


FROM	NAME & TITLE	Nancy Boyd Ray, Legislative Services Analyst and Senior Member of the Agency <i>Nancy Boyd Ray</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Legislative Reference Room 626 City Hall, 100 N. Holliday Street		
	SUBJECT	City Council Bill 18-0264 / Charter Amendment - Charter Commission General Recommendation		

DATE: June 18, 2018

TO

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

The Department of Legislative Reference has reviewed and considered this bill.

History of the Department of Legislative Reference

In 1906, the Maryland General Assembly created a “Bureau of Legislative Reference of the Mayor and City Council of Baltimore.” The Bureau, which was the parent of today’s Department of Legislative Reference, was created to help the City respond to the significant increase in law-making activities that were the result of reform movements in City and State governments. The Bureau was such a success that, in 1916, the State of Maryland established a Department of Legislative Reference and provided that the Director of the City Bureau of Legislative Reference would also be the Director of the State Department of Legislative Reference. In 1966, the General Assembly passes a bill separating the two departments; the Maryland Department moved to Annapolis, and the City Department remained in City Hall. This history has led to a unique and non-partisan appointment process for the Director that has historically served well both the executive and legislative branches of government.

Comments on this Bill as it Pertains to the Department of Legislative Reference

This bill would replace the Board of Legislative Reference, which is composed of the Mayor, the City Solicitor, the President of Johns Hopkins University, the Deans of the University of Maryland and University of Baltimore Schools of Law, with an ad hoc board appointed by the Mayor, the President of City Council, and the Comptroller that would make recommendations regarding the hiring of a Director of Legislative Reference; would remove the Civil Service status of the Director; make the Director removable for any reason rather than just for incompetence or neglect of duties; and would allow the Mayor and President of the City Council to jointly appoint and remove the Director.

The Final Report of the 1994 Charter Revision Commission stated that the Director does not have a significant role in making policy, as do the directors of other departments; instead, the Director provides important technical assistance and advice to the legislative and executive branches of government, with which the Director must work closely. This is not a political position.

Among other things, the provisions of Bill 18-0264 create the possibility for potential conflict between the heads of the executive and legislative branches of government. During the past 30 years, depending on the people occupying these positions, there have been times of conflict and non-cooperation between the parties. It is foreseeable that there could be disagreement about the appointment or removal of the Director of Legislative Reference, which would pose a problem for our department that provides technical assistance and advice to the legislative and executive branches of City government. We are independent and serve both clients.

Another foreseeable problem results from the fact that the Director of the Department of Legislative Reference is the Executive Director of the Ethics Board. The Ethics Program is administered within our agency. If the Mayor and Council President appoint the Director, the possibility exists for there to be a potential conflict of interest, as the person in that position might be subject to political pressure in order to retain his or her job, as he or she could be removed for any reason, including action on ethics law violations by these same elected officials.

Recommendation by the Department of Legislative Reference on Bill 18-0264

The Department of Legislative Reference is opposed to the provisions in Bill 18-0264 that pertain to the Department and its Director. We recommend that those provisions be removed from the bill and submit amendments to do this, which are attached to and part of this report.

As for the Bill's provisions that pertain to other agencies, we defer to their reports regarding their own agencies.

**AMENDMENTS TO COUNCIL BILL 18-0264
(1st Reader Copy)**

By: Department of Legislative Reference
{To be offered to the Judiciary and Legislative Investigations Committee}

Amendment No. 1

On page 1, beginning in line 22, strike “replacing” down through and including the semi colon, in line 29.

Amendment No. 2

Beginning on page 16, strike line 18 down through and including line 16, on page 19, in their entireties.

Amendment No. 3

On page 29, strike lines 14 and 15, in their entireties; and, in lines 16 and 20, strike “4” and “5”, respectively, and substitute “3” and “4”, respectively.