

CITY OF BALTIMORE

CATHERINE E. PUGH,
Mayor



DEPARTMENT OF LAW
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June 15, 2018

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

Re: City Council Bill 18-0264 - Charter Amendment - Commission Recommendations
General Recommendations

Dear President and City Council Members:

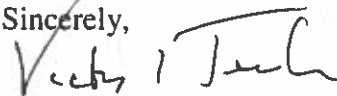
The Law Department has been asked to review City Council Bill 18-0264 for form and legal sufficiency. The bill amends the City Charter and increases the City's record keeping flexibility; repeals an obsolete provision regarding the City's official time; improves the City's legislative and administrative flexibility by removing redundant Charter provisions and language more appropriate for ordinances or regulations; removes Charter provisions found to simply restate applicable State law; requires the Department of Finance to employ at least 1 Certified Public Accountant to perform certain duties; allows certain agencies to be designated by law to approve the withdrawal of City monies from depositories; removes certain formal lien requirements from the Charter; clarifies that the review of disciplinary matters by the Board of Fire Commissioners is at the request of the Fire Chief; clarifies the authority of the Mayor to appoint the Board of Recreation and Parks; modernizes various public notice provisions, including removing mandatory requirements for notice to be published in a newspaper of general circulation in Baltimore City; simplifies requirements related to the City's Master Plan; removes certain penalties relating to the Department of Planning from the Charter; conforms to State law requiring alternate members be made available for the Board of Municipal and Zoning Appeals; allows the Board of Municipal and Zoning Appeals to change its rules internally; removes the Board of Municipal and Zoning Appeals' authority to appoint employees other than its Executive Secretary; updates the Board of Municipal and Zoning Appeals' powers for reviewing paving assessments and other matters; conforms a provision relating to appeals from Board of Municipal and Zoning Appeals' decisions to State law; replaces the Board of Legislative Reference with an ad hoc board appointed by the Mayor, the President of the City Council, and the Comptroller; allows the newly restructured ad hoc Board of Legislative Reference to make recommendations regarding the hiring of a Director of Legislative Reference; removes the Civil Service status of the Director of Legislative Reference; makes the Director of Legislative Reference removable for any reason rather than just for incompetence or neglect of duties; allows the Mayor and the President of the City Council to jointly

appoint and remove the Director of Legislative Reference; allows the President of the City Council to recommend 1 of the 3 Civil Service Commissioners; updates the required qualifications for Civil Service Commissioners; formally transfers many of the powers formerly belonging to the Civil Service Commission to the Department of Human Resources to improve administrative flexibility; allows the Department of Human Resources to transfer employees into and out of the Civil Service by regulation, and to adjust Civil Service protections administratively, to increase flexibility in personnel management; updates the required qualifications for the Director of Human Resources; removes certain penalties relating to the Civil Service Commission from the Charter; adds the State's Attorney for Baltimore City to the list of elected officials covered by the Compensation Commission for Elected Officials; removes certain obsolete provisions regarding street railways, trackless trolleys, and advertising from the Franchises Article; establishes a procedure for regularly appointing Charter Review Commissions to review the Charter and make recommendations as to the necessity for deleting, adding to, or revising any portion of its contents; requires the appointment of a Charter Review Commission at least once every 10 years; requires that the Charter Review Commission report on its findings to the Mayor and City Council; clarifies and conforms related provisions; sets special effective dates for the proposed Charter amendments; and submits this amendment to the qualified voters of the City for adoption or rejection.

The substance of the bill presents no legal impediments.

Under Article XI-A, Section 5 of the Maryland Constitution, a resolution of the Mayor and City Council, such as City Council Bill 18--0264, is an appropriate method of initiating an amendment to the Baltimore City Charter. The Law Department, therefore, approves the resolution for form and legal sufficiency as drafted.

Sincerely,



Victor K. Tervala
Chief Solicitor

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