in a charter, the discussion of other legal advisors in a charter typically would be superfluous, except this officer's independence from the Solicitor was intended. Prior to its inclusion, the Solicitor exercised total control over all matters pertaining to the City's legal affairs. We should assume this provision needs to be retained.

Article IV Mayor

This Article is essential charter material as it establishes a fundamental component of the City governing body, the Mayor as chief executive. The only section in this Article that is clearly unnecessary is Section 6(k) Holding Over, Dual Offices of Profit. Dual offices of profit are already prohibited in the Maryland Declaration of Rights, Article 35.

§ 1(d) Election, term, etc. — Term limit. – Consider repealing

§ 5(b) Approval or veto of legislation — Veto; Return to Council. – Consider the timing of the veto override

§ 5(d) Approval or veto of legislation — Items of Appropriation. – Consider simplifying the language

Article V Comptroller

This Article provides for an elected Comptroller and, as an elected office, the provisions that concern the Comptroller are essential charter material. Beyond those provisions, the provisions that create various departments and offices under the Comptroller are all administrative in nature and therefore non-essential charter material, but optional.

The following sections are removable:

§ 1(a)(5) Election, term, etc.; Deputy Comptroller; Staff. – Consider repealing the term limit

§ 4. Department of Real Estate – Established.

While this section is removable, it only provides the broad outline of the department and would not be deemed improper charter material.

§ 5. Department of Real Estate – Duties.

Providing for the general duties of an office is allowable in a charter, as long as the description does not become so detailed as to be legislative (or regulatory) in nature. The second paragraph in this Paragraph (b) is too detailed as is some language in Paragraph (c).

§ 6. Real Property Account.

The establishment of specific accounts and directing how funds are to be spent lies beyond the scope of the voters to control. It provides operational detail that only a governing body would have the necessary information and resources to competently regulate.

§ 7. Department of Audits – Established.

While this section is removable, it only provides the broad outline of the department and would not be deemed improper charter material.

§ 8. Department of Audits – General powers and duties.

While this section is removable, it only provides the broad outline of the department and would not be deemed improper charter material.

§ 8(b)(1) Department of Audits General powers and duties Subpoena. – Consider rewording to remove subpoena within City government as it conflicts with state law

§ 9. Department of Audits – Comprehensive annual financial report

This section provides unnecessary detail, which crosses over into legislative (or regulatory) subject matter. It also provides content that is entirely dispensable in a charter.

§ 11. Department of Audits – Biennial Audits

Generally requiring biennial agency audits is proper charter material, but many of these provisions concern administrative and operational detail that should be controlled by the governing body and not the voters. In effect, this section contains improper charter material, which should be culled from it. I would anticipate the politics of cutting any of it would be prohibitive.

§ 11(a)(3)(ii)(1) Department of Audits – Biennial audits Principal Agency Group B. – Consider removing the Law Department and substituting the Mayor’s Office of Criminal Justice

§ 11(f) Department of Audits – Biennial audits Biennial Audits Oversight Commission. – Consider removing the Commission as the Comptroller’s Office has performed these audits well without need for oversight of a body that rarely meets

Article VI Board of Estimates

This Article concerns the existence and operation of the Board of Estimates, among other things. The BOE is an administrative body which, as a creature of administration, usually signals that the subject matter is non-essential charter material. In the BOE's case, however, the current Charter makes the BOE responsible for the execution of the City's fiscal policy. This fact makes provisions establishing the broad operation of this administrative body essential charter material. Besides establishing the BOE and describing its composition and duties, the first half of this Article provides for the budget process – essential charter material. The second half is largely administrative and non-essential.

The following sections are legislative in nature. They should be culled of certain material or deleted in their entirety:

§ 1(b) Establishment and organization. Meetings. – Consider expressly adding a quorum requirement and clarifying the number needed to approve any item.

§ 10. Salaries.

Other than discussing the manner in which the salaries of elected officials are set, there is no reason to discuss the internal mechanics of employee compensation in a charter. The subject may interest the voters but the governing body is solely responsible for regulating employee compensation.

§ 11. Procurement.

The voters have a right to know that procurement practices will be fair, open and unbiased. Charters usually provide as much, and often include provisions such as to when contracts must be competitively bid. But most of the procurement details in the current Charter are matters that only the governing body has the knowledge and resources to regulate competently. It is, therefore, legislative (or regulatory) subject matter and improper to include in a charter.

§ 12. Salary and wage scales; Work conditions.

While voters may wish to provide in the Charter for collective bargaining in City employment in a general fashion (and it would be deemed proper charter material), listing the bargaining units and other details in this section involving collective bargaining and compensation practices is too granular and very much the responsibility of the governing body to control. It is, therefore, improper charter material.

§ 14. Bonds of municipal officers.

A charter could contain these provisions, but they are totally dispensable and better handled in legislation, if at all.

§ 15. Claims against or by City.

Unneeded detail.

§ 16. Salaries of State's Attorney's Office

State law already requires the City to set the salaries mentioned in this section. No reason to keep this section.

§ 17. Expenditures for new improvements

Unnecessary administrative minutia and beyond the reach of charter-making.

§ 18. Water, sanitary and stormwater utilities

Any charter section that deals with accounts and how money can be spent is improper charter material (with the exception mentioned in discussing Article 1). This section, which provides for certain aspects of fiscal policy, is very much the purview of elected officials as only they have the knowledge and resources to regulate it competently. It's presence in the Charter, however, may be preferred by bond counsel, although I know of no good reason why their concerns could not be adequately addressed by an appropriate ordinance.

Article VII Executive Departments

This Article presents 60 pages of administrative detail, listing almost every department and office in City government plus a few boards and commissions. As discussed above, administrative provisions are optional charter material and totally dispensable. The material becomes objectionable when charter provisions delve into details that only the governing body would have the knowledge and resources to competently regulate. If a charter is intended to list different government agencies, the constraints on charter-making require the departments, boards and commission to be outlined only in broad strokes, leaving administrative and operational details to be filled in by legislation or regulation.

§ 2(b) General provisions: Powers and duties; Contracts Execution of Contracts. – consider being more explicit about who can execute a contract for an entity that is not an agency or giving the Mayor or City Administrator the power to designate someone to sign contracts.

§ 3(a)(2) General provisions: Bureaus and divisions. Establishment or abolishment. – Consider removing the requirement that DPW bureaus can only be changed by ordinance unlike every other agency.

Department of Finance provisions

These provisions provide extraordinary detail as to how the department operates. Much of it is improper charter material and, ideally, should be removed. While their removal would be controversial, it would allow the department to review and analyze how best to perform its wide array of tasks without having to adhere to perhaps dated and stagnant Charter provisions.

§15(a) Department of Finance: Distraint or levy for taxes. Goods or chattels- Notice of proposed sale. – Consider changing the newspaper advertising to online advertising or a hybrid of the two.

Board of Finance provisions

The absence of this board in the Charter likely will go unnoticed by any voter, which is why it should be deleted from the Charter. The Board is purely a creature of internal operations.

Department of Law

It is customary and useful to provide for the chief legal officer in a charter. A description of the overall Law Department is optional like the descriptions of other departments.

Department of Public Works

These Charter provisions contain non-essential charter information and, ideally, would be revised. The provisions in Section 41 are legislative in nature and should to be deleted.

§ 29(a) Department of Public Works: Staff. Deputy; Other employees. – Consider deleting the requirement that Bureau heads need Mayoral appointment and council approval as no other agencies have this same restriction.

Fire Department

Much of Section 52, which concerns the Fire Board and employee retirement, is legislative in nature and improper. Section 53, which deals with arbitration, is squarely a matter only the governing body can competently regulate. In fact, Article II, Section 65 of the City Charter makes arbitration a legislative matter. While providing for a board of arbitration is acceptable in a charter, how proposals should be submitted, how the board considers issues, and how decisions should be implemented are matters that are best left to legislation or regulation.

Department of Health

The way this department is described in the current Charter could serve as a model for how all departments might be described in a charter – just the basic outline of the duties and Office of Health Commissioner.

Department of Education

These provisions should be deleted as obsolete.

Department of Recreation and Parks

If other boards are not mentioned in the Charter, there is no reason the Rec and Parks Board needs to be provided in the Charter.

§ 69 Department of Recreation and Parks: Board – Composition; Appointment; Terms. – Consider repealing this Board.

Department of Planning

The first half of these provisions concern establishing the Planning Commission and Department. Section 72 is too detailed for a charter, although generally providing for the departmental duties is unobjectionable. Section 74 through 78 deal with the master plan and subdivision matters, which generally are subjects which require the expertise of professional planners. As such, these sections are legislative (or regulatory) in nature. Section 79 is superfluous. Section 80, dealing with penalties, is an ordinance masquerading as a charter provision. It needs deletion.

Department of Municipal and Zoning Appeals

Sections 81 through 88 outline the operation of the BMZA, which is unobjectionable if unnecessary when legislation exists that provides the same details. Section 89 is extraneous and legislative in nature.

Department of Legislative Reference

The department is recognized as an “independent” body that serves the Mayor, Council President, Comptroller, City Council, and City agencies as a neutral party. The department’s placement in the executive branch does not match the reality of its work. It is more natural for the department to exist outside the political sphere so that its neutrality is unquestionable.

Civil Service Commission

It is enough in a charter to declare that City employment will be governed by a merit system. How the merit system operates should be a matters of regulations or legislation. Instead, Sections 97, 99, 100, 101, 102, 103 and 104 contain impermissible charter material.

Board of Ethics

Provides a model for how boards or departments might be described in a charter.

Department of Transportation

Section 116 provides the powers and duties of DOT, but much of the description errs on the side of too much prescriptive detail and therefore is legislative (or regulatory) in nature. A concise statement of general duties is all that is needed in a charter. Section 116A, discussing the assessment of benefits and damages, is entirely legislative in establishing prescriptive detail. Section 116B, correcting physical obstruction, is an ordinance masquerading as a charter provision.

§ 116(b)(3) Powers and duties of Department. Street construction and maintenance – Consider changing newspaper advertising to online advertising or a hybrid of the two.

Compensation Commission for Elected Officials

This Commission as described is appropriate charter material.

Department of General Services

Section 134, correcting physical obstruction, is an ordinance masquerading as a charter provision.

Article VIII Franchises

This Article has roots in the Charter of 1898 and has not been the subject of much, if any, revision over the years. Other than certain overarching statements about when franchises and minor privileges need to be granted, the material in this Article is largely dispensable in a charter. If Sections 2 and 3 are to be retained, they need revision for purposes of clarity and succinctness and need to be culled of extraneous administrative detail. Section 4, street railways, is obsolete. Section 6, trackless trolleys, is unnecessary. Section 6 – advertising – need not be in the Charter (and I don't know that we do this anymore). Section 7, reservation of rights, is superfluous. Section 9, minor privileges, can be removed as it contains legislative material.

§ 1 Authority to grant. – remove the phrase “and underground conduit system for cables, wires, and similar facilities” from the second paragraph to make it clear that the City can still grant franchises for the use of the City's conduit.

§ 6. Advertising. – Consider changing newspaper advertising to online advertising or a hybrid of the two.

§ 9a(a) Minor privileges. Temporary minor privilege charges. – consider conforming the language in the last sentence to the current codification of Maryland law.

§ 9(c) Savings clause. – considering conforming the language in the last sentence to the current codification of Maryland law.

Article IX Transition Provisions

These transition provisions can be deleted as it exists today but will need replacing, the content of which will be determined by the content of the Charter revisions.

Article X Office of the Inspector General

§ 3(e) Office of Inspector General: The Inspector General. Performance review–
Consider adding that the advisory board’s meeting to do the performance review is not an open session and is to be closed pursuant the Open Meetings Act.

§ 5(b) Office of the Inspector General: Budget. Advisory board to approve or revise. –
Consider removing the advisory board’s review of the OIG budget as no other agency has their proposed budget be reviewed by a commission prior to submission as part of the City’s budget.

Article XI Charter Review Commission

§ 2(a) Term. In general. – Consider increasing the amount of time that the Charter Commission must do its work.

Consider alternative means for a more regular review of the Charter. Montgomery County’s Charter requires their county council to appoint a standing charter review commission every 4 years. The Montgomery County commission submits reports not later than May 1 of every even-numbered year. Reports contain recommendations concerning proposed Charter amendments.

New Topics

Clarify what occurs when two questions on the ballot are both approved by the voters but are irreconcilable.

1. The Attorney General of Maryland, in an advisory opinion issued on July 18, 2002, addressing proposed charter amendments in Baltimore City that conflicted, agreed with Baltimore’s City Solicitor, opining that “all the proposals that passed must fail” under such circumstances. 87 Md. Op. Att’y Gen. 99 (2002).
2. Section 1202(b) of the Anne Arundel County Charter provides that: “If...the voters approve Charter amendments containing provisions so inconsistent that only one can be given effect, only the amendment that receives the higher number of favorable votes shall take effect and amend the Charter.

BALTIMORE CITY COUNCIL



CHARTER REVIEW SPECIAL COMMITTEE

*Charter Amendment
Charter Committee Recommendations
26-0172*

Appendix

C80B00.02 District Operations		
General Fund Appropriation	132,131,641	
	<u>132,061,385</u>	
Special Fund Appropriation	514,576	
Federal Fund Appropriation	1,707,504	134,353,721
		<u>134,283,465</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

C80B00.03 Appellate and Inmate Services		
General Fund Appropriation		10,923,784
		<u>10,922,789</u>

C80B00.04 Involuntary Institutionalization Services		
General Fund Appropriation		3,837,448
		<u>3,836,647</u>

SUMMARY

Total General Fund Appropriation		162,916,570
Total Special Fund Appropriation		514,576
Total Federal Fund Appropriation		1,707,504
		<hr/>
Total Appropriation		165,138,650
		<hr/> <hr/>

OFFICE OF THE ATTORNEY GENERAL

C81C00.01 Legal Counsel and Advice

General Fund Appropriation, provided that this appropriation shall be reduced by \$517,028 contingent upon the enactment of legislation authorizing the use of the Securities Registration Fund on general agency operations	10,674,190
	<u>10,357,113</u>

Special Fund Appropriation, provided that \$517,028 of this appropriation is

E75D00.02 Video Lottery Terminal and Gaming Operations		
General Fund Appropriation	9,700,414	
Special Fund Appropriation	13,849,244	23,549,658
	<hr/>	
E75D00.03 Sports Wagering and Fantasy Gaming		
General Fund Appropriation		4,052,104

SUMMARY

Total General Fund Appropriation		13,752,518
Total Special Fund Appropriation		119,483,145
		<hr/>
Total Appropriation		133,235,663
		<hr/> <hr/>

PROPERTY TAX ASSESSMENT APPEALS BOARDS

E80E00.01 Property Tax Assessment Appeals

Boards

General Fund Appropriation, *provided that \$100,000 of this appropriation made for the purpose of administration may not be expended until the Property Tax Assessment Appeals Board (PTAAB) submits a report to the budget committees on Baltimore City’s case backlog, including:*

- (1) *the number of backlogged cases as of July 1, 2025;*
- (2) *the factors that led to the buildup of backlogged cases; and*
- (3) *the number of vacancies on Baltimore City’s PTAAB as of July 1, 2025.*

The report shall be submitted by August 1, 2025, and the budget committees shall have 45 days from the date of the receipt of the report to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget

issued by the Maryland Economic Development Corporation or any other third party on behalf of MDOT.

J00A04.01 Debt Service Requirements		
Special Fund Appropriation		427,476,439

STATE HIGHWAY ADMINISTRATION

J00B01.01 State System Construction and Equipment		
Special Fund Appropriation	246,613,000	
Federal Fund Appropriation	719,145,000	965,758,000

J00B01.02 State System Maintenance

Special Fund Appropriation, provided that \$100,000 of this appropriation made for the purpose of modal administration may not be expended until the State Highway Administration submits a report to the budget committees (1) detailing the steps in the process used to approve speed cameras for local governments; (2) listing the average time each step of this process takes; and (3) indicating how the time for approving speed cameras for local jurisdictions can be reduced and specifying any changes that would require legislation to implement. The report shall be submitted by October 1, 2025, and the budget committees shall have 45 days from the date of the receipt of the report to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled if the report is not submitted to the budget committees

~~337,299,097~~

336,445,203

Federal Fund Appropriation

29,304,771

~~366,603,868~~

365,749,974

J00B01.03 County and Municipality Capital Funds

WILDLIFE AND HERITAGE SERVICE

K00A03.01 Wildlife and Heritage Service

General Fund Appropriation	100,000	
Special Fund Appropriation	7,514,150	
Federal Fund Appropriation	14,130,918	21,745,068
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

MARYLAND PARK SERVICE

K00A04.01 Statewide Operations

General Fund Appropriation, provided that \$100,000 of this appropriation made for the purpose of general operating expenses may not be expended until the Department of Natural Resources submits a memorandum of understanding (MOU) that has been signed with a volunteer or emergency responder group to assist in the maintenance of the trails for emergency purposes at the Patuxent River Wildlands within Patuxent River State Park. The MOU shall be submitted to the budget committees and the Senate Education, Energy, and the Environment Committee by September 1, 2025, and the budget committees and the Senate Education, Energy, and the Environment Committee shall have 45 days from the date of the receipt of the MOU to review and comment. Funds restricted pending the receipt of an MOU may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the MOU is not submitted to the budget committees

12,755,356

Special Fund Appropriation, provided \$16,400,000 of this appropriation is contingent upon the enactment of

M00F01.01 Executive Direction

General Fund Appropriation, provided that \$100,000 of this appropriation made for the purpose of executive direction may not be expended until the Maryland Department of Health submits regulations to the Joint Committee on Administrative, Executive, and Legislative Review to amend the local health department (LHD) match requirement and submits a report to the budget committees summarizing the changes to the regulations. The report shall include the following information:

- (1) a summary of the existing match requirement for each LHD;
- (2) a description of the proposed change to the match requirement and regulation text;
- (3) the rationale behind the new requirement percentages and caps;
- (4) comments and feedback from the Maryland Association of County Health Officers on the new requirements;
- (5) the date that the new regulations will go into effect; and
- (6) estimates of the impact of the regulatory change on each jurisdiction, noting which jurisdictions are likely to be most impacted by the change.

The report shall be submitted within 30 days of the submission of regulations, and the budget committees shall have 45 days from the date of the receipt of the report to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any

budget committees.

Further provided that \$200,000 of this appropriation made for the purpose of Administrative Services may not be expended until the Department of Public Safety and Correctional Services (DPSCS) submits the second of four quarterly hiring and attrition reports to the budget committees. The reports shall include a breakdown of all hires and separations for each of the three months in question by category of employee (correctional officer, community supervision agent, or administrative employee) and by reason for separation. The report shall also include narrative summarizing all hiring events and changes to the hiring process that occurred during the quarter; the quantity, type, and cost of bonuses disbursed; as well as overall applications received, tested, and interviewed. The first quarterly report shall be submitted to the budget committees no later than October 25, 2025, with each of the following quarterly reports submitted to the budget committees no later than January 25, 2026, April 25, 2026, and July 25, 2026, respectively. The budget committees shall have 45 days from the date of the receipt of the second quarterly report to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees

52,859,098

SUMMARY

Total General Fund Appropriation	157,681,384
Total Special Fund Appropriation	10,246,000
Total Federal Fund Appropriation	691,311
	<hr/>
Total Appropriation	168,618,695

(6) areas of concern related to trends in out-of-home and/or out-of-state placements and potential corrective actions that the Children's Cabinet and local management boards can take to address these concerns.

Further provided that each agency or administration that funds or places children and youth in out-of-home placements shall assist GOC and comply with any data requests necessary for the timely production of the report. The report shall be submitted to the budget committees by January 1, 2026, and the budget committees shall have 45 days from the date of the receipt of the report to review and comment. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise for any other purpose. Should the report not be submitted by the requested date, the restricted funds shall revert to the General Fund.

SECTION 36. AND BE IT FURTHER ENACTED, That \$100,000 of the general fund appropriation within the Department of State Police (DSP) may not be expended until DSP submits the Crime in Maryland, 2024 Uniform Crime Report (UCR) to the budget committees. The budget committees shall have 45 days from the date of the receipt of the report to review and comment. Funds restricted pending the receipt of the report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

Further provided that, if DSP encounters difficulty obtaining, or validating the accuracy of, the necessary crime data by November 1, 2025, from local jurisdictions who provide the data for inclusion in the UCR, DSP shall notify the Governor's Office of Crime Prevention and Policy (GOCPP). From each jurisdiction's third quarterly State Aid for Police Protection (SAPP) disbursement, the office shall withhold a portion, totaling at least 15% but no more than 50%, of that jurisdiction's SAPP grant for fiscal 2026 upon receipt of notification from DSP. GOCPP shall withhold SAPP funds until such a time that the jurisdiction submits its crime data to DSP, and DSP verifies the accuracy of the data. DSP and GOCPP shall submit a report to the budget committees indicating any jurisdiction from which crime data was not received by November 1, 2025, and the amount of SAPP funding from each jurisdiction.

SECTION 37. AND BE IT FURTHER ENACTED, That ~~\$100,000~~\$250,000 of the general fund appropriation of the Department of Human Services (DHS) Social Services Administration and ~~\$100,000~~\$250,000 of the general fund appropriation for the Maryland Department of Health (MDH) Prevention and Health Promotion Administration may not be expended until MDH and DHS submit a joint report to the budget committees indicating that the State Child Fatality Review Team has met publicly, the dates of the meetings to discuss child fatalities, a summary of the meeting, and the anticipated date for release of the annual report. The report shall be submitted by November 15, 2025, and the budget committees shall have 45 days from the date of the receipt of the report to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted.