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The Honorable Ryan Dorsey
Chair, Charter Review Committee
Sent via email

RE: Charter Amendment Proposal – Independent Department of Legislative Reference

Chair Dorsey and Members of the Charter Review Committee:

Thanks for the opportunity to present my proposal for the independent Department of Legislative Reference (DLR).

I am proposing to move DLR from under the Executive Department's article (Article VII) into their own article in the charter (Article XII). Then through an act of Baltimore City Code, combine DLR with the Office of Council Services (OCS) to provide a comprehensive suite of services to both the Mayor and the City Council.

The purpose of combining forces here is to provide an objective analysis for the City Council and Mayor to use for policy making. DLR will not be controlled by one or the other. It will provide objective analysis, staffing, and opinions. The model is the Department of Legislative Services in the General Assembly, which is available for the two branches of the General Assembly. The executive departments can still provide their own comments on bills, but are not required to do so.

There are two steps needed:

Step 1: Move DLR to a single article in the Charter independent of the Mayor or City Council as it was originally. Remove from Article VII and place it as Article XII.

This can be done immediately for the 2026 Charter Changes.

The Department of Legislative Reference was under a single article in the Charter until 2018 when it was moved under the Executive Departments article in the Charter, Article VII. This effectively means it is under Mayoral control. Moving the DLR back to its own article emphasizes that it exists to serve both the Mayor and City Council.

No additional language is needed in the charter amendment. The description of the work of DLR fits with what is occurring at OCS and DLR already. The selection of the Director is consistent with how I would propose we do it.

Step 2: Merge DLR and OCS. This does not take an act of the Charter. It takes only an act of Code. In fact, the current set of duties of DLR outlined in the Charter encompasses the tasks outlined for Council Services and may not need further amendment in the charter. Too often we are provided with bill reports designed to kill our bills rather than provide objective analysis. Moreover, the budget analysis roles are also not objective, and with the City Council's new powers, the budget analysis roles should be.

Background:

Currently the **Department of Legislative Reference (DLR)** provides bill drafting, amendments to bills, and runs the Baltimore City Archive. There are three bill drafters in addition to the Director. Additional 2-3 staff are dedicated to the Baltimore City Archives.

The Director is hired by a three-person committee made up of an appointee from the Mayor, Comptroller, and Council President. The appointees are not allowed to be City employees. The board receives resumes and conducts interviews. They then make 2 to 3 recommendations to the Mayor and Council President from which to choose. **Appendix A** has the language in the Charter for DLR.

The **Office of Council Services (OCS)** is established in Baltimore City Code, Article I section 2-1 (Mayor, City Council, and Municipal Agencies article). It was originally called the Office of Financial Review and was specifically for review and analysis of the budget. The purpose of the Office of Council Services is to analyze the budget and make recommendations to the Council, analyze legislation, make recommendations on efficiencies of government, staff the City Council committees and other duties as assigned by the Council.

The Office of Council Services is overseen by the Oversight Committee which is all of the Committee chairs appointed by the Council President, plus two more members, and the Council President. The Director of the Office of Council Services is selected by the Oversight Committee and before a hearing of the Committee of the Whole. **Appendix B** has the language in the Code regarding the OCS.

Appendix C has a chart that summarizes the duties of each entity as outlined in their founding documents.

Proposed new Department of Legislative Reference

There are several items in the code for OCS and in the charter for DLR that are the same, although that may not be the case in practice. Resolving these two into one unit, with additional capacity and duties, will clarify roles.

More importantly, an independent DLR will allow the Mayor, City Council, and the public to receive objective information for decision making. Too often we have bill reports written to kill legislation, rather than provide true and honest valid opinions.

The new Department would have the following functions:

Legislative Services:

- Draft and Prepare Legislation
- Draft and Prepare Amendments

Legislative Analysis:

- Provide fiscal and legislative analysis on all legislation- the impact of the legislation
- Provide equity analysis on all legislation.
- Provide analysis on any policy questions that Council members or Mayor might have
- Conduct analysis on reports tasked by the Council or Mayor or any task force assigned by the Mayor or City Council.

Fiscal Analysis-Budget:

- Provide fiscal analysis on the Operating Budget, including topics that should be considered for discussion
- Provide fiscal analysis and staffing services for the Capital Budget

Staffing services to the City Council:

- Ensure committee meetings run on time.

- Ensure data requested by agencies are provided
- Schedule hearings
- Manage the Chambers as needed

Legal Analysis

- Provide legal analysis of legislation
- Provide legal analysis of legal questions

Archives - Holder of Record

- Manage the City's Archives
- Keep and update the Legistar
- Archive Mayor and City Council actions

Proposed Staffing

The Director of the Department of Legislative Reference will oversee all functions of the new department. The Director is chosen as outlined in the Charter.

The Director will hire for additional directors to manage each of the sections of the new Department:

- Council Services Director
- Legislative and Budget Analysis Director
- Bill drafters and amendments Director
- Archivist

Appropriate budgeting needs to be analyzed to accomplish the goals set out in this proposal, which is why the actual merger of the department and creating the positions will need to occur separate from the Charter change for moving DLR.

Thank you for consideration of this request. I look forward to the discussion.

Respectfully Submitted,



Odette Ramos
Baltimore City Councilwoman, District 14

Appendix A. Charter Language, Department of Legislative Reference

Link: <https://codes.baltimorecity.gov/us/md/cities/baltimore/charter/VII/departments-of-legislative-reference>

DEPARTMENT OF LEGISLATIVE REFERENCE

§ 90. Department of Legislative Reference:

Established. There is a Department of Legislative Reference, the head of which shall be the Director of Legislative Reference who shall supervise and direct the Department. (Res. 18-011, ratified Nov. 6, 2018.) § 91.

Department of Legislative Reference: Director – Nominating Board.

(a) Ad hoc board. There is a {n ad hoc nominating} board of the Department of Legislative Reference, which from time to time shall be established pursuant to this section.

(b) Composition of board.

(1) The board shall be composed of 3 members. The Mayor, the President of the City Council, and the Comptroller shall each appoint 1 member to the board.

(2) The board shall be appointed without regard to political affiliation, and is not subject to the requirements of Article IV, § 8. {"Minority party representation"} of this Charter.

(3) No member of the board may be a City employee or an elected official other than a member of the judiciary.

(4) The board shall elect a chair from among its members.

(c) Filling a vacancy.

(1) Whenever the Mayor and the President of the City Council find that the position of Director of Legislative Reference is vacant, the board shall be appointed within 6 weeks of that finding.

(2) The board shall be responsible for all activities by which candidates to fill the vacancy are solicited, investigated, interviewed, and recommended for appointment.

(3) The board shall recommend no less than 2, and no more than 3, candidates for appointment to the Mayor and the President of the City Council.

(4) Upon the appointment of the Director of Legislative Reference, the board shall be deemed dissolved and its work completed. (Res. 18-011, ratified Nov. 6, 2018.)

§ 92. Department of Legislative Reference: Director – Qualifications, Appointment, Removal, etc.

(a) Qualifications. The Director shall have substantial experience in law, legislative drafting or library administration.

(b) Appointment. Upon receipt of a recommendation by an ad hoc board of the Department of Legislative Reference pursuant to § 91

(c) of this article, a Director may be appointed by the affirmative vote of both the Mayor and the President of the City Council.

(c) Removal. The Director may be removed from office by the affirmative vote of both the Mayor and the President of the City Council.

(d) Salary. The Director's salary shall be set in the Ordinance of Estimates. (Res. 18-011, ratified Nov. 6, 2018.)

§ 93. Department of Legislative Reference: Director – Powers and Duties.

The Director: {(i) Legislative matters.}

-shall investigate and report upon the laws of this and other states and cities relating to any subject requested by the Mayor, any committee of the City Council or the head of any department;

- accumulate data in relation to the practical operation and effect of such laws; investigate and collect all available information relating to any matter which is the subject of proposed legislation by the General Assembly of Maryland, or the City Council of Baltimore;

-examine acts, ordinances and records of any state or city, and report the result thereof to the Mayor, any committee of the City Council or the head of any department requesting the same; -prepare or advise in the preparation of any bill, ordinance or resolution when requested so to do by any member of the City Council; and

-preserve and collect all information obtained, carefully indexed and arranged so as to be at all times easily accessible to city officers and open to the inspection of the general public.

{(ii) Records and archives.}

-shall keep all the books, documents, archives, records, official plats, papers and proceedings of the City except those in current use or whose custody the Board of Estimates shall by resolution otherwise direct or authorize;
-carefully collect, arrange and safely keep a complete series of the ordinances, resolutions and proceedings of the City;

-receive and keep all other documents pertaining to the City which the Director may deem of historic value or be instructed so to do by ordinance or by resolution of the Board of Estimates; -provide for the retention of such books, documents, papers, plats or archives in the Department, and provide for their inspection and reproduction by the public under such reasonable regulations and supervision as the Director may prescribe;

-carefully prepare and keep an index of all books, papers, records and documents in the custody of the Department; and keep a current separate index of all rules and regulations of other departments and agencies of the City.

{(iii) Staff.} may appoint such employees as may be provided in the Ordinance of Estimates. {(iv) Duties prescribed by law.} perform such other duties as prescribed by law. (Res. 18-011, ratified Nov. 6, 2018.)

Appendix B Office of Council Services from Baltimore City Code

Link: <https://codes.baltimorecity.gov/us/md/cities/baltimore/code/1/2-1>

(a) Created.

The City Council Office of Financial Review is hereby abolished and there is hereby created the Office of Council Services.

(b) Duties.

It is the function of this Office:

(1) to analyze the City's budget and make recommendations thereon to the City Council, including both operating and capital budgets, revenues, taxation, and related matters;

(2) to conduct studies of the organization and inter-relationships of the several departments, commissions, boards, and agencies of the City government;

(3) to make recommendations on maximizing economy and efficiency in government;

(4) to analyze legislation pending before the City Council;

(5) to provide staff assistance to committees of the City Council; and

(6) to provide such other assistance to the City Council and its committees as may be necessary to carry out the purposes of the City Council

§ 2-2. Oversight Committee.

(a) Establishment; composition.

(1) The City Council shall establish an Oversight Committee, with the President serving as Chair.

(2) The Committee shall comprise the Chairpersons of the Council's standing committees and 2 additional members appointed by the President.

(b) Policies and procedures.

(1) The Oversight Committee shall recommend such policies and procedures as are necessary for the effective operation of the Office of Council Services.

(2) Said policies and procedures shall be approved by the City Council and may be amended or revised from time to time, as the Council deems necessary and/or appropriate.

2-3. Director – appointment; term; removal.

(a) Appointment of Director.

The Committee shall appoint the Director of the Office of Council Services.

(b) Term and removal of Director.

(1) The Director shall serve at the pleasure of the City Council, as expressed by the Oversight Committee.

(2) Within 10 days of being notified that the Oversight Committee has acted by majority vote of its members to discharge the Director, the President shall convene a meeting of the Committee of the Whole to review the action of the Oversight Committee. In such an instance, discharge shall not occur without a majority vote of the members of the Committee of the Whole to sustain the action of the Oversight Committee.

(3) When a vacancy occurs in the position of Director, the Oversight Committee shall designate a person to serve on an interim basis until a permanent director is appointed.

§ 2-4. Director — qualifications; duties.

(a) In general.

(1) The Director of the Office of Council Services:

(i) shall be a person who has prior experience in administration, supervision, taxation, and public finance and the legislative process; and

(ii) shall have such qualifications, duties, and responsibilities as may be prescribed from time to time by the Oversight Committee as provided in [§ 2-2 of this subtitle](#).

(2) The Director shall be a resident of Baltimore City and shall devote full time to the performance of the duties and assignments of the Office of Council Services.

(b) Reports.

The Director shall report to the Oversight Committee concerning the operations of the Office of Council Services in a manner specified in the policies and procedures adopted by the Council pursuant to [§ 2-2 of this subtitle](#).

(c) Supervision of staff.

(1) The Director shall be responsible for the supervision of all employees in the Office of Council Services.

(2) The Director, in consultation with the Oversight Committee, shall assign staff members to work with the various Council committees.

The Director of the Office of Council Services is empowered to hire such employees as deemed necessary to perform the duties and exercise the powers conferred by this subtitle and as provided in the Ordinance of Estimates.

(b) Supplies.

The Office of Council Services shall be supplied with the necessary books, maps, charts, equipment, stationery, and other incidentals necessary to be paid from funds supplied in the Ordinance of Estimates.

(c) Agency assistance.

All departments, bureaus, agencies, boards, and commissions of the municipal government shall, upon request, provide responsible assistance and information to the Office of Council Services.

(Ord. 05-008; Ord. 86-625.)

Prior Codifications

City Code, 1976/83, art. 1, §10

Appendix C. Summary Chart of the functions of DLR and OCS as outlined in their founding documents

Function	DLR	OCS
Investigate the laws of this and any other state as requested by Mayor, Council, or Agency head	✓	
Investigate and collect all available information related to any matter which is the subject of legislation in the General Assembly.		
Investigate and collect all available information related to any matter which is the subject of legislation in the Baltimore City Council – Analyze legislation pending before the City Council	✓	✓
Prepare and advise the preparation of any bill, ordinance, or resolution when requested to do so by any member of the City Council (and Mayor)	✓	
Preserve and collect all information obtained, carefully indexed and arranged, accessible to the public	✓	✓
Analyze the City’s Budget and make recommendations		
Provide staff assistance to the City Council		✓
Keep all the books, documents, archives, records, plats, papers and proceedings of the City (except those in use and those custody of BOE)	✓	✓
Collect, arrange, and safely keep a complete list of ordinances, resolutions and proceedings of the City	✓	✓
Receive and keep all historic documents including documents deemed of historic value by ordinance or by resolution of the BOE.	✓	
Keep a current and separate index of all rules and regulations of the departments and city agencies.	✓	