

**CITY OF BALTIMORE
COUNCIL BILL 09-0346
(Resolution)**

Introduced by: Councilmembers Young, D’Adamo, Curran, Cole, Kraft, Holton, Branch,
Middleton, Welch, Conaway, Henry, Reisinger, Clarke

Introduced and read first time: June 1, 2009

Assigned to: Judiciary and Legislative Investigations Committee

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

A RESOLUTION ENTITLED

1 A COUNCIL RESOLUTION 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 09-0346

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 09-0346

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.