

**CITY OF BALTIMORE
COUNCIL BILL 15-0493
(Resolution)**

Introduced by: Councilmembers Henry, Clarke
Introduced and read first time: March 9, 2015
Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor

A RESOLUTION ENTITLED

1 A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

2 **Charter Amendment – Special Elections – Council Vacancies**

3 FOR the purpose of authorizing, under certain circumstances, the filling of Council vacancies by
4 special election; conforming, correcting, and clarifying related provisions; and submitting this
5 amendment to the qualified voters of the City for adoption or rejection.

6 BY authority of
7 Article XI-A - Local Legislation
8 Section 3
9 Maryland Constitution

10 BY proposing to amend
11 Article III - City Council
12 Sections 4, 5, 6, 10(b), and 10(c)
13 Baltimore City Charter
14 (1996 Edition)

15 BY proposing to amend
16 Article IV - Mayor
17 Section 2
18 Baltimore City Charter
19 (1996 Edition)

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

22 **Baltimore City Charter**

23 **Article III. City Council**

24 **§ 4. Vacancy in presidency.**

25 [If it becomes necessary for the President of the City Council to fill the unexpired term of the
26 Mayor, or in] IN case of the PRESIDENT’S BECOMING MAYOR UNDER ARTICLE IV, § 2(A) OF
27 THIS CHARTER, OR THE PRESIDENT’S death, resignation, removal, or [other] disqualification

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

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1 [of the President], the City Council, by a majority vote of its members, shall elect a PERSON,
2 QUALIFIED UNDER SECTION 3 OF THIS ARTICLE, TO SERVE AS [new president] PRESIDENT for
3 the REMAINDER OF THE unexpired term. The person so elected as President may[,] but need
4 not[,] be, at the time of election, a member of the City Council.

5 **§ 5. [§ 6.] Individual vacancies.**

6 [Each vacancy in the City Council shall be filled without delay.] IF A MEMBER OF THE CITY
7 COUNCIL (OTHER THAN THE PRESIDENT) DIES, RESIGNS, IS REMOVED, OR BECOMES
8 DISQUALIFIED BEFORE EXPIRATION OF THE TERM FOR WHICH THE MEMBER WAS ELECTED, THE
9 VACANCY SHALL BE FILLED AS FOLLOWS:

- 10 (1) FOR A VACANCY THAT OCCURS DURING THE FIRST 3 YEARS OF THE TERM, THE
11 VACANCY SHALL BE FILLED BY SPECIAL ELECTION, TO BE CALLED AND CONDUCTED AS
12 PROVIDED BY ORDINANCE OF THE MAYOR AND CITY COUNCIL, CONSISTENT WITH THE
13 CONSTITUTION AND LAWS OF THE STATE.
- 14 (2) [After] FOR A VACANCY THAT OCCURS DURING THE LAST YEAR OF THE TERM, THE
15 CITY COUNCIL, AFTER public notice[, the City Council,] AND by a majority vote of its
16 remaining members, shall elect a person, [possessing the qualifications prescribed in]
17 QUALIFIED UNDER Section 1 of this article, to serve FOR the remainder of the
18 unexpired term [of the former incumbent].

19 **§ 6. [§ 5.] Emergency vacancies.**

20 (A) *APPOINTMENT OF SUCCESSORS.*

- 21 (1) If, by reason of any catastrophe, a majority of the members elected to the City Council
22 are killed, or are sick, or incapacitated, missing, or otherwise unavailable, so that for a
23 temporary or indefinite period there is not a quorum of the City Council available to
24 permit that body to function, the Mayor, if the Mayor is available, or the Governor of
25 Maryland or the other person acting in that capacity, if the Mayor is unavailable, is
26 authorized to appoint for a temporary or indefinite period persons to fill the vacancies
27 thus existing.
- 28 (2) If possible, each of the appointees shall have the qualifications required of members
29 of the City Council.

30 (B) *POWERS OF APPOINTED MEMBERS.*

31 During their tenure, all [such appointive] OF THESE APPOINTED members of the City
32 Council shall possess and may exercise the powers and prerogatives of regularly elected
33 members.

34 (C) *TERMS OF OFFICE.*

35 Each appointee shall continue to hold office during the incapacity or unavailability of the
36 member whose position the appointee was appointed to fill, or until the position is filled
37 pursuant to the regular election and qualification of a successor.

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1 **§ 10. Procedures; Council officers.**

2 (b) *Vice-President* — [in general] *APPOINTMENT*.

3 The City Council, by a majority vote of its members, shall [appoint] ELECT A COUNCIL
4 VICE-PRESIDENT from AMONG its members [a Vice-President,].

5 (C) *VICE-PRESIDENT – DUTIES*.

6 (1) [who, in] IN CASE OF, AND DURING, THE PRESIDENT’S SERVICE AS ACTING MAYOR
7 UNDER ARTICLE IV, § 2(B) OF THIS CHARTER, OR THE PRESIDENT’S [absence,]
8 sickness, [or] TEMPORARY disqualification, OR OTHER ABSENCE [of the President],
9 THE VICE-PRESIDENT shall:

10 (I) preside at all [its] meetings OF THE CITY COUNCIL[.]; AND

11 (II) [The Vice-President also shall be] SERVE AS [an] acting member AND ACTING
12 PRESIDENT of the Board of Estimates [in the absence, sickness, or temporary
13 disqualification of the President].

14 [(c) *Vice-President* — as acting Mayor.]

15 (2) In case of, and during, [necessary absence,] THE sickness, [or the] temporary
16 disqualification, OR NECESSARY ABSENCE of both the Mayor and the President [of the
17 City Council], the Vice-President shall [be acting] SERVE AS ACTING Mayor.

18 **Article IV. Mayor**

19 **§ 2. Vacancy or absence.**

20 (a) *Vacancy*.

21 In case of A vacancy in the office of the Mayor by death, resignation, or permanent
22 disqualification, the President of the City Council [shall be] BECOMES Mayor for the
23 remainder of the UNEXPIRED term [for which the Mayor was elected].

24 (b) *Absence*.

25 In case of, and during, THE MAYOR’S sickness, temporary disqualification, or necessary
26 absence [of the Mayor], the President of the City Council shall [be ex officio] SERVE AS
27 ACTING Mayor [of the City].

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