

**CITY OF BALTIMORE  
COUNCIL BILL 13-0236  
(Resolution)**

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Introduced by: President Young, Councilmembers Middleton, Stokes, Henry, Holton, Spector,  
Welch, Clarke, Branch, Kraft, Scott, Mosby, Reisinger

Introduced and read first time: June 3, 2013

Assigned to: Judiciary and Legislative Investigations Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Estimates

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A RESOLUTION ENTITLED

1 A RESOLUTION of the Mayor and City Council concerning

2 **Charter Amendment –**  
3 **City Council – Independent Counsel**

4 FOR the purpose of authorizing the City Council to retain the services of independent legal  
5 counsel; providing for the qualifications and term of that counsel; specifying the duties of  
6 that counsel; providing for the counsel’s compensation and expenses; and submitting this  
7 amendment to the qualified voters of the City for adoption or rejection.

8 BY adding  
9 Article III - City Council  
10 Section(s) 15  
11 Baltimore City Charter  
12 (1996 Edition)

13 BY repealing and reordaining, with amendments  
14 Article VII - Executive Departments  
15 Section(s) 24(c)  
16 Baltimore City Charter  
17 (1996 Edition)

18 **SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
19 City Charter is proposed to be amended to read as follows:

20 **Baltimore City Charter**

21 **Article III. City Council**

22 **§ 15. GENERAL COUNSEL.**

23 (A) *AUTHORITY TO EMPLOY.*

24 BY RESOLUTION, THE CITY COUNCIL MAY EMPLOY OR CONTRACT FOR THE SERVICES OF  
25 AN INDEPENDENT GENERAL COUNSEL.

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

**Council Bill 13-0236**

1 (B) *QUALIFICATIONS.*

2 THE GENERAL COUNSEL MUST BE A MEMBER OF THE MARYLAND BAR.

3 (C) *TERM.*

4 THE GENERAL COUNSEL SERVES AT THE PLEASURE OF THE CITY COUNCIL.

5 (D) *DUTIES.*

6 AS THE CITY COUNSEL DIRECTS, THE GENERAL COUNSEL SHALL:

7 (1) PROVIDE INDEPENDENT LEGAL ADVICE TO THE CITY COUNCIL, ITS COMMITTEES  
8 AND SUBCOMMITTEES, AND ITS MEMBERS;

9 (2) ASSIST THE CITY COUNCIL IN INVESTIGATIONS UNDERTAKEN BY THE CITY  
10 COUNCIL OR ANY OF ITS COMMITTEES OR SUBCOMMITTEES;

11 (3) REPRESENT THE CITY COUNCIL IN A JUDICIAL OR OTHER PROCEEDING IF THE  
12 COUNCIL IS A PARTY TO OR DESIRES TO INTERVENE IN THE PROCEEDING; AND

13 (4) GENERALLY SERVE AS ATTORNEY FOR THE CITY COUNCIL.

14 (E) *COMPENSATION; EXPENSES.*

15 (1) THE GENERAL COUNSEL'S COMPENSATION SHALL BE AS SET BY RESOLUTION OF THE  
16 CITY COUNCIL.

17 (2) AT LEAST 30 DAYS BEFORE THE BOARD OF ESTIMATES ADOPTS ITS PROPOSED  
18 ORDINANCE OF ESTIMATES FOR THE NEXT FISCAL YEAR, THE CITY COUNCIL  
19 PRESIDENT SHALL CERTIFY TO THE BOARD OF ESTIMATES THE AGGREGATE AMOUNT  
20 OF MONEY THAT THE PRESIDENT ESTIMATES WILL BE NEEDED DURING THE NEXT  
21 FISCAL YEAR FOR THE COMPENSATION AND RELATED EXPENSES OF THE GENERAL  
22 COUNSEL.

23 (3) IN THE PROPOSED ORDINANCE OF ESTIMATES SUBSEQUENTLY SUBMITTED TO THE CITY  
24 COUNCIL, THE BOARD OF ESTIMATES:

25 (I) SHALL INCLUDE AN APPROPRIATION FOR THE AGGREGATE AMOUNT CERTIFIED  
26 BY THE PRESIDENT, UP TO \$100,000; AND

27 (II) MAY INCLUDE IN THAT APPROPRIATION ALL OR ANY PORTION OF THE AMOUNT  
28 CERTIFIED THAT EXCEEDS \$100,000.

29 (4) THE AMOUNT APPROPRIATED SHALL BE IN ADDITION TO AND MAY NOT SUPPLANT, BE  
30 DEDUCTED FROM, OR SERVE AS A BASIS FOR REDUCING ANY PART OF THE OPERATING  
31 BUDGET OF THE CITY COUNCIL.

**Council Bill 13-0236**

**Article VII. Executive Departments**

**§ 24. Department of Law: powers and duties.**

*(c) Outside counsel.*

(1) The City Council, Comptroller, and, with the approval of the Mayor, a department, commission, board, or other authority, may select outside counsel to represent it if:

(I) [(1)] the City Solicitor gives it written notice that representation of it by the Department of Law involves an irreconcilable conflict of interest; and

(II) [(2)] the Board of Estimates authorizes the employment of outside counsel.

(2) THE CITY COUNCIL ALSO MAY EMPLOY LEGAL COUNSEL AS PROVIDED IN ARTICLE III, § 15 OF THIS CHARTER.

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