

Introduced by: The Council President

At the request of: The Administration (Mayor's Charter Review Commission)

Prepared by: Department of Legislative Reference

Date: May 30, 2018

Referred to: JUDICIARY AND LEGISLATIVE INVESTIGATIONS Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 18-0264

A RESOLUTION ENTITLED

A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

Charter Amendment – Charter Commission General Recommendations

FOR the purpose of increasing the City's record keeping flexibility; repealing an obsolete provision regarding the City's official time; improving the City's legislative and administrative flexibility by removing redundant Charter provisions and language more appropriate for ordinances or regulations; removing Charter provisions found to simply restate applicable State law; requiring the Department of Finance to employ at least 1 Certified Public Accountant to perform certain duties; allowing certain agencies to be designated by law to approve the withdrawal of City monies from depositories; removing certain formal lien requirements from the Charter; clarifying that the review of disciplinary matters by the Board of Fire Commissioners is at the request of the Fire Chief; clarifying the authority of the Mayor to appoint the Board of Recreation and Parks; modernizing various public notice provisions, including removing mandatory requirements for notice to be published in a newspaper of general circulation in Baltimore City; simplifying requirements related to the City's Master Plan; removing certain penalties relating to the Department of Planning from the Charter; conforming to State law requiring alternate members be made available for the Board of Municipal and Zoning Appeals; allowing the Board of Municipal and Zoning Appeals to change its rules internally; removing the Board of Municipal and Zoning Appeals' authority to appoint employees other than its Executive Secretary; updating the Board of Municipal and Zoning Appeals' powers for reviewing paving assessments and other matters; conforming a provision relating to appeals from Board of Municipal and Zoning Appeals' decisions to State law; replacing the Board of Legislative Reference with an ad hoc board appointed by the Mayor, the President of the City Council, and the Comptroller; allowing the newly restructured ad hoc Board of Legislative Reference to make recommendations regarding the hiring of a Director of Legislative Reference; removing the Civil Service status of the Director of Legislative Reference; making the Director of Legislative Reference removable for any reason rather than just for incompetence or neglect of duties; allowing the Mayor and the President of the City Council to jointly appoint and

****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

_____	Baltimore City Public School System
_____	Baltimore Development Corporation
_____	City Solicitor
_____	Comptroller's Office
_____	Department of Audits
_____	Department of Finance
_____	Department of General Services
_____	Department of Housing and Community Development
_____	Department of Human Resources
_____	Department of Planning
_____	Other: <i>Dept. of Legislative Reference</i>
_____	Other: _____
_____	Other: _____
_____	Department of Public Works
_____	Department of Real Estate
_____	Department of Recreation and Parks
_____	Department of Transportation
_____	Fire Department
_____	Health Department
_____	Mayor's Office of Employment Development
_____	Mayor's Office of Human Services
_____	Mayor's Office of Information Technology
_____	Office of the Mayor
_____	Police Department
_____	Other: _____
_____	Other: _____

Boards and Commissions

_____	Board of Estimates
_____	Board of Ethics
_____	Board of Municipal and Zoning Appeals
_____	Comm. for Historical and Architectural Preservation
_____	Commission on Sustainability
_____	Employees' Retirement System
_____	Other: _____
_____	Other: _____
_____	Other: _____
_____	Environmental Control Board
_____	Fire & Police Employees' Retirement System
_____	Labor Commissioner
_____	Parking Authority Board
_____	Planning Commission
_____	Wage Commission
_____	Other: _____
_____	Other: _____

remove the Director of Legislative Reference; allowing the President of the City Council to recommend 1 of the 3 Civil Service Commissioners; updating the required qualifications for Civil Service Commissioners; formally transferring many of the powers formerly belonging to the Civil Service Commission to the Department of Human Resources to improve administrative flexibility; allowing the Department of Human Resources to transfer employees into and out of the Civil Service by regulation, and to adjust Civil Service protections administratively, to increase flexibility in personnel management; updating the required qualifications for the Director of Human Resources; removing certain penalties relating to the Civil Service Commission from the Charter; adding the State's Attorney for Baltimore City to the list of elected officials covered by the Compensation Commission for Elected Officials; removing certain obsolete provisions regarding street railways, trackless trolleys, and advertising from the Franchises Article; establishing a procedure for regularly appointing Charter Review Commissions to review the Charter and make recommendations as to the necessity for deleting, adding to, or revising any portion of its contents; requiring the appointment of a Charter Review Commission at least once every 10 years; requiring that the Charter Review Commission publically report on its findings to the Mayor and City Council; clarifying and conforming related provisions; setting special effective dates for the proposed Charter amendments; and submitting this amendment to the qualified voters of the City for adoption or rejection.

BY proposing to amend

Article I - General Provisions
Section(s) 7, 8, and 10
Baltimore City Charter
(1996 Edition)

BY proposing to amend

Article VII - Executive Departments
Section(s) 3, 10, 11(a), 12 to 15, 18(a) and (c), 30, 37, 41, 42, 51, 52, 53(c) and (g), 69(a), 72(g) and (h), 74 to 78, 80, 82(a), 83(b), (e), and (f), 85 to 88, 90 to 93, 94(a), 95 to 97, 98a, 99, 100, 101, 103, 104, 116(b)(3), 116B, 117(d), and 134
Baltimore City Charter
(1996 Edition)

BY proposing to amend

Article VIII - Franchises
Section(s) 4 to 6
Baltimore City Charter
(1996 Edition)

BY proposing to add

Article X - Charter Review Commission
Section(s) 1 to 6
Baltimore City Charter
(1996 Edition)



CITY OF BALTIMORE
RESOLUTION 18-11
Council Bill 18-0264
(Charter Amendment)

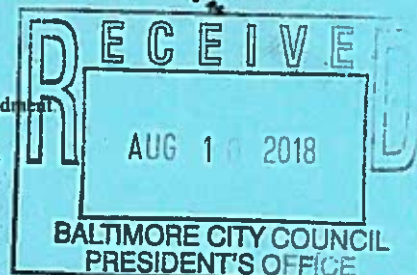
Introduced by: The Council President
At the request of: The Administration (Mayor's Charter Review Commission)
Introduced and read first time: June 11, 2018
Assigned to: Judiciary and Legislative Investigations Committee
Committee Report: Favorable with amendments
Council action: Adopted
Read second time: June 25, 2018

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

1 Charter Amendment – ~~Charter Commission General Recommendations~~
2 Department of Legislative Reference

3 FOR the purpose of increasing the City's record keeping flexibility; ~~repealing an obsolete~~
4 ~~provision regarding the City's official time; improving the City's legislative and~~
5 ~~administrative flexibility by removing redundant Charter provisions and language more~~
6 ~~appropriate for ordinances or regulations; removing Charter provisions found to simply~~
7 ~~restate applicable State law; requiring the Department of Finance to employ at least 1~~
8 ~~Certified Public Accountant to perform certain duties; allowing certain agencies to be~~
9 ~~designated by law to approve the withdrawal of City monies from depositories; removing~~
10 ~~certain formal lien requirements from the Charter; clarifying that the review of disciplinary~~
11 ~~matters by the Board of Fire Commissioners is at the request of the Fire Chief; clarifying the~~
12 ~~authority of the Mayor to appoint the Board of Recreation and Parks; modernizing various~~
13 ~~public notice provisions, including removing mandatory requirements for notice to be~~
14 ~~published in a newspaper of general circulation in Baltimore City; simplifying requirements~~
15 ~~related to the City's Master Plan; removing certain penalties relating to the Department of~~
16 ~~Planning from the Charter; conforming to State law requiring alternate members be made~~
17 ~~available for the Board of Municipal and Zoning Appeals; allowing the Board of Municipal~~
18 ~~and Zoning Appeals to change its rules internally; removing the Board of Municipal and~~
19 ~~Zoning Appeals' authority to appoint employees other than its Executive Secretary; updating~~
20 ~~the Board of Municipal and Zoning Appeals' powers for reviewing paving assessments and~~
21 ~~other matters; conforming a provision relating to appeals from Board of Municipal and~~
22 ~~Zoning Appeals' decisions to State law; replacing the Board of Legislative Reference with an~~
23 ~~ad hoc board appointed by the Mayor, the President of the City Council, and the Comptroller;~~
24 ~~allowing the newly restructured ad hoc Board of Legislative Reference to make~~
25 ~~recommendations regarding the hiring of a Director of Legislative Reference; removing the~~
26 ~~Civil Service status of the Director of Legislative Reference; making the Director of~~
27 ~~Legislative Reference removable for any reason rather than just for incompetence or neglect~~
28 ~~of duties; and allowing the Mayor and the President of the City Council to jointly appoint and~~
29 ~~remove the Director of Legislative Reference; allowing the President of the City Council to~~
30 ~~recommend 1 of the 3 Civil Service Commissioners; updating the required qualifications for~~
31 ~~Civil Service Commissioners; formally transferring many of the powers formerly belonging~~
32 ~~to the Civil Service Commission to the Department of Human Resources to improve~~

EXPLANATION: Underlining indicates matter added by amendment.
Strike-out indicates matter stricken by amendment.



Council Bill 18-0264

1 administrative flexibility, allowing the Department of Human Resources to transfer
2 employees into and out of the Civil Service by regulation, and to adjust Civil Service
3 protections administratively, to increase flexibility in personnel management, updating the
4 required qualifications for the Director of Human Resources; removing certain penalties
5 relating to the Civil Service Commission from the Charter; adding the State's Attorney for
6 Baltimore City to the list of elected officials covered by the Compensation Commission for
7 Elected Officials; removing certain obsolete provisions regarding street railways, trackless
8 trolleys, and advertising from the Franchises Article; establishing a procedure for regularly
9 appointing Charter Review Commissions to review the Charter and make recommendations
10 as to the necessity for deleting, adding to, or revising any portion of its contents; requiring the
11 appointment of a Charter Review Commission at least once every 10 years; requiring that the
12 Charter Review Commission publically report on its findings to the Mayor and City Council;
13 clarifying and conforming related provisions; setting a special effective dates date for the
14 proposed Charter amendments amendment; and submitting this amendment to the qualified
15 voters of the City for adoption or rejection.

16 BY proposing to amend

17 Article I - General Provisions
18 Section(s) 7, 8, and 10
19 Baltimore City Charter
20 (1996 Edition)

21 BY proposing to amend

22 Article VII - Executive Departments
23 Section(s) 3, 10, 11(a), 12 to 15, 18(a) and (c), 30, 37, 41, 42, 51, 52, 53(c) and (g), 69(a),
24 72(g) and (h), 74 to 78, 80, 82(a), 83(b), (c), and (f), 85 to 88, 90 to 93, 94(a), 95 to 97,
25 98a, 99, 100, 101, 103, 104, 116(b)(3), 116B, 117(d), and 134
26 Baltimore City Charter
27 (1996 Edition)

28 BY proposing to amend

29 Article VIII - Franchises
30 Section(s) 4 to 6
31 Baltimore City Charter
32 (1996 Edition)

33 BY proposing to add

34 Article X - Charter Review Commission
35 Section(s) 1 to 6
36 Baltimore City Charter
37 (1996 Edition)

38 BY proposing to amend

39 Article VII - Executive Departments
40 Section(s) 90, 91, and 92
41 Baltimore City Charter
42 (1996 Edition)

Council Bill 18-0264

1 BY proposing to repeal

2 Article VII - Executive Departments

3 Section 93

4 Baltimore City Charter

5 (1996 Edition)

6 By proposing to renumber and amend

7 Article VII - Executive Departments

8 Section 92 to be new Section 93

9 Baltimore City Charter

10 (1996 Edition)

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

13 **Baltimore City Charter**

14 **Article I. General Provisions**

15 **~~§ 7. Records[; Reports]~~**

16 ~~(A) RECORD-KEEPING:~~

17 ~~THE MAYOR AND CITY COUNCIL SHALL PROVIDE FOR APPROPRIATE RECORD KEEPING.~~

18 ~~(B) PUBLIC INSPECTION:~~

19 ~~THE PUBLIC SHALL HAVE THE RIGHT TO INSPECT PUBLIC RECORDS IN ACCORDANCE WITH~~
20 ~~STATE LAW.~~

21 ~~{(a) Required maintenance; Admissibility; Public inspection.}~~

22 ~~[A suitable record of all the proceedings, financial transactions and official acts of all~~
23 ~~municipal agencies, shall be kept, and a certified copy of the record, or any part thereof,~~
24 ~~under the corporate seal of the City shall be admissible in evidence in any court of this~~
25 ~~State as proof of such record, or a part thereof. A record shall be available for public~~
26 ~~inspection unless otherwise expressly ordered by the head of the agency or the municipal~~
27 ~~officer by or on behalf of whom the record is kept, and in the event that written demand~~
28 ~~shall be made for the public disclosure of any matter deemed confidential by the head of~~
29 ~~an agency or by a municipal officer, the demand shall at once be referred to the Board of~~
30 ~~Estimates and the Board, after consultation with the City Solicitor as to the legal propriety~~
31 ~~of its action, may order the demanded disclosure to be made in whole or in part.]~~

32 ~~{(b) Microfilm, etc.}~~

33 ~~[The City may provide by ordinance for the making and keeping of all or some records on~~
34 ~~microfilm or by other method of reproduction and, when so made, for the destruction of~~
35 ~~the original records. Any such reproduction or print therefrom shall be in all respects the~~
36 ~~equivalent of the original from which made, and when authenticated as above provided~~

Council Bill 18-0264

1 shall be admissible in evidence in any court of this State as proof of that record, or part
2 thereof.}

3 ~~{(e) Annual report; Other information.}~~

4 ~~{Unless otherwise directed by the Board of Estimates, every municipal agency of the City~~
5 ~~shall prepare annually a written report of its work and proceedings. A copy of each report~~
6 ~~shall be filed with the Mayor and a copy shall also be filed with the Department of~~
7 ~~Legislative Reference; additional copies of each report, or parts thereof, shall be prepared~~
8 ~~and made available as from time to time may be directed by the Board of Estimates.}~~

9 ~~{Upon request of the Mayor or Board of Estimates every municipal agency shall promptly~~
10 ~~supply the Mayor or the Board with all requested information with respect to the practice~~
11 ~~and proceedings of the agency, provided, however, that this information need not be~~
12 ~~given with respect to any undetermined policy or opinion, nor shall the Board of~~
13 ~~Municipal and Zoning Appeals make any disclosure as to any pending appeal other than~~
14 ~~to furnish a copy of the testimony and papers filed with it pertaining to that appeal.}~~

15 ~~§ 8. Official time.~~

16 ~~{The official time of the City of Baltimore shall conform to standard time based upon the~~
17 ~~time of the seventy-fifth meridian, except that, from two o'clock a.m. of the last Sunday in~~
18 ~~April until two o'clock a.m. of the last Sunday in September of each year, the official time~~
19 ~~throughout the City of Baltimore shall be advanced one hour, and all courts, public offices,~~
20 ~~legal and official proceedings, insofar as the same are subject to or under the control of the~~
21 ~~Mayor and City Council of Baltimore, shall be regulated thereby, and all time shown by the~~
22 ~~public clocks shall agree therewith. Provided, however, that the Mayor and City Council by~~
23 ~~ordinance passed not less than fifteen days before the change would become effective, may~~
24 ~~extend the period during which the one hour variation from standard time shall be effective in~~
25 ~~any year or years. The extension may be to change the advance in time up to two o'clock~~
26 ~~a.m. on the last Sunday in March, or back to two o'clock a.m. on the last Sunday in October,~~
27 ~~or both such changes, or any portion or portions of either. Any such extension may be~~
28 ~~provided only if other municipalities or sections of the United States shall have made such a~~
29 ~~change, and in the opinion of the Mayor and City Council thereby have caused inconvenience~~
30 ~~and annoyance to the commercial, economic, industrial or social affairs of the residents of~~
31 ~~Baltimore City.}~~

32 ~~§ 10. Affordable housing funds.~~

33 ~~{(a) Authorization.}~~

34 ~~By Ordinance, the Mayor and City Council of Baltimore may establish 1 or more~~
35 ~~continuing, nonlapsing funds for purposes of promoting economically diverse housing in~~
36 ~~City neighborhoods, including:~~

37 ~~(1) providing assistance, by loan, grant, or otherwise, for the planning, production,~~
38 ~~maintenance, or expansion of affordable housing in the City;~~

39 ~~(2) providing assistance, by loan, grant, or otherwise, to persons unable to obtain~~
40 ~~affordable housing; and~~

Council Bill 18-0264

1 ~~(3) otherwise increasing housing opportunities for working families and other persons~~
2 ~~of low and moderate income.~~

3 ~~[(b) Revenue sources.]~~

4 ~~[A fund established under this section may comprise:]~~

5 ~~[(1) money appropriated to the fund in the annual Ordinances of Estimates, and]~~

6 ~~[(2) grants or donations made to the fund.]~~

7 ~~[(e) Continuing nature of fund.]~~

8 ~~[Notwithstanding any other provision of this Charter, unspent portions of a fund~~
9 ~~established under this section:]~~

10 ~~[(1) remain in the fund, to be used exclusively for their ordained purposes,]~~

11 ~~[(2) do not revert to the general revenues of the City, and]~~

12 ~~[(3) their appropriations do not lapse.]~~

13 **Article VII. Executive Departments**

14 ***General Provisions***

15 **§ 3. General provisions: Bureaus and divisions:**

16 ~~[(a) Establishment or abolishment.]~~

17 ~~With the approval of the Board of Estimates, the head of a municipal department (except~~
18 ~~as otherwise provided for the Department of Public Works), commission, or board~~
19 ~~provided for by the Charter may establish and abolish bureaus and divisions within that~~
20 ~~department, commission or board:~~

21 ~~Bureaus in the Department of Public Works shall be established or abolished from time to~~
22 ~~time by an ordinance which shall have been recommended to the City Council by the~~
23 ~~Board of Estimates and shall have been duly passed by the City Council by a majority~~
24 ~~vote of its members and shall have been approved by the Mayor.~~

25 ~~[(b) Allocation of powers and duties.]~~

26 ~~[Subject to the authority of the Board of Estimates, the head of any department,~~
27 ~~commission, or board may assign among the bureaus or divisions in that department,~~
28 ~~commission, or board, duties and powers of that department, commission, or board. A~~
29 ~~board or commission may act under this subsection only by the majority vote of its~~
30 ~~membership.]~~

Council Bill 18-0264

Department of Finance

~~§ 10. [Department of Finance: Disbursements.]~~

~~[The Department shall have general supervision and charge over all payments and disbursements made by the City and no payment or disbursement shall be made by the City without the approval of the Department.]~~

~~§ 11. Department of Finance: Accounting.~~

~~(a) In general:~~

~~(1) The Department shall keep all general accounts of the City, prepare the City's financial statements, and maintain an adequate system of accounting that, at all times, reflects the actual financial condition of the City resulting from income accrued and liabilities incurred, property owned, and funded obligations, estimated revenue and authorized appropriations, cash received and disbursed, among other factors. The Department shall also maintain complete physical and cost records of all property owned by the City, including perpetual inventory records itemizing materials and supplies on hand.~~

~~(2) THE DEPARTMENT SHALL EMPLOY AT LEAST 1 CERTIFIED PUBLIC ACCOUNTANT IN THE PERFORMANCE OF THESE DUTIES.~~

~~§ 12. Department of Finance: Collections, deposits, withdrawals, etc.~~

~~(a) In general:~~

~~[The] UNLESS OTHERWISE PROVIDED BY LAW, THE Director shall receive, collect, and account for all moneys due the City and deposit these moneys in depositories selected by the Board of Finance.~~

~~(b) Withdrawals:~~

~~[The] UNLESS OTHERWISE PROVIDED BY LAW, THE Director shall approve the withdrawal of City moneys from its depositories.~~

~~(c) Required signatures for checks:~~

~~Unless otherwise provided by law, all checks of the City shall be signed by the Director or Deputy Director, and counter-signed by the Mayor, except payroll, pension, and similar checks, which shall bear the signatures of the Director or Deputy Director and of a person in the Department of Finance designated by the Director to sign as disbursing officer; such designation shall be made in writing by the Director and filed with all banks on which such checks are drawn. Any signature on checks of the City may be manual or facsimile.~~

Council Bill 18-0264

1 ~~[(d) Local and state taxes.]~~

2 ~~[In addition to collecting all taxes and assessments levied or made by the City, the~~
3 ~~Director shall collect such State taxes and perform such other duties for the State as may~~
4 ~~be prescribed by law. The salary provided the Director in the Ordinance of Estimates~~
5 ~~shall include compensation for collecting State taxes and such other duties as the Director~~
6 ~~may perform for the State.]~~

7 ~~[After the levy of the full rate property tax has been made, the Director shall prepare the~~
8 ~~tax bills and shall have them ready for payment by the taxpayers on the first day of the~~
9 ~~fiscal year for which the levy is made or as soon thereafter as is possible. To encourage~~
10 ~~the payment of taxes prior to the date on which they become in arrears, the Department~~
11 ~~shall allow such discounts upon payment prior to such date as may be provided by law.]~~

12 **§ 13. Department of Finance: Lien records.**

13 ~~[(a) Keeping records; Issuing lien certificates.]~~

14 ~~The Department shall keep a record of all municipal charges and assessments and shall~~
15 ~~provide for the issuance of a lien certificate stating whether any, and, if so, what~~
16 ~~municipal charges or assessments exist against any particular property. The Department~~
17 ~~shall make such charge for the issuance of a lien certificate as may be fixed by the Board~~
18 ~~of Estimates.~~

19 ~~[(b) Contents of certificates; Charges constitute liens.]~~

20 ~~[A lien certificate shall show all charges and assessments of every character due the City;~~
21 ~~including State and City taxes and special paving tax, water and sewer billings, street~~
22 ~~benefit assessments, minor privilege charges, charges for street, alley and footway paving,~~
23 ~~sewerage connections, nuisance abatements and other charges. All of the charges and~~
24 ~~assessments shall be liens, until paid, against the property named in the lien certificate;~~
25 ~~provided that no then-existing charge shall be a lien against a property after the issuance~~
26 ~~of a lien certificate for that property unless that charge be shown on the lien certificate.]~~

27 ~~[(e) Tax lien records.]~~

28 ~~[The Department shall maintain at all times tax lien records that record tax liens and all~~
29 ~~other municipal liens. The tax lien records shall show the location of the property, the~~
30 ~~character of the liens against the property, and the amount of the liens as of the date of~~
31 ~~recording. After a lien shall have been recorded in the tax lien records, it shall remain a~~
32 ~~lien until paid and no statute of limitations shall operate as a bar to the collection of the~~
33 ~~lien.]~~

34 **§ 14. Department of Finance: Notices of lien.**

35 ~~[The Director shall provide notice of a lien to a property owner as provided by law.]~~

36 **§ 15. Department of Finance: Distraint or levy for taxes.**

37 ~~[(a) Good or chattels — Notice of proposed sale.]~~

Council Bill 18-0264

1 [Whenever the Director shall distrain or levy upon any goods or chattels in Baltimore
2 City for nonpayment of any taxes, state or municipal, due by the owner thereof, before
3 making sale of property so distrained or levied upon, the Director shall give notice as
4 required by law, including notice by advertisement published twice a week for one week
5 prior to the day of sale, and also on the day of sale, in three of the daily newspapers
6 published in the City, that the Director will sell for cash, at public auction, to the highest
7 bidder, on the day and at the time and place mentioned in the advertisement, the property
8 therein specified, unless on or before the day of sale the entire amount of taxes for which
9 such distraint or levy shall have been made, with interest thereon, and costs of making the
10 levy and advertisement, shall be paid.]

11 ~~[(b) Goods or chattels—Application of proceeds.]~~

12 [Whenever the Director shall sell any goods or chattels levied or distrained upon for
13 taxes, state or municipal, in Baltimore City, after due advertisement as required in the
14 preceding paragraph, the Director shall retain out of the proceeds of sale the amount of
15 taxes due from the delinquent, for which the levy or distraint shall have been made, with
16 interest thereon, and all costs incurred in making the sale, and shall pay over the surplus,
17 if any, to the owner of the property so levied upon and sold.]

18 ~~[(e) Other sales.]~~

19 [All other sales of real or personal property, or interests therein, for nonpayment of taxes
20 or other charges shall be conducted by such persons and in such manner as may be
21 prescribed by law.]

22 ~~§ 18. Department of Finance: Registrar of debt; Custodian of funds and securities; Keeper~~
23 ~~of Seal.~~

24 ~~(a) Registrar of debt; Custodian of funds and securities.~~

25 The Director shall be the registrar of the public debt and responsible for all moneys and
26 securities belonging to the City including the actuarial retirement systems and shall
27 provide for the safekeeping and transfer of stocks, bonds, and securities owned or held by
28 the City or any agency thereof[, provided, however, that the designation of depository
29 institutions shall be as set forth in Article VII, Section 21(b)].

30 [To help the Director discharge the Director's duties as custodian of the moneys and
31 securities of the actuarial retirement systems of the City, the administrators of those
32 systems shall provide the Director with the financial information and assurances that he
33 may request. The Director, acting under the supervision of the Board of Estimates, may
34 contract with banks or trust companies that have appropriate charter authority to be
35 custodians of cash and securities of the retirement systems. The Director shall have no
36 personal liability for the performance, lack of performance, misfeasance or malfeasance
37 of a bank or trust company so selected.]

Council Bill 18-0264

1 ~~(e) Keeper of City Seal.~~

2 The Director or the Director's delegate, designated in writing by the Director, shall have
3 charge of the corporate seal of the City [and shall use it in all cases where the use of the
4 seal is required by federal or State laws, ordinances, or the uses and customs of nations;
5 and shall charge a fee as may be fixed from time to time by the Board of Estimates for
6 each impression of the seal except such as shall be affixed to or impressed upon
7 documents for the City].

8 *Department of Public Works*

9 ~~§ 30. [Department of Public Works: Supervision of public works.]~~

10 ~~{The Director shall supervise all public works in Baltimore City or elsewhere, made by or for~~
11 ~~the City or any municipal agency, that relate to the Department's powers under this Charter.~~
12 ~~All plans and specifications for these public works, including those involving engineering~~
13 ~~questions, shall be submitted to the Director for approval.]~~

14 ~~§ 37. [Department of Public Works: Testing.]~~

15 ~~{At the request of a municipal agency, the Department shall test materials and supplies~~
16 ~~purchased or used by the agency.]~~

17 ~~§ 41. [Department of Public Works: Correcting physical obstruction.]~~

18 ~~{(a) Correction required.}~~

19 ~~{Any person who has, in, over, or under a public street in Baltimore City, any building,~~
20 ~~structure, conduit, drain, main, pipe, track, work, or other physical obstruction that blocks~~
21 ~~or impedes the work of the Department shall, on reasonable notice from the Department,~~
22 ~~promptly shift, adjust, or remove it, at that person's expense, to fully meet the exigencies~~
23 ~~described in the notice.}~~

24 ~~{(b) Condemnation.}~~

25 ~~{The City is empowered, when the exigencies of the Department's work require, to secure~~
26 ~~the condemnation of the physical obstruction as provided in Article II of this Charter.}~~

27 ~~§ 42. [Department of Public Works: Assistance to other agencies.]~~

28 ~~{On the request of the head of a municipal agency, the Director shall:}~~

29 ~~{(1) supply estimates of the cost of work proposed to be done for that agency during the~~
30 ~~next fiscal year, and}~~

31 ~~{(2) perform services for the municipal agency of the same general character as those~~
32 ~~carried on by the Department, the cost of which shall be charged to the agency~~
33 ~~requesting the services and shall be paid out of the funds appropriated to it.}~~

Council Bill 18-0264

Fire Department

§ 51. Fire Department: Board of Fire Commissioners—Powers and duties.

(a) Advise Chief.

The Board generally shall advise the Chief.

(b) Review disciplinary policies.

~~{The} AT THE REQUEST OF THE CHIEF, THE Board shall review the disciplinary policies and practices of the Department and make appropriate recommendations to the Chief.~~

(c) Investigations of Department conduct.

~~(1) In giving advice, the Board may investigate all matters affecting the conduct of the Department.~~

~~(2) IT SHALL BE THE SOLE DISCRETION OF THE CHIEF WHETHER TO ACCEPT THE RECOMMENDATIONS MADE RELATED TO INVESTIGATIONS UNDER THIS SUBSECTION.~~

~~{(d) Appeal panels.}~~

~~{The Board may sit in panels of not less than two to hear appeals under the Fire Prevention Code.}~~

§ 52. [Fire Department: Board of Fire Commissioners—Retirement of employees.]

~~{As to employees not covered by the Employees' Retirement System or the Fire and Police Employees' Retirement System of the City, the Board may retire from office in the Department any permanent or call member thereof who has become permanently disabled, while in the actual performance of duties, from risks taken in the performance of those duties and not due to any wilful misconduct on the member's part, or who has performed faithful service in the Department for a period of not less than twenty consecutive years, or who may become unable to perform further service by reason of age or other physical or mental disabilities, and place the member so retired upon a pension roll. The amount of such annual pension to be allowed by the Board to each pensioner shall be equal to one-half the yearly salary received by members of the Department in active service in the same grade or occupying the same position as, or position most similar to, that occupied by the pensioner at the time of his retirement, payable in monthly installments. The Board may also provide for the relief of widows and children of members of the Department who may have been killed in the discharge of their duties or have died as a result of injuries sustained in the performance of their duties, provided that the injuries were caused solely by risks taken in the performance of their duties and not due to the wilful misconduct of the deceased.}~~

~~{The annual amount which shall be paid to the widows and/or to the children under the age of 18 years, of members of the Department who may have been killed in the discharge of their duties or have died as a result of injuries sustained in the performance of their duties shall be in the discretion of the Board, but shall not exceed the full amount of the yearly salary received by members of the Department in active service in the same grade and occupying~~

Council Bill 18-0264

1 the same position as, or position most similar to, that occupied by the deceased at the time of
2 his death, payable in monthly installments.]

3 [The Board may also provide for the relief of unremarried widows, by marriages existing at
4 the time of retirement or death, of employees of the Department who are not members of the
5 Employees' Retirement System or the Fire and Police Employees' Retirement System who
6 die, whether death occurs before or after their retirement, subject to the Ordinance of
7 Estimates. The annual amount which shall be paid to such widow of such a deceased
8 member shall not exceed fifty per centum (50%) of the yearly pension to which such
9 deceased member would have been entitled to receive had that member lived and been retired
10 under the provisions of this section.]

11 [The City Council may provide by ordinance a system of benefits payable to the unremarried
12 widows and children under age 18 of persons who were employees or retired employees of
13 the Department who were not members of the Employees' Retirement System or the Fire and
14 Police Employees' Retirement System and who died or retired prior to June 7, 1963, subject
15 to such exceptions, conditions, restrictions and classifications as may be provided therein.]

16 **§ 53. Fire Department: Arbitration for fire fighters and officers.**

17 *(e) Submission of last proposals.*

18 Within three days after the selection of the chairman of the board of arbitration, the Labor
19 Commissioner or [his] THE COMMISSIONER'S designated representative shall provide to
20 each member of the board of arbitration and to all parties, a detailed itemization of the
21 last proposal made by the respective parties during the negotiations.

22 *(g) Decision — Implementation.*

23 The decision of the majority of the board of arbitration thus established shall be final and
24 binding upon the Mayor and City Council of Baltimore and upon the certified employee
25 organizations involved in the proceedings. No appeal therefrom shall be allowed. Such
26 decision shall constitute a mandate to the Mayor of Baltimore City in respect to such
27 matters which can be remedied administratively by [him] THE MAYOR, and as a mandate
28 to the Board of Estimates and the City Council with respect to matters which require
29 legislative action necessary to implement the decision of the Board of Arbitration.

30 With respect to matters which require legislative action for implementation, such
31 legislation shall be enacted within forty-five days following the date of the arbitration
32 decision.

33 With respect to salaries and wage scales, the amounts determined by the final decision of
34 the Board of Arbitration shall be included in the proposed Ordinance of Estimates in
35 accordance with Article VI, Section 4(a), shall not be reduced by the City Council in
36 accordance with Article VI, Section 7(a), and shall be adopted by the Board of Estimates
37 as the salary and wage scales for employees of the Fire Department in accordance with
38 Section 12 of Article VI.

Council Bill 18-0264

Department of Recreation and Parks

~~§ 69. Department of Recreation and Parks: Board—Composition; Appointment; Terms.~~

~~(a) In general.~~

~~The Board shall consist of seven members, who shall be appointed BY THE MAYOR from among those deemed most capable, by reason of character, education, intelligence, experience, and commitment to conservation and environmental protection, of promoting public recreation, parks, and music for the people of Baltimore City. The members must be confirmed, and shall serve, pursuant to Article IV, Section 6.~~

Department of Planning

~~§ 72. Department of Planning: Commission—Powers and duties.~~

~~The Planning Commission:~~

~~(g) shall adopt and revise a master plan IN ACCORDANCE WITH STATE LAW for the proposed physical development of Baltimore City.~~

~~(h) before adopting or revising the master plan, shall hold a public hearing, AND PROVIDE reasonable notice [of which shall be given] in the neighborhood of the properties affected [and by publication in a newspaper of general circulation in Baltimore City] IN A MANNER THAT ENSURES ADEQUATE PUBLIC NOTICE.~~

~~§ 74. Department of Planning: Master Plan.~~

~~(a) Purpose.~~

~~The Master Plan shall be made for the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of Baltimore City to promote the health, order, security, safety, and morals of its inhabitants, and to preserve and enhance the aesthetic and natural environment of the City.~~

~~(b) [Scope.]~~

~~[The Master Plan may consist of a series of component plans.]~~

~~[It shall show, among other things, the future general location and extent of all public improvements and enterprises, including among other things, the general location and extent of streets, highways, boulevards, viaducts, bridges, subways, tunnels and all uses of land for purposes of public transportation, and also the general location and extent of piers, wharves, docks and bulkheads, and buildings or structures thereon, whether publicly or privately owned or operated, and also the general location and extent of publicly owned places of recreation, such as playgrounds, squares, and parks, and all public buildings and other public property, including school buildings, and all existing and proposed zoning areas or districts, and all public utilities, services and terminals, such as water, gas, electricity, sewerage, telephone, telegraph and transportation, whether privately or publicly owned or operated.]~~

Council Bill 18-0264

1 ~~(e) Revisions.~~

2 After the adoption of the Master Plan, or any part thereof, by the Commission, the plan
3 may be revised ~~AS PROVIDED BY STATE LAW AND~~ only by:

4 (1) ~~a resolution of the Commission, carried by the affirmative vote of not less than six~~
5 ~~members of the Commission, or [by]~~

6 (2) ~~ordinance adopted by the City Council by the affirmative vote of not less than~~
7 ~~three-fourths of its members:~~

8 ~~[An original copy of the revision, duly signed by the President, or by the Mayor if made~~
9 ~~by ordinance, shall be filed with the Department of Legislative Reference.]~~

10 ~~(d) Conformity with Plan required.~~

11 ~~PUBLIC AND PRIVATE IMPROVEMENTS SHALL BE IN CONFORMITY TO THE MASTER PLAN TO~~
12 ~~THE EXTENT REQUIRED BY LAW. [No public improvement or enterprise, including, among~~
13 ~~other things, streets, highways, boulevards, viaducts, bridges, subways, tunnels or other~~
14 ~~uses of land for purposes of public transportation, and piers, wharves, docks, and~~
15 ~~bulkheads, and buildings or structures thereon, whether publicly or privately owned or~~
16 ~~operated, and publicly owned places of recreation, such as playgrounds, squares or parks,~~
17 ~~and public buildings, including school buildings, and public utilities, services or~~
18 ~~terminals, including gas, water, electricity, sewerage, telephone, telegraph or~~
19 ~~transportation, whether privately or publicly owned or operated, within the scope of the~~
20 ~~Master Plan shall be authorized or constructed in Baltimore City unless the location and~~
21 ~~grade thereof and, in cases of the use of land for purposes of transportation, the width~~
22 ~~thereof, shall be in conformity with the Master Plan and have been first approved by the~~
23 ~~Commission.]~~

24 ~~§ 75. Department of Planning: Subdivisions [- In general.]~~

25 ~~(A) IN GENERAL:~~

26 ~~The Commission shall publish rules and regulations for the development of subdivisions~~
27 ~~which will require that development plans include adequate provision for all public~~
28 ~~improvements, enterprises and all public utilities, whether privately or publicly owned or~~
29 ~~operated, for the proper width, grade and arrangement of streets, and all uses of land for~~
30 ~~public transportation, and the relation thereof to existing streets; for adequate and~~
31 ~~convenient open spaces for traffic and the access of fire-fighting apparatus; for proper~~
32 ~~drainage; and which will require that all such subdivisions and the owners thereof comply~~
33 ~~in all respects with the Master Plan.~~

34 ~~(B) APPROVAL BY COMMISSION AND DEPARTMENT OF TRANSPORTATION REQUIRED:~~

35 ~~NO PERMITS MAY BE ISSUED FOR ANY PROJECT OR DEVELOPMENT THAT IS SUBJECT TO A~~
36 ~~PROPOSED SUBDIVISION PLAN UNTIL THE COMMISSION AND THE DEPARTMENT OF~~
37 ~~TRANSPORTATION HAVE APPROVED THE PLAN.~~

Council Bill 18-0264

1 ~~(1) The Board shall consist of five members, at least one of whom shall be a lawyer, AND~~
2 ~~AT LEAST ONE ALTERNATE MEMBER, EACH OF WHOM [who] shall be appointed, must~~
3 ~~be confirmed and shall serve pursuant to Article IV, Section 6 and State law.~~

4 ~~(2) AN ALTERNATE MEMBER MAY SIT ON THE BOARD WHEN ANOTHER MEMBER OF THE~~
5 ~~BOARD IS ABSENT OR RECUSED.~~

6 ~~(3) WHEN AN ALTERNATE MEMBER IS ABSENT OR RECUSED, THE MAYOR MAY DESIGNATE~~
7 ~~A TEMPORARY ALTERNATE.~~

8 ~~(4) Each member of the Board shall be a registered voter and resident of the City at the~~
9 ~~time, and during the term of, appointment.~~

10 ~~§ 83. Board of Municipal and Zoning Appeals: General powers and duties.~~

11 ~~(b) Rules of proceedings.~~

12 ~~The Board shall adopt rules for the conduct of its proceedings, which may be modified or~~
13 ~~repealed BY THE BOARD OR BY ordinance. The rules shall be in writing and when adopted~~
14 ~~shall be [immediately filed in the office of the Board and shall be a public record. A copy~~
15 ~~thereof (and of any amendments thereto) shall also be] AVAILABLE TO THE PUBLIC AND~~
16 ~~filed with the Department of Legislative Reference.~~

17 ~~(e) Executive Secretary[; Staff].~~

18 ~~The Board shall appoint an Executive Secretary [and such other employees as may be~~
19 ~~provided in the Ordinance of Estimates].~~

20 ~~(f) [Access to agency records.]~~

21 ~~[The Board shall have access, through its agents and employees, to the plats and records~~
22 ~~of all other departments of the City.]~~

23 ~~§ 85. Board of Municipal and Zoning Appeals: Paving assessments.~~

24 ~~THE BOARD SHALL HEAR APPEALS CONCERNING THE ASSESSMENT OF FEES AND CHARGES FOR~~
25 ~~THE PAVING OF A STREET, ALLEY, OR SIDEWALK AND SET AN AMOUNT THE BOARD~~
26 ~~DETERMINES TO BE PROPER.~~

27 ~~[(a) Appeal to Board.]~~

28 ~~[Whenever the Department of Transportation levies an assessment or charge for the~~
29 ~~paving of a street, alley, or sidewalk under § 116 of this article, the owner of the property~~
30 ~~on which the assessment or charge is levied may, within 30 days of the mailing to the~~
31 ~~owner of a notice of the assessment or charge, bring the assessment or charge to the~~
32 ~~Board for its review.]~~

Council Bill 18-0264

1 ~~[(b) Decision.]~~

2 ~~[On reasonable notice in accordance with its rules and this Charter, the Board shall:~~

3 ~~(1) determine whether the assessment or charge is proper, and~~

4 ~~(2) if not, set it at the amount that the Board determines to be proper.]~~

5 ~~§ 86. Board of Municipal and Zoning Appeals: Review powers conferred by law.]~~

6 ~~[The Board shall have such additional powers to examine, review and revise acts or rulings of~~
7 ~~other departments and officers of the City affecting the construction, alteration, use or~~
8 ~~operation of land or buildings in the City or other charges as may from time to time be~~
9 ~~conferred upon it by law, but the powers conferred upon it in the Charter shall not be~~
10 ~~diminished or abridged by ordinance, nor may the Board be given power to review or alter~~
11 ~~determinations of the Planning Commission.]~~

12 ~~§ 87. Board of Municipal and Zoning Appeals: Additional powers conferred by law.~~

13 ~~[The Board of Municipal and Zoning Appeals shall have and exercise all the rights, powers,~~
14 ~~duties, obligations and functions conferred by law upon the Board of Zoning Appeals not~~
15 ~~otherwise conferred by the Charter on other agencies of the City and not inconsistent with its~~
16 ~~provisions.]~~

17 ~~(A) IN GENERAL:~~

18 ~~THE BOARD BY ORDINANCE MAY BE GRANTED ADDITIONAL POWERS TO REVIEW~~
19 ~~ADMINISTRATIVE ACTIONS, PROVIDED THE ADDITIONAL POWERS GRANTED ARE NOT~~
20 ~~INCONSISTENT WITH THIS CHARTER OR LAW.~~

21 ~~(B) EXCEPTION:~~

22 ~~THE BOARD MAY NOT BE GRANTED THE POWER TO REVIEW OR ALTER THE DECISIONS OF~~
23 ~~THE PLANNING COMMISSION.~~

24 ~~§ 88. Board of Municipal and Zoning Appeals: Judicial review.~~

25 ~~If any person, including the City and the Planning Commission, feeling aggrieved by any~~
26 ~~decision of the Board within thirty days of a decision by the Board, appeals therefrom to the~~
27 ~~Baltimore City Circuit Court, the Board shall forthwith transmit all papers, or copies thereof,~~
28 ~~to the court, certified by its executive secretary.~~

29 ~~[An appeal shall stay all proceedings in furtherance of the action appealed from. But~~
30 ~~whenever, in the opinion of the Board, such stay would cause imminent peril to life or~~
31 ~~property, or serious public inconvenience, it may ask the Circuit Court for an order vacating~~
32 ~~such stay. From the findings of the Circuit Court in such cases, there shall be such appeal, if~~
33 ~~any, as may be permitted by law.]~~

Council Bill 18-0264

1 Article VII. Executive Departments

2 *Department of Legislative Reference*

3 **§ 90. Department of Legislative Reference: Established.**

4 There is a Department of Legislative Reference, the head of which shall be [a Board of
5 Legislative Reference] THE DIRECTOR OF LEGISLATIVE REFERENCE WHO SHALL SUPERVISE
6 AND DIRECT THE DEPARTMENT.

7 **§ 91. [Department of Legislative Reference: Director – Appointment, qualifications, etc.]**
8 **BOARD OF THE DEPARTMENT OF LEGISLATIVE REFERENCE.**

9 (A) *AD HOC BOARD.*

10 THERE IS A BOARD OF THE DEPARTMENT OF LEGISLATIVE REFERENCE, WHICH FROM TIME
11 TO TIME SHALL BE ESTABLISHED PURSUANT TO THIS SECTION.

12 (B) *COMPOSITION OF BOARD.*

13 (1) THE BOARD SHALL BE COMPOSED OF 3 MEMBERS. THE MAYOR, THE PRESIDENT OF
14 THE CITY COUNCIL, AND THE COMPTROLLER SHALL EACH APPOINT 1 MEMBER TO THE
15 BOARD.

16 (2) THE BOARD SHALL BE APPOINTED WITHOUT REGARD TO POLITICAL AFFILIATION, AND
17 IS NOT SUBJECT TO THE REQUIREMENTS OF ARTICLE IV, § 8. {"MINORITY PARTY
18 REPRESENTATION"} OF THIS CHARTER.

19 (3) NO MEMBER OF THE BOARD MAY BE A CITY EMPLOYEE OR AN ELECTED OFFICIAL
20 OTHER THAN A MEMBER OF THE JUDICIARY.

21 (4) THE BOARD SHALL ELECT A CHAIR FROM AMONG ITS MEMBERS.

22 (C) *FILLING A VACANCY.*

23 (1) WHENEVER THE MAYOR AND THE PRESIDENT OF THE CITY COUNCIL FIND THAT THE
24 POSITION OF DIRECTOR OF LEGISLATIVE REFERENCE IS VACANT, THE BOARD SHALL BE
25 APPOINTED WITHIN 6 WEEKS OF THAT FINDING.

26 (2) THE BOARD SHALL BE RESPONSIBLE FOR ALL ACTIVITIES BY WHICH CANDIDATES TO
27 FILL THE VACANCY ARE SOLICITED, INVESTIGATED, INTERVIEWED, AND
28 RECOMMENDED FOR APPOINTMENT.

29 (3) THE BOARD SHALL RECOMMEND NO LESS THAN 2, AND NO MORE THAN 3, CANDIDATES
30 FOR APPOINTMENT TO THE MAYOR AND THE PRESIDENT OF THE CITY COUNCIL.

31 (4) UPON THE APPOINTMENT OF THE DIRECTOR OF LEGISLATIVE REFERENCE, THE BOARD
32 SHALL BE DEEMED DISSOLVED AND ITS WORK COMPLETED.

Council Bill 18-0264

1 § 92. [§ 91.] Department of Legislative Reference: Director [– Appointment, qualifications,
2 etc.]

3 [(a) *Appointment; Tenure.*]

4 [The Director shall be appointed by the Board of Legislative Reference, shall be a
5 member of the Civil Service, shall hold office during good behavior, and shall be subject
6 to removal by a majority of the Board members for incompetence or neglect of duties.]

7 (A)[(b) *Head of Department; Qualifications.*]

8 [The Director of Legislative Reference shall supervise and direct the Department.]

9 The Director shall have substantial experience in law, legislative drafting, or library
10 administration.

11 (B) *APPOINTMENT.*

12 UPON RECEIPT OF A RECOMMENDATION BY AN AD HOC BOARD OF THE DEPARTMENT OF
13 LEGISLATIVE REFERENCE PURSUANT TO § 91(C) {"BOARD OF THE DEPARTMENT OF
14 LEGISLATIVE REFERENCE: FILLING A VACANCY"} OF THIS ARTICLE, A DIRECTOR MAY BE
15 APPOINTED BY THE AFFIRMATIVE VOTE OF BOTH THE MAYOR AND THE PRESIDENT OF THE
16 CITY COUNCIL.

17 (C) *REMOVAL.*

18 THE DIRECTOR MAY BE REMOVED FROM OFFICE BY THE AFFIRMATIVE VOTE OF BOTH THE
19 MAYOR AND THE PRESIDENT OF THE CITY COUNCIL.

20 (D)[(c)] *Salary.*

21 The Director's salary shall be set in the Ordinance of Estimates.

22 § 93. [§ 92.] Department of Legislative Reference: Director – Powers and duties.

23 The Director:

24 (a) *Legislative matters.*

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

28 accumulate data in relation to the practical operation and effect of such laws;

29 investigate and collect all available information relating to any matter which is the subject
30 of proposed legislation by the General Assembly of Maryland, or the City Council of
31 Baltimore;

Council Bill 18-0264

1 examine acts, ordinances and records of any state or city, and report the result thereof to
2 the Mayor, any committee of the City Council or the head of any department requesting
3 the same;

4 prepare or advise in the preparation of any bill, ordinance or resolution when requested so
5 to do by any member of the City Council; and

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

9 (b) *Records and archives.*

10 shall keep all the books, documents, archives, records, official plats, papers and
11 proceedings of the City except those in current use or whose custody the Board of
12 Estimates shall by resolution otherwise direct or authorize;

13 carefully collect, arrange and safely keep a complete series of the ordinances, resolutions
14 and proceedings of the City;

15 receive and keep all other documents pertaining to the City which the Director may deem
16 of historic value or be instructed so to do by ordinance or by resolution of the Board of
17 Estimates;

18 [retain] PROVIDE FOR THE RETENTION OF such books, documents, papers, plats or archives
19 in the Department, [but permit] AND PROVIDE FOR their inspection and reproduction by
20 the public under such reasonable regulations and supervision as the Director may
21 prescribe;

22 carefully prepare and keep an index of all books, papers, records and documents in the
23 custody of the Department; and

24 keep a current separate index of all rules and regulations of other departments and
25 agencies of the City.

26 (c) *Staff.*

27 may appoint such employees as may be provided in the Ordinance of Estimates.

28 (d) *Duties prescribed by law.*

29 perform such other duties as prescribed by law.

30 **[§ 93. Department of Legislative Reference: Board.]**

31 [The Board of Legislative Reference shall be comprised of

32 the Mayor,

33 the City Solicitor,

Council Bill 18-0264

1 the President of the Johns Hopkins University,
2 the Deans of the University of Maryland and University of Baltimore Schools of Law,
3 a member of the City Council selected by the Council and
4 the Director of the Enoch Pratt Library.]

5 *CIVIL SERVICE COMMISSION*

6 ~~§ 94. Civil Service Commission: Established.~~

7 ~~(a) Appointment, term, qualifications:~~

8 ~~(1) There is a Civil Service Commission of three members who shall be appointed, must~~
9 ~~be confirmed, and shall serve pursuant to Article IV, Section 6.~~

10 ~~(2) ONE OF THE THREE MEMBERS OF THE COMMISSION SHALL BE RECOMMENDED BY THE~~
11 ~~PRESIDENT OF THE CITY COUNCIL PRIOR TO APPOINTMENT.~~

12 ~~(3) The terms of two members shall expire on the last day of the year in which the term of~~
13 ~~the Mayor begins pursuant to Article IV, Section 1, and the four year term of the third~~
14 ~~member shall expire two years thereafter.~~

15 ~~(4) EACH MEMBER OF THE COMMISSION SHALL:~~

16 ~~(i) BE A REGISTERED VOTER AND RESIDENT OF THE CITY AT THE TIME, AND~~
17 ~~DURING THE TERM, OF APPOINTMENT;~~

18 ~~(ii) HOLD A RELEVANT POST-GRADUATE DEGREE; AND~~

19 ~~(iii) POSSESS SUBSTANTIAL EXPERIENCE AND KNOWLEDGE OF LABOR AND~~
20 ~~EMPLOYMENT ISSUES AND LAW.~~

21 ~~(5) NO ONE HOLDING ANY PUBLIC OFFICE OF PROFIT MAY BE APPOINTED A MEMBER OF THE~~
22 ~~COMMISSION.~~

23 ~~[Each member of the Commission shall be a registered voter and resident of the City at~~
24 ~~the time, and during the term, of appointment. All appointments to the Commission shall~~
25 ~~be made from persons friendly to the merit system of appointment to office. No one~~
26 ~~holding any public office of profit shall be appointed a member of the Commission.]~~

27 ~~§ 95. Civil Service Commission: Powers and duties.~~

28 ~~The Commission:~~

29 ~~(a) shall advise the Mayor and Director OF HUMAN RESOURCES on personnel matters.~~

30 ~~(b) shall provide to the Mayor and City Council at least annually a report on the~~
31 ~~operations of the Commission.~~

Council Bill 18-0264

- 1 (c) ~~[shall review and approve the different groupings of positions having similar duties,~~
2 ~~responsibilities and qualifications ("classifications") that are used by the Department.]~~
- 3 (d) ~~shall promulgate and make available to the public rules governing the operation of the~~
4 ~~Commission.~~
- 5 (e) ~~shall review and approve, before they become final, and make available to the public,~~
6 ~~the rules of the Department OF HUMAN RESOURCES.~~
- 7 (f) ~~shall provide a hearing, on written request, to any non-probationary member of the~~
8 ~~Civil Service who has been discharged from the Civil Service, reduced in pay or~~
9 ~~position, or suspended for longer than 30 days. If the Commission finds that the~~
10 ~~intent and spirit of a provision of this Charter has been violated, it shall report its~~
11 ~~findings to the Mayor, and the appointing officer shall take whatever action the~~
12 ~~Commission directs to rectify the violation.~~
- 13 (g) ~~may, if it determines after appropriate investigation, that any administrative head of~~
14 ~~the City, including any commission or board, or any officer having the power of~~
15 ~~appointment and removal in the Civil Service, has abused such power by making~~
16 ~~appointments or removals for any reason other than the good of the public service, so~~
17 ~~report to the Mayor.~~
- 18 (h) ~~may appoint such hearing officers and other employees as provided in the Ordinance~~
19 ~~of Estimates.~~
- 20 (i) ~~may, in the course of hearings, administer oaths, subpoena documents, summon~~
21 ~~witnesses, and examine witnesses; and may delegate these powers to a commissioner~~
22 ~~or hearing officer.~~
- 23 (j) ~~shall render decisions within sixty days of the close of hearings unless the City~~
24 ~~employee and City both agree to an extension. If the Commission fails to decide~~
25 ~~within the sixty day time period, the decision of the hearing officer, if there is one,~~
26 ~~shall be deemed to be the decision of the Commission.~~

27 **~~§ 96. Civil Service Commission: Department of Human Resources—Established.~~**

28 (a) ~~In general:~~

29 There is a Department of Human Resources:

30 (b) ~~[Purpose] POWERS:~~

31 The Department shall:

- 32 (1) ~~[promote merit and fitness in City employment] PROPOSE TO THE COMMISSION~~
33 ~~PERSONNEL AND CIVIL SERVICE RULES AND REGULATIONS FOR THE COMMISSION'S~~
34 ~~APPROVAL;~~

Council Bill 18-0264

1 (2) ~~[ensure that appointments and promotions in the City's Civil Service are made,~~
2 ~~and that salaries are established, without regard to political affiliation; and]~~
3 ~~IMPLEMENT, MANAGE, AND ADMINISTER APPROVED REGULATIONS;~~

4 (3) ~~[promote the efficient delivery of services to the public.] REVIEW AND APPROVE~~
5 ~~DIFFERENT GROUPINGS OF POSITIONS HAVING SIMILAR DUTIES, RESPONSIBILITIES,~~
6 ~~AND QUALIFICATIONS ("CLASSIFICATIONS") THAT ARE USED BY THE DEPARTMENT;~~
7 ~~AND~~

8 (4) ~~PERFORM ALL FUNCTIONS NECESSARY AND RELATED TO HUMAN RESOURCE~~
9 ~~ADMINISTRATION AND MANAGEMENT REQUIRED BY THIS CHARTER, OTHER LAW,~~
10 ~~AND REGULATION.~~

11 **§ 97. ~~[Civil Service Commission: Department of Human Resources—Powers and duties.]~~**

12 ~~{The Department:}~~

13 ~~{(a) shall propose and submit to the Commission for final approval rules and regulations,~~
14 ~~including rules and regulations governing probationary status, temporary and~~
15 ~~emergency appointments, classifications, reclassifications, examinations, promotions,~~
16 ~~demotions, transfers, reinstatements, discharges, and other discipline of employees.}~~

17 ~~{(b) shall propose and submit to the Commission for final approval the different~~
18 ~~classifications that are used by the Department. Such classifications shall assure that~~
19 ~~City employees are hired and promoted based on ability, efficiency, character, and~~
20 ~~industry ("merit"); and shall encourage the recruitment, training and supervision of~~
21 ~~qualified employees. Classifications may be grouped into categories, which may~~
22 ~~include a general category for employees who are hired or promoted based, in part, on~~
23 ~~the results of competitive or non-competitive examinations; a labor category for~~
24 ~~unskilled or skilled laborers; and other categories that the Commission may deem to~~
25 ~~be appropriate.}~~

26 ~~{(c) subject to the exceptions in Section 99, shall assign to a classification each position~~
27 ~~in the City to which appointments are made. The Department shall not assign a~~
28 ~~position outside of the Civil Service without the approval of the Civil Service~~
29 ~~Commission. All the classified positions shall constitute the Civil Service, and~~
30 ~~appointments to positions in the Civil Service shall be made according to the rules of~~
31 ~~the Commission.}~~

32 ~~{(d) shall provide for competitive examinations, non-competitive examinations, and~~
33 ~~other evaluative measures to assure that City employees are hired based on merit.}~~

34 ~~{(e) shall provide for competitive examinations, non-competitive examinations, and other~~
35 ~~evaluative measures, including conduct in office, demonstrated capacity, and~~
36 ~~seniority, to assure that City employees are promoted based on merit.}~~

37 ~~{(f) shall promptly certify to appointing officers lists of candidates eligible for~~
38 ~~employment within each classification. The Commission, by rule:}~~

Council Bill 18-0264

1 ~~{1. shall determine when certifications shall include, in rank order, those persons~~
2 ~~who have performed best on competitive examinations and when certifications~~
3 ~~should include persons whose fitness has been otherwise established;}~~

4 ~~{2. shall determine when and how the appointing officer shall fill a vacancy or~~
5 ~~new position from the certifications; and}~~

6 ~~{3. may provide that honorably discharged veterans of war, including disabled~~
7 ~~veterans, may receive special credits for their service to the United States in~~
8 ~~determining the qualifications and relative standing of applicants for City~~
9 ~~positions.}~~

10 ~~{(g) shall establish a period of probation not exceeding one year during which the~~
11 ~~appointing officer may remove the employee at pleasure.}~~

12 ~~{(h) shall propose to the Board of Estimates appropriate salaries and wages for each~~
13 ~~classification.}~~

14 ~~{(i) shall, in conjunction with the employing department, recruit, train and counsel Civil~~
15 ~~Service members.}~~

16 ~~{(j) may appoint such employees as provided in the Ordinance of Estimates.}~~

17 ~~{(k) shall administer employee benefits and pre-employment screening programs as~~
18 ~~directed by the Board of Estimates.}~~

19 ~~§ 98. Civil Service Commission: Department of Human Resources—Director.~~

20 ~~(a) Head of Department; Qualifications.~~

21 ~~(1) The Director of Human Resources shall supervise and direct the Department.~~

22 ~~(2) The Director shall have substantial experience in [personnel administration] HUMAN~~
23 ~~RESOURCE MANAGEMENT.~~

24 ~~§ 99. Civil Service Commission: Civil Service positions.~~

25 ~~EMPLOYEES OF THE CITY OF BALTIMORE SHALL BE MEMBERS OF THE CIVIL SERVICE, EXCEPT~~
26 ~~AS MAY BE PROVIDED BY LAW OR BY CIVIL SERVICE RULES AND REGULATIONS.~~

27 ~~{(a) Positions included.}~~

28 ~~{1. All employees of the City of Baltimore, except as otherwise provided by the Charter~~
29 ~~or State law, shall be members of the Civil Service, with the exception of:}~~

30 ~~[a. elected officials and those employees whom the elected officials have~~
31 ~~designated as members of their personal staffs.}~~

32 ~~[b. Assistant City Solicitors.}~~

Council Bill 18-0264

1 ~~[c. with the exception of the Director of the Department of Legislative Reference;~~
2 ~~directors, or by whatever other name the chief administrative officer may be~~
3 ~~known, and the deputy directors, of all departments of the City.]~~

4 ~~[d. all members of boards and commissions.]~~

5 ~~[e. all professional employees of the Department of Education.]~~

6 ~~[f. persons in positions of temporary or seasonal employment.]~~

7 ~~[g. persons who, in the judgment of the Civil Service Commission, exercise~~
8 ~~policy-making discretion or occupy a position of special trust and confidence~~
9 ~~that is inconsistent with membership in the Civil Service.]~~

10 ~~[2. Any dispute about whether a position is within the Civil Service shall be finally~~
11 ~~resolved by the Commission.]~~

12 ~~[(b) Reemployment of director or deputy.]~~

13 ~~[Upon leaving a position of director or deputy director, one who relinquished Civil~~
14 ~~Service status to assume that position shall, on application and with approval of the~~
15 ~~Commission, be placed on the re-employment list for his or her former classification.]~~

16 ~~§ 100. Civil Service Commission: Discharges, etc.; Reductions in force.~~

17 ~~(a) Discharges, suspensions, reductions in pay or position:~~

18 ~~[(1)] No person may be discharged from the Civil Service, reduced in pay or position, or~~
19 ~~suspended because of political opinions or affiliations, or for refusing to contribute to~~
20 ~~any political fund or refusing to render any political service. But nothing in this~~
21 ~~Charter relating to the Civil Service forbids the discharge, reduction in pay or~~
22 ~~position, or suspension of an officer or employee for any just cause.~~

23 ~~[(2) Whenever a non-probationary employee is discharged, reduced in pay or position, or~~
24 ~~suspended for more than 30 days, the appointing officer shall furnish a copy of the~~
25 ~~order of discharge, reduction, or suspension, together with a statement of the reasons~~
26 ~~for the action, to the employee and to the Commission.]~~

27 ~~[(3) The employee may contest the action by:~~

28 ~~(i) requesting a hearing before the Commission; or~~

29 ~~(ii) initiating a grievance pursuant to an applicable grievance and arbitration~~
30 ~~procedure, if any, contained in an applicable collective bargaining agreement.]~~

31 ~~[(4) Once an employee has chosen to contest an action by electing one of the procedures~~
32 ~~specified in paragraph (3) of this subsection, the employee is bound by that election~~
33 ~~and may not subsequently choose to follow a different procedure.]~~

Council Bill 18-0264

1 ~~{(5) In all cases, except one in which an employee elects to contest an action through a~~
2 ~~grievance and arbitration procedure under paragraph (3)(ii) of this subsection, the~~
3 ~~Commission may, and on the written request of the employee, the Commission shall~~
4 ~~investigate the disciplinary action. If the Commission finds that the intent and spirit~~
5 ~~of the provisions of this Charter have been violated in the discharge, reduction, or~~
6 ~~suspension, it shall report its findings to the Mayor; and the appointing officer shall~~
7 ~~take whatever action the Commission directs to rectify the violation.}~~

8 ~~{(b) Reductions in force—Reemployment preference.}~~

9 ~~{Each person discharged for the purpose of reducing the force and without fault shall~~
10 ~~receive a certificate so stating and all persons so discharged shall be placed on the eligible~~
11 ~~list in the order of the length of their service in their classifications at the time of being~~
12 ~~laid off and in other classifications the civil service in which they may have served~~
13 ~~previously. The weight to be given to length of service in their last classification and in~~
14 ~~prior classifications shall be determined in accordance with the rules of the Commission.~~
15 ~~Persons so discharged shall have preference in the order of their seniority over others on~~
16 ~~the eligible list, subject, however, to the terms of the next subsection and to any priority~~
17 ~~to which any person may be entitled by virtue of any preference to veterans or their~~
18 ~~dependents.}~~

19 ~~(B) {(e)} Reductions in force [—Seasonal and part-time employees].~~

20 ~~THE DISPOSITION OF EMPLOYEES DISCHARGED AS A RESULT OF A REDUCTION OF FORCE~~
21 ~~SHALL BE DETERMINED BY CIVIL SERVICE RULES AND REGULATIONS.~~

22 ~~{In the case of classes of seasonal or part-time employees the Commission, after notice~~
23 ~~and a public hearing, may adopt rules excluding them from, or limiting the application to~~
24 ~~them of, the preference contained in the preceding subsection.}~~

25 ~~§ 101. {Civil Service Commission: Roster of Service employees.}~~

26 ~~{(a) Commission to keep; Contents.}~~

27 ~~{The Commission shall keep in its office an official roster of the Civil Service, and shall~~
28 ~~enter thereon the name of every person who has been appointed, employed, promoted,~~
29 ~~reduced, transferred or reinstated in any Civil Service position.}~~

30 ~~{This roster shall be open to public inspection at all reasonable hours, and shall show in~~
31 ~~connection with each name the date of appointment, employment, promotion, reduction,~~
32 ~~transfer or reinstatement and the compensation of the position, its title, the nature of the~~
33 ~~duties thereof and the date and cause of any termination of such office or employment.}~~

34 ~~{(b) Reports to Commission.}~~

35 ~~{It shall be the duty of each appointing officer to report to the Commission forthwith,~~
36 ~~upon the appointment or employment of any person in the Civil Service, the name of the~~
37 ~~appointee or employee, the title and character of the office or employment, the date of~~
38 ~~commencement of service, and to report the separation of a person from the service, or~~

Council Bill 18-0264

1 other change in status and other information that the Civil Service Commission may
2 require in order to keep the roster.}]

3 ~~[(e) Salary contingent on roster listing.]~~

4 [It shall be unlawful, after notice from the Commission for the Department of Finance to
5 pay any salary or compensation to any officer, clerk, employee or other person in the
6 Civil Service whose name does not appear upon the roster as being in the employ of the
7 City.]

8 **§ 103. Civil Service Commission: Abolished positions.**

9 THE DISPOSITION OF EMPLOYEES HOLDING CIVIL SERVICE POSITIONS THAT MAY BE
10 ABOLISHED SHALL BE DETERMINED BY CIVIL SERVICE RULES AND REGULATIONS.

11 [Any person holding any position in the Civil Service which may be abolished by the
12 adoption of any amendment to the Charter or in any other lawful manner, shall be placed
13 upon the reemployment list for the classification to which the abolished position belonged in
14 accordance with Sections 100 and 101, or if no position of the same classification as that of
15 the position abolished shall remain in the Civil Service after the abolition of the position, the
16 person shall be placed on the reemployment list for a position that, in the judgment of the
17 Civil Service Commission, shall most nearly approximate the position abolished.]

18 [No position shall be deemed to be abolished by reason of being transferred or placed in or
19 under a different municipal agency without substantial change in the nature of the actual
20 duties of the position.]

21 **§ 104. [Civil Service Commission: Penalties.]**

22 [Any violation of any of the provisions of the Charter relating to the Civil Service, or any
23 willful use of any corrupt means in connection with any examination, appointment,
24 promotion, reduction, transfer or reinstatement shall be deemed a misdemeanor and, upon
25 conviction in a court of competent jurisdiction, shall be punished by a fine or by
26 imprisonment as provided by law.]

27 **DEPARTMENT OF TRANSPORTATION**

28 **§ 116. Powers and duties of Department.**

29 ~~(b) Street construction and maintenance:~~

30 ~~(3) Before paving or repaving a street, the Director of Transportation shall [give notice in~~
31 ~~one or more daily City newspapers that,] ENSURE ADEQUATE PUBLIC NOTICE not less~~
32 ~~than 90 days from the first publication date, the Department will proceed with the~~
33 ~~paving or repaving and warning all persons to obtain permits for and to complete~~
34 ~~before that day all work that might involve the digging up of the street.~~

35 **§ 116B. [Correcting physical obstruction.]**

36 ~~[(a) Correction required.]~~

Council Bill 18-0264

1 ~~[Any person who has, in, over, or under a public street in Baltimore City, any building,~~
2 ~~structure, conduit, drain, main, pipe, track, work, or other physical obstruction that blocks~~
3 ~~or impedes the work of the Department shall, on reasonable notice from the Department,~~
4 ~~promptly shift, adjust, or remove it, at that person's expense, to fully meet the exigencies~~
5 ~~described in the notice.]~~

6 ~~[(b) Condemnation.]~~

7 ~~[The City is empowered, when the exigencies of the Department's work require, to secure~~
8 ~~the condemnation of the physical obstruction as provided in Article II of this Charter.]~~

9 *COMPENSATION COMMISSION FOR ELECTED OFFICIALS*

10 ~~§ 117. Definitions.~~

11 ~~(d) Elected official:~~

12 ~~"Elected official" means:~~

13 ~~(1) the Mayor;~~

14 ~~(2) the City Comptroller;~~

15 ~~(3) the President of the City Council; [and]~~

16 ~~(4) the Members of the City Council; AND~~

17 ~~(5) THE STATE'S ATTORNEY FOR BALTIMORE CITY.~~

18 *DEPARTMENT OF GENERAL SERVICES*

19 ~~§ 134. [Correcting physical obstruction.]~~

20 ~~[(a) Correction required.]~~

21 ~~[Any person who has, in, over, or under a public street in Baltimore City, any building,~~
22 ~~structure, conduit, drain, main, pipe, track, work, or other physical obstruction that blocks~~
23 ~~or impedes the work of the Department shall, on reasonable notice from the Department,~~
24 ~~promptly shift, adjust, or remove it, at that person's expense, to fully meet the exigencies~~
25 ~~described in the notice.]~~

26 ~~[(b) Condemnation.]~~

27 ~~[The City is empowered, when the exigencies of the Department's work require, to secure~~
28 ~~the condemnation of the physical obstruction as provided in Article II of this Charter.]~~

Council Bill 18-0264

Article VIII. Franchises

§ 4. ~~Street railways.~~

~~[The Board of Estimates, subject to ratification and approval by ordinance, is empowered to agree with any street railway company for the surrender of any of its franchises, easements or rights-of-way, and in substitution for the franchise, easement or right-of-way so surrendered to grant a new franchise, easement or right-of-way on any street, and which may be for the same duration as the franchise, easement or right-of-way surrendered, and to provide, in appropriate cases, for a graduated park tax, as prescribed by Chapter 566 of the Acts of the General Assembly of 1906.]~~

§ 5. ~~Trackless trolleys.~~

~~[The City may, by ordinance, permit any street railway company to operate under its existing franchises vehicles propelled by electricity furnished by overhead wires but not operated upon rails, and any such grant heretofore made is hereby ratified and confirmed.]~~

§ 6. ~~Advertising.~~

~~[Before any grant of the franchises or right to use any street, or other public property, either on, above or below the surface of the same shall be made, the proposed specific grant, except as provided in the second paragraph of Section 2 of this Article VIII, embodied in the form of a brief advertisement, prepared by the Board of Estimates, at the expense of the applicant, shall be published by the Comptroller for at least three days in one daily newspaper published in Baltimore City to be designated by the Board of Estimates, and all the provisions of the first paragraph of Section 2 of this Article VIII shall be complied with.]~~

ARTICLE X. CHARTER REVIEW COMMISSION

§ 1. ~~COMMISSION ESTABLISHED.~~

~~A CHARTER REVIEW COMMISSION MAY BE APPOINTED FROM TIME TO TIME PURSUANT TO THE REQUIREMENTS OF THIS ARTICLE BUT AT LEAST ONCE EVERY 10 YEARS FOLLOWING THE ADOPTION OF THIS ARTICLE IN NOVEMBER 2018.~~

§ 2. ~~APPOINTMENT.~~

~~A CHARTER REVIEW COMMISSION SHALL BE APPOINTED NO LATER THAN MAY 1 IN THE YEAR PRECEDING A CONGRESSIONAL ELECTION AND COMPLETE ITS WORK, AS PROVIDED IN THIS ARTICLE, NO LATER THAN MAY 1 IN THE YEAR FOLLOWING ITS APPOINTMENT.~~

§ 3. ~~COMPOSITION.~~

~~(A) IN GENERAL.~~

~~(1) THE COMMISSION SHALL BE COMPOSED OF 9 REGISTERED VOTERS OF THE CITY APPOINTED WITHOUT REGARD TO POLITICAL AFFILIATION.~~

Council Bill 18-0264

1 ~~(2) THE MAYOR, THE PRESIDENT OF THE CITY COUNCIL, AND THE COMPTROLLER SHALL~~
2 ~~EACH APPOINT 3 MEMBERS TO THE COMMISSION.~~

3 ~~(3) EXCEPT FOR A MEMBER OF THE JUDICIARY, NO PERSON WHO HOLDS ELECTED OFFICE~~
4 ~~MAY BE APPOINTED TO THE COMMISSION.~~

5 ~~(B) CHAIR.~~

6 ~~THE CHAIR OF THE COMMISSION SHALL BE ELECTED FROM, AND BY, THE COMMISSION~~
7 ~~MEMBERS.~~

8 ~~(C) ADVISORY BODY.~~

9 ~~AT THE DISCRETION OF THE COMMISSION, AN ADVISORY BODY MAY BE APPOINTED TO~~
10 ~~ASSIST THE COMMISSION IN ITS DUTIES.~~

11 ~~§ 4. DUTIES.~~

12 ~~(A) RECOMMEND CHARTER CHANGES.~~

13 ~~THE COMMISSION SHALL REVIEW THE PROVISIONS OF THIS CHARTER AND MAKE~~
14 ~~RECOMMENDATIONS AS TO THE NECESSITY FOR DELETING, ADDING TO, OR REVISING ANY~~
15 ~~PORTION OF ITS CONTENTS.~~

16 ~~(B) PUBLIC HEARING REQUIRED.~~

17 ~~DURING ITS DELIBERATIONS, THE COMMISSION SHALL HOLD AT LEAST 1 PUBLIC HEARING~~
18 ~~TO RECEIVE PUBLIC TESTIMONY CONCERNING THE WORK OF THE COMMISSION.~~

19 ~~§ 5. REPORT TO THE MAYOR AND CITY COUNCIL.~~

20 ~~(A) WRITTEN REPORT.~~

21 ~~THE COMMISSION SHALL DELIVER A WRITTEN REPORT CONTAINING ITS~~
22 ~~RECOMMENDATIONS TO THE MAYOR AND CITY COUNCIL.~~

23 ~~(B) CITY COUNCIL HEARING.~~

24 ~~THE CITY COUNCIL SHALL CONVENE A PUBLIC HEARING AT WHICH THE COMMISSION~~
25 ~~SHALL PRESENT ITS REPORT AND RECOMMENDATIONS.~~

26 ~~§ 6. DISSOLUTION.~~

27 ~~UPON COMPLETING THE ACTIVITIES REQUIRED IN § 5 ("REPORT TO THE MAYOR AND CITY~~
28 ~~COUNCIL") OF THIS ARTICLE, THE COMMISSION SHALL BE DEEMED DISSOLVED AND ITS WORK~~
29 ~~COMPLETED.~~

30 ~~SECTION 2. AND BE IT FURTHER RESOLVED, that these amendments to the City Charter shall~~
31 ~~become effective on January 1, 2020, except as is hereafter provided:~~

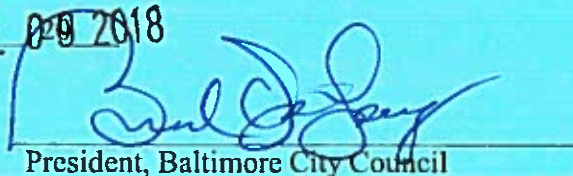
Council Bill 18-0264

1 SECTION 3 2. AND BE IT FURTHER RESOLVED, that the amendments to Article VII, Sections
2 90, 91, 92, and 93, ~~and 117~~ of the City Charter shall become effective on January 1, 2019.

3 SECTION 4 3. AND BE IT FURTHER RESOLVED, that the Director of Legislative Reference
4 holding office at the time the amendments to Article VII, Sections 90, 91, 92 and 93 become
5 effective shall remain in the office until, pursuant to the amendments, reappointment or the
6 appointment of a successor.

7 SECTION 5 4. AND BE IT FURTHER RESOLVED, that these proposed amendments to the City
8 Charter be submitted to the legal and qualified voters of Baltimore City, for adoption or rejection,
9 in accordance with Article XI-A, § 5 of the Maryland Constitution, in the form specified by the
10 City Solicitor.

Certified as duly passed this ____ day of JUL 09 2018



President, Baltimore City Council

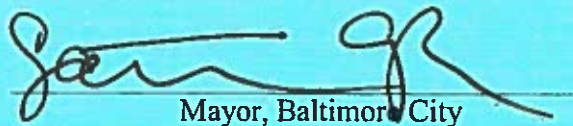
Certified as duly delivered to Her Honor, the Mayor,

this ____ day of JUL, 09 2018



Chief Clerk

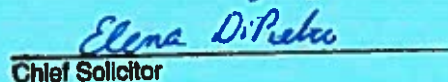
Approved this 10 day of August, 2018



Mayor, Baltimore City

Approved For Form and Legal Sufficiency

This 16th Day of July 2018



Chief Solicitor

**CITY OF BALTIMORE
RESOLUTION _____
Council Bill 18-0264
(Charter Amendment)**

Introduced by: The Council President
At the request of: The Administration (Mayor's Charter Review Commission)
Introduced and read first time: June 11, 2018
Assigned to: Judiciary and Legislative Investigations Committee
Committee Report: Favorable with amendments
Council action: Adopted
Read second time: June 25, 2018

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

1 **Charter Amendment – ~~Charter Commission General Recommendations~~**
2 **Department of Legislative Reference**

3 FOR the purpose of increasing the City's record keeping flexibility, repealing an obsolete
4 provision regarding the City's official time, improving the City's legislative and
5 administrative flexibility by removing redundant Charter provisions and language more
6 appropriate for ordinances or regulations; removing Charter provisions found to simply
7 restate applicable State law; requiring the Department of Finance to employ at least 1
8 Certified Public Accountant to perform certain duties; allowing certain agencies to be
9 designated by law to approve the withdrawal of City monies from depositories; removing
10 certain formal lien requirements from the Charter; clarifying that the review of disciplinary
11 matters by the Board of Fire Commissioners is at the request of the Fire Chief; clarifying the
12 authority of the Mayor to appoint the Board of Recreation and Parks; modernizing various
13 public notice provisions, including removing mandatory requirements for notice to be
14 published in a newspaper of general circulation in Baltimore City; simplifying requirements
15 related to the City's Master Plan; removing certain penalties relating to the Department of
16 Planning from the Charter; conforming to State law requiring alternate members be made
17 available for the Board of Municipal and Zoning Appeals; allowing the Board of Municipal
18 and Zoning Appeals to change its rules internally; removing the Board of Municipal and
19 Zoning Appeals' authority to appoint employees other than its Executive Secretary; updating
20 the Board of Municipal and Zoning Appeals' powers for reviewing paving assessments and
21 other matters; conforming a provision relating to appeals from Board of Municipal and
22 Zoning Appeals' decisions to State law; replacing the Board of Legislative Reference with an
23 ad hoc board appointed by the Mayor, the President of the City Council, and the Comptroller;
24 allowing the newly restructured ad hoc Board of Legislative Reference to make
25 recommendations regarding the hiring of a Director of Legislative Reference; removing the
26 Civil Service status of the Director of Legislative Reference; making the Director of
27 Legislative Reference removable for any reason rather than just for incompetence or neglect
28 of duties; and allowing the Mayor and the President of the City Council to jointly appoint and
29 remove the Director of Legislative Reference; allowing the President of the City Council to
30 recommend 1 of the 3 Civil Service Commissioners; updating the required qualifications for
31 Civil Service Commissioners; formally transferring many of the powers formerly belonging
32 to the Civil Service Commission to the Department of Human Resources to improve

EXPLANATION: Underlining indicates matter added by amendment
 Strike-out indicates matter stricken by amendment.

Council Bill 18-0264

1 administrative flexibility; allowing the Department of Human Resources to transfer
2 employees into and out of the Civil Service by regulation, and to adjust Civil Service
3 protections administratively; to increase flexibility in personnel management; updating the
4 required qualifications for the Director of Human Resources; removing certain penalties
5 relating to the Civil Service Commission from the Charter; adding the State's Attorney for
6 Baltimore City to the list of elected officials covered by the Compensation Commission for
7 Elected Officials; removing certain obsolete provisions regarding street railways, trackless
8 trolleys, and advertising from the Franchises Article; establishing a procedure for regularly
9 appointing Charter Review Commissions to review the Charter and make recommendations
10 as to the necessity for deleting, adding to, or revising any portion of its contents; requiring the
11 appointment of a Charter Review Commission at least once every 10 years; requiring that the
12 Charter Review Commission publically report on its findings to the Mayor and City Council;
13 clarifying and conforming related provisions; setting a special effective dates date for the
14 proposed Charter amendments amendment; and submitting this amendment to the qualified
15 voters of the City for adoption or rejection.

16 BY proposing to amend

17 Article I - General Provisions
18 Section(s) 7, 8, and 10
19 Baltimore City Charter
20 (1996 Edition)

21 BY proposing to amend

22 Article VII - Executive Departments
23 Section(s) 3, 10, 11(a), 12 to 15, 18(a) and (c), 30, 37, 41, 42, 51, 52, 53(c) and (g), 69(a),
24 72(g) and (h), 74 to 78, 80, 82(a), 83(b), (c), and (f), 85 to 88, 90 to 93, 94(a), 95 to 97,
25 98a, 99, 100, 101, 103, 104, 116(b)(3), 116B, 117(d), and 134
26 Baltimore City Charter
27 (1996 Edition)

28 BY proposing to amend

29 Article VIII - Franchises
30 Section(s) 4 to 6
31 Baltimore City Charter
32 (1996 Edition)

33 BY proposing to add

34 Article X - Charter Review Commission
35 Section(s) 1 to 6
36 Baltimore City Charter
37 (1996 Edition)

38 BY proposing to amend

39 Article VII - Executive Departments
40 Section(s) 90, 91, and 92
41 Baltimore City Charter
42 (1996 Edition)

Council Bill 18-0264

1 BY proposing to repeal
2 Article VII - Executive Departments
3 Section 93
4 Baltimore City Charter
5 (1996 Edition)

6 By proposing to renumber and amend
7 Article VII - Executive Departments
8 Section 92 to be new Section 93
9 Baltimore City Charter
10 (1996 Edition)

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

13 **Baltimore City Charter**

14 **Article I. General Provisions**

15 ~~§ 7. Records[; Reports]~~

16 ~~(A) RECORD-KEEPING:~~

17 ~~THE MAYOR AND CITY COUNCIL SHALL PROVIDE FOR APPROPRIATE RECORD-KEEPING.~~

18 ~~(B) PUBLIC INSPECTION:~~

19 ~~THE PUBLIC SHALL HAVE THE RIGHT TO INSPECT PUBLIC RECORDS IN ACCORDANCE WITH~~
20 ~~STATE LAW.~~

21 ~~[(a) Required maintenance; Admissibility; Public inspection.]~~

22 ~~[A suitable record of all the proceedings, financial transactions and official acts of all~~
23 ~~municipal agencies, shall be kept, and a certified copy of the record, or any part thereof,~~
24 ~~under the corporate seal of the City shall be admissible in evidence in any court of this~~
25 ~~State as proof of such record, or a part thereof. A record shall be available for public~~
26 ~~inspection unless otherwise expressly ordered by the head of the agency or the municipal~~
27 ~~officer by or on behalf of whom the record is kept; and in the event that written demand~~
28 ~~shall be made for the public disclosure of any matter deemed confidential by the head of~~
29 ~~an agency or by a municipal officer, the demand shall at once be referred to the Board of~~
30 ~~Estimates and the Board, after consultation with the City Solicitor as to the legal propriety~~
31 ~~of its action, may order the demanded disclosure to be made in whole or in part.]~~

32 ~~[(b) Microfilm, etc.]~~

33 ~~[The City may provide by ordinance for the making and keeping of all or some records on~~
34 ~~microfilm or by other method of reproduction and, when so made, for the destruction of~~
35 ~~the original records. Any such reproduction or print therefrom shall be in all respects the~~
36 ~~equivalent of the original from which made, and when authenticated as above provided~~

Council Bill 18-0264

1 shall be admissible in evidence in any court of this State as proof of that record, or part
2 thereof.}

3 ~~{(e) Annual report; Other information.}~~

4 ~~{Unless otherwise directed by the Board of Estimates, every municipal agency of the City~~
5 ~~shall prepare annually a written report of its work and proceedings. A copy of each report~~
6 ~~shall be filed with the Mayor and a copy shall also be filed with the Department of~~
7 ~~Legislative Reference; additional copies of each report, or parts thereof, shall be prepared~~
8 ~~and made available as from time to time may be directed by the Board of Estimates.}~~

9 ~~{Upon request of the Mayor or Board of Estimates every municipal agency shall promptly~~
10 ~~supply the Mayor or the Board with all requested information with respect to the practice~~
11 ~~and proceedings of the agency, provided, however, that this information need not be~~
12 ~~given with respect to any undetermined policy or opinion, nor shall the Board of~~
13 ~~Municipal and Zoning Appeals make any disclosure as to any pending appeal other than~~
14 ~~to furnish a copy of the testimony and papers filed with it pertaining to that appeal.}~~

15 **§ 8. Official time.**

16 ~~{The official time of the City of Baltimore shall conform to standard time based upon the~~
17 ~~time of the seventy-fifth meridian, except that, from two o'clock a.m. of the last Sunday in~~
18 ~~April until two o'clock a.m. of the last Sunday in September of each year, the official time~~
19 ~~throughout the City of Baltimore shall be advanced one hour, and all courts, public offices,~~
20 ~~legal and official proceedings, insofar as the same are subject to or under the control of the~~
21 ~~Mayor and City Council of Baltimore, shall be regulated thereby, and all time shown by the~~
22 ~~public clocks shall agree therewith. Provided, however, that the Mayor and City Council by~~
23 ~~ordinance passed not less than fifteen days before the change would become effective, may~~
24 ~~extend the period during which the one hour variation from standard time shall be effective in~~
25 ~~any year or years. The extension may be to change the advance in time up to two o'clock~~
26 ~~a.m. on the last Sunday in March, or back to two o'clock a.m. on the last Sunday in October,~~
27 ~~or both such changes, or any portion or portions of either. Any such extension may be~~
28 ~~provided only if other municipalities or sections of the United States shall have made such a~~
29 ~~change, and in the opinion of the Mayor and City Council thereby have caused inconvenience~~
30 ~~and annoyance to the commercial, economic, industrial or social affairs of the residents of~~
31 ~~Baltimore City.}~~

32 **§ 10. Affordable housing funds.**

33 ~~{(a) Authorization.}~~

34 ~~By Ordinance, the Mayor and City Council of Baltimore may establish 1 or more~~
35 ~~continuing, nonlapsing funds for purposes of promoting economically diverse housing in~~
36 ~~City neighborhoods, including:~~

37 ~~(1) providing assistance, by loan, grant, or otherwise, for the planning, production,~~
38 ~~maintenance, or expansion of affordable housing in the City;~~

39 ~~(2) providing assistance, by loan, grant, or otherwise, to persons unable to obtain~~
40 ~~affordable housing; and~~

Council Bill 18-0264

1 ~~(3) otherwise increasing housing opportunities for working families and other persons~~
2 ~~of low and moderate income.~~

3 ~~[(b) Revenue sources.]~~

4 ~~[A fund established under this section may comprise:]~~

5 ~~[(1) money appropriated to the fund in the annual Ordinances of Estimates; and]~~

6 ~~[(2) grants or donations made to the fund.]~~

7 ~~[(e) Continuing nature of fund.]~~

8 ~~[Notwithstanding any other provision of this Charter, unspent portions of a fund~~
9 ~~established under this section:]~~

10 ~~[(1) remain in the fund, to be used exclusively for their ordained purposes;]~~

11 ~~[(2) do not revert to the general revenues of the City; and]~~

12 ~~[(3) their appropriations do not lapse.]~~

13 ~~Article VII. Executive Departments~~

14 ~~General Provisions~~

15 ~~§ 3. General provisions: Bureaus and divisions.~~

16 ~~[(a) Establishment or abolishment.]~~

17 ~~With the approval of the Board of Estimates, the head of a municipal department (except~~
18 ~~as otherwise provided for the Department of Public Works), commission, or board~~
19 ~~provided for by the Charter may establish and abolish bureaus and divisions within that~~
20 ~~department, commission or board.~~

21 ~~Bureaus in the Department of Public Works shall be established or abolished from time to~~
22 ~~time by an ordinance which shall have been recommended to the City Council by the~~
23 ~~Board of Estimates and shall have been duly passed by the City Council by a majority~~
24 ~~vote of its members and shall have been approved by the Mayor.~~

25 ~~[(b) Allocation of powers and duties.]~~

26 ~~[Subject to the authority of the Board of Estimates, the head of any department,~~
27 ~~commission, or board may assign among the bureaus or divisions in that department,~~
28 ~~commission, or board, duties and powers of that department, commission, or board. A~~
29 ~~board or commission may act under this subsection only by the majority vote of its~~
30 ~~membership.]~~

Council Bill 18-0264

Department of Finance

§ 10. ~~Department of Finance: Disbursements.~~

~~{The Department shall have general supervision and charge over all payments and disbursements made by the City and no payment or disbursement shall be made by the City without the approval of the Department.}~~

§ 11. ~~Department of Finance: Accounting.~~

~~(a) *In general.*~~

~~(1) The Department shall keep all general accounts of the City, prepare the City's financial statements, and maintain an adequate system of accounting that, at all times, reflects the actual financial condition of the City resulting from income accrued and liabilities incurred, property owned, and funded obligations, estimated revenue and authorized appropriations, cash received and disbursed, among other factors. The Department shall also maintain complete physical and cost records of all property owned by the City, including perpetual inventory records itemizing materials and supplies on hand.~~

~~(2) THE DEPARTMENT SHALL EMPLOY AT LEAST 1 CERTIFIED PUBLIC ACCOUNTANT IN THE PERFORMANCE OF THESE DUTIES.~~

§ 12. ~~Department of Finance: Collections, deposits, withdrawals, etc.~~

~~(a) *In general.*~~

~~{The} UNLESS OTHERWISE PROVIDED BY LAW, THE Director shall receive, collect, and account for all moneys due the City and deposit these moneys in depositories selected by the Board of Finance.~~

~~(b) *Withdrawals.*~~

~~{The} UNLESS OTHERWISE PROVIDED BY LAW, THE Director shall approve the withdrawal of City moneys from its depositories.~~

~~(c) *Required signatures for checks.*~~

~~Unless otherwise provided by law, all checks of the City shall be signed by the Director or Deputy Director, and counter-signed by the Mayor, except payroll, pension, and similar checks, which shall bear the signatures of the Director or Deputy Director and of a person in the Department of Finance designated by the Director to sign as disbursing officer; such designation shall be made in writing by the Director and filed with all banks on which such checks are drawn. Any signature on checks of the City may be manual or facsimile.~~

Council Bill 18-0264

1 ~~[(d) Local and state taxes.]~~

2 ~~[In addition to collecting all taxes and assessments levied or made by the City, the~~
3 ~~Director shall collect such State taxes and perform such other duties for the State as may~~
4 ~~be prescribed by law. The salary provided the Director in the Ordinance of Estimates~~
5 ~~shall include compensation for collecting State taxes and such other duties as the Director~~
6 ~~may perform for the State.]~~

7 ~~[After the levy of the full rate property tax has been made, the Director shall prepare the~~
8 ~~tax bills and shall have them ready for payment by the taxpayers on the first day of the~~
9 ~~fiscal year for which the levy is made or as soon thereafter as is possible. To encourage~~
10 ~~the payment of taxes prior to the date on which they become in arrears, the Department~~
11 ~~shall allow such discounts upon payment prior to such date as may be provided by law.]~~

12 **§ 13. Department of Finance: Lien records.**

13 ~~[(a) Keeping records; Issuing lien certificates.]~~

14 ~~The Department shall keep a record of all municipal charges and assessments and shall~~
15 ~~provide for the issuance of a lien certificate stating whether any, and, if so, what~~
16 ~~municipal charges or assessments exist against any particular property. The Department~~
17 ~~shall make such charge for the issuance of a lien certificate as may be fixed by the Board~~
18 ~~of Estimates.~~

19 ~~[(b) Contents of certificates; Charges constitute liens.]~~

20 ~~[A lien certificate shall show all charges and assessments of every character due the City,~~
21 ~~including State and City taxes and special paving tax, water and sewer billings, street~~
22 ~~benefit assessments, minor privilege charges, charges for street, alley and footway paving,~~
23 ~~sewerage connections, nuisance abatements and other charges. All of the charges and~~
24 ~~assessments shall be liens, until paid, against the property named in the lien certificate;~~
25 ~~provided that no then-existing charge shall be a lien against a property after the issuance~~
26 ~~of a lien certificate for that property unless that charge be shown on the lien certificate.]~~

27 ~~[(e) Tax lien records.]~~

28 ~~[The Department shall maintain at all times tax lien records that record tax liens and all~~
29 ~~other municipal liens. The tax lien records shall show the location of the property, the~~
30 ~~character of the liens against the property, and the amount of the liens as of the date of~~
31 ~~recording. After a lien shall have been recorded in the tax lien records, it shall remain a~~
32 ~~lien until paid and no statute of limitations shall operate as a bar to the collection of the~~
33 ~~lien.]~~

34 **§ 14. [Department of Finance: Notices of lien.]**

35 ~~[(The Director shall provide notice of a lien to a property owner as provided by law.)]~~

36 **§ 15. [Department of Finance: Distraint or levy for taxes.]**

37 ~~[(a) Good or chattels— Notice of proposed sale.]~~

Council Bill 18-0264

1 ~~{Whenever the Director shall distrain or levy upon any goods or chattels in Baltimore~~
2 ~~City for nonpayment of any taxes, state or municipal, due by the owner thereof, before~~
3 ~~making sale of property so distrained or levied upon, the Director shall give notice as~~
4 ~~required by law, including notice by advertisement published twice a week for one week~~
5 ~~prior to the day of sale, and also on the day of sale, in three of the daily newspapers~~
6 ~~published in the City, that the Director will sell for cash, at public auction, to the highest~~
7 ~~bidder, on the day and at the time and place mentioned in the advertisement, the property~~
8 ~~therein specified, unless on or before the day of sale the entire amount of taxes for which~~
9 ~~such distraint or levy shall have been made, with interest thereon, and costs of making the~~
10 ~~levy and advertisement, shall be paid.}~~

11 ~~{{(b) Goods or chattels—Application of proceeds.}}~~

12 ~~{Whenever the Director shall sell any goods or chattels levied or distrained upon for~~
13 ~~taxes, state or municipal, in Baltimore City, after due advertisement as required in the~~
14 ~~preceding paragraph, the Director shall retain out of the proceeds of sale the amount of~~
15 ~~taxes due from the delinquent, for which the levy or distraint shall have been made, with~~
16 ~~interest thereon, and all costs incurred in making the sale, and shall pay over the surplus,~~
17 ~~if any, to the owner of the property so levied upon and sold.}~~

18 ~~{{(e) Other sales.}}~~

19 ~~{All other sales of real or personal property, or interests therein, for nonpayment of taxes~~
20 ~~or other charges shall be conducted by such persons and in such manner as may be~~
21 ~~prescribed by law.}~~

22 ~~§ 18. Department of Finance: Registrar of debt; Custodian of funds and securities; Keeper~~
23 ~~of Seal.~~

24 ~~(a) Registrar of debt; Custodian of funds and securities.~~

25 ~~The Director shall be the registrar of the public debt and responsible for all moneys and~~
26 ~~securities belonging to the City including the actuarial retirement systems and shall~~
27 ~~provide for the safekeeping and transfer of stocks, bonds, and securities owned or held by~~
28 ~~the City or any agency thereof[, provided, however, that the designation of depository~~
29 ~~institutions shall be as set forth in Article VII, Section 21(b)].~~

30 ~~{To help the Director discharge the Director's duties as custodian of the moneys and~~
31 ~~securities of the actuarial retirement systems of the City, the administrators of those~~
32 ~~systems shall provide the Director with the financial information and assurances that he~~
33 ~~may request. The Director, acting under the supervision of the Board of Estimates, may~~
34 ~~contract with banks or trust companies that have appropriate charter authority to be~~
35 ~~custodians of cash and securities of the retirement systems. The Director shall have no~~
36 ~~personal liability for the performance, lack of performance, misfeasance or malfeasance~~
37 ~~of a bank or trust company so selected.}~~

Council Bill 18-0264

1 ~~(e) Keeper of City Seal.~~

2 The Director or the Director's delegate, designated in writing by the Director, shall have
3 charge of the corporate seal of the City [and shall use it in all cases where the use of the
4 seal is required by federal or State laws, ordinances, or the uses and customs of nations,
5 and shall charge a fee as may be fixed from time to time by the Board of Estimates for
6 each impression of the seal except such as shall be affixed to or impressed upon
7 documents for the City].

8 *Department of Public Works*

9 ~~§ 30. [Department of Public Works: Supervision of public works.]~~

10 ~~{The Director shall supervise all public works in Baltimore City or elsewhere, made by or for~~
11 ~~the City or any municipal agency, that relate to the Department's powers under this Charter.~~
12 ~~All plans and specifications for these public works, including those involving engineering~~
13 ~~questions, shall be submitted to the Director for approval.]~~

14 ~~§ 37. [Department of Public Works: Testing.]~~

15 ~~{At the request of a municipal agency, the Department shall test materials and supplies~~
16 ~~purchased or used by the agency.]~~

17 ~~§ 41. [Department of Public Works: Correcting physical obstruction.]~~

18 ~~{(a) Correction required.}~~

19 ~~{Any person who has, in, over, or under a public street in Baltimore City, any building,~~
20 ~~structure, conduit, drain, main, pipe, track, work, or other physical obstruction that blocks~~
21 ~~or impedes the work of the Department shall, on reasonable notice from the Department,~~
22 ~~promptly shift, adjust, or remove it, at that person's expense, to fully meet the exigencies~~
23 ~~described in the notice.]~~

24 ~~{(b) Condemnation.}~~

25 ~~{The City is empowered, when the exigencies of the Department's work require, to secure~~
26 ~~the condemnation of the physical obstruction as provided in Article II of this Charter.]~~

27 ~~§ 42. [Department of Public Works: Assistance to other agencies.]~~

28 ~~{On the request of the head of a municipal agency, the Director shall:}~~

29 ~~{(1) supply estimates of the cost of work proposed to be done for that agency during the~~
30 ~~next fiscal year; and}~~

31 ~~{(2) perform services for the municipal agency of the same general character as those~~
32 ~~carried on by the Department, the cost of which shall be charged to the agency~~
33 ~~requesting the services and shall be paid out of the funds appropriated to it.]~~

Council Bill 18-0264

Fire Department

§ 51. Fire Department: Board of Fire Commissioners—Powers and duties.

~~(a) Advise Chief.~~

The Board generally shall advise the Chief:

~~(b) Review disciplinary policies.~~

~~[The] AT THE REQUEST OF THE CHIEF, THE Board shall review the disciplinary policies and practices of the Department and make appropriate recommendations to the Chief.~~

~~(c) Investigations of Department conduct.~~

~~(1) In giving advice, the Board may investigate all matters affecting the conduct of the Department.~~

~~(2) IT SHALL BE THE SOLE DISCRETION OF THE CHIEF WHETHER TO ACCEPT THE RECOMMENDATIONS MADE RELATED TO INVESTIGATIONS UNDER THIS SUBSECTION.~~

~~[(d) Appeal panels.]~~

~~[The Board may sit in panels of not less than two to hear appeals under the Fire Prevention Code.]~~

§ 52. [Fire Department: Board of Fire Commissioners—Retirement of employees.]

~~[As to employees not covered by the Employees' Retirement System or the Fire and Police Employees' Retirement System of the City, the Board may retire from office in the Department any permanent or call member thereof who has become permanently disabled; while in the actual performance of duties, from risks taken in the performance of those duties and not due to any wilful misconduct on the member's part, or who has performed faithful service in the Department for a period of not less than twenty consecutive years, or who may become unable to perform further service by reason of age or other physical or mental disabilities, and place the member so retired upon a pension roll. The amount of such annual pension to be allowed by the Board to each pensioner shall be equal to one-half the yearly salary received by members of the Department in active service in the same grade or occupying the same position as, or position most similar to, that occupied by the pensioner at the time of his retirement, payable in monthly installments. The Board may also provide for the relief of widows and children of members of the Department who may have been killed in the discharge of their duties or have died as a result of injuries sustained in the performance of their duties, provided that the injuries were caused solely by risks taken in the performance of their duties and not due to the wilful misconduct of the deceased.]~~

~~[The annual amount which shall be paid to the widows and/or to the children under the age of 18 years, of members of the Department who may have been killed in the discharge of their duties or have died as a result of injuries sustained in the performance of their duties shall be in the discretion of the Board, but shall not exceed the full amount of the yearly salary received by members of the Department in active service in the same grade and occupying~~

Council Bill 18-0264

1 the same position as, or position most similar to, that occupied by the deceased at the time of
2 his death, payable in monthly installments.]

3 [The Board may also provide for the relief of unmarried widows, by marriages existing at
4 the time of retirement or death, of employees of the Department who are not members of the
5 Employees' Retirement System or the Fire and Police Employees' Retirement System who
6 die, whether death occurs before or after their retirement, subject to the Ordinance of
7 Estimates. The annual amount which shall be paid to such widow of such a deceased
8 member shall not exceed fifty per centum (50%) of the yearly pension to which such
9 deceased member would have been entitled to receive had that member lived and been retired
10 under the provisions of this section.]

11 [The City Council may provide by ordinance a system of benefits payable to the unmarried
12 widows and children under age 18 of persons who were employees or retired employees of
13 the Department who were not members of the Employees' Retirement System or the Fire and
14 Police Employees' Retirement System and who died or retired prior to June 7, 1963, subject
15 to such exceptions, conditions, restrictions and classifications as may be provided therein.]

16 **§ 53. Fire Department: Arbitration for fire fighters and officers.**

17 *(e) Submission of last proposals.*

18 Within three days after the selection of the chairman of the board of arbitration, the Labor
19 Commissioner or [his] THE COMMISSONER'S designated representative shall provide to
20 each member of the board of arbitration and to all parties, a detailed itemization of the
21 last proposal made by the respective parties during the negotiations:

22 *(g) Decision — Implementation.*

23 The decision of the majority of the board of arbitration thus established shall be final and
24 binding upon the Mayor and City Council of Baltimore and upon the certified employee
25 organizations involved in the proceedings. No appeal therefrom shall be allowed. Such
26 decision shall constitute a mandate to the Mayor of Baltimore City in respect to such
27 matters which can be remedied administratively by [him] THE MAYOR, and as a mandate
28 to the Board of Estimates and the City Council with respect to matters which require
29 legislative action necessary to implement the decision of the Board of Arbitration:

30 With respect to matters which require legislative action for implementation, such
31 legislation shall be enacted within forty-five days following the date of the arbitration
32 decision:

33 With respect to salaries and wage scales, the amounts determined by the final decision of
34 the Board of Arbitration shall be included in the proposed Ordinance of Estimates in
35 accordance with Article VI, Section 4(a), shall not be reduced by the City Council in
36 accordance with Article VI, Section 7(a), and shall be adopted by the Board of Estimates
37 as the salary and wage scales for employees of the Fire Department in accordance with
38 Section 12 of Article VI.

Council Bill 18-0264

Department of Recreation and Parks

~~§ 69. Department of Recreation and Parks: Board—Composition; Appointment; Terms.~~

~~(a) In general.~~

~~The Board shall consist of seven members, who shall be appointed BY THE MAYOR from among those deemed most capable, by reason of character, education, intelligence, experience, and commitment to conservation and environmental protection, of promoting public recreation, parks, and music for the people of Baltimore City. The members must be confirmed, and shall serve, pursuant to Article IV, Section 6.~~

Department of Planning

~~§ 72. Department of Planning: Commission—Powers and duties.~~

~~The Planning Commission:~~

~~(g) shall adopt and revise a master plan IN ACCORDANCE WITH STATE LAW for the proposed physical development of Baltimore City:~~

~~(h) before adopting or revising the master plan, shall hold a public hearing, AND PROVIDE reasonable notice [of which shall be given] in the neighborhood of the properties affected [and by publication in a newspaper of general circulation in Baltimore City] IN A MANNER THAT ENSURES ADEQUATE PUBLIC NOTICE.~~

~~§ 74. Department of Planning: Master Plan.~~

~~(a) Purpose.~~

~~The Master Plan shall be made for the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of Baltimore City to promote the health, order, security, safety, and morals of its inhabitants, and to preserve and enhance the aesthetic and natural environment of the City.~~

~~(b) [Scope.]~~

~~[The Master Plan may consist of a series of component plans.]~~

~~[It shall show, among other things, the future general location and extent of all public improvements and enterprises, including among other things, the general location and extent of streets, highways, boulevards, viaducts, bridges, subways, tunnels and all uses of land for purposes of public transportation, and also the general location and extent of piers, wharves, docks and bulkheads, and buildings or structures thereon, whether publicly or privately owned or operated, and also the general location and extent of publicly owned places of recreation, such as playgrounds, squares, and parks, and all public buildings and other public property, including school buildings, and all existing and proposed zoning areas or districts, and all public utilities, services and terminals, such as water, gas, electricity, sewerage, telephone, telegraph and transportation, whether privately or publicly owned or operated.]~~

Council Bill 18-0264

1 ~~(e) Revisions:~~

2 After the adoption of the Master Plan, or any part thereof, by the Commission, the plan
3 may be revised AS PROVIDED BY STATE LAW AND only by:

4 (1) a resolution of the Commission, carried by the affirmative vote of not less than six
5 members of the Commission, or [by]

6 (2) ordinance adopted by the City Council by the affirmative vote of not less than
7 three-fourths of its members:

8 [An original copy of the revision, duly signed by the President, or by the Mayor if made
9 by ordinance, shall be filed with the Department of Legislative Reference.]

10 ~~(d) Conformity with Plan required:~~

11 PUBLIC AND PRIVATE IMPROVEMENTS SHALL BE IN CONFORMITY TO THE MASTER PLAN TO
12 THE EXTENT REQUIRED BY LAW. [No public improvement or enterprise, including, among
13 other things, streets, highways, boulevards, viaducts, bridges, subways, tunnels or other
14 uses of land for purposes of public transportation, and piers, wharves, docks, and
15 bulkheads, and buildings or structures thereon, whether publicly or privately owned or
16 operated, and publicly owned places of recreation, such as playgrounds, squares or parks,
17 and public buildings, including school buildings, and public utilities, services or
18 terminals, including gas, water, electricity, sewerage, telephone, telegraph or
19 transportation, whether privately or publicly owned or operated, within the scope of the
20 Master Plan shall be authorized or constructed in Baltimore City unless the location and
21 grade thereof and, in cases of the use of land for purposes of transportation, the width
22 thereof, shall be in conformity with the Master Plan and have been first approved by the
23 Commission.]

24 ~~§ 75. Department of Planning: Subdivisions [— In general.]~~

25 ~~(A) IN GENERAL:~~

26 The Commission shall publish rules and regulations for the development of subdivisions
27 which will require that development plans include adequate provision for all public
28 improvements, enterprises and all public utilities, whether privately or publicly owned or
29 operated, for the proper width, grade and arrangement of streets, and all uses of land for
30 public transportation, and the relation thereof to existing streets; for adequate and
31 convenient open spaces for traffic and the access of fire fighting apparatus; for proper
32 drainage; and which will require that all such subdivisions and the owners thereof comply
33 in all respects with the Master Plan:

34 ~~(B) APPROVAL BY COMMISSION AND DEPARTMENT OF TRANSPORTATION REQUIRED:~~

35 NO PERMITS MAY BE ISSUED FOR ANY PROJECT OR DEVELOPMENT THAT IS SUBJECT TO A
36 PROPOSED SUBDIVISION PLAN UNTIL THE COMMISSION AND THE DEPARTMENT OF
37 TRANSPORTATION HAVE APPROVED THE PLAN.

Council Bill 18-0264

1 (1) The Board shall consist of five members, at least one of whom shall be a lawyer, AND
2 AT LEAST ONE ALTERNATE MEMBER, EACH OF WHOM [who] shall be appointed, must
3 be confirmed and shall serve pursuant to Article IV, Section 6 and State law.

4 (2) AN ALTERNATE MEMBER MAY SIT ON THE BOARD WHEN ANOTHER MEMBER OF THE
5 BOARD IS ABSENT OR RECUSED.

6 (3) WHEN AN ALTERNATE MEMBER IS ABSENT OR RECUSED, THE MAYOR MAY DESIGNATE
7 A TEMPORARY ALTERNATE.

8 (4) Each member of the Board shall be a registered voter and resident of the City at the
9 time, and during the term of, appointment.

10 **§ 83. Board of Municipal and Zoning Appeals: General powers and duties.**

11 (b) *Rules of proceedings.*

12 The Board shall adopt rules for the conduct of its proceedings, which may be modified or
13 repealed BY THE BOARD OR BY ordinance. The rules shall be in writing and when adopted
14 shall be [immediately filed in the office of the Board and shall be a public record. A copy
15 thereof (and of any amendments thereto) shall also be] AVAILABLE TO THE PUBLIC AND
16 filed with the Department of Legislative Reference.

17 (e) *Executive Secretary[: Staff].*

18 The Board shall appoint an Executive Secretary [and such other employees as may be
19 provided in the Ordinance of Estimates].

20 (f) *[Access to agency records.]*

21 [The Board shall have access, through its agents and employees, to the plats and records
22 of all other departments of the City.]

23 **§ 85. Board of Municipal and Zoning Appeals: Paving assessments.**

24 THE BOARD SHALL HEAR APPEALS CONCERNING THE ASSESSMENT OF FEES AND CHARGES FOR
25 THE PAVING OF A STREET, ALLEY, OR SIDEWALK AND SET AN AMOUNT THE BOARD
26 DETERMINES TO BE PROPER.

27 [(a) *Appeal to Board.*]

28 [Whenever the Department of Transportation levies an assessment or charge for the
29 paving of a street, alley, or sidewalk under § 116 of this article, the owner of the property
30 on which the assessment or charge is levied may, within 30 days of the mailing to the
31 owner of a notice of the assessment or charge, bring the assessment or charge to the
32 Board for its review.]

Council Bill 18-0264

1 ~~{{(b) Decision.}}~~

2 ~~{On reasonable notice in accordance with its rules and this Charter, the Board shall:~~

3 ~~(1) determine whether the assessment or charge is proper; and~~

4 ~~(2) if not, set it at the amount that the Board determines to be proper.}~~

5 **§ 86. ~~Board of Municipal and Zoning Appeals: Review powers conferred by law.~~**

6 ~~{The Board shall have such additional powers to examine, review and revise acts or rulings of~~
7 ~~other departments and officers of the City affecting the construction, alteration, use or~~
8 ~~operation of land or buildings in the City or other charges as may from time to time be~~
9 ~~conferred upon it by law, but the powers conferred upon it in the Charter shall not be~~
10 ~~diminished or abridged by ordinance, nor may the Board be given power to review or alter~~
11 ~~determinations of the Planning Commission.}~~

12 **§ 87. ~~Board of Municipal and Zoning Appeals: Additional powers conferred by law.~~**

13 ~~{The Board of Municipal and Zoning Appeals shall have and exercise all the rights, powers,~~
14 ~~duties, obligations and functions conferred by law upon the Board of Zoning Appeals not~~
15 ~~otherwise conferred by the Charter on other agencies of the City and not inconsistent with its~~
16 ~~provisions.}~~

17 ~~(A) *IN GENERAL:*~~

18 ~~THE BOARD BY ORDINANCE MAY BE GRANTED ADDITIONAL POWERS TO REVIEW~~
19 ~~ADMINISTRATIVE ACTIONS, PROVIDED THE ADDITIONAL POWERS GRANTED ARE NOT~~
20 ~~INCONSISTENT WITH THIS CHARTER OR LAW.~~

21 ~~(B) *EXCEPTION:*~~

22 ~~THE BOARD MAY NOT BE GRANTED THE POWER TO REVIEW OR ALTER THE DECISIONS OF~~
23 ~~THE PLANNING COMMISSION.~~

24 **§ 88. ~~Board of Municipal and Zoning Appeals: Judicial review.~~**

25 ~~If any person, including the City and the Planning Commission, feeling aggrieved by any~~
26 ~~decision of the Board within thirty days of a decision by the Board, appeals therefrom to the~~
27 ~~Baltimore City Circuit Court, the Board shall forthwith transmit all papers, or copies thereof,~~
28 ~~to the court, certified by its executive secretary.~~

29 ~~{An appeal shall stay all proceedings in furtherance of the action appealed from. But~~
30 ~~whenever, in the opinion of the Board, such stay would cause imminent peril to life or~~
31 ~~property, or serious public inconvenience, it may ask the Circuit Court for an order vacating~~
32 ~~such stay. From the findings of the Circuit Court in such cases, there shall be such appeal, if~~
33 ~~any, as may be permitted by law.}~~

Council Bill 18-0264

1 Article VII. Executive Departments

2 *Department of Legislative Reference*

3 **§ 90. Department of Legislative Reference: Established.**

4 There is a Department of Legislative Reference, the head of which shall be [a Board of
5 Legislative Reference] THE DIRECTOR OF LEGISLATIVE REFERENCE WHO SHALL SUPERVISE
6 AND DIRECT THE DEPARTMENT.

7 **§ 91. [Department of Legislative Reference: Director – Appointment, qualifications, etc.]**
8 **BOARD OF THE DEPARTMENT OF LEGISLATIVE REFERENCE.**

9 (A) *AD HOC BOARD.*

10 THERE IS A BOARD OF THE DEPARTMENT OF LEGISLATIVE REFERENCE, WHICH FROM TIME
11 TO TIME SHALL BE ESTABLISHED PURSUANT TO THIS SECTION.

12 (B) *COMPOSITION OF BOARD.*

13 (1) THE BOARD SHALL BE COMPOSED OF 3 MEMBERS. THE MAYOR, THE PRESIDENT OF
14 THE CITY COUNCIL, AND THE COMPTROLLER SHALL EACH APPOINT 1 MEMBER TO THE
15 BOARD.

16 (2) THE BOARD SHALL BE APPOINTED WITHOUT REGARD TO POLITICAL AFFILIATION, AND
17 IS NOT SUBJECT TO THE REQUIREMENTS OF ARTICLE IV, § 8. {"MINORITY PARTY
18 REPRESENTATION"} OF THIS CHARTER.

19 (3) NO MEMBER OF THE BOARD MAY BE A CITY EMPLOYEE OR AN ELECTED OFFICIAL
20 OTHER THAN A MEMBER OF THE JUDICIARY.

21 (4) THE BOARD SHALL ELECT A CHAIR FROM AMONG ITS MEMBERS.

22 (C) *FILLING A VACANCY.*

23 (1) WHENEVER THE MAYOR AND THE PRESIDENT OF THE CITY COUNCIL FIND THAT THE
24 POSITION OF DIRECTOR OF LEGISLATIVE REFERENCE IS VACANT, THE BOARD SHALL BE
25 APPOINTED WITHIN 6 WEEKS OF THAT FINDING.

26 (2) THE BOARD SHALL BE RESPONSIBLE FOR ALL ACTIVITIES BY WHICH CANDIDATES TO
27 FILL THE VACANCY ARE SOLICITED, INVESTIGATED, INTERVIEWED, AND
28 RECOMMENDED FOR APPOINTMENT.

29 (3) THE BOARD SHALL RECOMMEND NO LESS THAN 2, AND NO MORE THAN 3, CANDIDATES
30 FOR APPOINTMENT TO THE MAYOR AND THE PRESIDENT OF THE CITY COUNCIL.

31 (4) UPON THE APPOINTMENT OF THE DIRECTOR OF LEGISLATIVE REFERENCE, THE BOARD
32 SHALL BE DEEMED DISSOLVED AND ITS WORK COMPLETED.

Council Bill 18-0264

1 **§ 92. [§ 91.] Department of Legislative Reference: Director [– Appointment, qualifications,**
2 **etc.]**

3 [(a) *Appointment; Tenure.*]

4 [The Director shall be appointed by the Board of Legislative Reference, shall be a
5 member of the Civil Service, shall hold office during good behavior, and shall be subject
6 to removal by a majority of the Board members for incompetence or neglect of duties.]

7 (A)[(b) *Head of Department;*] *Qualifications.*

8 [The Director of Legislative Reference shall supervise and direct the Department.]

9 The Director shall have substantial experience in law, legislative drafting, or library
10 administration.

11 (B) *APPOINTMENT.*

12 UPON RECEIPT OF A RECOMMENDATION BY AN AD HOC BOARD OF THE DEPARTMENT OF
13 LEGISLATIVE REFERENCE PURSUANT TO § 91(C) {"BOARD OF THE DEPARTMENT OF
14 LEGISLATIVE REFERENCE: FILLING A VACANCY"} OF THIS ARTICLE, A DIRECTOR MAY BE
15 APPOINTED BY THE AFFIRMATIVE VOTE OF BOTH THE MAYOR AND THE PRESIDENT OF THE
16 CITY COUNCIL.

17 (C) *REMOVAL.*

18 THE DIRECTOR MAY BE REMOVED FROM OFFICE BY THE AFFIRMATIVE VOTE OF BOTH THE
19 MAYOR AND THE PRESIDENT OF THE CITY COUNCIL.

20 (D)[(c)] *Salary.*

21 The Director's salary shall be set in the Ordinance of Estimates.

22 **§ 93. [§ 92.] Department of Legislative Reference: Director – Powers and duties.**

23 The Director:

24 (a) *Legislative matters.*

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

28 accumulate data in relation to the practical operation and effect of such laws;

29 investigate and collect all available information relating to any matter which is the subject
30 of proposed legislation by the General Assembly of Maryland, or the City Council of
31 Baltimore;

Council Bill 18-0264

1 examine acts, ordinances and records of any state or city, and report the result thereof to
2 the Mayor, any committee of the City Council or the head of any department requesting
3 the same;

4 prepare or advise in the preparation of any bill, ordinance or resolution when requested so
5 to do by any member of the City Council; and

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

9 (b) *Records and archives.*

10 shall keep all the books, documents, archives, records, official plats, papers and
11 proceedings of the City except those in current use or whose custody the Board of
12 Estimates shall by resolution otherwise direct or authorize;

13 carefully collect, arrange and safely keep a complete series of the ordinances, resolutions
14 and proceedings of the City;

15 receive and keep all other documents pertaining to the City which the Director may deem
16 of historic value or be instructed so to do by ordinance or by resolution of the Board of
17 Estimates;

18 [retain] PROVIDE FOR THE RETENTION OF such books, documents, papers, plats or archives
19 in the Department, [but permit] AND PROVIDE FOR their inspection and reproduction by
20 the public under such reasonable regulations and supervision as the Director may
21 prescribe;

22 carefully prepare and keep an index of all books, papers, records and documents in the
23 custody of the Department; and

24 keep a current separate index of all rules and regulations of other departments and
25 agencies of the City.

26 (c) *Staff.*

27 may appoint such employees as may be provided in the Ordinance of Estimates.

28 (d) *Duties prescribed by law.*

29 perform such other duties as prescribed by law.

30 **[§ 93. Department of Legislative Reference: Board.]**

31 [The Board of Legislative Reference shall be comprised of

32 the Mayor,

33 the City Solicitor,

Council Bill 18-0264

1 the President of the Johns Hopkins University,
2 the Deans of the University of Maryland and University of Baltimore Schools of Law,
3 a member of the City Council selected by the Council and
4 the Director of the Enoch Pratt Library.]

5 *CIVIL SERVICE COMMISSION*

6 ~~§ 94. Civil Service Commission: Established.~~

7 ~~(a) Appointment, term, qualifications.~~

8 ~~(1) There is a Civil Service Commission of three members who shall be appointed, must~~
9 ~~be confirmed, and shall serve pursuant to Article IV, Section 6:~~

10 ~~(2) ONE OF THE THREE MEMBERS OF THE COMMISSION SHALL BE RECOMMENDED BY THE~~
11 ~~PRESIDENT OF THE CITY COUNCIL PRIOR TO APPOINTMENT.~~

12 ~~(3) The terms of two members shall expire on the last day of the year in which the term of~~
13 ~~the Mayor begins pursuant to Article IV, Section 1, and the four year term of the third~~
14 ~~member shall expire two years thereafter.~~

15 ~~(4) EACH MEMBER OF THE COMMISSION SHALL:~~

16 ~~(i) BE A REGISTERED VOTER AND RESIDENT OF THE CITY AT THE TIME, AND~~
17 ~~DURING THE TERM, OF APPOINTMENT;~~

18 ~~(ii) HOLD A RELEVANT POST-GRADUATE DEGREE; AND~~

19 ~~(iii) POSSESS SUBSTANTIAL EXPERIENCE AND KNOWLEDGE OF LABOR AND~~
20 ~~EMPLOYMENT ISSUES AND LAW.~~

21 ~~(5) NO ONE HOLDING ANY PUBLIC OFFICE OF PROFIT MAY BE APPOINTED A MEMBER OF THE~~
22 ~~COMMISSION.~~

23 ~~[Each member of the Commission shall be a registered voter and resident of the City at~~
24 ~~the time, and during the term, of appointment. All appointments to the Commission shall~~
25 ~~be made from persons friendly to the merit system of appointment to office. No one~~
26 ~~holding any public office of profit shall be appointed a member of the Commission.]~~

27 ~~§ 95. Civil Service Commission: Powers and duties.~~

28 ~~The Commission:~~

29 ~~(a) shall advise the Mayor and Director OF HUMAN RESOURCES on personnel matters.~~

30 ~~(b) shall provide to the Mayor and City Council at least annually a report on the~~
31 ~~operations of the Commission.~~

Council Bill 18-0264

1 ~~(c) [shall review and approve the different groupings of positions having similar duties;~~
2 ~~responsibilities and qualifications ("classifications") that are used by the Department.]~~

3 ~~(d) shall promulgate and make available to the public rules governing the operation of the~~
4 ~~Commission.~~

5 ~~(e) shall review and approve, before they become final, and make available to the public;~~
6 ~~the rules of the Department OF HUMAN RESOURCES.~~

7 ~~(f) shall provide a hearing, on written request, to any non-probationary member of the~~
8 ~~Civil Service who has been discharged from the Civil Service, reduced in pay or~~
9 ~~position, or suspended for longer than 30 days. If the Commission finds that the~~
10 ~~intent and spirit of a provision of this Charter has been violated, it shall report its~~
11 ~~findings to the Mayor, and the appointing officer shall take whatever action the~~
12 ~~Commission directs to rectify the violation.~~

13 ~~(g) may, if it determines after appropriate investigation, that any administrative head of~~
14 ~~the City, including any commission or board, or any officer having the power of~~
15 ~~appointment and removal in the Civil Service, has abused such power by making~~
16 ~~appointments or removals for any reason other than the good of the public service, so~~
17 ~~report to the Mayor.~~

18 ~~(h) may appoint such hearing officers and other employees as provided in the Ordinance~~
19 ~~of Estimates.~~

20 ~~(i) may, in the course of hearings, administer oaths, subpoena documents, summon~~
21 ~~witnesses, and examine witnesses, and may delegate these powers to a commissioner~~
22 ~~or hearing officer.~~

23 ~~(j) shall render decisions within sixty days of the close of hearings unless the City~~
24 ~~employee and City both agree to an extension. If the Commission fails to decide~~
25 ~~within the sixty day time period, the decision of the hearing officer, if there is one,~~
26 ~~shall be deemed to be the decision of the Commission.~~

27 ~~§ 96. Civil Service Commission: Department of Human Resources — Established.~~

28 ~~(a) In general.~~

29 ~~There is a Department of Human Resources.~~

30 ~~(b) [Purpose] POWERS.~~

31 ~~The Department shall:~~

32 ~~(1) [promote merit and fitness in City employment] PROPOSE TO THE COMMISSION~~
33 ~~PERSONNEL AND CIVIL SERVICE RULES AND REGULATIONS FOR THE COMMISSION'S~~
34 ~~APPROVAL;~~

Council Bill 18-0264

1 (2) ~~{ensure that appointments and promotions in the City's Civil Service are made;~~
2 ~~and that salaries are established, without regard to political affiliation; and}~~
3 ~~IMPLEMENT, MANAGE, AND ADMINISTER APPROVED REGULATIONS;~~

4 (3) ~~{promote the efficient delivery of services to the public.}~~ REVIEW AND APPROVE
5 DIFFERENT GROUPINGS OF POSITIONS HAVING SIMILAR DUTIES, RESPONSIBILITIES,
6 AND QUALIFICATIONS ("CLASSIFICATIONS") THAT ARE USED BY THE DEPARTMENT;
7 AND

8 (4) ~~PERFORM ALL FUNCTIONS NECESSARY AND RELATED TO HUMAN RESOURCE~~
9 ~~ADMINISTRATION AND MANAGEMENT REQUIRED BY THIS CHARTER, OTHER LAW,~~
10 ~~AND REGULATION.~~

11 **§ 97. ~~{Civil Service Commission: Department of Human Resources—Powers and duties.}~~**

12 ~~{The Department.}~~

13 ~~{(a) shall propose and submit to the Commission for final approval rules and regulations;~~
14 ~~including rules and regulations governing probationary status, temporary and~~
15 ~~emergency appointments, classifications, reclassifications, examinations, promotions;~~
16 ~~demotions, transfers, reinstatements, discharges, and other discipline of employees.}~~

17 ~~{(b) shall propose and submit to the Commission for final approval the different~~
18 ~~classifications that are used by the Department. Such classifications shall assure that~~
19 ~~City employees are hired and promoted based on ability, efficiency, character, and~~
20 ~~industry ("merit"); and shall encourage the recruitment, training and supervision of~~
21 ~~qualified employees. Classifications may be grouped into categories, which may~~
22 ~~include a general category for employees who are hired or promoted based, in part, on~~
23 ~~the results of competitive or non-competitive examinations; a labor category for~~
24 ~~unskilled or skilled laborers; and other categories that the Commission may deem to~~
25 ~~be appropriate.}~~

26 ~~{(c) subject to the exceptions in Section 99, shall assign to a classification each position~~
27 ~~in the City to which appointments are made. The Department shall not assign a~~
28 ~~position outside of the Civil Service without the approval of the Civil Service~~
29 ~~Commission. All the classified positions shall constitute the Civil Service, and~~
30 ~~appointments to positions in the Civil Service shall be made according to the rules of~~
31 ~~the Commission.}~~

32 ~~{(d) shall provide for competitive examinations, non-competitive examinations, and~~
33 ~~other evaluative measures to assure that City employees are hired based on merit.}~~

34 ~~{(e) shall provide for competitive examinations, non-competitive examinations, and other~~
35 ~~evaluative measures, including conduct in office, demonstrated capacity, and~~
36 ~~seniority, to assure that City employees are promoted based on merit.}~~

37 ~~{(f) shall promptly certify to appointing officers lists of candidates eligible for~~
38 ~~employment within each classification. The Commission, by rule.}~~

Council Bill 18-0264

1 ~~{1. shall determine when certifications shall include, in rank order, those persons~~
2 ~~who have performed best on competitive examinations and when certifications~~
3 ~~should include persons whose fitness has been otherwise established;}~~

4 ~~{2. shall determine when and how the appointing officer shall fill a vacancy or~~
5 ~~new position from the certifications; and}~~

6 ~~{3. may provide that honorably discharged veterans of war, including disabled~~
7 ~~veterans, may receive special credits for their service to the United States in~~
8 ~~determining the qualifications and relative standing of applicants for City~~
9 ~~positions.}~~

10 ~~{(g) shall establish a period of probation not exceeding one year during which the~~
11 ~~appointing officer may remove the employee at pleasure.}~~

12 ~~{(h) shall propose to the Board of Estimates appropriate salaries and wages for each~~
13 ~~classification.}~~

14 ~~{(i) shall, in conjunction with the employing department, recruit, train and counsel Civil~~
15 ~~Service members.}~~

16 ~~{(j) may appoint such employees as provided in the Ordinance of Estimates.}~~

17 ~~{(k) shall administer employee benefits and pre-employment screening programs as~~
18 ~~directed by the Board of Estimates.}~~

19 ~~§ 98. Civil Service Commission: Department of Human Resources — Director.~~

20 ~~(a) Head of Department; Qualifications:~~

21 ~~(1) The Director of Human Resources shall supervise and direct the Department.~~

22 ~~(2) The Director shall have substantial experience in [personnel administration] HUMAN~~
23 ~~RESOURCE MANAGEMENT.~~

24 ~~§ 99. Civil Service Commission: Civil Service positions.~~

25 ~~EMPLOYEES OF THE CITY OF BALTIMORE SHALL BE MEMBERS OF THE CIVIL SERVICE, EXCEPT~~
26 ~~AS MAY BE PROVIDED BY LAW OR BY CIVIL SERVICE RULES AND REGULATIONS.~~

27 ~~{(a) Positions included.}~~

28 ~~{1. All employees of the City of Baltimore, except as otherwise provided by the Charter~~
29 ~~or State law, shall be members of the Civil Service, with the exception of:}~~

30 ~~[a. elected officials and those employees whom the elected officials have~~
31 ~~designated as members of their personal staffs.}~~

32 ~~[b. Assistant City Solicitors.}~~

Council Bill 18-0264

1 ~~[c. with the exception of the Director of the Department of Legislative Reference,~~
2 ~~directors, or by whatever other name the chief administrative officer may be~~
3 ~~known, and the deputy directors, of all departments of the City.]~~

4 ~~[d. all members of boards and commissions.]~~

5 ~~[e. all professional employees of the Department of Education.]~~

6 ~~[f. persons in positions of temporary or seasonal employment.]~~

7 ~~[g. persons who, in the judgment of the Civil Service Commission, exercise~~
8 ~~policy-making discretion or occupy a position of special trust and confidence~~
9 ~~that is inconsistent with membership in the Civil Service.]~~

10 ~~[2. Any dispute about whether a position is within the Civil Service shall be finally~~
11 ~~resolved by the Commission.]~~

12 ~~[(b) Reemployment of director or deputy.]~~

13 ~~[Upon leaving a position of director or deputy director, one who relinquished Civil~~
14 ~~Service status to assume that position shall, on application and with approval of the~~
15 ~~Commission, be placed on the re-employment list for his or her former classification.]~~

16 ~~§ 100. Civil Service Commission: Discharges, etc.; Reductions in force.~~

17 ~~(a) Discharges, suspensions, reductions in pay or position.~~

18 ~~[(1) No person may be discharged from the Civil Service, reduced in pay or position, or~~
19 ~~suspended because of political opinions or affiliations, or for refusing to contribute to~~
20 ~~any political fund or refusing to render any political service. But nothing in this~~
21 ~~Charter relating to the Civil Service forbids the discharge, reduction in pay or~~
22 ~~position, or suspension of an officer or employee for any just cause.~~

23 ~~[(2) Whenever a non-probationary employee is discharged, reduced in pay or position, or~~
24 ~~suspended for more than 30 days, the appointing officer shall furnish a copy of the~~
25 ~~order of discharge, reduction, or suspension, together with a statement of the reasons~~
26 ~~for the action, to the employee and to the Commission.]~~

27 ~~[(3) The employee may contest the action by:~~

28 ~~(i) requesting a hearing before the Commission; or~~

29 ~~(ii) initiating a grievance pursuant to an applicable grievance and arbitration~~
30 ~~procedure, if any, contained in an applicable collective bargaining agreement.]~~

31 ~~[(4) Once an employee has chosen to contest an action by electing one of the procedures~~
32 ~~specified in paragraph (3) of this subsection, the employee is bound by that election~~
33 ~~and may not subsequently choose to follow a different procedure.]~~

Council Bill 18-0264

1 ~~{(5) In all cases, except one in which an employee elects to contest an action through a~~
2 ~~grievance and arbitration procedure under paragraph (3)(ii) of this subsection, the~~
3 ~~Commission may, and on the written request of the employee, the Commission shall~~
4 ~~investigate the disciplinary action. If the Commission finds that the intent and spirit~~
5 ~~of the provisions of this Charter have been violated in the discharge, reduction, or~~
6 ~~suspension, it shall report its findings to the Mayor, and the appointing officer shall~~
7 ~~take whatever action the Commission directs to rectify the violation.}~~

8 ~~{(b) Reductions in force—Reemployment preference.}~~

9 ~~{Each person discharged for the purpose of reducing the force and without fault shall~~
10 ~~receive a certificate so stating and all persons so discharged shall be placed on the eligible~~
11 ~~list in the order of the length of their service in their classifications at the time of being~~
12 ~~laid off and in other classifications the civil service in which they may have served~~
13 ~~previously. The weight to be given to length of service in their last classification and in~~
14 ~~prior classifications shall be determined in accordance with the rules of the Commission.~~
15 ~~Persons so discharged shall have preference in the order of their seniority over others on~~
16 ~~the eligible list, subject, however, to the terms of the next subsection and to any priority~~
17 ~~to which any person may be entitled by virtue of any preference to veterans or their~~
18 ~~dependents.}~~

19 ~~{(b) {(c)} Reductions in force [—Seasonal and part-time employees].}~~

20 ~~THE DISPOSITION OF EMPLOYEES DISCHARGED AS A RESULT OF A REDUCTION OF FORCE~~
21 ~~SHALL BE DETERMINED BY CIVIL SERVICE RULES AND REGULATIONS.~~

22 ~~{In the case of classes of seasonal or part-time employees the Commission, after notice~~
23 ~~and a public hearing, may adopt rules excluding them from, or limiting the application to~~
24 ~~them of, the preference contained in the preceding subsection.}~~

25 ~~§ 101. {Civil Service Commission: Roster of Service employees.}~~

26 ~~{(a) Commission to keep; Contents.}~~

27 ~~{The Commission shall keep in its office an official roster of the Civil Service, and shall~~
28 ~~enter thereon the name of every person who has been appointed, employed, promoted,~~
29 ~~reduced, transferred or reinstated in any Civil Service position.}~~

30 ~~{This roster shall be open to public inspection at all reasonable hours, and shall show in~~
31 ~~connection with each name the date of appointment, employment, promotion, reduction,~~
32 ~~transfer or reinstatement and the compensation of the position, its title, the nature of the~~
33 ~~duties thereof and the date and cause of any termination of such office or employment.}~~

34 ~~{(b) Reports to Commission.}~~

35 ~~{It shall be the duty of each appointing officer to report to the Commission forthwith,~~
36 ~~upon the appointment or employment of any person in the Civil Service, the name of the~~
37 ~~appointee or employee, the title and character of the office or employment, the date of~~
38 ~~commencement of service, and to report the separation of a person from the service, or~~

Council Bill 18-0264

1 other change in status and other information that the Civil Service Commission may
2 require in order to keep the roster.}]

3 ~~[(e) Salary contingent on roster listing.]~~

4 [It shall be unlawful, after notice from the Commission for the Department of Finance to
5 pay any salary or compensation to any officer, clerk, employee or other person in the
6 Civil Service whose name does not appear upon the roster as being in the employ of the
7 City.]

8 **~~§ 103. Civil Service Commission: Abolished positions.~~**

9 THE DISPOSITION OF EMPLOYEES HOLDING CIVIL SERVICE POSITIONS THAT MAY BE
10 ABOLISHED SHALL BE DETERMINED BY CIVIL SERVICE RULES AND REGULATIONS.

11 [Any person holding any position in the Civil Service which may be abolished by the
12 adoption of any amendment to the Charter or in any other lawful manner, shall be placed
13 upon the reemployment list for the classification to which the abolished position belonged in
14 accordance with Sections 100 and 101; or if no position of the same classification as that of
15 the position abolished shall remain in the Civil Service after the abolition of the position, the
16 person shall be placed on the reemployment list for a position that, in the judgment of the
17 Civil Service Commission, shall most nearly approximate the position abolished.]

18 [No position shall be deemed to be abolished by reason of being transferred or placed in or
19 under a different municipal agency without substantial change in the nature of the actual
20 duties of the position.]

21 **~~§ 104. [Civil Service Commission: Penalties.]~~**

22 [Any violation of any of the provisions of the Charter relating to the Civil Service, or any
23 willful use of any corrupt means in connection with any examination, appointment,
24 promotion, reduction, transfer or reinstatement shall be deemed a misdemeanor and, upon
25 conviction in a court of competent jurisdiction, shall be punished by a fine or by
26 imprisonment as provided by law.]

27 ***DEPARTMENT OF TRANSPORTATION***

28 **~~§ 116. Powers and duties of Department.~~**

29 ~~(b) Street construction and maintenance:~~

30 ~~(3) Before paving or repaving a street, the Director of Transportation shall [give notice in~~
31 ~~one or more daily City newspapers that,] ENSURE ADEQUATE PUBLIC NOTICE not less~~
32 ~~than 90 days from the first publication date, the Department will proceed with the~~
33 ~~paving or repaving and warning all persons to obtain permits for and to complete~~
34 ~~before that day all work that might involve the digging up of the street.~~

35 **~~§ 116B. [Correcting physical obstruction.]~~**

36 ~~[(a) Correction required.]~~

Council Bill 18-0264

1 ~~{Any person who has, in, over, or under a public street in Baltimore City, any building,~~
2 ~~structure, conduit, drain, main, pipe, track, work, or other physical obstruction that blocks~~
3 ~~or impedes the work of the Department shall, on reasonable notice from the Department,~~
4 ~~promptly shift, adjust, or remove it, at that person's expense, to fully meet the exigencies~~
5 ~~described in the notice. }~~

6 ~~{(b) Condemnation.}~~

7 ~~{The City is empowered, when the exigencies of the Department's work require, to secure~~
8 ~~the condemnation of the physical obstruction as provided in Article II of this Charter.}~~

9 ***COMPENSATION COMMISSION FOR ELECTED OFFICIALS***

10 ***§ 117. Definitions.***

11 ~~(d) Elected official.~~

12 "Elected official" means:

13 (1) the Mayor;

14 (2) the City Comptroller;

15 (3) the President of the City Council; [and]

16 (4) the Members of the City Council; AND

17 (5) THE STATE'S ATTORNEY FOR BALTIMORE CITY.

18 ***DEPARTMENT OF GENERAL SERVICES***

19 ***§ 134. [Correcting physical obstruction.]***

20 ~~{(a) Correction required.}~~

21 ~~{Any person who has, in, over, or under a public street in Baltimore City, any building,~~
22 ~~structure, conduit, drain, main, pipe, track, work, or other physical obstruction that blocks~~
23 ~~or impedes the work of the Department shall, on reasonable notice from the Department,~~
24 ~~promptly shift, adjust, or remove it, at that person's expense, to fully meet the exigencies~~
25 ~~described in the notice. }~~

26 ~~{(b) Condemnation.}~~

27 ~~{The City is empowered, when the exigencies of the Department's work require, to secure~~
28 ~~the condemnation of the physical obstruction as provided in Article II of this Charter.}~~

Council Bill 18-0264

Article VIII. Franchises

§ 4. ~~Street railways.~~

~~{The Board of Estimates, subject to ratification and approval by ordinance, is empowered to agree with any street railway company for the surrender of any of its franchises, easements or rights-of-way, and in substitution for the franchise, easement or right-of-way so surrendered to grant a new franchise, easement or right-of-way on any street, and which may be for the same duration as the franchise, easement or right-of-way surrendered, and to provide, in appropriate cases, for a graduated park tax, as prescribed by Chapter 566 of the Acts of the General Assembly of 1906.}~~

§ 5. ~~Trackless trolleys.~~

~~{The City may, by ordinance, permit any street railway company to operate under its existing franchises vehicles propelled by electricity furnished by overhead wires but not operated upon rails, and any such grant heretofore made is hereby ratified and confirmed.}~~

§ 6. ~~Advertising.~~

~~{Before any grant of the franchises or right to use any street, or other public property, either on, above or below the surface of the same shall be made, the proposed specific grant, except as provided in the second paragraph of Section 2 of this Article VIII, embodied in the form of a brief advertisement, prepared by the Board of Estimates, at the expense of the applicant; shall be published by the Comptroller for at least three days in one daily newspaper published in Baltimore City to be designated by the Board of Estimates, and all the provisions of the first paragraph of Section 2 of this Article VIII shall be complied with.}~~

ARTICLE X. ~~CHARTER REVIEW COMMISSION~~

§ 1. ~~COMMISSION ESTABLISHED.~~

~~A CHARTER REVIEW COMMISSION MAY BE APPOINTED FROM TIME TO TIME PURSUANT TO THE REQUIREMENTS OF THIS ARTICLE BUT AT LEAST ONCE EVERY 10 YEARS FOLLOWING THE ADOPTION OF THIS ARTICLE IN NOVEMBER 2018.~~

§ 2. ~~APPOINTMENT.~~

~~A CHARTER REVIEW COMMISSION SHALL BE APPOINTED NO LATER THAN MAY 1 IN THE YEAR PRECEDING A CONGRESSIONAL ELECTION AND COMPLETE ITS WORK, AS PROVIDED IN THIS ARTICLE, NO LATER THAN MAY 1 IN THE YEAR FOLLOWING ITS APPOINTMENT.~~

§ 3. ~~COMPOSITION.~~

~~(A) IN GENERAL.~~

~~(1) THE COMMISSION SHALL BE COMPOSED OF 9 REGISTERED VOTERS OF THE CITY APPOINTED WITHOUT REGARD TO POLITICAL AFFILIATION.~~

Council Bill 18-0264

1 ~~(2) THE MAYOR, THE PRESIDENT OF THE CITY COUNCIL, AND THE COMPTROLLER SHALL~~
2 ~~EACH APPOINT 3 MEMBERS TO THE COMMISSION.~~

3 ~~(3) EXCEPT FOR A MEMBER OF THE JUDICIARY, NO PERSON WHO HOLDS ELECTED OFFICE~~
4 ~~MAY BE APPOINTED TO THE COMMISSION.~~

5 ~~(B) CHAIR.~~

6 ~~THE CHAIR OF THE COMMISSION SHALL BE ELECTED FROM, AND BY, THE COMMISSION~~
7 ~~MEMBERS.~~

8 ~~(C) ADVISORY BODY.~~

9 ~~AT THE DISCRETION OF THE COMMISSION, AN ADVISORY BODY MAY BE APPOINTED TO~~
10 ~~ASSIST THE COMMISSION IN ITS DUTIES.~~

11 ~~§ 4. DUTIES.~~

12 ~~(A) RECOMMEND CHARTER CHANGES.~~

13 ~~THE COMMISSION SHALL REVIEW THE PROVISIONS OF THIS CHARTER AND MAKE~~
14 ~~RECOMMENDATIONS AS TO THE NECESSITY FOR DELETING, ADDING TO, OR REVISING ANY~~
15 ~~PORTION OF ITS CONTENTS.~~

16 ~~(B) PUBLIC HEARING REQUIRED.~~

17 ~~DURING ITS DELIBERATIONS, THE COMMISSION SHALL HOLD AT LEAST 1 PUBLIC HEARING~~
18 ~~TO RECEIVE PUBLIC TESTIMONY CONCERNING THE WORK OF THE COMMISSION.~~

19 ~~§ 5. REPORT TO THE MAYOR AND CITY COUNCIL.~~

20 ~~(A) WRITTEN REPORT.~~

21 ~~THE COMMISSION SHALL DELIVER A WRITTEN REPORT CONTAINING ITS~~
22 ~~RECOMMENDATIONS TO THE MAYOR AND CITY COUNCIL.~~

23 ~~(B) CITY COUNCIL HEARING.~~

24 ~~THE CITY COUNCIL SHALL CONVENE A PUBLIC HEARING AT WHICH THE COMMISSION~~
25 ~~SHALL PRESENT ITS REPORT AND RECOMMENDATIONS.~~

26 ~~§ 6. DISSOLUTION.~~

27 ~~UPON COMPLETING THE ACTIVITIES REQUIRED IN § 5 ("REPORT TO THE MAYOR AND CITY~~
28 ~~COUNCIL") OF THIS ARTICLE, THE COMMISSION SHALL BE DEEMED DISSOLVED AND ITS WORK~~
29 ~~COMPLETED.~~

30 ~~SECTION 2. AND BE IT FURTHER RESOLVED, that these amendments to the City Charter shall~~
31 ~~become effective on January 1, 2020, except as is hereafter provided:~~

Council Bill 18-0264

1 **SECTION 3 2. AND BE IT FURTHER RESOLVED**, that the amendments to Article VII, Sections
2 90, 91, 92, and 93, ~~and 117~~ of the City Charter shall become effective on January 1, 2019.

3 **SECTION 4 3. AND BE IT FURTHER RESOLVED**, that the Director of Legislative Reference
4 holding office at the time the amendments to Article VII, Sections 90, 91, 92 and 93 become
5 effective shall remain in the office until, pursuant to the amendments, reappointment or the
6 appointment of a successor.

7 **SECTION 5 4. AND BE IT FURTHER RESOLVED**, that these proposed amendments to the City
8 Charter be submitted to the legal and qualified voters of Baltimore City, for adoption or rejection,
9 in accordance with Article XI-A, § 5 of the Maryland Constitution, in the form specified by the
10 City Solicitor.

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

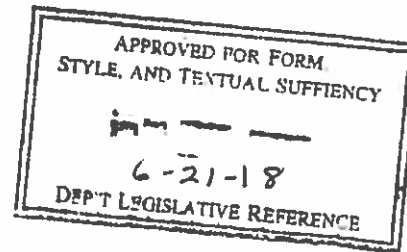
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City

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



By: Judiciary and Legislative Investigations Committee

Amendment No. 1

On page 1, in line 2, strike “Charter Commission General Recommendations” and substitute “Department of Legislative Reference”.

ADOPTED

Amendment No. 2

On page 1, in line 3, strike beginning with “increasing” down through and including the semi colon, in line 22; on the same page, in line 28, after the semi colon, insert “and”; and, on the same page, in line 29, strike beginning with “allowing” down through and including the semi colon, in line 15, of page 2.

Amendment No. 3

On page 2, in line 15, after “setting”, insert “a”; in the same line, strike “dates” and substitute “date”; and, on page 2, in line 16, strike “amendments” and substitute “amendment”.

Amendment No 4.

On page 2, strike lines 18 through 39 in their entireties.

Amendment No. 5

On page 2, after line 39, insert

“BY proposing to amend
Article VII - Executive Departments
Section(s) 90, 91, and 92
Baltimore City Charter
(1996 Edition)”

BY proposing to repeal

Article VII - Executive Departments
Section 93
Baltimore City Charter
(1996 Edition)

By proposing to renumber and amend

Article VII - Executive Departments
Section 92 to be new Section 93
Baltimore City Charter
(1996 Edition)".

Amendment No. 6

On page 2, strike beginning with line 43 down through and including line 17, on page 16, in their entireties; on page 16, after line 17, insert "Article VII. Executive Departments"; and, on page 19, strike beginning with line 17, down through and including line 13, on page 29, in their entireties.

Amendment No. 7

On page 29, in line 15, after "92," insert "and"; and, in the same line, strike ", and 117"; and, on the same page, in lines 14, 16, and 20, respectively, strike "3", "4", and "5", respectively, and substitute "2", "3", and "4", respectively.

**BALTIMORE CITY COUNCIL
JUDICIARY AND LEGISLATIVE INVESTIGATIONS COMMITTEE
VOTING RECORD**

BILL#: CC-18-0264 DATE: 6/18/18

**BILL TITLE: Charter Amendment - Charter Commission General
Recommendations**

MOTION BY: Scott SECONDED BY: Clarke

FAVORABLE

FAVORABLE WITH AMENDMENTS


UNFAVORABLE

WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Costello, E., Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarke, M., Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bullock, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pinkett, L.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reisinger, E.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott, B.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stokes, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOTALS	<u>6</u>	<u>0</u>	<u>1</u>	<u>0</u>

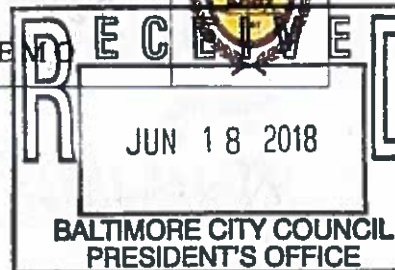
CHAIRPERSON: C. V. Long

COMMITTEE STAFF: Matthew L. Peters, Initials: MP

F R O M	NAME & TITLE	Michelle Pourciau, Director <i>MP</i>	CITY of BALTIMORE	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill 18-0264	M E N D	R E C E I V E

TO Mayor Catherine E. Pugh

DATE: 6/18/18



TO: Respective City Council Judiciary and Legislative Investigations Committee

FROM: Department of Transportation

POSITION: Support

RE: Council Bill – 18-0264 Charter Amendment

Favorable

INTRODUCTION – Charter Amendment – Charter Commission General Recommendations

PURPOSE/PLANS – FOR the purpose of increasing the City’s record keeping flexibility; repealing an obsolete provision regarding the City’s official time; improving the City’s legislative and administrative flexibility by removing redundant Charter provisions and language more appropriate for ordinances or regulations; removing Charter provisions found to simply restate applicable State law; requiring the Department of Finance to employ at least 1 Certified Public Accountant to perform certain duties; allowing certain agencies to be designated by law to approve the withdrawal of City monies from depositories; removing certain formal lien requirements from the Charter; clarifying that the review of disciplinary matters by the Board of Fire Commissioners is at the request of the Fire Chief; clarifying the authority of the Mayor to appoint the Board of Recreation and Parks; modernizing various public notice provisions, including removing mandatory requirements for notice to be published in a newspaper of general circulation in Baltimore City; simplifying requirements related to the City’s Master Plan; removing certain penalties relating to the Department of Planning from the Charter; conforming to State law requiring alternate members be made available for the Board of Municipal and Zoning Appeals; allowing the Board of Municipal and Zoning Appeals to change its rules internally; removing the Board of Municipal and Zoning Appeals’ authority to appoint employees other than its Executive Secretary; updating the Board of Municipal and Zoning Appeals’ powers for reviewing paving assessments and other matters; conforming a provision relating to appeals from Board of Municipal and Zoning Appeals’ decisions to State law; replacing the Board of Legislative Reference with an ad hoc board appointed by the Mayor, the President of the City Council, and the Comptroller; allowing the newly restructured ad hoc Board of Legislative Reference to make recommendations regarding the hiring of a Director of Legislative Reference; removing the Civil Service status of the Director of Legislative Reference; making the Director of Legislative Reference removable for any reason rather than just for incompetence or neglect of duties; allowing the Mayor and the President of the City Council to jointly appoint and remove the Director of Legislative Reference; allowing the President of the City Council to recommend 1 of the 3 Civil Service Commissioners; updating the required qualifications for Civil Service Commissioners; formally transferring many of the powers formerly belonging to the Civil Service Commission to the Department of Human Resources to improve administrative flexibility; allowing the Department of Human Resources to transfer employees into and out of the Civil Service by regulation, and to adjust Civil Service protections administratively, to increase flexibility in personnel management; updating the required qualifications for the Director of Human Resources; removing certain penalties relating to the Civil Service Commission from the Charter; adding the State’s Attorney for Baltimore City to the list of elected officials covered by the Compensation Commission for Elected Officials; removing certain obsolete provisions regarding street railways, trackless trolleys, and advertising from the Franchises Article; establishing a procedure for regularly appointing Charter Review Commissions to review the Charter and make recommendations as to the necessity for deleting, adding to, or revising any portion of its contents; requiring the appointment of a Charter Review Commission at least once every 10 years; requiring that the Charter Review Commission publically report on its findings to the Mayor and City Council; clarifying and conforming related provisions; setting special effective dates for the proposed Charter amendments; and submitting this amendment to the qualified voters of the City for adoption or rejection.

FISCAL IMPACT – Not Applicable


AGENCY/DEPARTMENT POSITION – The Department of Transportation supports City Council Bill 18-0264.

If you have any questions, please do not hesitate to contact Josh Taylor at Josh.Taylor@baltimorecity.gov, 443-984-3394.

Sincerely,

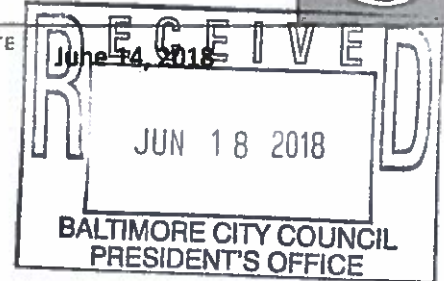


Michelle Pourciau
Director

FROM	NAME & TITLE	Rudolph S. Chow, P.E., Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Public Works 600 Abel Wolman Municipal Building		
	SUBJECT	City Council Bill 18-0264		

TO

DATE



The Honorable President and Members
of the Baltimore City Council
c/o Natawna Austin
Room 400 – City Hall

Favorable

I am herein reporting on City Council Bill 18-0264 introduced by the Council President on behalf of the Administration (Mayor's Charter Review Commission).

The purpose of the Bill is to, among other things, repeal certain obsolete provisions of the Charter; remove redundant provisions as well as language more appropriate for ordinances or regulations; remove provisions that simply restate applicable State law; conform certain provisions with State law; provide certain legislative and administrative flexibility; allow certain agencies to be designated by law to approve withdrawal of City monies from depositories; remove certain formal lien requirements; replace the Board of Legislative Reference with an ad hoc board that would make recommendations regarding the hiring of a Director of Legislative Reference; transfer certain powers belonging to the Civil Service Commission to the Department of Human Services; establish a procedure to regularly appoint a Charter Review Commission at least once every 10 years, with that Commission making recommendations for deletions, additions or revisions to its content; set special effective dates for the proposed Charter amendments, and submit this amendment to the qualified voters of the City for adoption or rejection.

The Mayor's Charter Review Commission was formed to review the Baltimore City Charter and to make recommendations for removing obsolete and unnecessary provisions, improving the clarity of its language, and adding new provisions more applicable to current conditions.

The Department of Public Works is one of the agencies listed under Article VII (Executive Departments) that has provisions affected by this legislation. The following sections of the Charter are recommended to be deleted.

- § 3(b) – The powers and duties described in this subsection are stated in subsection (a) of this section and are therefore redundant. The provisions which stipulate the Department of Public Works may only establish or abolish bureaus or divisions through an ordinance, as recommended by the Board of Estimates, remain. This requirement is further noted in Article 1 (Mayor, City Council and Municipal Agencies) §§ 17-1 and 17-2 of the Baltimore City Code.
- § 30 (Department of Public Works: Supervision of public works) – This section, which would be deleted in its entirety, stipulates that the Director is empowered to supervise all public works that relate to the Department's powers, and that the plans and specifications for these public works must be approved by the Director. These powers are clearly stated in the remaining §§ 31, 33, 34, and 35 of Article VII.

The Honorable President and Members
of the Baltimore City Council

June 14, 2018

Page 2


- **§ 37 (Department of Public Works: Testing)** – This section, which would be deleted in its entirety, requires the Department to test materials and supplies at the request of another agency. This language is obsolete.
- **§ 41 (Department of Public Works: Correcting physical obstructions)** – This section, which would be deleted in its entirety, states that the Department may, upon reasonable notice, request the removal of a physical structure from a public street, at their cost, should it be impeding the work of the Department. The City may condemn the physical obstruction if needed. This section is redundant as Article II (General Powers) § 2 and § 35(c) and (d) clearly state the authority of the City to take such actions.
- **§ 42 (Department of Public Works: Assistance to other agencies)** – This section allows for the Director to assist an agency by supplying estimates or services, and to be reimbursed for the incurred costs. It is recommended for deletion as this request would be within the power of the Director to grant.

The Department further recognizes that the Charter is a living document and therefore sees the value in establishing a Charter Review Commission that regularly examines and recommends improvements to the Charter to keep it relevant. The Department of Public Works supports passage of City Council Bill 18-0264.



Rudolph S. Chow, P.E.
Director

RSC/MMC

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.

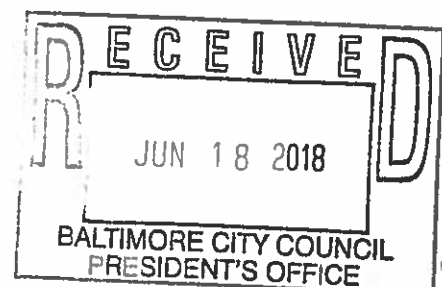
History of the Department of Legislative Reference

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.

opposed w/Amends



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

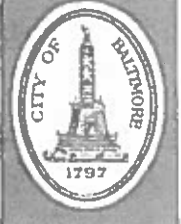
Beginning on page 16, strike line 18 down through and including line 16, on page 19, in their entireties.

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.

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET
	SUBJECT	CITY COUNCIL BILL #18-0264/ CHARTER AMENDMENT – CHARTER COMMISSION GENERAL RECOMMENDATIONS

CITY of
BALTIMORE
MEMO



TO The Honorable President and
Members of the City Council
City Hall, Room 400
100 North Holliday Street

DATE: June 14, 2018

The Department of Planning is in receipt of City Council Bill #18-0264, which is for the purpose of increasing the City's record keeping flexibility; repealing an obsolete provision regarding the City's official time; improving the City's legislative and administrative flexibility by removing redundant Charter provisions and language more appropriate for ordinances or regulations; removing Charter provisions found to simply restate applicable State law; requiring the Department of Finance to employ at least 1 Certified Public Accountant to perform certain duties; allowing certain agencies to be designated by law to approve the withdrawal of City monies from depositories; removing certain formal lien requirements from the Charter; clarifying that the review of disciplinary matters by the Board of Fire Commissioners is at the request of the Fire Chief; clarifying the authority of the Mayor to appoint the Board of Recreation and Parks; ...

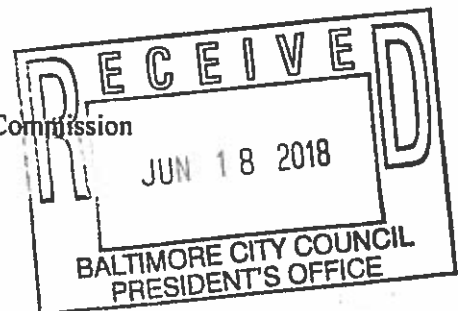
This bill recommends a number of clean up and modernization items to the City Charter which is long overdue. In general this bill recommends removing redundant content and/or details that are handled elsewhere. In review of § 75 Department of Planning – Subdivisions we did find an additional redundancy that we recommend removing. The Property Location Division, currently of the Department of Transportation, is required to sign subdivision plats along with the Director of Planning on behalf of the Planning Commission. This is clearly outlined in the Subdivision Rules and Regulations outlined in § 75A, therefore § 75B is not needed.

The Department of Planning recommends amendment and approval of City Council Bill #18-0264, with the amendment being delete § 75 (B) on page 13, lines 20-23.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

TJS/ewt

- cc: Mr. Pete Hammen, Chief Operating Officer
Mr. Jim Smith, Chief of Strategic Alliances
Ms. Karen Stokes, Mayor's Office
Mr. Colin Tarbert, Mayor's Office
Mr. Kyron Banks, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. William H. Cole IV, BDC
Mr. Derek Baumgardner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Sharon Daboin, DHCD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Ms. Katelyn McCauley, DOT
Ms. Natawna Austin, Council Services



Fav w/ Amend

DLR DRAFT I 14JUN18

DLR DRAFT I 14JUN18

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

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

Amendment No. 1

On page 13, strike lines 20 through 23 in their entirety; and, on the same page, in line 24, strike "(C)" and substitute "(B)".

CITY OF BALTIMORE

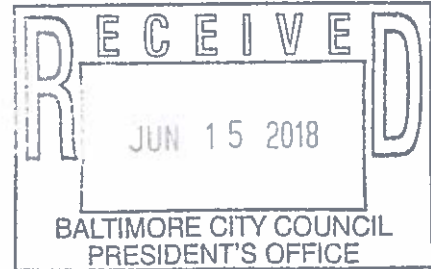
CATHERINE E. PUGH,
Mayor



DEPARTMENT OF LAW
ANDRE M. DAVIS, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

June 15, 2018

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



Re: City Council Bill 18-0264 - Charter Amendment - Commission Recommendations
General Recommendations

Dear President and City Council Members:

The Law Department has been asked to review City Council Bill 18-0264 for form and legal sufficiency. The bill amends the City Charter and increases the City's record keeping flexibility; repeals an obsolete provision regarding the City's official time; improves the City's legislative and administrative flexibility by removing redundant Charter provisions and language more appropriate for ordinances or regulations; removes Charter provisions found to simply restate applicable State law; requires the Department of Finance to employ at least 1 Certified Public Accountant to perform certain duties; allows certain agencies to be designated by law to approve the withdrawal of City monies from depositories; removes certain formal lien requirements from the Charter; clarifies that the review of disciplinary matters by the Board of Fire Commissioners is at the request of the Fire Chief; clarifies the authority of the Mayor to appoint the Board of Recreation and Parks; modernizes various public notice provisions, including removing mandatory requirements for notice to be published in a newspaper of general circulation in Baltimore City; simplifies requirements related to the City's Master Plan; removes certain penalties relating to the Department of Planning from the Charter; conforms to State law requiring alternate members be made available for the Board of Municipal and Zoning Appeals; allows the Board of Municipal and Zoning Appeals to change its rules internally; removes the Board of Municipal and Zoning Appeals' authority to appoint employees other than its Executive Secretary; updates the Board of Municipal and Zoning Appeals' powers for reviewing paving assessments and other matters; conforms a provision relating to appeals from Board of Municipal and Zoning Appeals' decisions to State law; replaces the Board of Legislative Reference with an ad hoc board appointed by the Mayor, the President of the City Council, and the Comptroller; allows the newly restructured ad hoc Board of Legislative Reference to make recommendations regarding the hiring of a Director of Legislative Reference; removes the Civil Service status of the Director of Legislative Reference; makes the Director of Legislative Reference removable for any reason rather than just for incompetence or neglect of duties; allows the Mayor and the President of the City Council to jointly

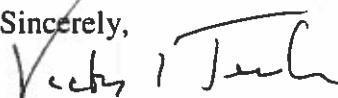
For w/ comments

appoint and remove the Director of Legislative Reference; allows the President of the City Council to recommend 1 of the 3 Civil Service Commissioners; updates the required qualifications for Civil Service Commissioners; formally transfers many of the powers formerly belonging to the Civil Service Commission to the Department of Human Resources to improve administrative flexibility; allows the Department of Human Resources to transfer employees into and out of the Civil Service by regulation, and to adjust Civil Service protections administratively, to increase flexibility in personnel management; updates the required qualifications for the Director of Human Resources; removes certain penalties relating to the Civil Service Commission from the Charter; adds the State's Attorney for Baltimore City to the list of elected officials covered by the Compensation Commission for Elected Officials; removes certain obsolete provisions regarding street railways, trackless trolleys, and advertising from the Franchises Article; establishes a procedure for regularly appointing Charter Review Commissions to review the Charter and make recommendations as to the necessity for deleting, adding to, or revising any portion of its contents; requires the appointment of a Charter Review Commission at least once every 10 years; requires that the Charter Review Commission report on its findings to the Mayor and City Council; clarifies and conforms related provisions; sets special effective dates for the proposed Charter amendments; and submits this amendment to the qualified voters of the City for adoption or rejection.

The substance of the bill presents no legal impediments.

Under Article XI-A, Section 5 of the Maryland Constitution, a resolution of the Mayor and City Council, such as City Council Bill 18--0264, is an appropriate method of initiating an amendment to the Baltimore City Charter. The Law Department, therefore, approves the resolution for form and legal sufficiency as drafted.

Sincerely,



Victor K. Tervala
Chief Solicitor

cc: Andre M. Davis, City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Ashlea Brown, Assistant Solicitor

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Minutes - Final

Judiciary and Legislative Investigations

Monday, June 18, 2018

5:30 PM

Du Burns Council Chamber, 4th floor, City Hall

18-0264

CHARM TV 25

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

Present 6 - Member Eric T. Costello, Member Mary Pat Clarke, Member Leon F. Pinkett III, Member John T. Bullock, Member Brandon M. Scott, and Member Robert Stokes Sr.

Absent 1 - Member Edward Reisinger

ITEMS SCHEDULED FOR PUBLIC HEARING

18-0264

Charter Amendment - Charter Commission General Recommendations

For the purpose of increasing the City's record keeping flexibility; repealing an obsolete provision regarding the City's official time; improving the City's legislative and administrative flexibility by removing redundant Charter provisions and language more appropriate for ordinances or regulations; removing Charter provisions found to simply restate applicable State law; requiring the Department of Finance to employ at least 1 Certified Public Accountant to perform certain duties; allowing certain agencies to be designated by law to approve the withdrawal of City monies from depositories; removing certain formal lien requirements from the Charter; clarifying that the review of disciplinary matters by the Board of Fire Commissioners is at the request of the Fire Chief; clarifying the authority of the Mayor to appoint the Board of Recreation and Parks; modernizing various public notice provisions, including removing mandatory requirements for notice to be published in a newspaper of general circulation in Baltimore City; simplifying requirements related to the City's Master Plan; removing certain penalties relating to the Department of Planning from the Charter; conforming to State law requiring alternate members be made available for the Board of Municipal and Zoning Appeals; allowing the Board of Municipal and Zoning Appeals to change its rules internally; removing the Board of Municipal and Zoning Appeals' authority to appoint employees other than its Executive Secretary; updating the Board of Municipal and Zoning Appeals' powers for reviewing paving assessments and other matters; conforming a provision relating to appeals from Board of Municipal and Zoning Appeals' decisions to State law; replacing the Board of Legislative Reference with an ad hoc board appointed by the Mayor, the President of the City Council, and the Comptroller; allowing the newly restructured ad hoc Board

of Legislative Reference to make recommendations regarding the hiring of a Director of Legislative Reference; removing the Civil Service status of the Director of Legislative Reference; making the Director of Legislative Reference removable for any reason rather than just for incompetence or neglect of duties; allowing the Mayor and the President of the City Council to jointly appoint and remove the Director of Legislative Reference; allowing the President of the City Council to recommend 1 of the 3 Civil Service Commissioners; updating the required qualifications for Civil Service Commissioners; formally transferring many of the powers formerly belonging to the Civil Service Commission to the Department of Human Resources to improve administrative flexibility; allowing the Department of Human Resources to transfer employees into and out of the Civil Service by regulation, and to adjust Civil Service protections administratively, to increase flexibility in personnel management; updating the required qualifications for the Director of Human Resources; removing certain penalties relating to the Civil Service Commission from the Charter; adding the State's Attorney for Baltimore City to the list of elected officials covered by the Compensation Commission for Elected Officials; removing certain obsolete provisions regarding street railways, trackless trolleys, and advertising from the Franchises Article; establishing a procedure for regularly appointing Charter Review Commissions to review the Charter and make recommendations as to the necessity for deleting, adding to, or revising any portion of its contents; requiring the appointment of a Charter Review Commission at least once every 10 years; requiring that the Charter Review Commission publically report on its findings to the Mayor and City Council; clarifying and conforming related provisions; setting special effective dates for the proposed Charter amendments; and submitting this amendment to the qualified voters of the City for adoption or rejection.

Sponsors: City Council President (Administration)

A motion was made by Member Scott, seconded by Member Clarke, that this Mayor and City Council Res. be Recommended Favorably with Amendment. The motion carried by the following vote:

Yes: 6 - Member Costello, Member Clarke, Member Pinkett III, Member Bullock, Member Scott, and Member Stokes Sr.

Absent: 1 - Member Reisinger

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC



HEARING NOTES

Mayor and City Council Resolution: 18-0264

Charter Amendment - Charter Commission General Recommendations

Committee: Judiciary and Legislative Investigations

Chaired By: Councilmember Eric Costello

Hearing Date: June 18, 2018

Time: 5:35 PM to 6:00 PM

Location: Clarence "Du" Burns Chamber

Total Attendance: ~30

Committee Members in Attendance:

Eric Costello	Mary Pat Clarke	Brandon Scott
Leon Pinkett	Robert Stokes	John Bullock

Bill Synopsis in the file?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Attendance sheet in the file?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Agency reports read?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Hearing televised or audio-digitally recorded?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Certification of advertising/posting notices in the file?	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input checked="" type="checkbox"/> n/a
Evidence of notification to property owners?	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input checked="" type="checkbox"/> n/a
Final vote taken at this hearing?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Motioned by:	Councilmember Scott		
Seconded by:	Councilmember Clarke		
Final Vote:	Favorable as Amended		

Major Speakers

(This is not an attendance record.)

Matthew Garbark, Mayor's Charter Review Commission

Nancy Ray, Department of Legislative Reference

Major Issues Discussed

1. Chairman Costello opened the proceedings and introduced the committee members in attendance.
2. Matthew Garbark provided background on the Charter Review Commission and its report, and summarized the proposed Charter Amendment. Mr. Garbark also discussed several changes that the Administration is open to regarding public water systems, public notice, and the bases for terminating the Director of the Department of Legislative Reference.
3. Councilwoman Clarke stated her opposition to removing provisions on public notice and civil service from the Charter before they are added to the Code by ordinance.
4. The committee considered and rejected the amendments proposed by Mr. Garbark on behalf of the Administration.
5. Nancy Ray provided background on the Department of Legislative Reference and explained its opposition to the provisions related to the Department. In particular, Ms. Ray noted the need for the Department and its Director to work with both the executive and legislative branches, and to remain impartial. Ms. Ray also noted the potential for conflict between the Mayor and Council under the proposed Charter Amendment.
6. Councilwoman Clarke stated that she thought that the changes related to the Department of Legislative Reference were fair and that she was in favor of adopting at least those portions of the proposed Charter Amendment.
7. The committee considered and adopted amendments to the proposed Charter Amendment.

Further Study

Was further study requested?

Yes No

If yes, describe. N/A

Committee Vote

E. Costello: Yea
M. Clarke: Yea
J. Bullock: Yea
L. Pinkett: Yea
E. Reisinger: Absent
B. Scott: Yea
R. Stokes: Yea

Matthew Peters

Matthew L. Peters, Committee Staff

Date: June 18, 2018

cc: Bill File
OCS Chrono File



**CITY OF BALTIMORE
CITY COUNCIL HEARING ATTENDANCE RECORD**

Committee: Judiciary and Legislative Investigations

Chairperson: Eri

Date: June 18, 2018

Time: 5:30 PM

Place: Clarence "Du" Burns Chambers

Subject: Resolution - Charter Amendment - Charter Commission General Recommendations

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE CHECK HERE

FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com
Marcia	Collins		DP25		
Kristyn	Oldendorf		DPW		
Nancy	Roy		Dept. of Legislative Review		
Laurie	Franberg		Planning		

(* NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGI BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730. FAX: 410-396-8483.

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Agenda - Final

Judiciary and Legislative Investigations

Monday, June 18, 2018

5:30 PM

Du Burns Council Chamber, 4th floor, City Hall

18-0264

CHARM TV 25

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEMS SCHEDULED FOR PUBLIC HEARING

18-0264

Charter Amendment - Charter Commission General Recommendations
For the purpose of increasing the City's record keeping flexibility; repealing an obsolete provision regarding the City's official time; improving the City's legislative and administrative flexibility by removing redundant Charter provisions and language more appropriate for ordinances or regulations; removing Charter provisions found to simply restate applicable State law; requiring the Department of Finance to employ at least 1 Certified Public Accountant to perform certain duties; allowing certain agencies to be designated by law to approve the withdrawal of City monies from depositories; removing certain formal lien requirements from the Charter; clarifying that the review of disciplinary matters by the Board of Fire Commissioners is at the request of the Fire Chief; clarifying the authority of the Mayor to appoint the Board of Recreation and Parks; modernizing various public notice provisions, including removing mandatory requirements for notice to be published in a newspaper of general circulation in Baltimore City; simplifying requirements related to the City's Master Plan; removing certain penalties relating to the Department of Planning from the Charter; conforming to State law requiring alternate members be made available for the Board of Municipal and Zoning Appeals; allowing the Board of Municipal and Zoning Appeals to change its rules internally; removing the Board of Municipal and Zoning Appeals' authority to appoint employees other than its Executive Secretary; updating the Board of Municipal and Zoning Appeals' powers for reviewing paving assessments and other matters; conforming a provision relating to appeals from Board of Municipal and Zoning Appeals' decisions to State law; replacing the Board of Legislative Reference with an ad hoc board appointed by the Mayor, the President of the City Council, and the

Comptroller; allowing the newly restructured ad hoc Board of Legislative Reference to make recommendations regarding the hiring of a Director of Legislative Reference; removing the Civil Service status of the Director of Legislative Reference; making the Director of Legislative Reference removable for any reason rather than just for incompetence or neglect of duties; allowing the Mayor and the President of the City Council to jointly appoint and remove the Director of Legislative Reference; allowing the President of the City Council to recommend 1 of the 3 Civil Service Commissioners; updating the required qualifications for Civil Service Commissioners; formally transferring many of the powers formerly belonging to the Civil Service Commission to the Department of Human Resources to improve administrative flexibility; allowing the Department of Human Resources to transfer employees into and out of the Civil Service by regulation, and to adjust Civil Service protections administratively, to increase flexibility in personnel management; updating the required qualifications for the Director of Human Resources; removing certain penalties relating to the Civil Service Commission from the Charter; adding the State's Attorney for Baltimore City to the list of elected officials covered by the Compensation Commission for Elected Officials; removing certain obsolete provisions regarding street railways, trackless trolleys, and advertising from the Franchises Article; establishing a procedure for regularly appointing Charter Review Commissions to review the Charter and make recommendations as to the necessity for deleting, adding to, or revising any portion of its contents; requiring the appointment of a Charter Review Commission at least once every 10 years; requiring that the Charter Review Commission publically report on its findings to the Mayor and City Council; clarifying and conforming related provisions; setting special effective dates for the proposed Charter amendments; and submitting this amendment to the qualified voters of the City for adoption or rejection.

Sponsors:

City Council President (Administration)

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC

CITY OF BALTIMORE

CATHERINE C. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

BILL SYNOPSIS

Committee: Judiciary and Legislative Investigations

Bill 18-0264

Charter Amendment - Charter Commission General Recommendations

Sponsor: *President Young (Administration)*

Introduced: *June 11, 2018*

Purpose:

For the purpose of increasing the City's record keeping flexibility; repealing an obsolete provision regarding the City's official time; improving the City's legislative and administrative flexibility by removing redundant Charter provisions and language more appropriate for ordinances or regulations; removing Charter provisions found to simply restate applicable State law; requiring the Department of Finance to employ at least 1 Certified Public Accountant to perform certain duties; allowing certain agencies to be designated by law to approve the withdrawal of City monies from depositories; removing certain formal lien requirements from the Charter; clarifying that the review of disciplinary matters by the Board of Fire Commissioners is at the request of the Fire Chief; clarifying the authority of the Mayor to appoint the Board of Recreation and Parks; modernizing various public notice provisions, including removing mandatory requirements for notice to be published in a newspaper of general circulation in Baltimore City; simplifying requirements related to the City's Master Plan; removing certain penalties relating to the Department of Planning from the Charter; conforming to State law requiring alternate members be made available for the Board of Municipal and Zoning Appeals; allowing the Board of Municipal and Zoning Appeals to change its rules internally; removing the Board of Municipal and Zoning Appeals' authority to appoint employees other than its Executive Secretary; updating the Board of Municipal and Zoning Appeals' powers for reviewing paving assessments and other matters; conforming a provision relating to appeals from Board of Municipal and Zoning Appeals' decisions to State law; replacing the Board of Legislative Reference with an ad hoc board appointed by the Mayor, the President of the City Council, and the Comptroller; allowing the newly restructured ad hoc Board of Legislative Reference to make recommendations regarding the hiring of a Director of Legislative Reference; removing the Civil Service status of the Director of Legislative

Reference; making the Director of Legislative Reference removable for any reason rather than just for incompetence or neglect of duties; allowing the Mayor and the President of the City Council to jointly appoint and remove the Director of Legislative Reference; allowing the President of the City Council to recommend 1 of the 3 Civil Service Commissioners; updating the required qualifications for Civil Service Commissioners; formally transferring many of the powers formerly belonging to the Civil Service Commission to the Department of Human Resources to improve administrative flexibility; allowing the Department of Human Resources to transfer employees into and out of the Civil Service by regulation, and to adjust Civil Service protections administratively, to increase flexibility in personnel management; updating the required qualifications for the Director of Human Resources; removing certain penalties relating to the Civil Service Commission from the Charter; adding the State's Attorney for Baltimore City to the list of elected officials covered by the Compensation Commission for Elected Officials; removing certain obsolete provisions regarding street railways, trackless trolleys, and advertising from the Franchises Article; establishing a procedure for regularly appointing Charter Review Commissions to review the Charter and make recommendations as to the necessity for deleting, adding to, or revising any portion of its contents; requiring the appointment of a Charter Review Commission at least once every 10 years; requiring that the Charter Review Commission publically report on its findings to the Mayor and City Council; clarifying and conforming related provisions; setting special effective dates for the proposed Charter amendments; and submitting this amendment to the qualified voters of the City for adoption or rejection.

Effective: January 1, 2019 in part, and January 1, 2020 in part, as provided

Hearing Date/Time/Location: June 18, 2018/5:30 p.m./Clarence "Du" Burns Chamber

AGENCY REPORTS

City Solicitor
Department of Finance
Department of Transportation
Fire Department
Board of Municipal and Zoning Appeals
Department of Public Works
Department of Planning
Department of Legislative Reference
Department of human Resources

ANALYSIS

Bill Summary

Council Bill 18-0264 is a Mayor and City Council resolution proposing a Charter Amendment to make numerous changes to Article I (General Provisions), Article VII (Executive Departments), and Article VIII (Franchises), and to create Article X (Charter Review Commission) of the Baltimore City Charter. The bill is based on the recommendations of the Mayor's Charter Review Commission. The Commission's recommendations and explanations relating to Articles I, VII, VIII, and X are detailed in the attached excerpt from its May 2018 Final Report.

Current Law

Article I of the City Charter contains various general provisions, including definitions, requirements for record keeping and public access to City records, and provisions establishing and governing several special funds.

Article VII of the City Charter establishes various executive departments of the City, provides the departments with specific powers and duties, and sets other requirements related to those departments.

Article VIII of the City Charter authorizes the City to grant certain franchises and minor privileges.

Background

The Baltimore City Charter is the primary governing document for the City and it provides the framework by which the City government is to operate. The Mayor established the Charter Review Commission to examine the Charter and recommend revisions to increase the effectiveness of City operations, remove arcane or outdated provisions, and update sections to reflect the current needs of the City. The last time the City performed a major review of the Charter was in 1994.

Amendments to the Charter must be approved by the voters of Baltimore City. In order to make it onto the November 6, 2018 general election ballot, resolutions containing proposed amendments to the Charter must be approved by the Mayor and City Council. If the resolutions are passed by the Council and signed by the Mayor, they are sent to the Board of Elections where questions are prepared for the ballot.

ADDITIONAL INFORMATION

Fiscal Note: None

Information Source(s): Baltimore City Charter; Mayor's Charter Review Commission, Bill 18-0264.

Analysis by: 
Analysis Date: June 12, 2018

Direct Inquiries to: (410) 396-1268

**JUDICIARY AND LEGISLATIVE
INVESTIGATIONS COMMITTEE**

18-0264

**EXCERPT FROM THE
MAYOR'S CHARTER REVIEW
COMMISSION:**

**SPECIFIC
RECOMMENDATIONS FOR
ARTICLES I, VII, VIII, AND X**

2018 Mayor's Charter Commission Final Report

4. Specific Recommendations

The specific charter changes recommended by the Commission are included in this section. In order to view the recommendations in context with other related provisions in the charter, the text from Articles I, III, IV, V, VI, VII, VIII, and IX are included in numerical order and the changes are added directly to the text. A convention is used to denote the changes as follows:

- New language is in **BOLD SMALL CAPS**
- Removal or deletion of language is ~~struck through with one line~~
- Substantive changes are highlighted in yellow
- Non-substantive or technical changes are highlighted in blue

There is a key in the footer on each page of this section to assist the reader in following the convention. In addition, below each substantive change, there is a callout box describing why the change is recommended.

Finally, it should be noted that no changes were recommended to Article II of the City Charter. Article II includes the powers provided by the Maryland General Assembly. As a result, the City cannot change those provisions through this process. Any changes to provisions in Article II must be made first by the Maryland General Assembly. The first global recommendation of the Commission is to work with the City's delegation to review the provisions included in Article II of the Charter and update or modernize as necessary.

The Commissions-specific recommendations to the Charter, starting with Article I, are as follows:

ARTICLE I GENERAL PROVISIONS

§ 7. ~~Records; Reports~~

THE MAYOR AND CITY COUNCIL SHALL PROVIDE FOR APPROPRIATE RECORD-KEEPING AND THE PUBLIC SHALL HAVE THE RIGHT TO INSPECT PUBLIC RECORDS IN ACCORDANCE WITH STATE LAW.

~~(a) Required maintenance; Admissibility; Public inspection.~~

~~A suitable record of all the proceedings, financial transactions and official acts of all municipal agencies, shall be kept, and a certified copy of the record, or any part thereof, under the corporate seal of the City shall be admissible in evidence in any court of this State as proof of such record, or a part thereof. A record shall be available for public inspection unless otherwise expressly ordered by the head of the agency or the municipal officer by or on behalf of whom the record is kept; and in the event that written demand shall be made for the public disclosure of any matter deemed confidential by the head of an agency or by a municipal officer, the demand shall at once be referred to the Board of Estimates and the Board, after consultation with the City Solicitor as to the legal propriety of its action, may order the demanded disclosure to be made in whole or in part.~~

~~(b) Microfilm, etc.~~

2018 Mayor's Charter Commission Final Report

The City may provide by ordinance for the making and keeping of all or some records on microfilm or by other method of reproduction and, when so made, for the destruction of the original records. Any such reproduction or print therefrom shall be in all respects the equivalent of the original from which made, and when authenticated as above provided shall be admissible in evidence in any court of this State as proof of that record, or part thereof.

~~(c) Annual report; Other information.~~

~~Unless otherwise directed by the Board of Estimates, every municipal agency of the City shall prepare annually a written report of its work and proceedings. A copy of each report shall be filed with the Mayor and a copy shall also be filed with the Department of Legislative Reference; additional copies of each report, or parts thereof, shall be prepared and made available as from time to time may be directed by the Board of Estimates.~~

~~Upon request of the Mayor or Board of Estimates every municipal agency shall promptly supply the Mayor or the Board with all requested information with respect to the practice and proceedings of the agency; provided, however, that this information need not be given with respect to any undetermined policy or opinion, nor shall the Board of Municipal and Zoning Appeals make any disclosure as to any pending appeal other than to furnish a copy of the testimony and papers filed with it pertaining to that appeal.~~

Paragraphs (a) and (b) already are required by State law and the referenced technology is obsolete. The provisions of Paragraph (c) in some cases are not being performed and, in other cases, are being performed routinely. In effect, the requirements in this paragraph are unremarkable and need not be contained in the Charter. The proposed language is broad enough so that the Mayor and City Council can exercise whatever document control needs to be imposed.

~~§ 8. Official time. [RESERVED]~~

~~The official time of the City of Baltimore shall conform to standard time based upon the time of the seventy-fifth meridian, except that, from two o'clock a.m. of the last Sunday in April until two o'clock a.m. of the last Sunday in September of each year, the official time throughout the City of Baltimore shall be advanced one hour, and all courts, public offices, legal and official proceedings, insofar as the same are subject to or under the control of the Mayor and City Council of Baltimore, shall be regulated thereby, and all time shown by the public clocks shall agree therewith. Provided, however, that the Mayor and City Council by ordinance passed not less than fifteen days before the change would become effective, may extend the period during which the one hour variation from standard time shall be effective in any year or years. The extension may be to change the advance in time up to two o'clock a.m. on the last Sunday in March, or back to two o'clock a.m. on the last Sunday in October, or both such changes, or any portion or portions of either. Any such extension may be provided only if other municipalities or sections of the United States shall have made such a change, and in the opinion of the Mayor and City Council thereby have caused inconvenience and annoyance to the commercial, economic, industrial or social affairs of the residents of Baltimore City.~~

This section is obsolete.

2018 Mayor's Charter Commission Final Report

§ 10. Affordable housing funds.

~~(a) Authorization:~~

By Ordinance, the Mayor and City Council of Baltimore may establish 1 or more continuing, nonlapsing funds for purposes of promoting economically diverse housing in City neighborhoods, including:

- (1) providing assistance, by loan, grant, or otherwise, for the planning, production, maintenance, or expansion of affordable housing in the City;
- (2) providing assistance, by loan, grant, or otherwise, to persons unable to obtain affordable housing; and
- (3) otherwise increasing housing opportunities for working families and other persons of low and moderate income.

~~(b) Revenue sources:~~

~~A fund established under this section may comprise:~~

- ~~(1) money appropriated to the fund in the annual Ordinances of Estimates; and~~
- ~~(2) grants or donations made to the fund;~~

~~(c) Continuing nature of fund:~~

~~Notwithstanding any other provision of this Charter, unspent portions of a fund established under this section:~~

- ~~(1) remain in the fund, to be used exclusively for their ordained purposes;~~
- ~~(2) do not revert to the general revenues of the City; and~~
- ~~(3) their appropriations do not lapse.~~

Subsections (b) and (c) are not necessary for a Charter and add nothing that an Ordinance could authorize, as indicated in the first subsection.

ARTICLE VII EXECUTIVE DEPARTMENTS

GENERAL PROVISIONS

§ 3. General provisions: Bureaus and divisions.

(a) Establishment or abolishment.

With the approval of the Board of Estimates, the head of a municipal department (except as otherwise provided for the Department of Public Works), commission, or board provided for by the Charter may establish and abolish bureaus and divisions within that department, commission or board.

Bureaus in the Department of Public Works shall be established or abolished from time to time by an ordinance which shall have been recommended to the City Council by the Board of Estimates and shall have been duly passed by the City Council by a majority vote of its members and shall have been approved by the Mayor.

(b) Allocation of powers and duties.

~~Subject to the authority of the Board of Estimates, the head of any department, commission, or board may assign among the bureaus or divisions in that department, commission, or board, duties and powers of that department, commission, or board. A board or commission may act under this subsection only by the majority vote of its membership.~~

The reassignment of duties within a department by a department head is common place and well within the scope of a director's responsibilities, except for the presence of this charter provision. If a reassignment is made that proves to be controversial, the absence of this charter provision would not be a deterrent to having it corrected either by the Board or the Mayor.

DEPARTMENT OF FINANCE

§ 5. Department of Finance: Established.

There is a Department of Finance, the head of which shall be the Director of Finance.

§ 6. Department of Finance: Director.

(a) Duties; Qualifications.

The Director of Finance shall supervise and direct the Department. The Director shall have substantial experience in financial administration.

2018 Mayor's Charter Commission Final Report

(b) *Appointment; Term.*

The Director shall be appointed, must be confirmed, and shall serve, pursuant to Article IV, Section 6.

(c) *Salary.*

The Director's salary shall be set in the Ordinance of Estimates.

§ 7. Department of Finance: Deputy Director; Employees.

(a) *Deputy – Appointment.*

The Director shall appoint a Deputy Director of Finance pursuant to this section.

(b) *Deputy – As Acting Director.*

Whenever a vacancy shall occur in the office of Director, or whenever the Director shall be incapacitated or otherwise unavailable for duty for any cause, the Deputy Director appointed pursuant to this section shall be the Acting Director.

(c) *Other employees.*

The Director may appoint such other employees as provided in the Ordinance of Estimates.

§ 8. Department of Finance: Budget preparation.

In accordance with rules established by the Board of Estimates, the Department shall prepare the preliminary operating budget for the consideration of the Board of Estimates, shall make reports and recommendations on the capital budget and capital improvement program, and shall otherwise participate in the making of the proposed Ordinance of Estimates.

§ 9. Department of Finance: Budget administration.

Under the direction of the Board of Estimates, the Director shall implement the Ordinance of Estimates. In the interest of economy and efficiency, the Director shall survey the administration and organization of municipal agencies to support the Director's recommendations to the Board of Estimates on the budget requests of the agencies and the Director's reports to the Mayor on measures which might be taken to improve the organization and administration of City government.

~~§ 10. Department of Finance: Disbursements.~~

~~The Department shall have general supervision and charge over all payments and disbursements made by the City and no payment or disbursement shall be made by the City without the approval of the Department.~~

The provisions are provided in Section 12(b).

§ 11. Department of Finance: Accounting.

(a) *In general.*

1 The Department shall keep all general accounts of the City, prepare the City's financial statements, and maintain an adequate system of accounting that, at all times, reflects the actual financial condition of the City resulting from income accrued and liabilities incurred, property owned, and funded obligations, estimated revenue and authorized appropriations, cash received and disbursed, among other factors. The Department shall also maintain complete physical and cost records of all property owned by the City, including perpetual inventory records itemizing materials and supplies on hand.

2) THE DEPARTMENT SHALL EMPLOY AT LEAST ONE CERTIFIED PUBLIC ACCOUNTANT IN THE PERFORMANCE OF THESE DUTIES.

This provision will ensure that the Finance Department employs a Certified Public Accountant. It currently employs several, but this change will ensure that at least one must be employed.

(b) *Agency oversight.*

The Department shall supervise and direct the accounting and bookkeeping of all municipal agencies. After consulting with the City Auditor, the Director shall install, maintain and prescribe the accounts and financial records that municipal agencies must keep to assure proper accounting. The accounting methods that the Director prescribes and uses shall prevent, where possible, unnecessary and unlawful expenditures.

(c) *Submissions.*

On a monthly basis, the Director shall submit general operating statements to the Board of Estimates and the Board of Finance. At least once annually, the Director shall submit to both these boards financial statements that include total municipal income and expenses and the City's assets and liabilities.

§ 12. Department of Finance: Collections, deposits, withdrawals, etc.

(a) *In general.*

UNLESS OTHERWISE PROVIDED BY LAW, THE The Director shall receive, collect, and account for all moneys due the City and deposit these moneys in depositories selected by the Board of Finance.

(b) *Withdrawals.*

2018 Mayor's Charter Commission Final Report

UNLESS OTHERWISE PROVIDED BY LAW, THE The Director shall approve the withdrawal of City moneys from its depositories.

There has been discussion about allowing the Department of Public Works to manage the utility fund in its entirety. The language added would allow an ordinance to be passed authorizing such a change.

(c) *Required signatures for checks.*

Unless otherwise provided by law, all checks of the City shall be signed by the Director or Deputy Director, and counter-signed by the Mayor, except payroll, pension, and similar checks, which shall bear the signatures of the Director or Deputy Director and of a person in the Department of Finance designated by the Director to sign as disbursing officer; such designation shall be made in writing by the Director and filed with all banks on which such checks are drawn. Any signature on checks of the City may be manual or facsimile.

~~(d) *Local and state taxes.*~~

~~In addition to collecting all taxes and assessments levied or made by the City, the Director shall collect such State taxes and perform such other duties for the State as may be prescribed by law. The salary provided the Director in the Ordinance of Estimates shall include compensation for collecting State taxes and such other duties as the Director may perform for the State.~~

~~After the levy of the full rate property tax has been made, the Director shall prepare the tax bills and shall have them ready for payment by the taxpayers on the first day of the fiscal year for which the levy is made or as soon thereafter as is possible. To encourage the payment of taxes prior to the date on which they become in arrears, the Department shall allow such discounts upon payment prior to such date as may be provided by law.~~

This subsection contains information already covered by State law. It should not be included in the Charter.

(e) *{Repealed by Res. 00-010, ratified November 2000.}*

§ 13. Department of Finance: Lien records.

(a) *Keeping records; Issuing lien certificates.*

The Department shall keep a record of all municipal charges and assessments and shall provide for the issuance of a lien certificate stating whether any, and, if so, what municipal charges or assessments exist against any particular property. The Department shall make such charge for the issuance of a lien certificate as may be fixed by the Board of Estimates.

2018 Mayor's Charter Commission Final Report

~~(b) Contents of certificates; Charges constitute liens.~~

~~A lien certificate shall show all charges and assessments of every character due the City, including State and City taxes and special paving tax, water and sewer billings, street benefit assessments, minor privilege charges, charges for street, alley and footway paving, sewerage connections, nuisance abatements and other charges. All of the charges and assessments shall be liens, until paid, against the property named in the lien certificate; provided that no then-existing charge shall be a lien against a property after the issuance of a lien certificate for that property unless that charge be shown on the lien certificate.~~

~~(c) Tax lien records.~~

~~The Department shall maintain at all times tax lien records that record tax liens and all other municipal liens. The tax lien records shall show the location of the property, the character of the liens against the property, and the amount of the liens as of the date of recording. After a lien shall have been recorded in the tax lien records, it shall remain a lien until paid and no statute of limitations shall operate as a bar to the collection of the lien.~~

Subsection (a) provides for the general activities described in subsections (b) & (c). Much of these subsections provide administrative detail and activities regulated by State law. There is no charter in Maryland that discusses liens as it is an administration function and not an overarching mechanism of the City government.

~~§ 14. Department of Finance: Notices of lien.~~

~~The Director shall provide notice of a lien to a property owner as provided by law.~~

~~§ 15. Department of Finance: Distraint or levy for taxes.~~

~~(a) Good or chattels — Notice of proposed sale.~~

~~Whenever the Director shall distraint or levy upon any goods or chattels in Baltimore City for nonpayment of any taxes, state or municipal, due by the owner thereof, before making sale of property so distrained or levied upon, the Director shall give notice as required by law, including notice by advertisement published twice a week for one week prior to the day of sale, and also on the day of sale, in three of the daily newspapers published in the City, that the Director will sell for cash, at public auction, to the highest bidder, on the day and at the time and place mentioned in the advertisement, the property therein specified, unless on or before the day of sale the entire amount of taxes for which such distraint or levy shall have been made, with interest thereon, and costs of making the levy and advertisement, shall be paid.~~

~~(b) Goods or chattels — Application of proceeds.~~

2018 Mayor's Charter Commission Final Report

~~Whenever the Director shall sell any goods or chattels levied or distrained upon for taxes, state or municipal, in Baltimore City, after due advertisement as required in the preceding paragraph; the Director shall retain out of the proceeds of sale the amount of taxes due from the delinquent, for which the levy or distraint shall have been made, with interest thereon, and all costs incurred in making the sale, and shall pay over the surplus, if any, to the owner of the property so levied upon and sold.~~

~~(c) Other sales:~~

~~All other sales of real or personal property, or interests therein, for nonpayment of taxes or other charges shall be conducted by such persons and in such manner as may be prescribed by law.~~

These are activities required by State law and they will be performed in accordance with its requirements. No reasons for this to be discussed in the Charter.

§ 16. Department of Finance: Taxes as personal debt and lien.

All taxes and charges in the nature of taxes shall be the personal debt of the person against whom they are charged and recoverable as such, and shall also become a lien against the property assessed in the manner and to the extent provided by law.

§ 17. Department of Finance: Purchasing.

(a) *Central purchasing system.*

The City shall have a centralized purchasing system, and the Department of Finance and all other municipal agencies shall cooperate fully to obtain the maximum benefits from this system.

(b) *Department to procure or approve procurement; Competitive bidding.*

The Department shall procure, by purchase, lease or other acquisition, or shall approve the procurement of, all materials, supplies, and equipment, and all services, other than professional services, that municipal agencies use ("using agencies").

The Department shall insure that competitive bidding is used, and competitive prices are obtained, in purchasing these materials, supplies, equipment and services, to the fullest practicable extent.

(c) *Rules and regulations; Standards.*

Subject to the approval of the Board of Estimates, the Department shall adopt rules and regulations that prescribe when, and the manner and form in which, using agencies will submit estimates of their procurement needs, make requisitions, and enter into contracts.

2018 Mayor's Charter Commission Final Report

In cooperation with the using agencies, the Department shall adopt standards for materials, supplies, equipment, and services required by the using agencies.

(d) *Responsibility for storing, distributing, etc.*

Unless special exception is made by resolution of the Board of Estimates, the Department shall be responsible for disposing of and reclaiming materials, supplies, and equipment purchased for municipal agencies.

(e) *Exceptions.*

Unless otherwise provided by the Board of Estimates, nothing in this section shall be construed to apply to public works done under contract, to records and briefs printed for the Department of Law, or to professional services.

(f) *Board of Estimates to settle agency disputes.*

In the event of a disagreement between departments, the Board of Estimates shall determine whether a proposed procurement is for public works, materials, supplies, equipment, services or professional services.

§ 18. Department of Finance: Registrar of debt; Custodian of funds and securities; Keeper of Seal.

(a) *Registrar of debt; Custodian of funds and securities.*

The Director shall be the registrar of the public debt and responsible for all moneys and securities belonging to the City including the actuarial retirement systems and shall provide for the safekeeping and transfer of stocks, bonds, and securities owned or held by the City or any agency thereof, ~~provided, however, that the designation of depository institutions shall be as set forth in Article VII, Section 21(b).~~

~~To help the Director discharge the Director's duties as custodian of the moneys and securities of the actuarial retirement systems of the City, the administrators of those systems shall provide the Director with the financial information and assurances that he may request. The Director, acting under the supervision of the Board of Estimates, may contract with banks or trust companies that have appropriate charter authority to be custodians of cash and securities of the retirement systems. The Director shall have no personal liability for the performance, lack of performance, misfeasance or malfeasance of a bank or trust company so selected.~~

These provisions are unnecessary detail about carrying out this function – and the Charter cannot regulate any entity other than the city government and its officers and employees.

(b) *Securities; Advancements.*

2018 Mayor's Charter Commission Final Report

The Director shall perform such duties relating to the stocks, bonds, and other evidences of indebtedness or securities issued by the City as may be directed by the Board of Finance. In exercising powers as the custodian of the moneys of the City, the Director may advance funds in the Director's custody for the discharge of obligations incurred in connection with projects for which bond issues of the City have been approved and moneys therefor appropriated, prior to the issuance of the bonds; provided that repayment of any advances shall be made out of the proceeds of sale of the bond issue concerned.

(c) *Keeper of City Seal.*

The Director or the Director's delegate, designated in writing by the Director, shall have charge of the corporate seal of the City ~~and shall use it in all cases where the use of the seal is required by federal or State laws, ordinances, or the uses and customs of nations, and shall charge a fee as may be fixed from time to time by the Board of Estimates for each impression of the seal except such as shall be affixed to or impressed upon documents for the City.~~

Possession of the seal implies use in accordance with law. Whether a fee is attached to use is not a matter important enough to include in a charter.

DEPARTMENT OF PUBLIC WORKS

§ 27. Department of Public Works: Established.

There is a Department of Public Works, the head of which shall be the Director of Public Works.

§ 28. Department of Public Works: Director.

(a) *Head of Department; Qualifications.*

The Director of Public Works shall supervise and direct the Department.

The Director shall have had substantial administrative experience in the construction and maintenance of public works, public improvements and the delivery of related public services or ten years experience as an engineer.

(b) *Appointment; Term.*

The Director shall be appointed, must be confirmed, and shall serve, pursuant to Article IV, Section 6.

(c) *Salary.*

The Director's salary shall be set in the Ordinance of Estimates.

2018 Mayor's Charter Commission Final Report

§ 29. Department of Public Works: Staff.

(a) *Deputy; Other employees.*

The Director shall appoint a Deputy Director pursuant to this section and such employees as provided in the Ordinance of Estimates, provided, however, that bureau heads in the Department of Public Works shall be appointed by the Mayor in the manner prescribed in Section 6 of Article IV and shall hold their offices as therein provided.

(b) *Deputy as Acting Director.*

Whenever a vacancy shall occur in the office of Director or whenever the Director shall be incapacitated or otherwise unavailable for duty for any cause, the Deputy Director shall be the Acting Director, until the Director is again available for duty or the vacancy is filled.

~~§ 30. Department of Public Works: Supervision of public works.~~

~~The Director shall supervise all public works in Baltimore City or elsewhere, made by or for the City or any municipal agency, that relate to the Department's powers under this Charter. All plans and specifications for these public works, including those involving engineering questions, shall be submitted to the Director for approval.~~

This provision merely says the director supervises the public works of the department. This provision adds nothing that is not already understood to exist. It also does not give the director the authority to supervise the public work performed by other departments because it says the director only supervises public works related to the department's charter powers.

§ 31. Department of Public Works: Construction, maintenance, and repair.

Unless otherwise provided by this Charter, the Department has charge of the construction, demolition, alteration, operation and maintenance of all public works that relate to the Department's powers under this Charter.

§ 32. *{Repealed by Res. 08-003, ratified Nov. 4, 2008.}*

§ 33. Department of Public Works: Water supply.

The Department shall have charge of the water supply of the City and of all the properties, reservoirs, streams, pumping and filtration stations, pipes, apparatus and equipment appurtenant thereto and shall exercise all the powers and perform all the duties connected with the operation thereof and the supplying of water to the City.

§ 34. Department of Public Works: Sewage.

2018 Mayor's Charter Commission Final Report

The Department shall have charge of the construction, operation and maintenance of all drains, sewers, and sewage disposal facilities, of the inspection or supervision of sewer or drain construction and repair work, and of waste disposal.

§ 35. Department of Public Works: Street cleaning.

The Department shall be responsible for cleaning the streets and for the collection, disposal and recycling of garbage, ashes, refuse, trash, and other waste matter, except as otherwise provided by law.

§ 36. *{Repealed by Res. 08-003, ratified Nov. 4, 2008.}*

~~§ 37. Department of Public Works: Testing.~~

~~At the request of a municipal agency, the Department shall test materials and supplies purchased or used by the agency.~~

This provision is administrative in nature and should not be in a charter.

§§ 38 to 40. *{Repealed by Res. 08-003, ratified Nov. 4, 2008.}*

~~§ 41. Department of Public Works: Correcting physical obstruction.~~

~~(a) Correction required.~~

~~Any person who has, in, over, or under a public street in Baltimore City, any building, structure, conduit, drain, main, pipe, track, work, or other physical obstruction that blocks or impedes the work of the Department shall, on reasonable notice from the Department, promptly shift, adjust, or remove it, at that person's expense, to fully meet the exigencies described in the notice.~~

~~(b) Condemnation.~~

~~The City is empowered, when the exigencies of the Department's work require, to secure the condemnation of the physical obstruction as provided in Article II of this Charter.~~

Subsection (a) is legislative in nature and should not be included in a charter. Subsection (b) is redundant because the power is already addressed in Article II, as indicated.

~~§ 42. Department of Public Works: Assistance to other agencies.~~

~~On the request of the head of a municipal agency, the Director shall:~~

~~(1) supply estimates of the cost of work proposed to be done for that agency during the next fiscal year; and~~

2018 Mayor's Charter Commission Final Report

~~(2) perform services for the municipal agency of the same general character as those carried on by the Department, the cost of which shall be charged to the agency requesting the services and shall be paid out of the funds appropriated to it.~~

These provisions are matters best left to the discretion of the department or the Mayor's office and should, therefore, not be included in the Charter.

§§ 43 to 46. *{Repealed by Res. 08-003, ratified Nov. 4, 2008.}*

FIRE DEPARTMENT

§ 47. Fire Department: Established.

There is a Fire Department, the head of which shall be the Chief.

§ 48. Fire Department: Chief.

(a) Head of Department.

The Chief of the Fire Department shall supervise and direct the Department.

(b) Appointment; Term.

The Chief shall be appointed, must be confirmed, and shall serve, pursuant to Article IV, Section 6.

(c) Salary.

The Chief shall be paid a salary as provided in the Ordinance of Estimates.

(d) Staff.

The Chief may appoint such employees as provided in the Ordinance of Estimates.

§ 49. Fire Department: Board of Fire Commissioners – Established.

There is a Board of Fire Commissioners, which shall advise the Chief and exercise those powers and perform those duties provided by the Charter.

§ 50. Fire Department: Board of Fire Commissioners – Composition; Appointment; Terms.

(a) In general.

2018 Mayor's Charter Commission Final Report

The Board shall consist of three persons, which number may be increased by ordinance to five, who shall be appointed, must be confirmed, and shall serve pursuant to Article IV, Section 6.

(b) *President.*

The Mayor shall designate one member of the Board as its President and may withdraw such designation and so designate another member.

§ 51. Fire Department: Board of Fire Commissioners – Powers and duties.

(a) *Advise Chief.*

The Board generally shall advise the Chief.

(b) *Review disciplinary policies.*

AT THE REQUEST OF THE CHIEF, THE ~~The~~ Board shall review the disciplinary policies and practices of the Department and make appropriate recommendations to the Chief.

(c) *Investigations of Department conduct.*

In giving advice, the Board may investigate all matters affecting the conduct of the Department. **IT SHALL BE THE SOLE DISCRETION OF THE CHIEF WHETHER TO ACCEPT SUCH RECOMMENDATIONS MADE RELATED TO SUCH INVESTIGATIONS.**

These changes ensure that the final authority on disciplinary policies and investigations related to the Fire Department rests with the Fire Chief.

(d) *Appeal panels.*

The Board may sit in panels of not less than two to hear appeals under the Fire Prevention Code.

~~§ 52. Fire Department: Board of Fire Commissioners – Retirement of employees.~~

~~As to employees not covered by the Employees' Retirement System or the Fire and Police Employees' Retirement System of the City, the Board may retire from office in the Department any permanent or call member thereof who has become permanently disabled, while in the actual performance of duties, from risks taken in the performance of those duties and not due to any wilful misconduct on the member's part, or who has performed faithful service in the Department for a period of not less than twenty consecutive years, or who may become unable to perform further service by reason of age or other physical or mental disabilities, and place the member so retired upon a pension roll. The amount of such annual pension to be allowed by the Board to each pensioner shall be equal to one half the yearly salary received by members of the Department in active service in the same grade or occupying the same position as, or position most similar to, that occupied by the pensioner at the time of his retirement, payable in monthly installments. The Board~~

2018 Mayor's Charter Commission Final Report

~~may also provide for the relief of widows and children of members of the Department who may have been killed in the discharge of their duties or have died as a result of injuries sustained in the performance of their duties, provided that the injuries were caused solely by risks taken in the performance of their duties and not due to the wilful misconduct of the deceased.~~

~~The annual amount which shall be paid to the widows and/or to the children under the age of 18 years, of members of the Department who may have been killed in the discharge of their duties or have died as a result of injuries sustained in the performance of their duties shall be in the discretion of the Board, but shall not exceed the full amount of the yearly salary received by members of the Department in active service in the same grade and occupying the same position as, or position most similar to, that occupied by the deceased at the time of his death, payable in monthly installments.~~

~~The Board may also provide for the relief of unremarried widows, by marriages existing at the time of retirement or death, of employees of the Department who are not members of the Employees' Retirement System or the Fire and Police Employees' Retirement System who die, whether death occurs before or after their retirement, subject to the Ordinance of Estimates. The annual amount which shall be paid to such widow of such a deceased member shall not exceed fifty per centum (50%) of the yearly pension to which such deceased member would have been entitled to receive had that member lived and been retired under the provisions of this section.~~

~~The City Council may provide by ordinance a system of benefits payable to the unremarried widows and children under age 18 of persons who were employees or retired employees of the Department who were not members of the Employees' Retirement System or the Fire and Police Employees' Retirement System and who died or retired prior to June 7, 1963, subject to such exceptions, conditions, restrictions and classifications as may be provided therein.~~

This section is outdated as the Board of Fire Commissioners no longer performs these functions. The Fire Department no longer has a separate retirement system. It is now combined with the Baltimore Police Department.

§ 53. Fire Department: Arbitration for fire fighters and officers.

(a) *Request for arbitration.*

If the certified employee organization or organizations representing fire fighters and fire officers within the Fire Department and the employer have not reached a written agreement concerning terms and conditions of employment by March 1 of any year, either party may request arbitration by a board of arbitration, as herein provided, which request must be honored.

(b) *Board of arbitration – Selection; Proceedings generally.*

The board of arbitration shall be composed of three members, one appointed by the Mayor, and one appointed jointly by the certified employee organizations representing the fire fighters and fire officers involved. These members shall be selected within four days of the request for arbitration. The third member shall be selected within four additional days by the two arbitrators

2018 Mayor's Charter Commission Final Report

previously chosen and in accordance with the procedures of the American Arbitration Association from a list furnished by the Association. Such member selected shall act as chairman of the board of arbitration.

The board of arbitration thus established shall commence the arbitration proceedings within seven days after the chairman is selected and shall make its decision, by a majority vote, within fifteen days after the commencement of the arbitration proceedings. For good cause the chairman may extend the time requirement set forth herein.

(c) *Submission of last proposals.*

Within three days after the selection of the chairman of the board of arbitration, the Labor Commissioner or **his THE COMMISSIONER'S** designated representative shall provide to each member of the board of arbitration and to all parties, a detailed itemization of the last proposal made by the respective parties during the negotiations.

The Commission recommended eliminating gender-specific pronouns.

(d) *Considerations.*

The board of arbitration shall identify the major issues in the dispute, review the positions of all parties and shall take into consideration wages, benefits, hours, and other working conditions of other fire department and public safety employees in Maryland as well as in comparable metropolitan political subdivisions in other states, and shall also consider the value of other benefits available to or received by other employees of the Mayor and City Council of Baltimore as compared with private sector employees in the metropolitan Baltimore City area and as compared with employees of other fire departments and other public safety employees. The board of arbitration shall further consider consumer prices for goods and services and other related items, cost of living data, and such other factors, not confined to the foregoing, which are normally utilized in the determination of wages and other benefits in the collective bargaining process and shall also take into account the financial condition of the City.

(e) *Oaths, subpoenas, etc.*

The board of arbitration shall have the power to administer oaths, compel the attendance of witnesses, and require the production of evidence by subpoena.

(f) *Decision – In general.*

The board of arbitration after hearing witnesses and considering and receiving such written evidence as may be submitted shall, by written decision, order the implementation, in its entirety, of the last proposal of one of the respective parties previously submitted in accordance with subparagraph (c) of this section.

(g) *Decision – Implementation.*

2018 Mayor's Charter Commission Final Report

The decision of the majority of the board of arbitration thus established shall be final and binding upon the Mayor and City Council of Baltimore and upon the certified employee organizations involved in the proceedings. No appeal therefrom shall be allowed. Such decision shall constitute a mandate to the Mayor of Baltimore City in respect to such matters which can be remedied administratively by ~~him~~ **THE MAYOR**, and as a mandate to the Board of Estimates and the City Council with respect to matters which require legislative action necessary to implement the decision of the Board of Arbitration.

The Commission recommended eliminating gender-specific pronouns.

With respect to matters which require legislative action for implementation, such legislation shall be enacted within forty-five days following the date of the arbitration decision.

With respect to salaries and wage scales, the amounts determined by the final decision of the Board of Arbitration shall be included in the proposed Ordinance of Estimates in accordance with Article VI, Section 4(a), shall not be reduced by the City Council in accordance with Article VI, Section 7(a), and shall be adopted by the Board of Estimates as the salary and wage scales for employees of the Fire Department in accordance with Section 12 of Article VI.

(h) *Costs.*

The cost of the arbitration proceedings provided for herein shall be borne equally by the parties involved.

DEPARTMENT OF RECREATION AND PARKS

§ 65. Department of Recreation and Parks: Established.

There is a Department of Recreation and Parks, the head of which shall be the Director of Recreation and Parks.

§ 66. Department of Recreation and Parks: Director – Appointment, etc.

(a) *Head of Department; Qualifications.*

The Director shall supervise and direct the Department.

The Director shall be qualified by personal background, education and experience to establish, maintain and operate parks and recreational facilities.

(b) *Appointment; Term.*

The Director shall be appointed, must be confirmed, and shall serve, pursuant to Article IV, Section 6.

(c) *Salary.*

2018 Mayor's Charter Commission Final Report

The Director's salary shall be set in the Ordinance of Estimates.

(d) *Staff.*

The Director may appoint such employees as provided in the Ordinance of Estimates.

§ 67. Department of Recreation and Parks: Director – Powers and duties.

The Director of Recreation and Parks shall have the following powers and duties:

- (a) subject to the provisions of Article V relating to the acquisition and disposition of real property, to establish, maintain, operate and control parks, zoos, squares, athletic and recreational facilities and activities for the people of Baltimore City, and to have charge and control of all such property and activities belonging to, or conducted by, the City;
- (b) to provide concerts, symphonies and other musical entertainment for the people of Baltimore City;
- (c) to provide for the protection and maintenance of all monuments belonging to the City;
- (d) subject to the provisions of Article V relating to the acquisition and disposition of real property, to rent for department use buildings and other places suitable for the conduct of the activities of the Department. The Director is hereby authorized and empowered, with the consent of any other municipal agency, to organize and conduct play and recreational activities on grounds and in buildings under the control of such other agency and on such conditions as may be agreed to by such other agency.
- (e) to charge and collect fees for admission, services and the use of facilities, and rentals for the use of property controlled by the Department; provided, that no lease of such facilities shall be made for a period of thirty days or more (or for successive periods aggregating thirty days or more) without the prior approval of the Board of Estimates. All moneys collected by the Department shall be accounted for as the Director of Finance prescribes.
- (f) to adopt and enforce rules and regulations for the management, use, government and preservation of order with respect to all land, property, and activities under the control of the Department. To carry out such regulations, fines may be imposed for breaches of the rules and regulations as provided by law.

§ 68. Department of Recreation and Parks: Board – Established; Duties.

There is a Board of Recreation and Parks, which shall advise the Director and exercise those other powers and perform those other duties prescribed by law.

§ 69. Department of Recreation and Parks: Board – Composition; Appointment; Terms.

2018 Mayor's Charter Commission Final Report

(a) *In general.*

The Board shall consist of seven members, who shall be appointed **BY THE MAYOR** from among those deemed most capable, by reason of character, education, intelligence, experience, and commitment to conservation and environmental protection, of promoting public recreation, parks, and music for the people of Baltimore City. The members must be confirmed, and shall serve, pursuant to Article IV, Section 6.

This change clarifies that it is the Mayor who appoints the members of the Board of Recreation and Parks.

(b) *President.*

The Mayor shall designate one member of the Board as its president and may withdraw that designation and so designate another member.

DEPARTMENT OF PLANNING

§ 70. Department of Planning: Established.

There is a Department of Planning, the head of which shall be the Planning Commission.

§ 71. Department of Planning: Commission – Composition; Appointment; Terms.

(a) *In general.*

The Planning Commission shall consist of nine members,

one of whom shall be the Director of Public Works ex officio,

one of whom shall be the Mayor of the City ex officio, and

one of whom shall be a member of the City Council ex officio, who shall be elected by that body, and

six of whom shall be appointed, must be confirmed, and shall serve, pursuant to Article IV, Section 6.

The terms of three appointed members shall expire on the last day of the year in which the term of the Mayor begins pursuant to Article IV, Section 1, and the four year terms of three appointed members shall expire two years thereafter.

(b) *President.*

2018 Mayor's Charter Commission Final Report

The Mayor shall designate one appointed member of the Commission as its President, and may withdraw such designation and so designate another appointed member.

(c) *Designees of Mayor, Public Works Director.*

The Mayor may designate a municipal officer or member of the Mayor's personal staff to attend meetings of the Commission and to vote thereon in the Mayor's place, and the Director of Public Works may delegate an employee in that department to attend any meeting of the Commission and to vote in the Director's place.

(d) *Salaries.*

Compensation for each of the members of the Commission, excluding those serving ex officio, except the member of the City Council, shall be set in the Ordinance of Estimates.

(e) *Qualifications.*

Each member of the Commission shall be a resident and registered voter at the time, and during the term, of appointment.

§ 72. Department of Planning: Commission – Powers and duties.

The Planning Commission:

- (a) shall adopt rules and regulations to exercise the powers and perform the duties of the Department.
- (b) shall meet regularly as the Commission may determine, and hold special meetings at the call of the President or upon the written request of three members.
- (c) shall hold hearings at the Commission's discretion or upon the written request of any member of the City Council.
- (d) may, at its hearings, administer oaths and compel the attendance of witnesses.
- (e) shall keep minutes of its proceedings and maintain a public record of its decisions, showing the vote of each member.
- (f) shall investigate and study land uses, the development of subdivisions of land, and zoning within the City of Baltimore.
- (g) shall adopt and revise a master plan **IN ACCORDANCE WITH STATE LAW** for the proposed physical development of Baltimore City.

This phrase is in the new Zoning Code and should be included in this section.

2018 Mayor's Charter Commission Final Report

- (h) before adopting or revising the master plan, shall hold a public hearing, **AND PROVIDE** reasonable notice **of which shall be given** in the neighborhood of the properties affected **and by publication in a newspaper of general circulation in Baltimore City** **IN A MANNER THAT ENSURES ADEQUATE PUBLIC NOTICE.**

This change will modernize the publication reference to require publication in a modern and more accessible manner that also reduces cost.

- (i) shall consider, and may approve, if they are consistent with the master plan, among other things:
1. development plans
 2. an enterprise or public or private improvement that requires a permit
 3. urban renewal plans
 4. plans for the subdivision and consolidation of public and private parcels of land.
- (j) shall submit for the consideration of the Board of Estimates a recommended capital budget for inclusion in the Ordinance of Estimates, a recommended long-range capital improvement program, and a report explaining both, all of which shall be made public.
- (k) shall issue a report and recommendation, which shall state the nature of the investigation made by the Commission, whether hearings were held thereon, reasons for the recommendation, and the number of members voting for or against it:
1. on every proposed amendment to the Baltimore City Zoning Ordinance referred to it; and
 2. on the creation of, and proposed amendments to, an urban renewal plan.
- (l) may report and submit to the City Council amendments to the Baltimore City Zoning Ordinance. Any such amendment shall be submitted only by resolution, adopted by the affirmative vote of two-thirds of the entire membership of the Commission.
- (m) shall have reasonable access, through its agents and employees, to the plats and records of all other municipal agencies of the City and, subject to the approval of the Board of Estimates, may require the assistance of any other municipal agency of the City.
- (n) may take such other actions, subject to the provisions of this Charter and law, that it deems necessary and appropriate to assure that development is well-planned, efficiently coordinated by the City, and consistent with the health, order, security, safety and morals of the inhabitants of Baltimore City, as well as the aesthetic and natural environment of the City.

2018 Mayor's Charter Commission Final Report

§ 73. Department of Planning: Director and staff.

(a) *Director – Appointment; Term.*

The Mayor shall appoint a Director from a list of candidates provided by the Commission. If, within 120 days of a vacancy in the position of Director, the Commission fails, by a majority vote of its members, to provide such a list to the Mayor, the Mayor may select the Director in the Mayor's discretion.

The Director must be confirmed by the City Council pursuant to Article IV, Section 6(a). The Mayor, after consulting with the Commission, may suspend, demote or dismiss the Director.

(b) *Staff.*

The Commission shall also appoint such other employees (including part time consultants) for the conduct of the office of the Commission, as may be provided for in the Ordinance of Estimates.

(c) *Director – Qualifications.*

The Director shall be qualified by personal background, education and experience to advance the development and planning of Baltimore City.

(d) *Director – Salary.*

The Director's salary shall be set in the Ordinance of Estimates.

§ 74. Department of Planning: Master Plan.

(a) *Purpose.*

The Master Plan shall be made for the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of Baltimore City to promote the health, order, security, safety, and morals of its inhabitants, and to preserve and enhance the aesthetic and natural environment of the City.

~~(b) *Scope.*~~

~~The Master Plan may consist of a series of component plans.~~

~~It shall show, among other things, the future general location and extent of all public improvements and enterprises, including among other things, the general location and extent of streets, highways, boulevards, viaducts, bridges, subways, tunnels and all uses of land for purposes of public transportation, and also the general location and extent of piers, wharves, docks and bulkheads, and buildings or structures thereon, whether publicly or privately owned or operated, and also the general location and extent of publicly owned places of recreation, such as~~

2018 Mayor's Charter Commission Final Report

playgrounds, squares, and parks, and all public buildings and other public property, including school buildings, and all existing and proposed zoning areas or districts, and all public utilities, services and terminals, such as water, gas, electricity, sewerage, telephone, telegraph and transportation, whether privately or publicly owned or operated.

This information in this subsection does not need to be in a charter. It is too detailed.

(c) *Revisions.*

After the adoption of the Master Plan, or any part thereof, by the Commission, the plan may be revised **AS PROVIDED BY STATE LAW AND** only by a resolution of the Commission, carried by the affirmative vote of not less than six members of the Commission, or by ordinance adopted by the City Council by the affirmative vote of not less than three-fourths of its members.

~~An original copy of the revision, duly signed by the President, or by the Mayor if made by ordinance, shall be filed with the Department of Legislative Reference.~~

(d) *Conformity with Plan required.*

~~No public improvement or enterprise, including, among other things, streets, highways, boulevards, viaducts, bridges, subways, tunnels or other uses of land for purposes of public transportation, and piers, wharves, docks, and bulkheads, and buildings or structures thereon, whether publicly or privately owned or operated, and publicly owned places of recreation, such as playgrounds, squares or parks, and public buildings, including school buildings, and public utilities, services or terminals, including gas, water, electricity, sewerage, telephone, telegraph or transportation, whether privately or publicly owned or operated, within the scope of the Master Plan shall be authorized or constructed in Baltimore City unless the location and grade thereof and, in cases of the use of land for purposes of transportation, the width thereof, shall be in conformity with the Master Plan and have been first approved by the Commission. **PUBLIC AND PRIVATE IMPROVEMENTS SHALL BE IN CONFORMITY TO THE MASTER PLAN TO THE EXTENT REQUIRED BY LAW.**~~

The changes truncate the language and allow greater flexibility while retaining the concepts and the legal requirements.

§ 75. Department of Planning: Subdivisions ~~In general.~~

- (A) The Commission shall publish rules and regulations for the development of subdivisions which will require that development plans include adequate provision for all public improvements, enterprises and all public utilities, whether privately or publicly owned or operated; for the proper width, grade and arrangement of streets, and all uses of land for public transportation, and the relation thereof to existing streets; for adequate and convenient open spaces for traffic and the access of fire fighting apparatus; for proper drainage; and which will require that all such subdivisions and the owners thereof comply in all respects with the Master Plan.

2018 Mayor's Charter Commission Final Report

(B) NO PERMITS MAY BE ISSUED FOR ANY PROJECT OR DEVELOPMENT THAT IS SUBJECT TO A PROPOSED SUBDIVISION PLAN UNTIL THE COMMISSION AND THE DEPARTMENT OF TRANSPORTATION HAVE APPROVED THE PLAN

(C) EVERY PLAT SHOWING AN IMPROVED SUBDIVISION PLAN SHALL BE FILED AMONG THE LAND RECORDS OF BALTIMORE CITY.

§ 76. Department of Planning: Subdivisions — Definition.

~~A subdivision plan shall mean a plan submitted by the owner of not less than one third of the land included therein showing one or more new streets or parks, or showing the division of a lot, tract or parcel of land into two or more lots, tracts or parcels, or other divisions of land for the purpose, whether immediate or future, of sale or building development.~~

§ 77. Department of Planning: Subdivisions — Approvals.

~~(a) Commission approval required.~~

~~All plans for subdivision of land shall be filed for record with the Commission, and no permits shall be issued by any department of the City for any work of any character whatsoever, to be done in such subdivision of land, until the plan thereof shall have been approved by the Commission as in conformity with the rules and regulations formulated and published by the Commission.~~

~~(b) Deadline for decision.~~

~~In the event the Commission shall fail to approve or disapprove any such subdivision plan within thirty days from the date of submission thereof to the Commission, such plan shall be deemed to have been approved by the commission unless the applicant waives this requirement and consents to an extension of such period.~~

§ 78. Department of Planning: Subdivision regulation — Recording.

~~Every plat showing a subdivision plan shall be filed among the Land Records of Baltimore City and with the Department of Legislative Reference, but not until after the plan has been endorsed with the approval of the Commission and of the Department of Transportation.~~

The language added to Section 75 incorporates the necessary provisions in Sections 76-78.

§ 79. Department of Planning: Appeals.

2018 Mayor's Charter Commission Final Report

Any applicant for a permit who is aggrieved by any decision of the Commission may appeal as provided by law.

~~§ 80. Department of Planning: Penalties:~~

~~Any person who shall violate any of the provisions or requirements of Sections 71 to 80 shall be guilty of a misdemeanor, and, upon conviction in any court of competent jurisdiction, shall be fined as provided by law. Every day that such violation continues shall be deemed a separate offense.~~

Penalties are legislative in nature and should not be included in the Charter.

DEPARTMENT OF MUNICIPAL AND ZONING APPEALS

§ 81. Department of Municipal and Zoning Appeals: Established.

There is a Department of Municipal and Zoning Appeals, the head of which shall be the Board of Municipal and Zoning Appeals.

§ 82. Board of Municipal and Zoning Appeals: Established; Composition, etc.

(a) *Composition, appointment, terms, qualifications.*

- (1) The Board shall consist of five members, at least one of whom shall be a lawyer, AND AT LEAST ONE ALTERNATE MEMBER, EACH OF WHOM ~~who~~ shall be appointed, ~~must be~~ confirmed and ~~shall~~ serve pursuant to Article IV, Section 6 and State law.**
- (2) AN ALTERNATE MEMBER MAY SIT ON THE BOARD WHEN ANOTHER MEMBER OF THE BOARD IS ABSENT OR RECUSED.**
- (3) WHEN AN ALTERNATE MEMBER IS ABSENT OR RECUSED, THE MAYOR MAY DESIGNATE A TEMPORARY ALTERNATE.**
- (4) Each member of the Board shall be a registered voter and resident of the City at the time, and during the term of, appointment.

These changes reflect current State law, which requires the Mayor to appoint an alternate Board member to sit in for a Board member who is absent. State law also allows the Mayor to appoint a temporary alternate should the alternate be unavailable when needed. These changes merely reflect the current law.

(b) *President; Salaries.*

The Mayor shall designate one member of the Board as its President and may withdraw that designation and so designate another member.

2018 Mayor's Charter Commission Final Report

The salary of the President and each member of the Board shall be set in the Ordinance of Estimates.

§ 83. Board of Municipal and Zoning Appeals: General powers and duties.

(a) *Meetings; Minutes; Hearings.*

The Board shall hold meetings at such times as it may by rule prescribe. Minutes shall be kept of all its proceedings, showing those present and their vote on each question submitted. These minutes and all other records of the Board shall be public records and kept at the office of the Board. All hearings held by the Board or its panels shall be open to the public.

(b) *Rules of proceedings.*

The Board shall adopt rules for the conduct of its proceedings, which may be modified or repealed by **THE BOARD OR BY** ordinance **OF THE MAYOR AND CITY COUNCIL**. The rules shall be in writing and when adopted shall be ~~immediately filed in the office of the Board and shall be a public record.~~ **AVAILABLE TO THE PUBLIC AND** filed with the Department of Legislative Reference. A copy thereof (and of any amendments thereto) shall also be

This language clarifies the subsection and allows the Board to modify or change its rules without requiring an ordinance.

(c) *Zoning appeals.*

The Board shall sit to hear zoning appeals. The hearing shall be conducted by all members present and if five members of the Board are present, the concurring vote of at least four members of the Board is necessary to reverse any order, requirement, decision, or determination of an administrative official, or to decide in favor of the applicant on any matter on which it is required to pass under a zoning ordinance or to effect any variation in such ordinance. If only four members of the Board are present, the concurring vote of at least three members is necessary to take any action under this subsection. In other cases, the Board may sit in panels of not less than two members each and, in such cases, the concurrence of at least two members shall be required to make a decision of the Board.

(d) *Oaths and subpoenas.*

The Board shall have power to administer oaths in hearings before it, to compel the attendance of witnesses and, pursuant to its rules, to require any person to answer in writing and under oath any interrogatories it may direct to such person as to any matter pending before it or subject to its action or review.

(e) *Executive Secretary; ~~Staff.~~*

2018 Mayor's Charter Commission Final Report

The Board shall appoint an Executive Secretary, ~~and such other employees as may be provided in the Ordinance of Estimates.~~

~~(f) Access to agency records:~~

~~The Board shall have access, through its agents and employees, to the plats and records of all other departments of the City.~~

All public records and access is required by State law and by other provisions in the Charter. The ability to hire other employees is already authorized. There is no need to contain this provision.

§ 84. Board of Municipal and Zoning Appeals: Zoning appeals.

Appeals from the Zoning Commissioner shall be determined by the Board and shall be taken pursuant to law. Upon such appeals, the Board shall have such powers and be subject to such restrictions as may be provided by law. The Board, after public hearing, may grant special individual exceptions to the provisions of the zoning ordinances or regulations as provided by law.

§ 85. Board of Municipal and Zoning Appeals: Paving assessments.

~~(a) Appeal to Board:~~

~~Whenever the Department of Transportation levies an assessment or charge for the paving of a street, alley, or sidewalk under § 116 of this article, the owner of the property on which the assessment or charge is levied may, within 30 days of the mailing to the owner of a notice of the assessment or charge, bring the assessment or charge to the Board for its review.~~

~~(b) Decision:~~

~~On reasonable notice in accordance with its rules and this Charter, the Board shall:~~

- ~~(1) determine whether the assessment or charge is proper; and~~
- ~~(2) if not, set it at the amount that the Board determines to be proper.~~

THE BOARD SHALL HEAR APPEALS CONCERNING THE ASSESSMENT OF FEES AND CHARGES FOR THE PAVING OF A STREET, ALLEY OR SIDEWALK AND SET AN AMOUNT THE BOARD DETERMINES PROPER.

The proposed substituted language adequately covers the essential concepts in the deleted provisions. Setting time limits to appeal a decision is implied in the power to hear appeals and need not be established in a charter.

2018 Mayor's Charter Commission Final Report

~~§ 86. Board of Municipal and Zoning Appeals: Review powers conferred by law.~~

~~The Board shall have such additional powers to examine, review and revise acts or rulings of other departments and officers of the City affecting the construction, alteration, use or operation of land or buildings in the City or other charges as may from time to time be conferred upon it by law, but the powers conferred upon it in the Charter shall not be diminished or abridged by ordinance, nor may the Board be given power to review or alter determinations of the Planning Commission.~~

§ 87. Board of Municipal and Zoning Appeals: Additional powers conferred by law.

~~The Board of Municipal and Zoning Appeals shall have and exercise all the rights, powers, duties, obligations and functions conferred by law upon the Board of Zoning Appeals not otherwise conferred by the Charter on other agencies of the City and not inconsistent with its provisions.~~
THE BOARD BY ORDINANCE MAY BE GRANTED ADDITIONAL POWERS TO REVIEW ADMINISTRATIVE ACTIONS, PROVIDED THE ADDITIONAL POWERS GRANTED ARE NOT INCONSISTENT WITH THIS CHARTER OR LAW. IN NO EVENT MAY THE BOARD BE GRANTED THE POWER TO REVIEW OR ALTER DECISIONS OF THE PLANNING COMMISSION.

The proposed new language is intended to capture the key concepts of Sections 86 and 87.

§ 88. Board of Municipal and Zoning Appeals: Judicial review.

If any person, including the City and the Planning Commission, feeling aggrieved by any decision of the Board within thirty days of a decision by the Board, appeals therefrom to the Baltimore City Circuit Court, the Board shall forthwith transmit all papers, or copies thereof, to the court, certified by its executive secretary.

An appeal shall stay all proceedings in furtherance of the action appealed from. But whenever, in the opinion of the Board, such stay would cause imminent peril to life or property, or serious public inconvenience, it may ask the Circuit Court for an order vacating such stay. From the findings of the Circuit Court in such cases, there shall be such appeal, if any, as may be permitted by law.

§ 89. Board of Municipal and Zoning Appeals: Notices; Evidence.

(a) *Notice of decisions.*

Whenever the Board shall make a decision it shall give reasonable notice thereof by mail to all parties who, from the papers or testimony before it, seem to be parties in interest. But failure to give such notice or of a party to receive notice of an order within thirty days of its entry shall not invalidate the decision nor, save by petition to and special order of the Board, extend the time to appeal from the order.

(b) *Evidence; Notices of proceedings.*

2018 Mayor's Charter Commission Final Report

Parties in interest who appear at a hearing before the Board shall be permitted to offer testimony pertinent to the issue or issues in which they are concerned, but the Board shall not be bound by the technical rules of evidence in force in the courts of Maryland, and may receive in evidence any paper, statement, record or other evidence, with or without prior notice to the parties, which it deems to be material and to have probative force.

Whatever record or notice of the proceedings or action of the Board is required by an act of the General Assembly to be given to any person or public officer shall be observed by the Board.

DEPARTMENT OF LEGISLATIVE REFERENCE

§ 90. Department of Legislative Reference: Established.

There is a Department of Legislative Reference, the head of which shall be a Board of Legislative Reference **THE DIRECTOR OF LEGISLATIVE REFERENCE WHO SHALL SUPERVISE AND DIRECT THE DEPARTMENT.**

The Board of Legislative Reference is outside of the City's control and influence in that it includes positions that are not subject to City oversight and control. The City Charter has no ability to compel the Deans or Presidents of universities to act in a particular manner, which thus renders the Board beyond the authority of the City Charter. Thus, as with other Departments, the Director should be listed as the head.

§ 91. BOARD OF THE DEPARTMENT OF LEGISLATIVE REFERENCE.

(A) *AD HOC BOARD.*

THERE IS A BOARD OF THE DEPARTMENT OF LEGISLATIVE REFERENCE, WHICH FROM TIME TO TIME SHALL BE ESTABLISHED PURSUANT TO THIS SECTION.

(B) *COMPOSITION OF THE BOARD.*

(1) THE BOARD SHALL BE COMPOSED OF THREE (3) MEMBERS. THE MAYOR, THE PRESIDENT OF THE CITY COUNCIL AND THE COMPTROLLER OF THE CITY SHALL EACH APPOINT ONE MEMBER TO THE BOARD.

(2) NO MEMBER OF THE BOARD MAY BE A CITY EMPLOYEE OR AN ELECTED OFFICIAL EXCEPT FOR A MEMBER OF THE JUDICIARY.

(3) THE BOARD SHALL ELECT A CHAIR FROM AMONG ITS MEMBERS.

(C) *FILLING A VACANCY.*

2018 Mayor's Charter Commission Final Report

- (1) WHENEVER THE MAYOR AND PRESIDENT OF THE CITY COUNCIL DECLARE A VACANCY IN THE OFFICE OF THE DIRECTOR OF LEGISLATIVE REFERENCE, THE BOARD SHALL BE APPOINTED WITHIN SIX (6) WEEKS OF THE DECLARATION.
- (2) THE BOARD SHALL BE RESPONSIBLE FOR ALL ACTIVITIES BY WHICH CANDIDATES TO FILL A VACANCY ARE SOLICITED, INVESTIGATED, INTERVIEWED AND RECOMMENDED FOR APPOINTMENT.
- (3) THE BOARD SHALL RECOMMEND NO LESS THAN TWO (2) CANDIDATES FOR APPOINTMENT BUT NO MORE THAN THREE (3) CANDIDATES TO THE MAYOR AND PRESIDENT OF THE CITY COUNCIL.
- (4) UPON THE APPOINTMENT OF THE DIRECTOR PURSUANT TO SECTION 92 OF THIS ARTICLE, THE BOARD SHALL BE DEEMED DISSOLVED AND ITS WORK COMPLETED.

The proposed changes would establish an ad hoc Board composed of three members. The Mayor, the City Council President, and the Comptroller would each have one appointment. This Board would conduct all the necessary activities related to filling a vacancy for the Director of Legislative Reference. The Board would solicit, interview, and investigate potential candidates and would recommend either 2 or 3 candidates to the Mayor and City Council President. The Mayor and City Council President would jointly appoint the Director from the list provided. This Board would ensure independence while balancing accountability. This structure is used for the appointment of the State Prosecutor and is being recommended for use in the appointment of the City's Inspector General as well. However; unlike the Inspector General provisions, this Board would only be convened to fill a vacancy in the position of Director of Legislative Reference.

§ ~~91~~ 92. Department of Legislative Reference: Director – Appointment, qualifications, etc

(a) ~~Appointment; Tenure.~~

~~The Director shall be appointed by the Board of Legislative Reference, shall be a member of the Civil Service, shall hold office during good behavior, and shall be subject to removal by a majority of the Board members for incompetence or neglect of duties.~~

(bA) ~~Head of Department; Qualifications.~~

~~The Director of Legislative Reference shall supervise and direct the Department.~~ The Director shall have substantial experience in law, legislative drafting or library administration.

(B) APPOINTMENT.

2018 Mayor's Charter Commission Final Report

UPON RECEIPT OF A RECOMMENDATION BY THE BOARD PURSUANT TO SECTION 91 OF THIS ARTICLE, A DIRECTOR MAY BE APPOINTED BY THE AFFIRMATIVE VOTE OF BOTH THE MAYOR AND PRESIDENT OF THE CITY COUNCIL.

(C) REMOVAL.

THE DIRECTOR MAY BE REMOVED FROM OFFICE BY THE AFFIRMATIVE VOTE OF BOTH THE MAYOR AND PRESIDENT OF THE CITY COUNCIL.

These changes would eliminate redundant language regarding appointment and supervisory responsibilities. It would also add language specifying that both the Mayor and City Council President must affirmatively vote on the appointment and/or removal of the Director of Legislative Reference for it to take effect.

(eD) Salary.

The Director's salary shall be set in the Ordinance of Estimates.

§ 9293. Department of Legislative Reference: Director – Powers and duties.

The Director:

(a) 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.

(b) Records and archives.

2018 Mayor's Charter Commission Final Report

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;

~~retain~~ PROVIDE FOR THE RETENTION OF such books, documents, papers, plats or archives ~~in the Department, but AND~~ permit 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.

(c) *Staff.*

may appoint such employees as may be provided in the Ordinance of Estimates.

(d) *Duties prescribed by law.*

perform such other duties as prescribed by law.

§ 93. Department of Legislative Reference: Board.

~~The Board of Legislative Reference shall be comprised of~~

~~the Mayor,~~

~~the City Solicitor,~~

~~the President of the Johns Hopkins University,~~

~~the Deans of the University of Maryland and University of Baltimore Schools of Law,~~

~~a member of the City Council selected by the Council and~~

~~the Director of the Enoch Pratt Library.~~

2018 Mayor's Charter Commission Final Report

See the above comment re the Board of Legislative Reference being outside of the authority of the Charter.

CIVIL SERVICE COMMISSION

§ 94. Civil Service Commission: Established.

(a) *Appointment, term, qualifications.*

- (1)** There is a Civil Service Commission of three members who shall be appointed, must be confirmed and shall serve pursuant to Article IV, Section 6. **ONE OF THE THREE MEMBERS APPOINTED SHALL BE RECOMMENDED BY THE PRESIDENT OF THE CITY COUNCIL.**

This change would allow the President of the City Council to recommend one of the three Civil Service Commissioners.

- (2)** The terms of two members shall expire on the last day of the year in which the term of the Mayor begins pursuant to Article IV, Section 1, and the four year term of the third member shall expire two years thereafter.

~~Each member of the Commission shall be a registered voter and resident of the City at the time, and during the term, of appointment. All appointments to the Commission shall be made from persons friendly to the merit system of appointment to office. No one holding any public office of profit shall be appointed a member of the Commission.~~

(3) EACH MEMBER OF THE COMMISSION SHALL:

(I) BE A REGISTERED VOTER AND RESIDENT OF THE CITY AT THE TIME, AND DURING THE TERM, OF APPOINTMENT;

(II) HOLD A RELEVANT POST-GRADUATE DEGREE; AND

(III) POSSESS SUBSTANTIAL EXPERIENCE AND KNOWLEDGE OF LABOR AND EMPLOYMENT ISSUES AND LAW.

- (4) NO ONE HOLDING ANY PUBLIC OFFICE OF PROFIT MAY BE APPOINTED A MEMBER OF THE COMMISSION.**

These changes ensure that the members of the Civil Service Commission have critical skills necessary to address labor, employment, and personnel issues.

(b) *President.*

2018 Mayor's Charter Commission Final Report

The Mayor shall designate one member of the Commission as its President, and may withdraw that designation and so designate another member.

(c) *Staff.*

The Commission may appoint such employees as may be provided in the Ordinance of Estimates.

§ 95. Civil Service Commission: Powers and duties.

The Commission:

- (a) shall advise the Mayor and Director on personnel matters.
- (b) shall provide to the Mayor and City Council at least annually a report on the operations of the Commission.
- ~~(c) shall review and approve the different groupings of positions having similar duties, responsibilities and qualifications ("classifications") that are used by the Department.~~

Subsection (c) was removed and included in Section 96 as these duties are performed by the Department of Human Resources, not the Civil Service Commission.

- (d) shall promulgate and make available to the public rules governing the operation of the Commission.
- (e) shall review and approve, before they become final, and make available to the public, the rules of the Department.
- (f) shall provide a hearing, on written request, to any non-probationary member of the Civil Service who has been discharged from the Civil Service, reduced in pay or position, or suspended for longer than 30 days. If the Commission finds that the intent and spirit of a provision of this Charter has been violated, it shall report its findings to the Mayor; and the appointing officer shall take whatever action the Commission directs to rectify the violation.
- (g) may, if it determines after appropriate investigation, that any administrative head of the City, including any commission or board, or any officer having the power of appointment and removal in the Civil Service, has abused such power by making appointments or removals for any reason other than the good of the public service, so report to the Mayor.
- (h) may appoint such hearing officers and other employees as provided in the Ordinance of Estimates.

2018 Mayor's Charter Commission Final Report

- (i) may, in the course of hearings, administer oaths, subpoena documents, summon witnesses, and examine witnesses; and may delegate these powers to a commissioner or hearing officer.
- (j) shall render decisions within sixty days of the close of hearings unless the City employee and City both agree to an extension. If the Commission fails to decide within the sixty day time period, the decision of the hearing officer, if there is one, shall be deemed to be the decision of the Commission.

§ 96. Civil Service Commission: Department of Human Resources – Established.

(a) *In general.*

There is a Department of Human Resources.

(b) ~~Purpose Powers.~~

The Department shall:

- (1) ~~promote merit and fitness in City employment~~ BE RESPONSIBLE FOR PROPOSING TO THE COMMISSION PERSONNEL AND CIVIL SERVICE RULES AND REGULATIONS FOR ITS APPROVAL;
- (2) ~~ensure that appointments and promotions in the City's Civil Service are made, and that salaries are established, without regard to political affiliation; and~~ IMPLEMENT, MANAGE AND ADMINISTER APPROVED REGULATIONS;
- (3) ~~promote the efficient delivery of services to the public.~~ REVIEW AND APPROVE DIFFERENT GROUPINGS OF POSITIONS HAVING SIMILAR DUTIES, RESPONSIBILITIES AND QUALIFICATIONS ("CLASSIFICATIONS") THAT ARE USED BY THE DEPARTMENT; AND
- (4) PERFORM ALL FUNCTIONS NECESSARY AND RELATED TO HUMAN RESOURCE ADMINISTRATION AND MANAGEMENT REQUIRED BY THIS CHARTER, LAW AND REGULATION.

This language is intended to provide as much administrative flexibility for the Department of Human Resources to perform its assigned scope of work.

~~§ 97. Civil Service Commission: Department of Human Resources – Powers and duties.~~

~~The Department:~~

- (a) ~~shall propose and submit to the Commission for final approval rules and regulations, including rules and regulations governing probationary status, temporary and emergency~~

2018 Mayor's Charter Commission Final Report

~~appointments, classifications, reclassifications, examinations, promotions, demotions, transfers, reinstatements, discharges, and other discipline of employees.~~

- (b) ~~shall propose and submit to the Commission for final approval the different classifications that are used by the Department. Such classifications shall assure that City employees are hired and promoted based on ability, efficiency, character, and industry ("merit"); and shall encourage the recruitment, training and supervision of qualified employees. Classifications may be grouped into categories, which may include a general category for employees who are hired or promoted based, in part, on the results of competitive or non-competitive examinations; a labor category for unskilled or skilled laborers; and other categories that the Commission may deem to be appropriate.~~
- (c) ~~subject to the exceptions in Section 99, shall assign to a classification each position in the City to which appointments are made. The Department shall not assign a position outside of the Civil Service without the approval of the Civil Service Commission. All the classified positions shall constitute the Civil Service, and appointments to positions in the Civil Service shall be made according to the rules of the Commission.~~
- (d) ~~shall provide for competitive examinations, non-competitive examinations, and other evaluative measures to assure that City employees are hired based on merit.~~
- (e) ~~shall provide for competitive examinations, non-competitive examinations, and other evaluative measures, including conduct in office, demonstrated capacity, and seniority, to assure that City employees are promoted based on merit.~~
- (f) ~~shall promptly certify to appointing officers lists of candidates eligible for employment within each classification. The Commission, by rule:~~
- ~~1. shall determine when certifications shall include, in rank order, those persons who have performed best on competitive examinations and when certifications should include persons whose fitness has been otherwise established;~~
 - ~~2. shall determine when and how the appointing officer shall fill a vacancy or new position from the certifications; and~~
 - ~~3. may provide that honorably discharged veterans of war, including disabled veterans, may receive special credits for their service to the United States in determining the qualifications and relative standing of applicants for City positions.~~
- (g) ~~shall establish a period of probation not exceeding one year during which the appointing officer may remove the employee at pleasure.~~
- (h) ~~shall propose to the Board of Estimates appropriate salaries and wages for each classification.~~

2018 Mayor's Charter Commission Final Report

- ~~(i) shall, in conjunction with the employing department, recruit, train and counsel Civil Service members.~~
- ~~(j) may appoint such employees as provided in the Ordinance of Estimates.~~
- ~~(k) shall administer employee benefits and pre-employment screening programs as directed by the Board of Estimates.~~

This section is quite detailed and the proposed new language in the previous section would allow all of these functions to be performed without having to specify each of them here.

§ 98. Civil Service Commission: Department of Human Resources – Director.

(a) *Head of Department; Qualifications.*

- (1) The Director of Human Resources shall supervise and direct the Department.
- (2) The Director shall have substantial experience in ~~personnel administration~~ **HUMAN RESOURCE MANAGEMENT.**

This change updates the qualifications required for the Director of the Department of Human Resources.

(b) *Appointment; Term.*

The Director shall be appointed, must be confirmed, and shall serve, pursuant to Article IV, Section 6.

(c) *Salary.*

The Director shall be paid a salary as provided in the Ordinance of Estimates.

§ 99. Civil Service Commission: Civil Service positions.

~~(a) *Positions included.*~~

~~1. All employees of the City of Baltimore, except as otherwise provided by the Charter or State law, shall be members of the Civil Service, with the exception of:~~

~~a. elected officials and those employees whom the elected officials have designated as members of their personal staffs.~~

~~b. Assistant City Solicitors.~~

2018 Mayor's Charter Commission Final Report

~~e. with the exception of the Director of the Department of Legislative Reference, directors, or by whatever other name the chief administrative officer may be known, and the deputy directors, of all departments of the City;~~

~~d. all members of boards and commissions;~~

~~e. all professional employees of the Department of Education;~~

~~f. persons in positions of temporary or seasonal employment;~~

~~g. persons who, in the judgment of the Civil Service Commission, exercise policy making discretion or occupy a position of special trust and confidence that is inconsistent with membership in the Civil Service;~~

~~2. Any dispute about whether a position is within the Civil Service shall be finally resolved by the Commission.~~

~~(b) Reemployment of director or deputy.~~

~~Upon leaving a position of director or deputy director, one who relinquished Civil Service status to assume that position shall, on application and with approval of the Commission, be placed on the re-employment list for his or her former classification.~~

~~EMPLOYEES OF THE CITY OF BALTIMORE SHALL BE MEMBERS OF THE CIVIL SERVICE, EXCEPT AS MAY BE PROVIDED BY CIVIL SERVICE RULES AND REGULATIONS.~~

There is no reason why these positions need to be listed in the Charter. DHR should have as much flexibility as possible to move positions in and out of these categories as it deems prudent and necessary.

§ 100. Civil Service Commission: Discharges, etc.; Reductions in force.

(a) *Discharges, suspensions, reductions in pay or position.*

■ No person may be discharged from the Civil Service, reduced in pay or position, or suspended because of political opinions or affiliations, or for refusing to contribute to any political fund or refusing to render any political service. But nothing in this Charter relating to the Civil Service forbids the discharge, reduction in pay or position, or suspension of an officer or employee for any just cause.

(B) REDUCTION IN FORCE.

THE DISPOSITION OF EMPLOYEES DISCHARGED AS A RESULT OF A REDUCTION OF FORCE SHALL BE DETERMINED BY CIVIL SERVICE RULES AND REGULATIONS.

2018 Mayor's Charter Commission Final Report

(2) Whenever a non-probationary employee is discharged, reduced in pay or position, or suspended for more than 30 days, the appointing officer shall furnish a copy of the order of discharge, reduction, or suspension, together with a statement of the reasons for the action, to the employee and to the Commission.

(3) The employee may contest the action by:

(i) requesting a hearing before the Commission; or

(ii) initiating a grievance pursuant to an applicable grievance and arbitration procedure, if any, contained in an applicable collective bargaining agreement.

(4) Once an employee has chosen to contest an action by electing one of the procedures specified in paragraph (3) of this subsection, the employee is bound by that election and may not subsequently choose to follow a different procedure.

(5) In all cases, except one in which an employee elects to contest an action through a grievance and arbitration procedure under paragraph (3)(ii) of this subsection, the Commission may, and on the written request of the employee, the Commission shall investigate the disciplinary action. If the Commission finds that the intent and spirit of the provisions of this Charter have been violated in the discharge, reduction, or suspension, it shall report its findings to the Mayor; and the appointing officer shall take whatever action the Commission directs to rectify the violation.

~~(b) Reductions in force—Reemployment preference:~~

~~Each person discharged for the purpose of reducing the force and without fault shall receive a certificate so stating and all persons so discharged shall be placed on the eligible list in the order of the length of their service in their classifications at the time of being laid off and in other classifications the civil service in which they may have served previously. The weight to be given to length of service in their last classification and in prior classifications shall be determined in accordance with the rules of the Commission. Persons so discharged shall have preference in the order of their seniority over others on the eligible list, subject, however, to the terms of the next subsection and to any priority to which any person may be entitled by virtue of any preference to veterans or their dependents.~~

~~(c) Reductions in force—Seasonal and part-time employees:~~

~~In the case of classes of seasonal or part-time employees the Commission, after notice and a public hearing, may adopt rules excluding them from, or limiting the application to them of, the preference contained in the preceding subsection.~~

This section pertains to personnel administration. It is better suited for regulation or legislation. The new language includes the necessary information that should be in the charter.

2018 Mayor's Charter Commission Final Report

§ 101. Civil Service Commission: Roster of Service employees.

~~(a) Commission to keep; Contents.~~

~~The Commission shall keep in its office an official roster of the Civil Service, and shall enter thereon the name of every person who has been appointed, employed, promoted, reduced, transferred or reinstated in any Civil Service position.~~

~~This roster shall be open to public inspection at all reasonable hours, and shall show in connection with each name the date of appointment, employment, promotion, reduction, transfer or reinstatement and the compensation of the position, its title, the nature of the duties thereof and the date and cause of any termination of such office or employment.~~

~~(b) Reports to Commission.~~

~~It shall be the duty of each appointing officer to report to the Commission forthwith, upon the appointment or employment of any person in the Civil Service, the name of the appointee or employee, the title and character of the office or employment, the date of commencement of service, and to report the separation of a person from the service, or other change in status and other information that the Civil Service Commission may require in order to keep the roster.~~

~~(c) Salary contingent on roster listing.~~

~~It shall be unlawful, after notice from the Commission for the Department of Finance to pay any salary or compensation to any officer, clerk, employee or other person in the Civil Service whose name does not appear upon the roster as being in the employ of the City.~~

This section pertains to activities involving human resource management and their absence in the charter would not eliminate the need to perform these activities. Such detailed information should not be included in the Charter.

§ 102. Civil Service Commission: Political contributions.

No person in the Civil Service shall for any reason be under any obligation to contribute to any political fund, and no person shall knowingly, directly or indirectly, in person or by letter, request or solicit the payment of any political assessment, subscription or contribution from any person in the Civil Service.

§ 103. Civil Service Commission: Abolished positions.

~~Any person holding any position in the Civil Service which may be abolished by the adoption of any amendment to the Charter or in any other lawful manner, shall be placed upon the reemployment list for the classification to which the abolished position belonged in accordance with Sections 100 and 101; or if no position of the same classification as that of the position abolished shall remain in the~~

2018 Mayor's Charter Commission Final Report

~~Civil Service after the abolition of the position, the person shall be placed on the reemployment list for a position that, in the judgment of the Civil Service Commission, shall most nearly approximate the position abolished.~~

~~No position shall be deemed to be abolished by reason of being transferred or placed in or under a different municipal agency without substantial change in the nature of the actual duties of the position. THE DISPOSITION OF EMPLOYEES HOLDING CIVIL SERVICE POSITIONS THAT MAY BE ABOLISHED SHALL BE DETERMINED BY CIVIL SERVICE RULES AND REGULATIONS.~~

The activity described in this section is purely an internal personnel function that does not affect the wider community of Baltimore. As a purely administrative function with no broader effects than on internal affairs, it should be deleted from the Charter.

~~§ 104. Civil Service Commission: Penalties.~~

~~Any violation of any of the provisions of the Charter relating to the Civil Service, or any willful use of any corrupt means in connection with any examination, appointment, promotion, reduction, transfer or reinstatement shall be deemed a misdemeanor and, upon conviction in a court of competent jurisdiction, shall be punished by a fine or by imprisonment as provided by law.~~

Penalties are legislative in nature and should not be included in the Charter.

DEPARTMENT OF TRANSPORTATION

§ 114. Department established.

There is a Department of Transportation, the head of which is the Director of Transportation.

§ 115. Director of Transportation.

(a) *Duties; Qualifications.*

- (1) The Director shall supervise and direct the Department.
- (2) The Director must have substantial administrative experience in transportation or in the delivery of related public service.

(b) *Appointment; Term.*

The Director shall be appointed, must be confirmed, and serves pursuant to Article IV, § 6 of this Charter.

(c) *Salary.*

2018 Mayor's Charter Commission Final Report

The Director's salary shall be set in the Ordinance of Estimates.

(d) *Employees.*

The Director may appoint the employees provided for in the Ordinance of Estimates.

§ 116. Powers and duties of Department.

(a) *In general.*

Notwithstanding anything to the contrary in this Charter, the Department has the following powers and duties.

(b) *Street construction and maintenance.*

(1) The Department has charge of constructing and maintaining the streets of the City.

(2) The Department shall:

(i) prepare the plans and perform the work required by Ordinances for opening, extending, widening, straightening, grading, and closing any street in the City; and

(ii) prepare all Ordinances for the opening and closing of streets, attend the hearings on those Ordinances, and perform all administrative functions related to those Ordinances.

(3) Before paving or repaving a street, the Director of Transportation shall ~~give notice in one of more daily City newspapers that~~ **ENSURE ADEQUATE PUBLIC NOTICE**, not less than 90 days from the first publication date, the Department will proceed with the paving or repaving and warning all persons to obtain permits for and to complete before that day all work that might involve the digging up of the street.

This change will modernize the publication reference to require publication in a modern and more accessible manner that also reduces cost.

(4) The Director shall send a copy of this notice to all persons who the Director has reason to believe would be interested in receiving it, but failure to send the notice does not affect the validity of any action taken by the Mayor and the Director to pave or repave a street.

(5) No pavement laid after the publication of the notice may be dug up by any person without a permit issued by the Director. The Director has discretion to issue or withhold this permit, and may attach appropriate conditions and charges to the permit.

2018 Mayor's Charter Commission Final Report

(6) Whenever an assessment or charge is to be made against a property for paving a street, alley, or sidewalk, the Department after giving the owner of the property involved due notice and an opportunity to be heard, shall fix the amount of the assessment or charge.

(c) *Lighting.*

The Department has charge of the lighting of the City.

(d) *Conduit system.*

The Department may exercise all the powers and shall perform all the duties relating to the conduit system, and has charge of all property and equipment pertaining to that system.

(e) *Approval of new streets.*

(1) Any person who, in connection with any real estate development, wants to lay out, locate, or construct a street, public or private, within Baltimore City shall, before beginning construction and before selling any land abutting on the street, present to the Department a copy of the plat for the proposed development, as approved by the Planning Commission, showing in detail the proposed streets.

(2) If the plat is approved by the Department, the person shall:

(i) record a copy of the plat, with the endorsements of the Planning Commission and the Department on it, with the Clerk of the Circuit Court of Baltimore City; and

(ii) a certified copy of the recorded plat with the Department.

(f) *Street names.*

(1) New public streets may not be designated by names until the names have been approved by the Department and entered on the appropriate plats and records of the Department.

(2) If a private street is dedicated for public purposes and the dedication is accepted, or if the title to a private street is conveyed to the City, the Department shall give the street a name, by which it shall be known on all official records of the City.

(3) The name of a public street may not be changed except by ordinance or resolution of the Mayor and City Council

(g) *Building numbers.*

(1) The Department:

(i) shall determine and fix the number of every new building; and

2018 Mayor's Charter Commission Final Report

(ii) may change existing numbers.

(2) The Department shall report each new number or change of number to the owner or occupant of the building.

(h) *Street plats and plans.*

The Department shall:

(1) adopt rules and regulations regarding plats and plans relating to the location of streets; and

(2) shall prepare these plats and plans as required by the Board of Estimates or by ordinance.

(i) *Plats and records – Underground structures.*

The Department shall maintain plats and records of tunnels, pipes, mains, sewers, conduits, and other underground structures, both public and private.

(j) *Plats and records – Properties.*

(1) The Department shall maintain adequate plats and other records of all parcels of real property within Baltimore City.

(2) These plats and records shall include:

(i) the ownership of each parcel; and

(ii) the symbol by which each parcel is identified.

(3) These plats and records shall be the official plats and records to be used by all municipal agencies to identify and determine the location of every parcel of real property within Baltimore City.

(k) *System of uniform property identification.*

(1) The Department shall maintain a system for the uniform identification of all real property within Baltimore City.

(2) The system shall identify each parcel of real property by a symbol. That symbol shall be used by every municipal agency to identify that parcel, until it is subdivided or the symbol is changed by the Department.

(3) The failure of the Department or of any other municipal agency to identify a parcel of property by its symbol does not affect the validity of any assessment or charge otherwise properly made.

2018 Mayor's Charter Commission Final Report

(l) *Additional powers and duties.*

The Department has the additional powers and duties relating to the construction, reconstruction, and maintenance of streets, to transportation, and to traffic, including powers and duties transferred from other municipal agencies, as are prescribed by law.

§ 116A. Assessment of benefits and damages.

(a) *Elements of enabling ordinance.*

An ordinance to open, extend, widen, straighten, close, or grade any street, alley, or footway in Baltimore City may provide that the benefits assessed may be paid in not more than 5 annual installments, with interest at a rate determined just and proper by the Director of Transportation, with the concurrence of the Board of Estimates, on all deferred installments, accounting from the date that, under subsection (e) of this section, the first annual installment would become in arrears if unpaid.

(b) *Notice to Finance, owner.*

When the physical work required by the ordinance is completed:

(1) the Department of Transportation shall notify the Director of Finance that the work has been completed; and

(2) the Department of Finance shall give written notice to the property owner:

(i) that the work has been completed;

(ii) that the benefits assessed for the work are due; and

(iii) how the owner may obtain a hearing on the assessment.

(c) *Payment for benefits.*

If the ordinance does not provide otherwise, all benefits assessed shall be payable, at the option of the property owner, either at once or in 5 equal annual installments.

(d) *Damages.*

(1) If, in any proceedings, the same person is assessed for benefits and also awarded damages, the damages shall be deducted from the benefits, and the provisions of this section as to payment of benefits apply only to the excess of the benefits over the damages.

(2) The damages awarded to any person in connection with the project shall be payable at the time or times provided in the ordinance.

2018 Mayor's Charter Commission Final Report

(3) No part of any street, alley, or footway may be physically opened, extended, widened, or straightened on or over the ground of any person determined by the Department of Transportation to be entitled to damages for the alteration without the written consent of that person, unless the damages have been paid to that person or paid into a special account to the credit of that person.

(e) *Lien for benefits; Arrearage.*

(1) An assessment by the Department of Transportation on benefitted property is a lien on that property, in the full amount of the assessment, from the date the Department of Transportation notifies the Director of Finance that the physical work required has been completed until the assessment is paid to the Director of Finance.

(2) Benefits assessed or, if payable in installments, the first installment, are due and payable on the date when the Director of Finance notifies the property owner of the assessment, and are in arrears 6 months from that date.

(f) *Sale on default.*

If the assessment on a property is in arrears, the Director of Finance shall proceed to sell that property in accordance with and subject to the same conditions imposed by the laws governing the sale of real estate charged with the payment of City taxes.

(g) *Resale on purchaser's default.*

If the tax-sale purchaser fails to comply with the terms of the sale, the Director of Finance shall resell the property at the risk of the former purchaser.

(h) *Refunds of assessment.*

If an ordinance providing for the opening, extending, widening, grading, or closing of a street, alley, or footway is invalidated by a court of competent jurisdiction or is repealed, the Director of Finance shall promptly:

(1) refund all assessments paid under the invalidated ordinance; and

(2) pay all expenses incurred, including reasonable attorney's fees, and for which the City is liable in carrying out the ordinance.

~~§ 116B. Correcting physical obstruction.~~

~~(a) Correction required.~~

~~Any person who has, in, over, or under a public street in Baltimore City, any building, structure, conduit, drain, main, pipe, track, work, or other physical obstruction that blocks or impedes the~~

2018 Mayor's Charter Commission Final Report

work of the Department shall, on reasonable notice from the Department, promptly shift, adjust, or remove it, at that person's expense, to fully meet the exigencies described in the notice.

~~(b) *Condemnation.*~~

~~The City is empowered, when the exigencies of the Department's work require, to secure the condemnation of the physical obstruction as provided in Article II of this Charter.~~

This section is legislative in nature and should not be included in the Charter.

COMPENSATION COMMISSION FOR ELECTED OFFICIALS

§ 117. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.

(b) *Commission.*

"Commission" means the Compensation Commission for Elected Officials.

(c) *Compensation.*

"Compensation" means all salary and allowances paid to an elected official.

(d) *Elected official.*

"Elected official" means:

- (1) the Mayor;
- (2) the City Comptroller;
- (3) the President of the City Council; ~~and~~
- (4) the Members of the City Council; **AND**
- (5) THE STATE'S ATTORNEY.**

Pursuant to the proposed deletion in Article VI, §16, this change includes the State's Attorney as part of the Compensation Commission for Elected Officials.

§ 118. Commission established.

2018 Mayor's Charter Commission Final Report

There is a Compensation Commission for Elected Officials.

§ 119. Composition; Qualifications; Term.

(a) *Composition.*

The Commission comprises the following 7 members:

- (1) 3 members appointed by the Mayor in accordance with Article IV, § 6 of this Charter;
- (2) 1 member appointed by the City Comptroller, subject to confirmation by the City Council in the same manner as provided in Article IV, § 6 of this Charter for appointments by the Mayor; and
- (3) 3 members appointed by the President of the City Council, subject to confirmation by the City Council in the same manner as provided in Article IV, § 6 of this Charter for appointments by the Mayor.

(b) *City officials, employees ineligible.*

No official or employee of the City may be appointed to or serve on the Commission.

(c) *Term.*

- (1) A member of the Commission serves for a term of 4 years, beginning October 1 of the second year preceding the mayoral general election, and until a successor is appointed and qualifies.
- (2) Members of the Commission are eligible for reappointment.

§ 120. Compensation; Expenses.

Members of the Commission:

- (1) serve without compensation; but
- (2) are entitled to reimbursement of reasonable expenses incurred, as provided in the Ordinance of Estimates.

§ 121. Officers.

(a) *Chair.*

The Commission shall elect a chair from among its members.

(b) *Others.*

2018 Mayor's Charter Commission Final Report

The Commission may elect a Vice-Chair and other officers from among its members.

§ 122. Meetings.

(a) *Quorum.*

5 members of the Commission constitute a quorum.

(b) *Votes for action.*

(1) An affirmative vote of at least 4 members is needed for any action by the Commission.

(2) The Commission's records must show how each member voted on each question.

(c) *Open Meetings.*

All meetings of the Commission must be conducted in accordance with the Open Meetings Act, State Government Article Title 10, Subtitle 5 *{now Title 3 of the State General Provisions Article}*.

§ 123. Commission recommendations.

The Commission shall:

(1) evaluate the compensation of all elected officials; and

(2) recommend that, for the next term of office, the compensation be increased, decreased, or remain unchanged.

§ 124. Submission to Council.

(a) *When required.*

The Commission shall submit to the President of the City Council its recommendations on or before October 1 of the year preceding the mayoral general election.

(b) *If change proposed.*

If the Commission recommends one or more changes in compensation, the President of the City Council shall cause all of the recommendations to be introduced at the next meeting of the City Council as a proposed Resolution of the Mayor and City Council

(c) *If no change proposed.*

2018 Mayor's Charter Commission Final Report

If the Commission recommends no change in any elected official's compensation, or fails to submit a timely recommendation, no Resolution is to be introduced and the compensation to be paid elected officials remains unchanged.

§ 125. Council action.

(a) *Amendment not authorized.*

The Council may not amend the Resolution to change or affect any recommended compensation.

(b) *Rejection by Council.*

If, by a majority vote of all members, the City Council affirmatively rejects the Resolution on or before December 15 of the year preceding the mayoral general election, the compensation to be paid elected officials remains unchanged.

(c) *Adoption by Council.*

If the Resolution is adopted on or before December 15 of the year preceding the mayoral general election, or if the City Council fails to adopt or reject the Resolution on or before that date, the compensation recommended by the Commission will apply, effective at the beginning of the next term of office.

DEPARTMENT OF GENERAL SERVICES

§ 130. Department established.

There is a Department of General Services, the head of which is the Director of General Services.

§ 131. Director of General Services.

(a) *Duties; Qualifications.*

(1) The Director shall supervise and direct the Department.

(2) The Director must have:

(i) substantial experience in the construction and maintenance of public works and improvements and in the delivery of related public services; or

(ii) 10 years experience as an engineer.

(b) *Appointment; Term.*

2018 Mayor's Charter Commission Final Report

The Director shall be appointed, must be confirmed, and serves pursuant to Article IV, § 6 of this Charter.

(c) *Salary.*

The Director's salary shall be set in the Ordinance of Estimates. (d) **Employees.**
The Director may appoint the employees provided for in the Ordinance of Estimates.

§ 132. Powers and duties of Department.

(a) *In general.*

The Department has the powers and duties specified in this section.

(b) *Supervision of municipal buildings, related improvements.*

(1) Unless otherwise provided by this Charter, the Director shall supervise all municipal buildings and related improvements made in Baltimore City or elsewhere by or for the City or any municipal agency.

(2) All plans and specifications for these municipal buildings and related improvements, including those involving engineering questions, shall be submitted to the Director for approval.

(c) *Construction, maintenance, etc., of buildings, related improvements.*

(1) Unless otherwise provided by this Charter, the Department has charge of the construction, demolition, alteration, operation and maintenance of all municipal buildings and related improvements.

(2) To carry out these activities, the Director may enter and occupy any municipal property after giving due notice to the agency having control of the property. The Director shall restore any property so entered to the condition in which it was before the entry.

(d) – (f) *{Repealed by Res. 14-016, ratified Nov. 4, 2014.}*

(g) *Fleet management.*

(1) The Department is responsible for:

(i) the maintenance, repair, and operation of all motor vehicles and related equipment owned by the City, whether held for general service or assigned for the use of a particular office or agency,

(ii) the maintenance and operation of related garages, depots, and shops;

2018 Mayor's Charter Commission Final Report

- (iii) the inspection of all City vehicles and related equipment and the keeping of proper records about how these vehicles and equipment are handled and operated;
- (iv) the assignment of these vehicles and related equipment for the use of officers and other agencies of the City; and
- (v) the maintenance or the hiring of any hauling or passenger service needed by any municipal agency.

(2) This subsection does not apply to motor vehicles and related equipment of the Baltimore City Public School System, except to the extent requested by that department and agreed to by the Department of General Services.

(h) *Assistance to other agencies.*

On the request of the head of a municipal agency, the Director shall:

- (1) supply estimates of the cost of work for building improvements and vehicles to be done for that agency during the next fiscal year; and
- (2) perform services for the municipal agency of the same general character as those carried on by the Department, the cost of which shall be charged to the agency requesting the services and shall be paid out of the funds appropriated to it.

(i) *Additional powers and duties.*

The Department has the additional powers and duties as are prescribed by law.

§ 133. {Repealed by Res. 14-016, ratified Nov. 4, 2014.}

§ 134. Correcting physical obstruction.

~~(a) Correction required.~~

~~Any person who has, in, over, or under a public street in Baltimore City, any building, structure, conduit, drain, main, pipe, track, work, or other physical obstruction that blocks or impedes the work of the Department shall, on reasonable notice from the Department, promptly shift, adjust, or remove it, at that person's expense, to fully meet the exigencies described in the notice.~~

~~(b) Condemnation.~~

~~The City is empowered, when the exigencies of the Department's work require, to secure the condemnation of the physical obstruction as provided in Article II of this Charter.~~

This section is legislative in nature and should not be in the Charter.

ARTICLE VIII FRANCHISES

§ 4. Street railways.

The Board of Estimates, subject to ratification and approval by ordinance, is empowered to agree with any street railway company for the surrender of any of its franchises, easements or rights of way, and in substitution for the franchise, easement or right of way so surrendered to grant a new franchise, easement or right of way on any street, and which may be for the same duration as the franchise, easement or right of way surrendered; and to provide, in appropriate cases, for a graduated park tax, as prescribed by Chapter 566 of the Acts of the General Assembly of 1906.

§ 5. Trackless trolleys.

The City may, by ordinance, permit any street railway company to operate under its existing franchises vehicles propelled by electricity furnished by overhead wires but not operated upon rails, and any such grant heretofore made is hereby ratified and confirmed.

§ 6. Advertising.

Before any grant of the franchises or right to use any street, or other public property, either on, above or below the surface of the same shall be made, the proposed specific grant, except as provided in the second paragraph of Section 2 of this Article VIII, embodied in the form of a brief advertisement, prepared by the Board of Estimates, at the expense of the applicant, shall be published by the Comptroller for at least three days in one daily newspaper published in Baltimore City to be designated by the Board of Estimates, and all the provisions of the first paragraph of Section 2 of this Article VIII shall be complied with.

These provisions are obsolete and outdated. They should be removed from the Charter.

2018 Mayor's Charter Commission Final Report

ARTICLE X CHARTER REVIEW COMMISSION

§ 1. COMMISSION ESTABLISHED.

A CHARTER REVIEW COMMISSION MAY BE APPOINTED FROM TIME TO TIME PURSUANT TO THE REQUIREMENTS OF THIS ARTICLE BUT AT LEAST EVERY 10 YEARS FOLLOWING THE ADOPTION OF THIS ARTICLE IN NOVEMBER 2018.

§ 2. APPOINTMENT.

A CHARTER REVIEW COMMISSION SHALL BE APPOINTED NO LATER THAN MAY 1 IN THE YEAR PRECEDING A CONGRESSIONAL ELECTION AND COMPLETE ITS WORK, AS PROVIDED IN THIS ARTICLE, NO LATER THAN MAY 1 IN THE YEAR FOLLOWING ITS APPOINTMENT.

§ 3. COMPOSITION.

THE COMMISSION SHALL BE COMPOSED OF NINE REGISTERED VOTERS OF THE CITY APPOINTED WITHOUT REGARD TO POLITICAL AFFILIATION. THE MAYOR, THE PRESIDENT OF THE CITY COUNCIL, AND THE COMPTROLLER OF THE CITY SHALL EACH APPOINT THREE (3) MEMBERS TO THE COMMISSION. EXCEPT FOR A MEMBER OF THE JUDICIARY, NO PERSON WHO HOLDS ELECTED OFFICE MAY BE APPOINTED TO THE COMMISSION. THE CHAIR OF THE COMMISSION SHALL BE ELECTED FROM AND BY THE COMMISSION MEMBERS. AT THE DISCRETION OF THE COMMISSION, AN ADVISORY BODY MAY BE APPOINTED TO ASSIST THE COMMISSION IN ITS DUTIES.

§ 4. DUTIES.

THE COMMISSION SHALL REVIEW THE PROVISIONS OF THIS CHARTER AND MAKE RECOMMENDATIONS AS TO THE NECESSITY FOR DELETING, ADDING OR REVISING ITS CONTENTS. DURING ITS DELIBERATIONS, THE COMMISSION SHALL HOLD AT LEAST ONE PUBLIC HEARING TO RECEIVE PUBLIC TESTIMONY CONCERNING THE WORK OF THE COMMISSION.

§ 5. REPORT TO THE MAYOR AND CITY COUNCIL.

THE COMMISSION SHALL DELIVER A WRITTEN REPORT CONTAINING ITS RECOMMENDATIONS TO THE MAYOR AND CITY COUNCIL. THE CITY COUNCIL SHALL CONVENE A PUBLIC HEARING AT WHICH THE COMMISSION SHALL PRESENT ITS REPORT AND RECOMMENDATIONS.

§ 6. DISSOLUTION.

UPON COMPLETING THE ACTIVITIES REQUIRED IN SECTION 5 OF THIS ARTICLE, THE COMMISSION SHALL BE DEEMED DISSOLVED AND ITS WORK COMPLETED.

These changes would require that the Charter be reviewed at least once every ten years to ensure it is modern and up-to-date.



2

**CITY OF BALTIMORE
COUNCIL BILL 18-0264
(Charter Amendment)
(Resolution)**

Introduced by: The Council President

At the request of: The Administration (Mayor's Charter Review Commission)

Introduced and read first time: June 11, 2018

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Department of Human Resources, Department of Planning, Department of Legislative Reference, Board of Municipal and Zoning Appeals, Department of Public Works, Department of Transportation, Fire Department

A RESOLUTION ENTITLED

1 A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

2 **Charter Amendment – Charter Commission General Recommendations**

3 FOR the purpose of increasing the City's record keeping flexibility; repealing an obsolete
4 provision regarding the City's official time; improving the City's legislative and
5 administrative flexibility by removing redundant Charter provisions and language more
6 appropriate for ordinances or regulations; removing Charter provisions found to simply
7 restate applicable State law; requiring the Department of Finance to employ at least 1
8 Certified Public Accountant to perform certain duties; allowing certain agencies to be
9 designated by law to approve the withdrawal of City monies from depositories; removing
10 certain formal lien requirements from the Charter; clarifying that the review of disciplinary
11 matters by the Board of Fire Commissioners is at the request of the Fire Chief; clarifying the
12 authority of the Mayor to appoint the Board of Recreation and Parks; modernizing various
13 public notice provisions, including removing mandatory requirements for notice to be
14 published in a newspaper of general circulation in Baltimore City; simplifying requirements
15 related to the City's Master Plan; removing certain penalties relating to the Department of
16 Planning from the Charter; conforming to State law requiring alternate members be made
17 available for the Board of Municipal and Zoning Appeals; allowing the Board of Municipal
18 and Zoning Appeals to change its rules internally; removing the Board of Municipal and
19 Zoning Appeals' authority to appoint employees other than its Executive Secretary; updating
20 the Board of Municipal and Zoning Appeals' powers for reviewing paving assessments and
21 other matters; conforming a provision relating to appeals from Board of Municipal and
22 Zoning Appeals' decisions to State law; replacing the Board of Legislative Reference with an
23 ad hoc board appointed by the Mayor, the President of the City Council, and the Comptroller;
24 allowing the newly restructured ad hoc Board of Legislative Reference to make
25 recommendations regarding the hiring of a Director of Legislative Reference; removing the
26 Civil Service status of the Director of Legislative Reference; making the Director of
27 Legislative Reference removable for any reason rather than just for incompetence or neglect
28 of duties; allowing the Mayor and the President of the City Council to jointly appoint and
29 remove the Director of Legislative Reference; allowing the President of the City Council to
30 recommend 1 of the 3 Civil Service Commissioners; updating the required qualifications for

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

Council Bill 18-0264

1 Civil Service Commissioners; formally transferring many of the powers formerly belonging
2 to the Civil Service Commission to the Department of Human Resources to improve
3 administrative flexibility; allowing the Department of Human Resources to transfer
4 employees into and out of the Civil Service by regulation, and to adjust Civil Service
5 protections administratively, to increase flexibility in personnel management; updating the
6 required qualifications for the Director of Human Resources; removing certain penalties
7 relating to the Civil Service Commission from the Charter; adding the State's Attorney for
8 Baltimore City to the list of elected officials covered by the Compensation Commission for
9 Elected Officials; removing certain obsolete provisions regarding street railways, trackless
10 trolleys, and advertising from the Franchises Article; establishing a procedure for regularly
11 appointing Charter Review Commissions to review the Charter and make recommendations
12 as to the necessity for deleting, adding to, or revising any portion of its contents; requiring the
13 appointment of a Charter Review Commission at least once every 10 years; requiring that the
14 Charter Review Commission publically report on its findings to the Mayor and City Council;
15 clarifying and conforming related provisions; setting special effective dates for the proposed
16 Charter amendments; and submitting this amendment to the qualified voters of the City for
17 adoption or rejection.

18 BY proposing to amend
19 Article I - General Provisions
20 Section(s) 7, 8, and 10
21 Baltimore City Charter
22 (1996 Edition)

23 BY proposing to amend
24 Article VII - Executive Departments
25 Section(s) 3, 10, 11(a), 12 to 15, 18(a) and (c), 30, 37, 41, 42, 51, 52, 53(c) and (g), 69(a),
26 72(g) and (h), 74 to 78, 80, 82(a), 83(b), (e), and (f), 85 to 88, 90 to 93, 94(a), 95 to 97,
27 98a, 99, 100, 101, 103, 104, 116(b)(3), 116B, 117(d), and 134
28 Baltimore City Charter
29 (1996 Edition)

30 BY proposing to amend
31 Article VIII - Franchises
32 Section(s) 4 to 6
33 Baltimore City Charter
34 (1996 Edition)

35 BY proposing to add
36 Article X - Charter Review Commission
37 Section(s) 1 to 6
38 Baltimore City Charter
39 (1996 Edition)

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

42 **Baltimore City Charter**
43 **Article I. General Provisions**

Council Bill 18-0264

1 § 7. Records[; Reports]

2 (A) RECORD KEEPING.

3 THE MAYOR AND CITY COUNCIL SHALL PROVIDE FOR APPROPRIATE RECORD KEEPING.

4 (B) PUBLIC INSPECTION.

5 THE PUBLIC SHALL HAVE THE RIGHT TO INSPECT PUBLIC RECORDS IN ACCORDANCE WITH
6 STATE LAW.

7 [(a) Required maintenance; Admissibility; Public inspection.]

8 [A suitable record of all the proceedings, financial transactions and official acts of all
9 municipal agencies, shall be kept, and a certified copy of the record, or any part thereof,
10 under the corporate seal of the City shall be admissible in evidence in any court of this
11 State as proof of such record, or a part thereof. A record shall be available for public
12 inspection unless otherwise expressly ordered by the head of the agency or the municipal
13 officer by or on behalf of whom the record is kept; and in the event that written demand
14 shall be made for the public disclosure of any matter deemed confidential by the head of
15 an agency or by a municipal officer, the demand shall at once be referred to the Board of
16 Estimates and the Board, after consultation with the City Solicitor as to the legal propriety
17 of its action, may order the demanded disclosure to be made in whole or in part.]

18 [(b) Microfilm, etc.]

19 [The City may provide by ordinance for the making and keeping of all or some records on
20 microfilm or by other method of reproduction and, when so made, for the destruction of
21 the original records. Any such reproduction or print therefrom shall be in all respects the
22 equivalent of the original from which made, and when authenticated as above provided
23 shall be admissible in evidence in any court of this State as proof of that record, or part
24 thereof.]

25 [(c) Annual report; Other information.]

26 [Unless otherwise directed by the Board of Estimates, every municipal agency of the City
27 shall prepare annually a written report of its work and proceedings. A copy of each report
28 shall be filed with the Mayor and a copy shall also be filed with the Department of
29 Legislative Reference; additional copies of each report, or parts thereof, shall be prepared
30 and made available as from time to time may be directed by the Board of Estimates.]

31 [Upon request of the Mayor or Board of Estimates every municipal agency shall promptly
32 supply the Mayor or the Board with all requested information with respect to the practice
33 and proceedings of the agency; provided, however, that this information need not be
34 given with respect to any undetermined policy or opinion, nor shall the Board of
35 Municipal and Zoning Appeals make any disclosure as to any pending appeal other than
36 to furnish a copy of the testimony and papers filed with it pertaining to that appeal.]

Council Bill 18-0264

1 § 8. [Official time.]

2 [The official time of the City of Baltimore shall conform to standard time based upon the
3 time of the seventy-fifth meridian, except that, from two o'clock a.m. of the last Sunday in
4 April until two o'clock a.m. of the last Sunday in September of each year, the official time
5 throughout the City of Baltimore shall be advanced one hour, and all courts, public offices,
6 legal and official proceedings, insofar as the same are subject to or under the control of the
7 Mayor and City Council of Baltimore, shall be regulated thereby, and all time shown by the
8 public clocks shall agree therewith. Provided, however, that the Mayor and City Council by
9 ordinance passed not less than fifteen days before the change would become effective, may
10 extend the period during which the one hour variation from standard time shall be effective in
11 any year or years. The extension may be to change the advance in time up to two o'clock
12 a.m. on the last Sunday in March, or back to two o'clock a.m. on the last Sunday in October,
13 or both such changes, or any portion or portions of either. Any such extension may be
14 provided only if other municipalities or sections of the United States shall have made such a
15 change, and in the opinion of the Mayor and City Council thereby have caused inconvenience
16 and annoyance to the commercial, economic, industrial or social affairs of the residents of
17 Baltimore City.]

18 § 10. Affordable housing funds.

19 [(a) *Authorization.*]

20 By Ordinance, the Mayor and City Council of Baltimore may establish 1 or more
21 continuing, nonlapsing funds for purposes of promoting economically diverse housing in
22 City neighborhoods, including:

- 23 (1) providing assistance, by loan, grant, or otherwise, for the planning, production,
24 maintenance, or expansion of affordable housing in the City;
- 25 (2) providing assistance, by loan, grant, or otherwise, to persons unable to obtain
26 affordable housing; and
- 27 (3) otherwise increasing housing opportunities for working families and other persons
28 of low and moderate income.

29 [(b) *Revenue sources.*]

30 [A fund established under this section may comprise:]

- 31 [(1) money appropriated to the fund in the annual Ordinances of Estimates; and]
32 [(2) grants or donations made to the fund.]

33 [(c) *Continuing nature of fund.*]

34 [Notwithstanding any other provision of this Charter, unspent portions of a fund
35 established under this section:]

- 36 [(1) remain in the fund, to be used exclusively for their ordained purposes;]

Council Bill 18-0264

1 (2) THE DEPARTMENT SHALL EMPLOY AT LEAST 1 CERTIFIED PUBLIC ACCOUNTANT IN
2 THE PERFORMANCE OF THESE DUTIES.

3 **§ 12. Department of Finance: Collections, deposits, withdrawals, etc.**

4 (a) *In general.*

5 [The] UNLESS OTHERWISE PROVIDED BY LAW, THE Director shall receive, collect, and
6 account for all moneys due the City and deposit these moneys in depositories selected by
7 the Board of Finance.

8 (b) *Withdrawals.*

9 [The] UNLESS OTHERWISE PROVIDED BY LAW, THE Director shall approve the withdrawal
10 of City moneys from its depositories.

11 (c) *Required signatures for checks.*

12 Unless otherwise provided by law, all checks of the City shall be signed by the Director
13 or Deputy Director, and counter-signed by the Mayor, except payroll, pension, and similar
14 checks, which shall bear the signatures of the Director or Deputy Director and of a person
15 in the Department of Finance designated by the Director to sign as disbursing officer;
16 such designation shall be made in writing by the Director and filed with all banks on
17 which such checks are drawn. Any signature on checks of the City may be manual or
18 facsimile.

19 [(d) *Local and state taxes.*]

20 [In addition to collecting all taxes and assessments levied or made by the City, the
21 Director shall collect such State taxes and perform such other duties for the State as may
22 be prescribed by law. The salary provided the Director in the Ordinance of Estimates
23 shall include compensation for collecting State taxes and such other duties as the Director
24 may perform for the State.]

25 [After the levy of the full rate property tax has been made, the Director shall prepare the
26 tax bills and shall have them ready for payment by the taxpayers on the first day of the
27 fiscal year for which the levy is made or as soon thereafter as is possible. To encourage
28 the payment of taxes prior to the date on which they become in arrears, the Department
29 shall allow such discounts upon payment prior to such date as may be provided by law.]

30 **§ 13. Department of Finance: Lien records.**

31 [(a) *Keeping records; Issuing lien certificates.*]

32 The Department shall keep a record of all municipal charges and assessments and shall
33 provide for the issuance of a lien certificate stating whether any, and, if so, what
34 municipal charges or assessments exist against any particular property. The Department
35 shall make such charge for the issuance of a lien certificate as may be fixed by the Board
36 of Estimates.

Council Bill 18-0264

1 **[(b) Contents of certificates; Charges constitute liens.]**

2 [A lien certificate shall show all charges and assessments of every character due the City,
3 including State and City taxes and special paving tax, water and sewer billings, street
4 benefit assessments, minor privilege charges, charges for street, alley and footway paving,
5 sewerage connections, nuisance abatements and other charges. All of the charges and
6 assessments shall be liens, until paid, against the property named in the lien certificate;
7 provided that no then existing charge shall be a lien against a property after the issuance
8 of a lien certificate for that property unless that charge be shown on the lien certificate.]

9 **[(c) Tax lien records.]**

10 [The Department shall maintain at all times tax lien records that record tax liens and all
11 other municipal liens. The tax lien records shall show the location of the property, the
12 character of the liens against the property, and the amount of the liens as of the date of
13 recording. After a lien shall have been recorded in the tax lien records, it shall remain a
14 lien until paid and no statute of limitations shall operate as a bar to the collection of the
15 lien.]

16 **§ 14. [Department of Finance: Notices of lien.]**

17 [The Director shall provide notice of a lien to a property owner as provided by law.]

18 **§ 15. [Department of Finance: Distraint or levy for taxes.]**

19 **[(a) Good or chattels – Notice of proposed sale.]**

20 [Whenever the Director shall distraint or levy upon any goods or chattels in Baltimore
21 City for nonpayment of any taxes, state or municipal, due by the owner thereof, before
22 making sale of property so distrained or levied upon, the Director shall give notice as
23 required by law, including notice by advertisement published twice a week for one week
24 prior to the day of sale, and also on the day of sale, in three of the daily newspapers
25 published in the City, that the Director will sell for cash, at public auction, to the highest
26 bidder, on the day and at the time and place mentioned in the advertisement, the property
27 therein specified, unless on or before the day of sale the entire amount of taxes for which
28 such distraint or levy shall have been made, with interest thereon, and costs of making the
29 levy and advertisement, shall be paid.]

30 **[(b) Goods or chattels – Application of proceeds.]**

31 [Whenever the Director shall sell any goods or chattels levied or distrained upon for
32 taxes, state or municipal, in Baltimore City, after due advertisement as required in the
33 preceding paragraph, the Director shall retain out of the proceeds of sale the amount of
34 taxes due from the delinquent, for which the levy or distraint shall have been made, with
35 interest thereon, and all costs incurred in making the sale, and shall pay over the surplus,
36 if any, to the owner of the property so levied upon and sold.]

Council Bill 18-0264

1 [(c) *Other sales.*]

2 [All other sales of real or personal property, or interests therein, for nonpayment of taxes
3 or other charges shall be conducted by such persons and in such manner as may be
4 prescribed by law.]

5 **§ 18. Department of Finance: Registrar of debt; Custodian of funds and securities; Keeper**
6 **of Seal.**

7 (a) *Registrar of debt; Custodian of funds and securities.*

8 The Director shall be the registrar of the public debt and responsible for all moneys and
9 securities belonging to the City including the actuarial retirement systems and shall
10 provide for the safekeeping and transfer of stocks, bonds, and securities owned or held by
11 the City or any agency thereof[, provided, however, that the designation of depository
12 institutions shall be as set forth in Article VII, Section 21(b)].

13 [To help the Director discharge the Director's duties as custodian of the moneys and
14 securities of the actuarial retirement systems of the City, the administrators of those
15 systems shall provide the Director with the financial information and assurances that he
16 may request. The Director, acting under the supervision of the Board of Estimates, may
17 contract with banks or trust companies that have appropriate charter authority to be
18 custodians of cash and securities of the retirement systems. The Director shall have no
19 personal liability for the performance, lack of performance, misfeasance or malfeasance
20 of a bank or trust company so selected.]

21 (c) *Keeper of City Seal.*

22 The Director or the Director's delegate, designated in writing by the Director, shall have
23 charge of the corporate seal of the City [and shall use it in all cases where the use of the
24 seal is required by federal or State laws, ordinances, or the uses and customs of nations,
25 and shall charge a fee as may be fixed from time to time by the Board of Estimates for
26 each impression of the seal except such as shall be affixed to or impressed upon
27 documents for the City].

28 ***Department of Public Works***

29 **§ 30. [Department of Public Works: Supervision of public works.]**

30 [The Director shall supervise all public works in Baltimore City or elsewhere, made by or for
31 the City or any municipal agency, that relate to the Department's powers under this Charter.
32 All plans and specifications for these public works, including those involving engineering
33 questions, shall be submitted to the Director for approval.]

34 **§ 37. [Department of Public Works: Testing.]**

35 [At the request of a municipal agency, the Department shall test materials and supplies
36 purchased or used by the agency.]

Council Bill 18-0264

1 § 41. [Department of Public Works: Correcting physical obstruction.]

2 [(a) *Correction required.*]

3 [Any person who has, in, over, or under a public street in Baltimore City, any building,
4 structure, conduit, drain, main, pipe, track, work, or other physical obstruction that blocks
5 or impedes the work of the Department shall, on reasonable notice from the Department,
6 promptly shift, adjust, or remove it, at that person's expense, to fully meet the exigencies
7 described in the notice.]

8 [(b) *Condemnation.*]

9 [The City is empowered, when the exigencies of the Department's work require, to secure
10 the condemnation of the physical obstruction as provided in Article II of this Charter.]

11 § 42. [Department of Public Works: Assistance to other agencies.]

12 [On the request of the head of a municipal agency, the Director shall:]

13 [(1) supply estimates of the cost of work proposed to be done for that agency during the
14 next fiscal year; and]

15 [(2) perform services for the municipal agency of the same general character as those
16 carried on by the Department, the cost of which shall be charged to the agency
17 requesting the services and shall be paid out of the funds appropriated to it.]

18 *Fire Department*

19 § 51. Fire Department: Board of Fire Commissioners – Powers and duties.

20 (a) *Advise Chief.*

21 The Board generally shall advise the Chief.

22 (b) *Review disciplinary policies.*

23 [The] AT THE REQUEST OF THE CHIEF, THE Board shall review the disciplinary policies
24 and practices of the Department and make appropriate recommendations to the Chief.

25 (c) *Investigations of Department conduct.*

26 (1) In giving advice, the Board may investigate all matters affecting the conduct of the
27 Department.

28 (2) IT SHALL BE THE SOLE DISCRETION OF THE CHIEF WHETHER TO ACCEPT THE
29 RECOMMENDATIONS MADE RELATED TO INVESTIGATIONS UNDER THIS SUBSECTION.

Council Bill 18-0264

1 [(d) *Appeal panels.*]

2 [The Board may sit in panels of not less than two to hear appeals under the Fire
3 Prevention Code.]

4 **§ 52. [Fire Department: Board of Fire Commissioners – Retirement of employees.]**

5 [As to employees not covered by the Employees' Retirement System or the Fire and Police
6 Employees' Retirement System of the City, the Board may retire from office in the
7 Department any permanent or call member thereof who has become permanently disabled,
8 while in the actual performance of duties, from risks taken in the performance of those duties
9 and not due to any wilful misconduct on the member's part, or who has performed faithful
10 service in the Department for a period of not less than twenty consecutive years, or who may
11 become unable to perform further service by reason of age or other physical or mental
12 disabilities, and place the member so retired upon a pension roll. The amount of such annual
13 pension to be allowed by the Board to each pensioner shall be equal to one-half the yearly
14 salary received by members of the Department in active service in the same grade or
15 occupying the same position as, or position most similar to, that occupied by the pensioner at
16 the time of his retirement, payable in monthly installments. The Board may also provide for
17 the relief of widows and children of members of the Department who may have been killed in
18 the discharge of their duties or have died as a result of injuries sustained in the performance
19 of their duties, provided that the injuries were caused solely by risks taken in the performance
20 of their duties and not due to the wilful misconduct of the deceased.]

21 [The annual amount which shall be paid to the widows and/or to the children under the age of
22 18 years, of members of the Department who may have been killed in the discharge of their
23 duties or have died as a result of injuries sustained in the performance of their duties shall be
24 in the discretion of the Board, but shall not exceed the full amount of the yearly salary
25 received by members of the Department in active service in the same grade and occupying
26 the same position as, or position most similar to, that occupied by the deceased at the time of
27 his death, payable in monthly installments.]

28 [The Board may also provide for the relief of unremarried widows, by marriages existing at
29 the time of retirement or death, of employees of the Department who are not members of the
30 Employees' Retirement System or the Fire and Police Employees' Retirement System who
31 die, whether death occurs before or after their retirement, subject to the Ordinance of
32 Estimates. The annual amount which shall be paid to such widow of such a deceased
33 member shall not exceed fifty per centum (50%) of the yearly pension to which such
34 deceased member would have been entitled to receive had that member lived and been retired
35 under the provisions of this section.]

36 [The City Council may provide by ordinance a system of benefits payable to the unremarried
37 widows and children under age 18 of persons who were employees or retired employees of
38 the Department who were not members of the Employees' Retirement System or the Fire and
39 Police Employees' Retirement System and who died or retired prior to June 7, 1963, subject
40 to such exceptions, conditions, restrictions and classifications as may be provided therein.]

Council Bill 18-0264

1 § 53. Fire Department: Arbitration for fire fighters and officers.

2 (c) *Submission of last proposals.*

3 Within three days after the selection of the chairman of the board of arbitration, the Labor
4 Commissioner or [his] THE COMMISSONER'S designated representative shall provide to
5 each member of the board of arbitration and to all parties, a detailed itemization of the
6 last proposal made by the respective parties during the negotiations.

7 (g) *Decision – Implementation.*

8 The decision of the majority of the board of arbitration thus established shall be final and
9 binding upon the Mayor and City Council of Baltimore and upon the certified employee
10 organizations involved in the proceedings. No appeal therefrom shall be allowed. Such
11 decision shall constitute a mandate to the Mayor of Baltimore City in respect to such
12 matters which can be remedied administratively by [him] THE MAYOR, and as a mandate
13 to the Board of Estimates and the City Council with respect to matters which require
14 legislative action necessary to implement the decision of the Board of Arbitration.

15 With respect to matters which require legislative action for implementation, such
16 legislation shall be enacted within forty-five days following the date of the arbitration
17 decision.

18 With respect to salaries and wage scales, the amounts determined by the final decision of
19 the Board of Arbitration shall be included in the proposed Ordinance of Estimates in
20 accordance with Article VI, Section 4(a), shall not be reduced by the City Council in
21 accordance with Article VI, Section 7(a), and shall be adopted by the Board of Estimates
22 as the salary and wage scales for employees of the Fire Department in accordance with
23 Section 12 of Article VI.

24 *Department of Recreation and Parks*

25 § 69. Department of Recreation and Parks: Board – Composition; Appointment; Terms.

26 (a) *In general.*

27 The Board shall consist of seven members, who shall be appointed BY THE MAYOR from
28 among those deemed most capable, by reason of character, education, intelligence,
29 experience, and commitment to conservation and environmental protection, of promoting
30 public recreation, parks, and music for the people of Baltimore City. The members must
31 be confirmed, and shall serve, pursuant to Article IV, Section 6.

32 *Department of Planning*

33 § 72. Department of Planning: Commission – Powers and duties.

34 The Planning Commission:

35 (g) shall adopt and revise a master plan IN ACCORDANCE WITH STATE LAW for the
36 proposed physical development of Baltimore City.

Council Bill 18-0264

(h) before adopting or revising the master plan, shall hold a public hearing, AND PROVIDE reasonable notice [of which shall be given] in the neighborhood of the properties affected [and by publication in a newspaper of general circulation in Baltimore City] IN A MANNER THAT ENSURES ADEQUATE PUBLIC NOTICE.

§ 74. Department of Planning: Master Plan.

(a) Purpose.

The Master Plan shall be made for the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of Baltimore City to promote the health, order, security, safety, and morals of its inhabitants, and to preserve and enhance the aesthetic and natural environment of the City.

(b) [Scope.]

[The Master Plan may consist of a series of component plans.]

[It shall show, among other things, the future general location and extent of all public improvements and enterprises, including among other things, the general location and extent of streets, highways, boulevards, viaducts, bridges, subways, tunnels and all uses of land for purposes of public transportation, and also the general location and extent of piers, wharves, docks and bulkheads, and buildings or structures thereon, whether publicly or privately owned or operated, and also the general location and extent of publicly owned places of recreation, such as playgrounds, squares, and parks, and all public buildings and other public property, including school buildings, and all existing and proposed zoning areas or districts, and all public utilities, services and terminals, such as water, gas, electricity, sewerage, telephone, telegraph and transportation, whether privately or publicly owned or operated.]

(c) Revisions.

After the adoption of the Master Plan, or any part thereof, by the Commission, the plan may be revised AS PROVIDED BY STATE LAW AND only by:

- (1) a resolution of the Commission, carried by the affirmative vote of not less than six members of the Commission, or [by]
(2) ordinance adopted by the City Council by the affirmative vote of not less than three-fourths of its members.

[An original copy of the revision, duly signed by the President, or by the Mayor if made by ordinance, shall be filed with the Department of Legislative Reference.]

(d) Conformity with Plan required.

PUBLIC AND PRIVATE IMPROVEMENTS SHALL BE IN CONFORMITY TO THE MASTER PLAN TO THE EXTENT REQUIRED BY LAW. [No public improvement or enterprise, including, among other things, streets, highways, boulevards, viaducts, bridges, subways, tunnels or other uses of land for purposes of public transportation, and piers, wharves, docks, and

Council Bill 18-0264

1 bulkheads, and buildings or structures thereon, whether publicly or privately owned or
2 operated, and publicly owned places of recreation, such as playgrounds, squares or parks,
3 and public buildings, including school buildings, and public utilities, services or
4 terminals, including gas, water, electricity, sewerage, telephone, telegraph or
5 transportation, whether privately or publicly owned or operated, within the scope of the
6 Master Plan shall be authorized or constructed in Baltimore City unless the location and
7 grade thereof and, in cases of the use of land for purposes of transportation, the width
8 thereof, shall be in conformity with the Master Plan and have been first approved by the
9 Commission.]

10 **§ 75. Department of Planning: Subdivisions [- In general.]**

11 (A) *IN GENERAL.*

12 The Commission shall publish rules and regulations for the development of subdivisions
13 which will require that development plans include adequate provision for all public
14 improvements, enterprises and all public utilities, whether privately or publicly owned or
15 operated; for the proper width, grade and arrangement of streets, and all uses of land for
16 public transportation, and the relation thereof to existing streets; for adequate and
17 convenient open spaces for traffic and the access of fire fighting apparatus; for proper
18 drainage; and which will require that all such subdivisions and the owners thereof comply
19 in all respects with the Master Plan.

20 (B) *APPROVAL BY COMMISSION AND DEPARTMENT OF TRANSPORTATION REQUIRED.*

21 NO PERMITS MAY BE ISSUED FOR ANY PROJECT OR DEVELOPMENT THAT IS SUBJECT TO A
22 PROPOSED SUBDIVISION PLAN UNTIL THE COMMISSION AND THE DEPARTMENT OF
23 TRANSPORTATION HAVE APPROVED THE PLAN.

24 (C) *FILING OF PLATS.*

25 EVERY PLAT SHOWING AN IMPROVED SUBDIVISION PLAN SHALL BE FILED AMONG THE
26 LAND RECORDS OF BALTIMORE CITY.

27 **§ 76. [Department of Planning: Subdivisions – Definition.]**

28 [A subdivision plan shall mean a plan submitted by the owner of not less than one-third of
29 the land included therein showing one or more new streets or parks, or showing the division
30 of a lot, tract or parcel of land into two or more lots, tracts or parcels, or other divisions of
31 land for the purpose, whether immediate or future, of sale or building development.]

32 **§ 77. [Department of Planning: Subdivisions – Approvals.]**

33 [(a) *Commission approval required.*]

34 [All plans for subdivision of land shall be filed for record with the Commission, and no
35 permits shall be issued by any department of the City for any work of any character
36 whatsoever, to be done in such subdivision of land, until the plan thereof shall have been
37 approved by the Commission as in conformity with the rules and regulations formulated
38 and published by the Commission.]

Council Bill 18-0264

1 [(b) *Deadline for decision.*]

2 [In the event the Commission shall fail to approve or disapprove any such subdivision
3 plan within thirty days from the date of submission thereof to the Commission, such plan
4 shall be deemed to have been approved by the commission unless the applicant waives
5 this requirement and consents to an extension of such period.]

6 § 78. [Department of Planning: Subdivision regulation – Recording.]

7 [Every plat showing a subdivision plan shall be filed among the Land Records of Baltimore
8 City and with the Department of Legislative Reference, but not until after the plan has been
9 endorsed with the approval of the Commission and of the Department of Transportation.]

10
11 § 80. [Department of Planning: Penalties.]

12 [Any person who shall violate any of the provisions or requirements of Sections 71 to 80
13 shall be guilty of a misdemeanor, and, upon conviction in any court of competent jurisdiction,
14 shall be fined as provided by law. Every day that such violation continues shall be deemed a
15 separate offense.]

16 *Department of Municipal and Zoning Appeals*

17 § 82. Board of Municipal and Zoning Appeals: Established; Composition, etc.

18 (a) *Composition, appointment, terms, qualifications.*

19 (1) The Board shall consist of five members, at least one of whom shall be a lawyer, AND
20 AT LEAST ONE ALTERNATE MEMBER, EACH OF WHOM [who] shall be appointed, must
21 be confirmed and shall serve pursuant to Article IV, Section 6 and State law.

22 (2) AN ALTERNATE MEMBER MAY SIT ON THE BOARD WHEN ANOTHER MEMBER OF THE
23 BOARD IS ABSENT OR RECUSED.

24 (3) WHEN AN ALTERNATE MEMBER IS ABSENT OR RECUSED, THE MAYOR MAY DESIGNATE
25 A TEMPORARY ALTERNATE.

26 (4) Each member of the Board shall be a registered voter and resident of the City at the
27 time, and during the term of, appointment.

28 § 83. Board of Municipal and Zoning Appeals: General powers and duties.

29 (b) *Rules of proceedings.*

30 The Board shall adopt rules for the conduct of its proceedings, which may be modified or
31 repealed BY THE BOARD OR BY ordinance. The rules shall be in writing and when adopted
32 shall be [immediately filed in the office of the Board and shall be a public record. A copy
33 thereof (and of any amendments thereto) shall also be] AVAILABLE TO THE PUBLIC AND
34 filed with the Department of Legislative Reference.

Council Bill 18-0264

1 (e) *Executive Secretary*[; *Staff*].

2 The Board shall appoint an Executive Secretary [and such other employees as may be
3 provided in the Ordinance of Estimates].

4 (f) [*Access to agency records.*]

5 [The Board shall have access, through its agents and employees, to the plats and records
6 of all other departments of the City.]

7 **§ 85. Board of Municipal and Zoning Appeals: Paving assessments.**

8 THE BOARD SHALL HEAR APPEALS CONCERNING THE ASSESSMENT OF FEES AND CHARGES FOR
9 THE PAVING OF A STREET, ALLEY, OR SIDEWALK AND SET AN AMOUNT THE BOARD
10 DETERMINES TO BE PROPER.

11 [(a) *Appeal to Board.*]

12 [Whenever the Department of Transportation levies an assessment or charge for the
13 paving of a street, alley, or sidewalk under § 116 of this article, the owner of the property
14 on which the assessment or charge is levied may, within 30 days of the mailing to the
15 owner of a notice of the assessment or charge, bring the assessment or charge to the
16 Board for its review.]

17 [(b) *Decision.*]

18 [On reasonable notice in accordance with its rules and this Charter, the Board shall:

19 (1) determine whether the assessment or charge is proper; and

20 (2) if not, set it at the amount that the Board determines to be proper.]

21 **§ 86. [Board of Municipal and Zoning Appeals: Review powers conferred by law.]**

22 [The Board shall have such additional powers to examine, review and revise acts or rulings of
23 other departments and officers of the City affecting the construction, alteration, use or
24 operation of land or buildings in the City or other charges as may from time to time be
25 conferred upon it by law, but the powers conferred upon it in the Charter shall not be
26 diminished or abridged by ordinance, nor may the Board be given power to review or alter
27 determinations of the Planning Commission.]

28 **§ 87. Board of Municipal and Zoning Appeals: Additional powers conferred by law.**

29 [The Board of Municipal and Zoning Appeals shall have and exercise all the rights, powers,
30 duties, obligations and functions conferred by law upon the Board of Zoning Appeals not
31 otherwise conferred by the Charter on other agencies of the City and not inconsistent with its
32 provisions.]

Council Bill 18-0264

1 (A) *IN GENERAL.*

2 THE BOARD BY ORDINANCE MAY BE GRANTED ADDITIONAL POWERS TO REVIEW
3 ADMINISTRATIVE ACTIONS, PROVIDED THE ADDITIONAL POWERS GRANTED ARE NOT
4 INCONSISTENT WITH THIS CHARTER OR LAW.

5 (B) *EXCEPTION.*

6 THE BOARD MAY NOT BE GRANTED THE POWER TO REVIEW OR ALTER THE DECISIONS OF
7 THE PLANNING COMMISSION.

8 **§ 88. Board of Municipal and Zoning Appeals: Judicial review.**

9 If any person, including the City and the Planning Commission, feeling aggrieved by any
10 decision of the Board within thirty days of a decision by the Board, appeals therefrom to the
11 Baltimore City Circuit Court, the Board shall forthwith transmit all papers, or copies thereof,
12 to the court, certified by its executive secretary.

13 [An appeal shall stay all proceedings in furtherance of the action appealed from. But
14 whenever, in the opinion of the Board, such stay would cause imminent peril to life or
15 property, or serious public inconvenience, it may ask the Circuit Court for an order vacating
16 such stay. From the findings of the Circuit Court in such cases, there shall be such appeal, if
17 any, as may be permitted by law.]

18 *Department of Legislative Reference*

19 **§ 90. Department of Legislative Reference: Established.**

20 There is a Department of Legislative Reference, the head of which shall be [a Board of
21 Legislative Reference] THE DIRECTOR OF LEGISLATIVE REFERENCE WHO SHALL SUPERVISE
22 AND DIRECT THE DEPARTMENT.

23 **§ 91. [Department of Legislative Reference: Director – Appointment, qualifications, etc.]**
24 **BOARD OF THE DEPARTMENT OF LEGISLATIVE REFERENCE.**

25 (A) *AD HOC BOARD.*

26 THERE IS A BOARD OF THE DEPARTMENT OF LEGISLATIVE REFERENCE, WHICH FROM TIME
27 TO TIME SHALL BE ESTABLISHED PURSUANT TO THIS SECTION.

28 (B) *COMPOSITION OF BOARD.*

29 (1) THE BOARD SHALL BE COMPOSED OF 3 MEMBERS. THE MAYOR, THE PRESIDENT OF
30 THE CITY COUNCIL, AND THE COMPTROLLER SHALL EACH APPOINT 1 MEMBER TO THE
31 BOARD.

32 (2) THE BOARD SHALL BE APPOINTED WITHOUT REGARD TO POLITICAL AFFILIATION, AND
33 IS NOT SUBJECT TO THE REQUIREMENTS OF ARTICLE IV, § 8. {"MINORITY PARTY
34 REPRESENTATION"} OF THIS CHARTER.

Council Bill 18-0264

1 (3) NO MEMBER OF THE BOARD MAY BE A CITY EMPLOYEE OR AN ELECTED OFFICIAL
2 OTHER THAN A MEMBER OF THE JUDICIARY.

3 (4) THE BOARD SHALL ELECT A CHAIR FROM AMONG ITS MEMBERS.

4 (C) *FILLING A VACANCY.*

5 (1) WHENEVER THE MAYOR AND THE PRESIDENT OF THE CITY COUNCIL FIND THAT THE
6 POSITION OF DIRECTOR OF LEGISLATIVE REFERENCE IS VACANT, THE BOARD SHALL BE
7 APPOINTED WITHIN 6 WEEKS OF THAT FINDING.

8 (2) THE BOARD SHALL BE RESPONSIBLE FOR ALL ACTIVITIES BY WHICH CANDIDATES TO
9 FILL THE VACANCY ARE SOLICITED, INVESTIGATED, INTERVIEWED, AND
10 RECOMMENDED FOR APPOINTMENT.

11 (3) THE BOARD SHALL RECOMMEND NO LESS THAN 2, AND NO MORE THAN 3, CANDIDATES
12 FOR APPOINTMENT TO THE MAYOR AND THE PRESIDENT OF THE CITY COUNCIL.

13 (4) UPON THE APPOINTMENT OF THE DIRECTOR OF LEGISLATIVE REFERENCE, THE BOARD
14 SHALL BE DEEMED DISSOLVED AND ITS WORK COMPLETED.

15 § 92. [§ 91.] Department of Legislative Reference: Director [– Appointment, qualifications,
16 etc.]

17 [(a) *Appointment; Tenure.*]

18 [The Director shall be appointed by the Board of Legislative Reference, shall be a
19 member of the Civil Service, shall hold office during good behavior, and shall be subject
20 to removal by a majority of the Board members for incompetence or neglect of duties.]

21 (A)[(b) *Head of Department;*] *Qualifications.*

22 [The Director of Legislative Reference shall supervise and direct the Department.]

23 The Director shall have substantial experience in law, legislative drafting, or library
24 administration.

25 (B) *APPOINTMENT.*

26 UPON RECEIPT OF A RECOMMENDATION BY AN AD HOC BOARD OF THE DEPARTMENT OF
27 LEGISLATIVE REFERENCE PURSUANT TO § 91(C) {"BOARD OF THE DEPARTMENT OF
28 LEGISLATIVE REFERENCE: FILLING A VACANCY"} OF THIS ARTICLE, A DIRECTOR MAY BE
29 APPOINTED BY THE AFFIRMATIVE VOTE OF BOTH THE MAYOR AND THE PRESIDENT OF THE
30 CITY COUNCIL.

31 (C) *REMOVAL.*

32 THE DIRECTOR MAY BE REMOVED FROM OFFICE BY THE AFFIRMATIVE VOTE OF BOTH THE
33 MAYOR AND THE PRESIDENT OF THE CITY COUNCIL.

Council Bill 18-0264

1 (D)[(c)] *Salary.*

2 The Director's salary shall be set in the Ordinance of Estimates.

3 **§ 93. [§ 92.] Department of Legislative Reference: Director – Powers and duties.**

4 The Director:

5 (a) *Legislative matters.*

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

9 accumulate data in relation to the practical operation and effect of such laws;

10 investigate and collect all available information relating to any matter which is the subject
11 of proposed legislation by the General Assembly of Maryland, or the City Council of
12 Baltimore;

13 examine acts, ordinances and records of any state or city, and report the result thereof to
14 the Mayor, any committee of the City Council or the head of any department requesting
15 the same;

16 prepare or advise in the preparation of any bill, ordinance or resolution when requested so
17 to do by any member of the City Council; and

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

21 (b) *Records and archives.*

22 shall keep all the books, documents, archives, records, official plats, papers and
23 proceedings of the City except those in current use or whose custody the Board of
24 Estimates shall by resolution otherwise direct or authorize;

25 carefully collect, arrange and safely keep a complete series of the ordinances, resolutions
26 and proceedings of the City;

27 receive and keep all other documents pertaining to the City which the Director may deem
28 of historic value or be instructed so to do by ordinance or by resolution of the Board of
29 Estimates;

30 [retain] PROVIDE FOR THE RETENTION OF such books, documents, papers, plats or archives
31 in the Department, [but permit] AND PROVIDE FOR their inspection and reproduction by
32 the public under such reasonable regulations and supervision as the Director may
33 prescribe;

Council Bill 18-0264

1 carefully prepare and keep an index of all books, papers, records and documents in the
2 custody of the Department; and

3 keep a current separate index of all rules and regulations of other departments and
4 agencies of the City.

5 (c) *Staff.*

6 may appoint such employees as may be provided in the Ordinance of Estimates.

7 (d) *Duties prescribed by law.*

8 perform such other duties as prescribed by law.

9 **[§ 93. Department of Legislative Reference: Board.]**

10 [The Board of Legislative Reference shall be comprised of

11 the Mayor,

12 the City Solicitor,

13 the President of the Johns Hopkins University,

14 the Deans of the University of Maryland and University of Baltimore Schools of Law,

15 a member of the City Council selected by the Council and

16 the Director of the Enoch Pratt Library.]

17 ***CIVIL SERVICE COMMISSION***

18 **§ 94. Civil Service Commission: Established.**

19 (a) *Appointment, term, qualifications.*

20 (1) There is a Civil Service Commission of three members who shall be appointed, must
21 be confirmed, and shall serve pursuant to Article IV, Section 6.

22 (2) ONE OF THE THREE MEMBERS OF THE COMMISSION SHALL BE RECOMMENDED BY THE
23 PRESIDENT OF THE CITY COUNCIL PRIOR TO APPOINTMENT.

24 (3) The terms of two members shall expire on the last day of the year in which the term of
25 the Mayor begins pursuant to Article IV, Section 1, and the four year term of the third
26 member shall expire two years thereafter.

27 (4) EACH MEMBER OF THE COMMISSION SHALL:

28 (I) BE A REGISTERED VOTER AND RESIDENT OF THE CITY AT THE TIME, AND
29 DURING THE TERM, OF APPOINTMENT;

Council Bill 18-0264

1 (II) HOLD A RELEVANT POST-GRADUATE DEGREE; AND

2 (III) POSSESS SUBSTANTIAL EXPERIENCE AND KNOWLEDGE OF LABOR AND
3 EMPLOYMENT ISSUES AND LAW.

4 (5) NO ONE HOLDING ANY PUBLIC OFFICE OF PROFIT MAY BE APPOINTED A MEMBER OF THE
5 COMMISSION.

6 [Each member of the Commission shall be a registered voter and resident of the City at
7 the time, and during the term, of appointment. All appointments to the Commission shall
8 be made from persons friendly to the merit system of appointment to office. No one
9 holding any public office of profit shall be appointed a member of the Commission.]

10 **§ 95. Civil Service Commission: Powers and duties.**

11 The Commission:

12 (a) shall advise the Mayor and Director OF HUMAN RESOURCES on personnel matters.

13 (b) shall provide to the Mayor and City Council at least annually a report on the
14 operations of the Commission.

15 (c) [shall review and approve the different groupings of positions having similar duties,
16 responsibilities and qualifications (“classifications”) that are used by the Department.]

17 (d) shall promulgate and make available to the public rules governing the operation of the
18 Commission.

19 (e) shall review and approve, before they become final, and make available to the public,
20 the rules of the Department OF HUMAN RESOURCES.

21 (f) shall provide a hearing, on written request, to any non-probationary member of the
22 Civil Service who has been discharged from the Civil Service, reduced in pay or
23 position, or suspended for longer than 30 days. If the Commission finds that the
24 intent and spirit of a provision of this Charter has been violated, it shall report its
25 findings to the Mayor; and the appointing officer shall take whatever action the
26 Commission directs to rectify the violation.

27 (g) may, if it determines after appropriate investigation, that any administrative head of
28 the City, including any commission or board, or any officer having the power of
29 appointment and removal in the Civil Service, has abused such power by making
30 appointments or removals for any reason other than the good of the public service, so
31 report to the Mayor.

32 (h) may appoint such hearing officers and other employees as provided in the Ordinance
33 of Estimates.

Council Bill 18-0264

- 1 (i) may, in the course of hearings, administer oaths, subpoena documents, summon
2 witnesses, and examine witnesses; and may delegate these powers to a commissioner
3 or hearing officer.
- 4 (j) shall render decisions within sixty days of the close of hearings unless the City
5 employee and City both agree to an extension. If the Commission fails to decide
6 within the sixty day time period, the decision of the hearing officer, if there is one,
7 shall be deemed to be the decision of the Commission.

§ 96. Civil Service Commission: Department of Human Resources – Established.

9 (a) *In general.*

10 There is a Department of Human Resources.

11 (b) [*Purpose*] **POWERS.**

12 The Department shall:

- 13 (1) [promote merit and fitness in City employment] PROPOSE TO THE COMMISSION
14 PERSONNEL AND CIVIL SERVICE RULES AND REGULATIONS FOR THE COMMISSION'S
15 APPROVAL;
- 16 (2) [ensure that appointments and promotions in the City's Civil Service are made,
17 and that salaries are established, without regard to political affiliation; and]
18 IMPLEMENT, MANAGE, AND ADMINISTER APPROVED REGULATIONS;
- 19 (3) [promote the efficient delivery of services to the public.] REVIEW AND APPROVE
20 DIFFERENT GROUPINGS OF POSITIONS HAVING SIMILAR DUTIES, RESPONSIBILITIES,
21 AND QUALIFICATIONS ("CLASSIFICATIONS") THAT ARE USED BY THE DEPARTMENT;
22 AND
- 23 (4) PERFORM ALL FUNCTIONS NECESSARY AND RELATED TO HUMAN RESOURCE
24 ADMINISTRATION AND MANAGEMENT REQUIRED BY THIS CHARTER, OTHER LAW,
25 AND REGULATION.

26 **§ 97. [Civil Service Commission: Department of Human Resources – Powers and duties.]**

27 [The Department:]

- 28 [(a) shall propose and submit to the Commission for final approval rules and regulations,
29 including rules and regulations governing probationary status, temporary and
30 emergency appointments, classifications, reclassifications, examinations, promotions,
31 demotions, transfers, reinstatements, discharges, and other discipline of employees.]
- 32 [(b) shall propose and submit to the Commission for final approval the different
33 classifications that are used by the Department. Such classifications shall assure that
34 City employees are hired and promoted based on ability, efficiency, character, and
35 industry ("merit"); and shall encourage the recruitment, training and supervision of
36 qualified employees. Classifications may be grouped into categories, which may

Council Bill 18-0264

1 include a general category for employees who are hired or promoted based, in part, on
2 the results of competitive or non-competitive examinations; a labor category for
3 unskilled or skilled laborers; and other categories that the Commission may deem to
4 be appropriate.]

5 [(c) subject to the exceptions in Section 99, shall assign to a classification each position
6 in the City to which appointments are made. The Department shall not assign a
7 position outside of the Civil Service without the approval of the Civil Service
8 Commission. All the classified positions shall constitute the Civil Service, and
9 appointments to positions in the Civil Service shall be made according to the rules of
10 the Commission.]

11 [(d) shall provide for competitive examinations, non-competitive examinations, and
12 other evaluative measures to assure that City employees are hired based on merit.]

13 [(e) shall provide for competitive examinations, non-competitive examinations, and other
14 evaluative measures, including conduct in office, demonstrated capacity, and
15 seniority, to assure that City employees are promoted based on merit.]

16 [(f) shall promptly certify to appointing officers lists of candidates eligible for
17 employment within each classification. The Commission, by rule:]

18 [1. shall determine when certifications shall include, in rank order, those persons
19 who have performed best on competitive examinations and when certifications
20 should include persons whose fitness has been otherwise established;]

21 [2. shall determine when and how the appointing officer shall fill a vacancy or
22 new position from the certifications; and]

23 [3. may provide that honorably discharged veterans of war, including disabled
24 veterans, may receive special credits for their service to the United States in
25 determining the qualifications and relative standing of applicants for City
26 positions.]

27 [(g) shall establish a period of probation not exceeding one year during which the
28 appointing officer may remove the employee at pleasure.]

29 [(h) shall propose to the Board of Estimates appropriate salaries and wages for each
30 classification.]

31 [(i) shall, in conjunction with the employing department, recruit, train and counsel Civil
32 Service members.]

33 [(j) may appoint such employees as provided in the Ordinance of Estimates.]

34 [(k) shall administer employee benefits and pre-employment screening programs as
35 directed by the Board of Estimates.]

Council Bill 18-0264

1 § 98. Civil Service Commission: Department of Human Resources – Director.

2 (a) *Head of Department; Qualifications.*

3 (1) The Director of Human Resources shall supervise and direct the Department.

4 (2) The Director shall have substantial experience in [personnel administration] HUMAN
5 RESOURCE MANAGEMENT.

6 § 99. Civil Service Commission: Civil Service positions.

7 EMPLOYEES OF THE CITY OF BALTIMORE SHALL BE MEMBERS OF THE CIVIL SERVICE, EXCEPT
8 AS MAY BE PROVIDED BY LAW OR BY CIVIL SERVICE RULES AND REGULATIONS.

9 [(a) *Positions included.*]

10 [1. All employees of the City of Baltimore, except as otherwise provided by the Charter
11 or State law, shall be members of the Civil Service, with the exception of:]

12 [a. elected officials and those employees whom the elected officials have
13 designated as members of their personal staffs.]

14 [b. Assistant City Solicitors.]

15 [c. with the exception of the Director of the Department of Legislative Reference,
16 directors, or by whatever other name the chief administrative officer may be
17 known, and the deputy directors, of all departments of the City.]

18 [d. all members of boards and commissions.]

19 [e. all professional employees of the Department of Education.]

20 [f. persons in positions of temporary or seasonal employment.]

21 [g. persons who, in the judgment of the Civil Service Commission, exercise
22 policy-making discretion or occupy a position of special trust and confidence
23 that is inconsistent with membership in the Civil Service.]

24 [2. Any dispute about whether a position is within the Civil Service shall be finally
25 resolved by the Commission.]

26 [(b) *Reemployment of director or deputy.*]

27 [Upon leaving a position of director or deputy director, one who relinquished Civil
28 Service status to assume that position shall, on application and with approval of the
29 Commission, be placed on the re-employment list for his or her former classification.]

Council Bill 18-0264

1 § 100. Civil Service Commission: Discharges, etc.; Reductions in force.

2 (a) *Discharges, suspensions, reductions in pay or position.*

3 [(1)] No person may be discharged from the Civil Service, reduced in pay or position, or
4 suspended because of political opinions or affiliations, or for refusing to contribute to
5 any political fund or refusing to render any political service. But nothing in this
6 Charter relating to the Civil Service forbids the discharge, reduction in pay or
7 position, or suspension of an officer or employee for any just cause.

8 [(2)] Whenever a non-probationary employee is discharged, reduced in pay or position, or
9 suspended for more than 30 days, the appointing officer shall furnish a copy of the
10 order of discharge, reduction, or suspension, together with a statement of the reasons
11 for the action, to the employee and to the Commission.]

12 [(3)] The employee may contest the action by:

13 (i) requesting a hearing before the Commission; or

14 (ii) initiating a grievance pursuant to an applicable grievance and arbitration
15 procedure, if any, contained in an applicable collective bargaining agreement.]

16 [(4)] Once an employee has chosen to contest an action by electing one of the procedures
17 specified in paragraph (3) of this subsection, the employee is bound by that election
18 and may not subsequently choose to follow a different procedure.]

19 [(5)] In all cases, except one in which an employee elects to contest an action through a
20 grievance and arbitration procedure under paragraph (3)(ii) of this subsection, the
21 Commission may, and on the written request of the employee, the Commission shall
22 investigate the disciplinary action. If the Commission finds that the intent and spirit
23 of the provisions of this Charter have been violated in the discharge, reduction, or
24 suspension, it shall report its findings to the Mayor; and the appointing officer shall
25 take whatever action the Commission directs to rectify the violation.]

26 [(b) *Reductions in force – Reemployment preference.*]

27 [Each person discharged for the purpose of reducing the force and without fault shall
28 receive a certificate so stating and all persons so discharged shall be placed on the eligible
29 list in the order of the length of their service in their classifications at the time of being
30 laid off and in other classifications the civil service in which they may have served
31 previously. The weight to be given to length of service in their last classification and in
32 prior classifications shall be determined in accordance with the rules of the Commission.
33 Persons so discharged shall have preference in the order of their seniority over others on
34 the eligible list, subject, however, to the terms of the next subsection and to any priority
35 to which any person may be entitled by virtue of any preference to veterans or their
36 dependents.]

Council Bill 18-0264

1 (B) [(c)] *Reductions in force* [*– Seasonal and part-time employees*].

2 THE DISPOSITION OF EMPLOYEES DISCHARGED AS A RESULT OF A REDUCTION OF FORCE
3 SHALL BE DETERMINED BY CIVIL SERVICE RULES AND REGULATIONS.

4 [In the case of classes of seasonal or part-time employees the Commission, after notice
5 and a public hearing, may adopt rules excluding them from, or limiting the application to
6 them of, the preference contained in the preceding subsection.]

7 **§ 101. [Civil Service Commission: Roster of Service employees.]**

8 [(a) *Commission to keep; Contents.*]

9 [The Commission shall keep in its office an official roster of the Civil Service, and shall
10 enter thereon the name of every person who has been appointed, employed, promoted,
11 reduced, transferred or reinstated in any Civil Service position.]

12 [This roster shall be open to public inspection at all reasonable hours, and shall show in
13 connection with each name the date of appointment, employment, promotion, reduction,
14 transfer or reinstatement and the compensation of the position, its title, the nature of the
15 duties thereof and the date and cause of any termination of such office or employment.]

16 [(b) *Reports to Commission.*]

17 [It shall be the duty of each appointing officer to report to the Commission forthwith,
18 upon the appointment or employment of any person in the Civil Service, the name of the
19 appointee or employee, the title and character of the office or employment, the date of
20 commencement of service, and to report the separation of a person from the service, or
21 other change in status and other information that the Civil Service Commission may
22 require in order to keep the roster.]

23 [(c) *Salary contingent on roster listing.*]

24 [It shall be unlawful, after notice from the Commission for the Department of Finance to
25 pay any salary or compensation to any officer, clerk, employee or other person in the
26 Civil Service whose name does not appear upon the roster as being in the employ of the
27 City.]

28 **§ 103. Civil Service Commission: Abolished positions.**

29 THE DISPOSITION OF EMPLOYEES HOLDING CIVIL SERVICE POSITIONS THAT MAY BE
30 ABOLISHED SHALL BE DETERMINED BY CIVIL SERVICE RULES AND REGULATIONS.

31 [Any person holding any position in the Civil Service which may be abolished by the
32 adoption of any amendment to the Charter or in any other lawful manner, shall be placed
33 upon the reemployment list for the classification to which the abolished position belonged in
34 accordance with Sections 100 and 101; or if no position of the same classification as that of
35 the position abolished shall remain in the Civil Service after the abolition of the position, the
36 person shall be placed on the reemployment list for a position that, in the judgment of the
37 Civil Service Commission, shall most nearly approximate the position abolished.]

Council Bill 18-0264

1 [No position shall be deemed to be abolished by reason of being transferred or placed in or
2 under a different municipal agency without substantial change in the nature of the actual
3 duties of the position.]

4 **§ 104. [Civil Service Commission: Penalties.]**

5 [Any violation of any of the provisions of the Charter relating to the Civil Service, or any
6 willful use of any corrupt means in connection with any examination, appointment,
7 promotion, reduction, transfer or reinstatement shall be deemed a misdemeanor and, upon
8 conviction in a court of competent jurisdiction, shall be punished by a fine or by
9 imprisonment as provided by law.]

10 **DEPARTMENT OF TRANSPORTATION**

11 **§ 116. Powers and duties of Department.**

12 (b) *Street construction and maintenance.*

13 (3) Before paving or repaving a street, the Director of Transportation shall [give notice in
14 one or more daily City newspapers that,] ENSURE ADEQUATE PUBLIC NOTICE not less
15 than 90 days from the first publication date, the Department will proceed with the
16 paving or repaving and warning all persons to obtain permits for and to complete
17 before that day all work that might involve the digging up of the street.

18 **§ 116B. [Correcting physical obstruction.]**

19 [(a) *Correction required.*]

20 [Any person who has, in, over, or under a public street in Baltimore City, any building,
21 structure, conduit, drain, main, pipe, track, work, or other physical obstruction that blocks
22 or impedes the work of the Department shall, on reasonable notice from the Department,
23 promptly shift, adjust, or remove it, at that person's expense, to fully meet the exigencies
24 described in the notice.]

25 [(b) *Condemnation.*]

26 [The City is empowered, when the exigencies of the Department's work require, to secure
27 the condemnation of the physical obstruction as provided in Article II of this Charter.]

28 **COMPENSATION COMMISSION FOR ELECTED OFFICIALS**

29 **§ 117. Definitions.**

30 (d) *Elected official.*

31 "Elected official" means:

32 (1) the Mayor;

33 (2) the City Comptroller;

Council Bill 18-0264

1 (3) the President of the City Council; [and]

2 (4) the Members of the City Council; AND

3 (5) THE STATE'S ATTORNEY FOR BALTIMORE CITY.

4 ***DEPARTMENT OF GENERAL SERVICES***

5 **§ 134. [Correcting physical obstruction.]**

6 [(a) *Correction required.*]

7 [Any person who has, in, over, or under a public street in Baltimore City, any building,
8 structure, conduit, drain, main, pipe, track, work, or other physical obstruction that blocks
9 or impedes the work of the Department shall, on reasonable notice from the Department,
10 promptly shift, adjust, or remove it, at that person's expense, to fully meet the exigencies
11 described in the notice.]

12 [(b) *Condemnation.*]

13 [The City is empowered, when the exigencies of the Department's work require, to secure
14 the condemnation of the physical obstruction as provided in Article II of this Charter.]

15 **Article VIII. Franchises**

16 **§ 4. [Street railways.]**

17 [The Board of Estimates, subject to ratification and approval by ordinance, is empowered to
18 agree with any street railway company for the surrender of any of its franchises, easements or
19 rights-of-way, and in substitution for the franchise, easement or right-of-way so surrendered
20 to grant a new franchise, easement or right-of-way on any street, and which may be for the
21 same duration as the franchise, easement or right-of-way surrendered; and to provide, in
22 appropriate cases, for a graduated park tax, as prescribed by Chapter 566 of the Acts of the
23 General Assembly of 1906.]

24 **§ 5. [Trackless trolleys.]**

25 [The City may, by ordinance, permit any street railway company to operate under its existing
26 franchises vehicles propelled by electricity furnished by overhead wires but not operated
27 upon rails, and any such grant heretofore made is hereby ratified and confirmed.]

28 **§ 6. [Advertising.]**

29 [Before any grant of the franchises or right to use any street, or other public property, either
30 on, above or below the surface of the same shall be made, the proposed specific grant, except
31 as provided in the second paragraph of Section 2 of this Article VIII, embodied in the form of
32 a brief advertisement, prepared by the Board of Estimates, at the expense of the applicant,
33 shall be published by the Comptroller for at least three days in one daily newspaper published
34 in Baltimore City to be designated by the Board of Estimates, and all the provisions of the
35 first paragraph of Section 2 of this Article VIII shall be complied with.]

Council Bill 18-0264

ARTICLE X. CHARTER REVIEW COMMISSION

§ 1. COMMISSION ESTABLISHED.

A CHARTER REVIEW COMMISSION MAY BE APPOINTED FROM TIME TO TIME PURSUANT TO THE REQUIREMENTS OF THIS ARTICLE BUT AT LEAST ONCE EVERY 10 YEARS FOLLOWING THE ADOPTION OF THIS ARTICLE IN NOVEMBER 2018.

§ 2. APPOINTMENT.

A CHARTER REVIEW COMMISSION SHALL BE APPOINTED NO LATER THAN MAY 1 IN THE YEAR PRECEDING A CONGRESSIONAL ELECTION AND COMPLETE ITS WORK, AS PROVIDED IN THIS ARTICLE, NO LATER THAN MAY 1 IN THE YEAR FOLLOWING ITS APPOINTMENT.

§ 3. COMPOSITION.

(A) IN GENERAL.

- (1) THE COMMISSION SHALL BE COMPOSED OF 9 REGISTERED VOTERS OF THE CITY APPOINTED WITHOUT REGARD TO POLITICAL AFFILIATION.
- (2) THE MAYOR, THE PRESIDENT OF THE CITY COUNCIL, AND THE COMPTROLLER SHALL EACH APPOINT 3 MEMBERS TO THE COMMISSION.
- (3) EXCEPT FOR A MEMBER OF THE JUDICIARY, NO PERSON WHO HOLDS ELECTED OFFICE MAY BE APPOINTED TO THE COMMISSION.

(B) CHAIR.

THE CHAIR OF THE COMMISSION SHALL BE ELECTED FROM, AND BY, THE COMMISSION MEMBERS.

(C) ADVISORY BODY.

AT THE DISCRETION OF THE COMMISSION, AN ADVISORY BODY MAY BE APPOINTED TO ASSIST THE COMMISSION IN ITS DUTIES.

§ 4. DUTIES.

(A) RECOMMEND CHARTER CHANGES.

THE COMMISSION SHALL REVIEW THE PROVISIONS OF THIS CHARTER AND MAKE RECOMMENDATIONS AS TO THE NECESSITY FOR DELETING, ADDING TO, OR REVISING ANY PORTION OF ITS CONTENTS.

(B) PUBLIC HEARING REQUIRED.

DURING ITS DELIBERATIONS, THE COMMISSION SHALL HOLD AT LEAST 1 PUBLIC HEARING TO RECEIVE PUBLIC TESTIMONY CONCERNING THE WORK OF THE COMMISSION.

Council Bill 18-0264

1 **§ 5. REPORT TO THE MAYOR AND CITY COUNCIL.**

2 (A) *WRITTEN REPORT.*

3 THE COMMISSION SHALL DELIVER A WRITTEN REPORT CONTAINING ITS
4 RECOMMENDATIONS TO THE MAYOR AND CITY COUNCIL.

5 (B) *CITY COUNCIL HEARING.*

6 THE CITY COUNCIL SHALL CONVENE A PUBLIC HEARING AT WHICH THE COMMISSION
7 SHALL PRESENT ITS REPORT AND RECOMMENDATIONS.

8 **§ 6. DISSOLUTION.**

9 UPON COMPLETING THE ACTIVITIES REQUIRED IN § 5 {"REPORT TO THE MAYOR AND CITY
10 COUNCIL"} OF THIS ARTICLE, THE COMMISSION SHALL BE DEEMED DISSOLVED AND ITS WORK
11 COMPLETED.

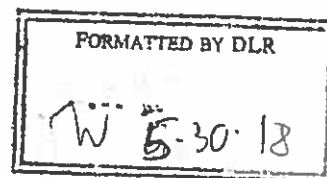
12 **SECTION 2. AND BE IT FURTHER RESOLVED**, that these amendments to the City Charter shall
13 become effective on January 1, 2020, except as is hereafter provided.

14 **SECTION 3. AND BE IT FURTHER RESOLVED**, that the amendments to Article VII, Sections
15 90, 91, 92, 93, and 117 of the City Charter shall become effective on January 1, 2019.

16 **SECTION 4. AND BE IT FURTHER RESOLVED**, that the Director of Legislative Reference
17 holding office at the time the amendments to Article VII, Sections 90, 91, 92 and 93 become
18 effective shall remain in the office until, pursuant to the amendments, reappointment or the
19 appointment of a successor.

20 **SECTION 5. AND BE IT FURTHER RESOLVED**, that these proposed amendments to the City
21 Charter be submitted to the legal and qualified voters of Baltimore City, for adoption or rejection,
22 in accordance with Article XI-A, § 5 of the Maryland Constitution, in the form specified by the
23 City Solicitor.

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____
(Charter Amendment)



Introduced by: The Council President
At the request of: The Administration (Mayor's Charter Review Commission)

A RESOLUTION ENTITLED

A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

Charter Amendment – Charter Commission General Recommendations

FOR the purpose of increasing the City's record keeping flexibility; repealing an obsolete provision regarding the City's official time; improving the City's legislative and administrative flexibility by removing redundant Charter provisions and language more appropriate for ordinances or regulations; removing Charter provisions found to simply restate applicable State law; requiring the Department of Finance to employ at least 1 Certified Public Accountant to perform certain duties; allowing certain agencies to be designated by law to approve the withdrawal of City monies from depositories; removing certain formal lien requirements from the Charter; clarifying that the review of disciplinary matters by the Board of Fire Commissioners is at the request of the Fire Chief; clarifying the authority of the Mayor to appoint the Board of Recreation and Parks; modernizing various public notice provisions, including removing mandatory requirements for notice to be published in a newspaper of general circulation in Baltimore City; simplifying requirements related to the City's Master Plan; removing certain penalties relating to the Department of Planning from the Charter; conforming to State law requiring alternate members be made available for the Board of Municipal and Zoning Appeals; allowing the Board of Municipal and Zoning Appeals to change its rules internally; removing the Board of Municipal and Zoning Appeals' authority to appoint employees other than its Executive Secretary; updating the Board of Municipal and Zoning Appeals' powers for reviewing paving assessments and other matters; conforming a provision relating to appeals from Board of Municipal and Zoning Appeals' decisions to State law; replacing the Board of Legislative Reference with an ad hoc board appointed by the Mayor, the President of the City Council, and the Comptroller; allowing the newly restructured ad hoc Board of Legislative Reference to make recommendations regarding the hiring of a Director of Legislative Reference; removing the Civil Service status of the Director of Legislative Reference; making the Director of Legislative Reference removable for any reason rather than just for incompetence or neglect of duties; allowing the Mayor and the President of the City Council to jointly appoint and remove the Director of Legislative Reference; allowing the President of the City Council to recommend 1 of the 3 Civil Service Commissioners; updating the required qualifications for Civil Service Commissioners; formally transferring many of the powers formerly belonging to the Civil Service Commission to the Department of Human Resources to improve

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

administrative flexibility; allowing the Department of Human Resources to transfer employees into and out of the Civil Service by regulation, and to adjust Civil Service protections administratively, to increase flexibility in personnel management; updating the required qualifications for the Director of Human Resources; removing certain penalties relating to the Civil Service Commission from the Charter; adding the State's Attorney for Baltimore City to the list of elected officials covered by the Compensation Commission for Elected Officials; removing certain obsolete provisions regarding street railways, trackless trolleys, and advertising from the Franchises Article; establishing a procedure for regularly appointing Charter Review Commissions to review the Charter and make recommendations as to the necessity for deleting, adding to, or revising any portion of its contents; requiring the appointment of a Charter Review Commission at least once every 10 years; requiring that the Charter Review Commission publically report on its findings to the Mayor and City Council; clarifying and conforming related provisions; setting special effective dates for the proposed Charter amendments; and submitting this amendment to the qualified voters of the City for adoption or rejection.

BY proposing to amend
Article I - General Provisions
Section(s) 7, 8, and 10
Baltimore City Charter
(1996 Edition)

BY proposing to amend
Article VII - Executive Departments
Section(s) 3, 10, 11(a), 12 to 15, 18(a) and (c), 30, 37, 41, 42, 51, 52, 53(c) and (g), 69(a), 72(g) and (h), 74 to 78, 80, 82(a), 83(b), (e), and (f), 85 to 88, 90 to 93, 94(a), 95 to 97, 98a, 99, 100, 101, 103, 104, 116(b)(3), 116B, 117(d), and 134
Baltimore City Charter
(1996 Edition)

BY proposing to amend
Article VIII - Franchises
Section(s) 4 to 6
Baltimore City Charter
(1996 Edition)

BY proposing to add
Article X - Charter Review Commission
Section(s) 1 to 6
Baltimore City Charter
(1996 Edition)

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

Baltimore City Charter

Article I. General Provisions

§ 7. Records[; Reports]

(A) RECORD KEEPING.

THE MAYOR AND CITY COUNCIL SHALL PROVIDE FOR APPROPRIATE RECORD KEEPING.

(B) PUBLIC INSPECTION.

THE PUBLIC SHALL HAVE THE RIGHT TO INSPECT PUBLIC RECORDS IN ACCORDANCE WITH STATE LAW.

[(a) Required maintenance; Admissibility; Public inspection.]

[A suitable record of all the proceedings, financial transactions and official acts of all municipal agencies, shall be kept, and a certified copy of the record, or any part thereof, under the corporate seal of the City shall be admissible in evidence in any court of this State as proof of such record, or a part thereof. A record shall be available for public inspection unless otherwise expressly ordered by the head of the agency or the municipal officer by or on behalf of whom the record is kept; and in the event that written demand shall be made for the public disclosure of any matter deemed confidential by the head of an agency or by a municipal officer, the demand shall at once be referred to the Board of Estimates and the Board, after consultation with the City Solicitor as to the legal propriety of its action, may order the demanded disclosure to be made in whole or in part.]

[(b) Microfilm, etc.]

[The City may provide by ordinance for the making and keeping of all or some records on microfilm or by other method of reproduction and, when so made, for the destruction of the original records. Any such reproduction or print therefrom shall be in all respects the equivalent of the original from which made, and when authenticated as above provided shall be admissible in evidence in any court of this State as proof of that record, or part thereof.]

[(c) Annual report; Other information.]

[Unless otherwise directed by the Board of Estimates, every municipal agency of the City shall prepare annually a written report of its work and proceedings. A copy of each report shall be filed with the Mayor and a copy shall also be filed with the Department of Legislative Reference; additional copies of each report, or parts thereof, shall be prepared and made available as from time to time may be directed by the Board of Estimates.]

[Upon request of the Mayor or Board of Estimates every municipal agency shall promptly supply the Mayor or the Board with all requested information with respect to the practice and proceedings of the agency; provided, however, that this information need not be given with respect to any undetermined policy or opinion, nor shall the Board of Municipal and Zoning Appeals make any disclosure as to any pending appeal other than to furnish a copy of the testimony and papers filed with it pertaining to that appeal.]

§ 8. [Official time.]

[The official time of the City of Baltimore shall conform to standard time based upon the time of the seventy-fifth meridian, except that, from two o'clock a.m. of the last Sunday in April until two o'clock a.m. of the last Sunday in September of each year, the official time throughout the City of Baltimore shall be advanced one hour, and all courts, public offices, legal and official proceedings, insofar as the same are subject to or under the control of the Mayor and City Council of Baltimore, shall be regulated thereby, and all time shown by the public clocks shall agree therewith. Provided, however, that the Mayor and City Council by

ordinance passed not less than fifteen days before the change would become effective, may extend the period during which the one hour variation from standard time shall be effective in any year or years. The extension may be to change the advance in time up to two o'clock a.m. on the last Sunday in March, or back to two o'clock a.m. on the last Sunday in October, or both such changes, or any portion or portions of either. Any such extension may be provided only if other municipalities or sections of the United States shall have made such a change, and in the opinion of the Mayor and City Council thereby have caused inconvenience and annoyance to the commercial, economic, industrial or social affairs of the residents of Baltimore City.]

§ 10. Affordable housing funds.

[(a) Authorization.]

By Ordinance, the Mayor and City Council of Baltimore may establish 1 or more continuing, nonlapsing funds for purposes of promoting economically diverse housing in City neighborhoods, including:

- (1) providing assistance, by loan, grant, or otherwise, for the planning, production, maintenance, or expansion of affordable housing in the City;
- (2) providing assistance, by loan, grant, or otherwise, to persons unable to obtain affordable housing; and
- (3) otherwise increasing housing opportunities for working families and other persons of low and moderate income.

[(b) Revenue sources.]

[A fund established under this section may comprise:]

- [(1) money appropriated to the fund in the annual Ordinances of Estimates; and]
- [(2) grants or donations made to the fund.]

[(c) Continuing nature of fund.]

[Notwithstanding any other provision of this Charter, unspent portions of a fund established under this section:]

- [(1) remain in the fund, to be used exclusively for their ordained purposes;]
- [(2) do not revert to the general revenues of the City; and]
- [(3) their appropriations do not lapse.]

Article VII. Executive Departments

General Provisions

§ 3. General provisions: Bureaus and divisions.

[(a) Establishment or abolishment.]

With the approval of the Board of Estimates, the head of a municipal department (except as otherwise provided for the Department of Public Works), commission, or board provided for by the Charter may establish and abolish bureaus and divisions within that department, commission or board.

Bureaus in the Department of Public Works shall be established or abolished from time to time by an ordinance which shall have been recommended to the City Council by the Board of Estimates and shall have been duly passed by the City Council by a majority vote of its members and shall have been approved by the Mayor.

[(b) *Allocation of powers and duties.*]

[Subject to the authority of the Board of Estimates, the head of any department, commission, or board may assign among the bureaus or divisions in that department, commission, or board, duties and powers of that department, commission, or board. A board or commission may act under this subsection only by the majority vote of its membership.]

Department of Finance

§ 10. [Department of Finance: Disbursements.]

[The Department shall have general supervision and charge over all payments and disbursements made by the City and no payment or disbursement shall be made by the City without the approval of the Department.]

§ 11. Department of Finance: Accounting.

(a) *In general.*

(1) The Department shall keep all general accounts of the City, prepare the City's financial statements, and maintain an adequate system of accounting that, at all times, reflects the actual financial condition of the City resulting from income accrued and liabilities incurred, property owned, and funded obligations, estimated revenue and authorized appropriations, cash received and disbursed, among other factors. The Department shall also maintain complete physical and cost records of all property owned by the City, including perpetual inventory records itemizing materials and supplies on hand.

(2) THE DEPARTMENT SHALL EMPLOY AT LEAST 1 CERTIFIED PUBLIC ACCOUNTANT IN THE PERFORMANCE OF THESE DUTIES.

§ 12. Department of Finance: Collections, deposits, withdrawals, etc.

(a) *In general.*

[The] UNLESS OTHERWISE PROVIDED BY LAW, THE Director shall receive, collect, and account for all moneys due the City and deposit these moneys in depositories selected by the Board of Finance.

(b) *Withdrawals.*

[The] UNLESS OTHERWISE PROVIDED BY LAW, THE Director shall approve the withdrawal of City moneys from its depositories.

(c) *Required signatures for checks.*

Unless otherwise provided by law, all checks of the City shall be signed by the Director or Deputy Director, and counter-signed by the Mayor, except payroll, pension, and similar checks, which shall bear the signatures of the Director or Deputy Director and of a person in the Department of Finance designated by the Director to sign as disbursing officer; such designation shall be made in writing by the Director and filed with all banks on which such checks are drawn. Any signature on checks of the City may be manual or facsimile.

[(d) *Local and state taxes.*]

[In addition to collecting all taxes and assessments levied or made by the City, the Director shall collect such State taxes and perform such other duties for the State as may be prescribed by law. The salary provided the Director in the Ordinance of Estimates shall include compensation for collecting State taxes and such other duties as the Director may perform for the State.]

[After the levy of the full rate property tax has been made, the Director shall prepare the tax bills and shall have them ready for payment by the taxpayers on the first day of the fiscal year for which the levy is made or as soon thereafter as is possible. To encourage the payment of taxes prior to the date on which they become in arrears, the Department shall allow such discounts upon payment prior to such date as may be provided by law.]

§ 13. Department of Finance: Lien records.

[(a) *Keeping records; Issuing lien certificates.*]

The Department shall keep a record of all municipal charges and assessments and shall provide for the issuance of a lien certificate stating whether any, and, if so, what municipal charges or assessments exist against any particular property. The Department shall make such charge for the issuance of a lien certificate as may be fixed by the Board of Estimates.

[(b) *Contents of certificates; Charges constitute liens.*]

[A lien certificate shall show all charges and assessments of every character due the City, including State and City taxes and special paving tax, water and sewer billings, street benefit assessments, minor privilege charges, charges for street, alley and footway paving, sewerage connections, nuisance abatements and other charges. All of the charges and assessments shall be liens, until paid, against the property named in the lien certificate; provided that no then existing charge shall be a lien against a property after the issuance of a lien certificate for that property unless that charge be shown on the lien certificate.]

[(c) *Tax lien records.*]

[The Department shall maintain at all times tax lien records that record tax liens and all other municipal liens. The tax lien records shall show the location of the property, the character of the liens against the property, and the amount of the liens as of the date of recording. After a lien shall have been recorded in the tax lien records, it shall remain a

lien until paid and no statute of limitations shall operate as a bar to the collection of the lien.]

§ 14. [Department of Finance: Notices of lien.]

[The Director shall provide notice of a lien to a property owner as provided by law.]

§ 15. [Department of Finance: Distraint or levy for taxes.]

[(a) *Good or chattels – Notice of proposed sale.*]

[Whenever the Director shall distraint or levy upon any goods or chattels in Baltimore City for nonpayment of any taxes, state or municipal, due by the owner thereof, before making sale of property so distrained or levied upon, the Director shall give notice as required by law, including notice by advertisement published twice a week for one week prior to the day of sale, and also on the day of sale, in three of the daily newspapers published in the City, that the Director will sell for cash, at public auction, to the highest bidder, on the day and at the time and place mentioned in the advertisement, the property therein specified, unless on or before the day of sale the entire amount of taxes for which such distraint or levy shall have been made, with interest thereon, and costs of making the levy and advertisement, shall be paid.]

[(b) *Goods or chattels – Application of proceeds.*]

[Whenever the Director shall sell any goods or chattels levied or distrained upon for taxes, state or municipal, in Baltimore City, after due advertisement as required in the preceding paragraph, the Director shall retain out of the proceeds of sale the amount of taxes due from the delinquent, for which the levy or distraint shall have been made, with interest thereon, and all costs incurred in making the sale, and shall pay over the surplus, if any, to the owner of the property so levied upon and sold.]

[(c) *Other sales.*]

[All other sales of real or personal property, or interests therein, for nonpayment of taxes or other charges shall be conducted by such persons and in such manner as may be prescribed by law.]

§ 18. Department of Finance: Registrar of debt; Custodian of funds and securities; Keeper of Seal.

(a) *Registrar of debt; Custodian of funds and securities.*

The Director shall be the registrar of the public debt and responsible for all moneys and securities belonging to the City including the actuarial retirement systems and shall provide for the safekeeping and transfer of stocks, bonds, and securities owned or held by the City or any agency thereof[, provided, however, that the designation of depository institutions shall be as set forth in Article VII, Section 21(b)].

[To help the Director discharge the Director's duties as custodian of the moneys and securities of the actuarial retirement systems of the City, the administrators of those systems shall provide the Director with the financial information and assurances that he may request. The Director, acting under the supervision of the Board of Estimates, may contract with banks or trust companies that have appropriate charter authority to be

custodians of cash and securities of the retirement systems. The Director shall have no personal liability for the performance, lack of performance, misfeasance or malfeasance of a bank or trust company so selected.]

(c) *Keeper of City Seal.*

The Director or the Director's delegate, designated in writing by the Director, shall have charge of the corporate seal of the City [and shall use it in all cases where the use of the seal is required by federal or State laws, ordinances, or the uses and customs of nations, and shall charge a fee as may be fixed from time to time by the Board of Estimates for each impression of the seal except such as shall be affixed to or impressed upon documents for the City].

Department of Public Works

§ 30. [Department of Public Works: Supervision of public works.]

[The Director shall supervise all public works in Baltimore City or elsewhere, made by or for the City or any municipal agency, that relate to the Department's powers under this Charter. All plans and specifications for these public works, including those involving engineering questions, shall be submitted to the Director for approval.]

§ 37. [Department of Public Works: Testing.]

[At the request of a municipal agency, the Department shall test materials and supplies purchased or used by the agency.]

§ 41. [Department of Public Works: Correcting physical obstruction.]

[(a) *Correction required.*]

[Any person who has, in, over, or under a public street in Baltimore City, any building, structure, conduit, drain, main, pipe, track, work, or other physical obstruction that blocks or impedes the work of the Department shall, on reasonable notice from the Department, promptly shift, adjust, or remove it, at that person's expense, to fully meet the exigencies described in the notice.]

[(b) *Condemnation.*]

[The City is empowered, when the exigencies of the Department's work require, to secure the condemnation of the physical obstruction as provided in Article II of this Charter.]

§ 42. [Department of Public Works: Assistance to other agencies.]

[On the request of the head of a municipal agency, the Director shall:]

[(1) supply estimates of the cost of work proposed to be done for that agency during the next fiscal year; and]

[(2) perform services for the municipal agency of the same general character as those carried on by the Department, the cost of which shall be charged to the agency requesting the services and shall be paid out of the funds appropriated to it.]

Fire Department

§ 51. Fire Department: Board of Fire Commissioners – Powers and duties.

(a) *Advise Chief.*

The Board generally shall advise the Chief.

(b) *Review disciplinary policies.*

[The] AT THE REQUEST OF THE CHIEF, THE Board shall review the disciplinary policies and practices of the Department and make appropriate recommendations to the Chief.

(c) *Investigations of Department conduct.*

(1) In giving advice, the Board may investigate all matters affecting the conduct of the Department.

(2) IT SHALL BE THE SOLE DISCRETION OF THE CHIEF WHETHER TO ACCEPT THE RECOMMENDATIONS MADE RELATED TO INVESTIGATIONS UNDER THIS SUBSECTION.

[(d) *Appeal panels.*]

[The Board may sit in panels of not less than two to hear appeals under the Fire Prevention Code.]

§ 52. [Fire Department: Board of Fire Commissioners – Retirement of employees.]

[As to employees not covered by the Employees' Retirement System or the Fire and Police Employees' Retirement System of the City, the Board may retire from office in the Department any permanent or call member thereof who has become permanently disabled, while in the actual performance of duties, from risks taken in the performance of those duties and not due to any wilful misconduct on the member's part, or who has performed faithful service in the Department for a period of not less than twenty consecutive years, or who may become unable to perform further service by reason of age or other physical or mental disabilities, and place the member so retired upon a pension roll. The amount of such annual pension to be allowed by the Board to each pensioner shall be equal to one-half the yearly salary received by members of the Department in active service in the same grade or occupying the same position as, or position most similar to, that occupied by the pensioner at the time of his retirement, payable in monthly installments. The Board may also provide for the relief of widows and children of members of the Department who may have been killed in the discharge of their duties or have died as a result of injuries sustained in the performance of their duties, provided that the injuries were caused solely by risks taken in the performance of their duties and not due to the wilful misconduct of the deceased.]

[The annual amount which shall be paid to the widows and/or to the children under the age of 18 years, of members of the Department who may have been killed in the discharge of their duties or have died as a result of injuries sustained in the performance of their duties shall be in the discretion of the Board, but shall not exceed the full amount of the yearly salary received by members of the Department in active service in the same grade and occupying the same position as, or position most similar to, that occupied by the deceased at the time of his death, payable in monthly installments.]

[The Board may also provide for the relief of unremarried widows, by marriages existing at the time of retirement or death, of employees of the Department who are not members of the Employees' Retirement System or the Fire and Police Employees' Retirement System who die, whether death occurs before or after their retirement, subject to the Ordinance of Estimates. The annual amount which shall be paid to such widow of such a deceased member shall not exceed fifty per centum (50%) of the yearly pension to which such deceased member would have been entitled to receive had that member lived and been retired under the provisions of this section.]

[The City Council may provide by ordinance a system of benefits payable to the unremarried widows and children under age 18 of persons who were employees or retired employees of the Department who were not members of the Employees' Retirement System or the Fire and Police Employees' Retirement System and who died or retired prior to June 7, 1963, subject to such exceptions, conditions, restrictions and classifications as may be provided therein.]

§ 53. Fire Department: Arbitration for fire fighters and officers.

(c) Submission of last proposals.

Within three days after the selection of the chairman of the board of arbitration, the Labor Commissioner or [his] THE COMMISSONER'S designated representative shall provide to each member of the board of arbitration and to all parties, a detailed itemization of the last proposal made by the respective parties during the negotiations.

(g) Decision – Implementation.

The decision of the majority of the board of arbitration thus established shall be final and binding upon the Mayor and City Council of Baltimore and upon the certified employee organizations involved in the proceedings. No appeal therefrom shall be allowed. Such decision shall constitute a mandate to the Mayor of Baltimore City in respect to such matters which can be remedied administratively by [him] THE MAYOR, and as a mandate to the Board of Estimates and the City Council with respect to matters which require legislative action necessary to implement the decision of the Board of Arbitration.

With respect to matters which require legislative action for implementation, such legislation shall be enacted within forty-five days following the date of the arbitration decision.

With respect to salaries and wage scales, the amounts determined by the final decision of the Board of Arbitration shall be included in the proposed Ordinance of Estimates in accordance with Article VI, Section 4(a), shall not be reduced by the City Council in accordance with Article VI, Section 7(a), and shall be adopted by the Board of Estimates as the salary and wage scales for employees of the Fire Department in accordance with Section 12 of Article VI.

Department of Recreation and Parks

§ 69. Department of Recreation and Parks: Board – Composition; Appointment; Terms.

(a) In general.

The Board shall consist of seven members, who shall be appointed BY THE MAYOR from among those deemed most capable, by reason of character, education, intelligence,

experience, and commitment to conservation and environmental protection, of promoting public recreation, parks, and music for the people of Baltimore City. The members must be confirmed, and shall serve, pursuant to Article IV, Section 6.

Department of Planning

§ 72. Department of Planning: Commission – Powers and duties.

The Planning Commission:

- (g) shall adopt and revise a master plan IN ACCORDANCE WITH STATE LAW for the proposed physical development of Baltimore City.
- (h) before adopting or revising the master plan, shall hold a public hearing, AND PROVIDE reasonable notice [of which shall be given] in the neighborhood of the properties affected [and by publication in a newspaper of general circulation in Baltimore City] IN A MANNER THAT ENSURES ADEQUATE PUBLIC NOTICE.

§ 74. Department of Planning: Master Plan.

(a) *Purpose.*

The Master Plan shall be made for the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of Baltimore City to promote the health, order, security, safety, and morals of its inhabitants, and to preserve and enhance the aesthetic and natural environment of the City.

(b) [*Scope.*]

[The Master Plan may consist of a series of component plans.]

[It shall show, among other things, the future general location and extent of all public improvements and enterprises, including among other things, the general location and extent of streets, highways, boulevards, viaducts, bridges, subways, tunnels and all uses of land for purposes of public transportation, and also the general location and extent of piers, wharves, docks and bulkheads, and buildings or structures thereon, whether publicly or privately owned or operated, and also the general location and extent of publicly owned places of recreation, such as playgrounds, squares, and parks, and all public buildings and other public property, including school buildings, and all existing and proposed zoning areas or districts, and all public utilities, services and terminals, such as water, gas, electricity, sewerage, telephone, telegraph and transportation, whether privately or publicly owned or operated.]

(c) *Revisions.*

After the adoption of the Master Plan, or any part thereof, by the Commission, the plan may be revised AS PROVIDED BY STATE LAW AND only by:

- (1) a resolution of the Commission, carried by the affirmative vote of not less than six members of the Commission, or [by]
- (2) ordinance adopted by the City Council by the affirmative vote of not less than three-fourths of its members.

[An original copy of the revision, duly signed by the President, or by the Mayor if made by ordinance, shall be filed with the Department of Legislative Reference.]

(d) *Conformity with Plan required.*

PUBLIC AND PRIVATE IMPROVEMENTS SHALL BE IN CONFORMITY TO THE MASTER PLAN TO THE EXTENT REQUIRED BY LAW. [No public improvement or enterprise, including, among other things, streets, highways, boulevards, viaducts, bridges, subways, tunnels or other uses of land for purposes of public transportation, and piers, wharves, docks, and bulkheads, and buildings or structures thereon, whether publicly or privately owned or operated, and publicly owned places of recreation, such as playgrounds, squares or parks, and public buildings, including school buildings, and public utilities, services or terminals, including gas, water, electricity, sewerage, telephone, telegraph or transportation, whether privately or publicly owned or operated, within the scope of the Master Plan shall be authorized or constructed in Baltimore City unless the location and grade thereof and, in cases of the use of land for purposes of transportation, the width thereof, shall be in conformity with the Master Plan and have been first approved by the Commission.]

§ 75. Department of Planning: Subdivisions [– In general.]

(A) *IN GENERAL.*

The Commission shall publish rules and regulations for the development of subdivisions which will require that development plans include adequate provision for all public improvements, enterprises and all public utilities, whether privately or publicly owned or operated; for the proper width, grade and arrangement of streets, and all uses of land for public transportation, and the relation thereof to existing streets; for adequate and convenient open spaces for traffic and the access of fire fighting apparatus; for proper drainage; and which will require that all such subdivisions and the owners thereof comply in all respects with the Master Plan.

(B) *APPROVAL BY COMMISSION AND DEPARTMENT OF TRANSPORTATION REQUIRED.*

NO PERMITS MAY BE ISSUED FOR ANY PROJECT OR DEVELOPMENT THAT IS SUBJECT TO A PROPOSED SUBDIVISION PLAN UNTIL THE COMMISSION AND THE DEPARTMENT OF TRANSPORTATION HAVE APPROVED THE PLAN.

(C) *FILING OF PLATS.*

EVERY PLAT SHOWING AN IMPROVED SUBDIVISION PLAN SHALL BE FILED AMONG THE LAND RECORDS OF BALTIMORE CITY.

§ 76. [Department of Planning: Subdivisions – Definition.]

[A subdivision plan shall mean a plan submitted by the owner of not less than one-third of the land included therein showing one or more new streets or parks, or showing the division of a lot, tract or parcel of land into two or more lots, tracts or parcels, or other divisions of land for the purpose, whether immediate or future, of sale or building development.]

§ 77. [Department of Planning: Subdivisions – Approvals.]

[(a) *Commission approval required.*]

[All plans for subdivision of land shall be filed for record with the Commission, and no permits shall be issued by any department of the City for any work of any character whatsoever, to be done in such subdivision of land, until the plan thereof shall have been approved by the Commission as in conformity with the rules and regulations formulated and published by the Commission.]

[(b) *Deadline for decision.*]

[In the event the Commission shall fail to approve or disapprove any such subdivision plan within thirty days from the date of submission thereof to the Commission, such plan shall be deemed to have been approved by the commission unless the applicant waives this requirement and consents to an extension of such period.]

§ 78. [Department of Planning: Subdivision regulation – Recording.]

[Every plat showing a subdivision plan shall be filed among the Land Records of Baltimore City and with the Department of Legislative Reference, but not until after the plan has been endorsed with the approval of the Commission and of the Department of Transportation.]

§ 80. [Department of Planning: Penalties.]

[Any person who shall violate any of the provisions or requirements of Sections 71 to 80 shall be guilty of a misdemeanor, and, upon conviction in any court of competent jurisdiction, shall be fined as provided by law. Every day that such violation continues shall be deemed a separate offense.]

Department of Municipal and Zoning Appeals

§ 82. Board of Municipal and Zoning Appeals: Established; Composition, etc.

(a) *Composition, appointment, terms, qualifications.*

- (1) The Board shall consist of five members, at least one of whom shall be a lawyer, AND AT LEAST ONE ALTERNATE MEMBER, EACH OF WHOM [who] shall be appointed, must be confirmed and shall serve pursuant to Article IV, Section 6 and State law.
- (2) AN ALTERNATE MEMBER MAY SIT ON THE BOARD WHEN ANOTHER MEMBER OF THE BOARD IS ABSENT OR RECUSED.
- (3) WHEN AN ALTERNATE MEMBER IS ABSENT OR RECUSED, THE MAYOR MAY DESIGNATE A TEMPORARY ALTERNATE.
- (4) Each member of the Board shall be a registered voter and resident of the City at the time, and during the term of, appointment.

§ 83. Board of Municipal and Zoning Appeals: General powers and duties.

(b) *Rules of proceedings.*

The Board shall adopt rules for the conduct of its proceedings, which may be modified or repealed BY THE BOARD OR BY ordinance. The rules shall be in writing and when adopted shall be [immediately filed in the office of the Board and shall be a public record. A copy

thereof (and of any amendments thereto) shall also be] AVAILABLE TO THE PUBLIC AND filed with the Department of Legislative Reference.

(e) *Executive Secretary*[: *Staff*].

The Board shall appoint an Executive Secretary [and such other employees as may be provided in the Ordinance of Estimates].

(f) [*Access to agency records.*]

[The Board shall have access, through its agents and employees, to the plats and records of all other departments of the City.]

§ 85. Board of Municipal and Zoning Appeals: Paving assessments.

THE BOARD SHALL HEAR APPEALS CONCERNING THE ASSESSMENT OF FEES AND CHARGES FOR THE PAVING OF A STREET, ALLEY, OR SIDEWALK AND SET AN AMOUNT THE BOARD DETERMINES TO BE PROPER.

[(a) *Appeal to Board.*]

[Whenever the Department of Transportation levies an assessment or charge for the paving of a street, alley, or sidewalk under § 116 of this article, the owner of the property on which the assessment or charge is levied may, within 30 days of the mailing to the owner of a notice of the assessment or charge, bring the assessment or charge to the Board for its review.]

[(b) *Decision.*]

[On reasonable notice in accordance with its rules and this Charter, the Board shall:

- (1) determine whether the assessment or charge is proper; and
- (2) if not, set it at the amount that the Board determines to be proper.]

§ 86. [Board of Municipal and Zoning Appeals: Review powers conferred by law.]

[The Board shall have such additional powers to examine, review and revise acts or rulings of other departments and officers of the City affecting the construction, alteration, use or operation of land or buildings in the City or other charges as may from time to time be conferred upon it by law, but the powers conferred upon it in the Charter shall not be diminished or abridged by ordinance, nor may the Board be given power to review or alter determinations of the Planning Commission.]

§ 87. Board of Municipal and Zoning Appeals: Additional powers conferred by law.

[The Board of Municipal and Zoning Appeals shall have and exercise all the rights, powers, duties, obligations and functions conferred by law upon the Board of Zoning Appeals not otherwise conferred by the Charter on other agencies of the City and not inconsistent with its provisions.]

(A) *IN GENERAL.*

THE BOARD BY ORDINANCE MAY BE GRANTED ADDITIONAL POWERS TO REVIEW ADMINISTRATIVE ACTIONS, PROVIDED THE ADDITIONAL POWERS GRANTED ARE NOT INCONSISTENT WITH THIS CHARTER OR LAW.

(B) *EXCEPTION.*

THE BOARD MAY NOT BE GRANTED THE POWER TO REVIEW OR ALTER THE DECISIONS OF THE PLANNING COMMISSION.

§ 88. Board of Municipal and Zoning Appeals: Judicial review.

If any person, including the City and the Planning Commission, feeling aggrieved by any decision of the Board within thirty days of a decision by the Board, appeals therefrom to the Baltimore City Circuit Court, the Board shall forthwith transmit all papers, or copies thereof, to the court, certified by its executive secretary.

[An appeal shall stay all proceedings in furtherance of the action appealed from. But whenever, in the opinion of the Board, such stay would cause imminent peril to life or property, or serious public inconvenience, it may ask the Circuit Court for an order vacating such stay. From the findings of the Circuit Court in such cases, there shall be such appeal, if any, as may be permitted by law.]

Department of Legislative Reference

§ 90. Department of Legislative Reference: Established.

There is a Department of Legislative Reference, the head of which shall be [a Board of Legislative Reference] THE DIRECTOR OF LEGISLATIVE REFERENCE WHO SHALL SUPERVISE AND DIRECT THE DEPARTMENT.

**§ 91. [Department of Legislative Reference: Director – Appointment, qualifications, etc.]
BOARD OF THE DEPARTMENT OF LEGISLATIVE REFERENCE.**

(A) *AD HOC BOARD.*

THERE IS A 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.

§ 92. [§ 91.] Department of Legislative Reference: Director [– Appointment, qualifications, etc.]

[(a) *Appointment; Tenure.*]

[The Director shall be appointed by the Board of Legislative Reference, shall be a member of the Civil Service, shall hold office during good behavior, and shall be subject to removal by a majority of the Board members for incompetence or neglect of duties.]

(A)[(b) *Head of Department;*] Qualifications.

[The Director of Legislative Reference shall supervise and direct the Department.]

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) {"BOARD OF THE DEPARTMENT OF LEGISLATIVE REFERENCE: FILLING A VACANCY"} 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)[(c)] *Salary.*

The Director's salary shall be set in the Ordinance of Estimates.

§ 93. [§ 92.] Department of Legislative Reference: Director – Powers and duties.

The Director:

(a) *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.

(b) *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;

[retain] PROVIDE FOR THE RETENTION OF such books, documents, papers, plats or archives in the Department, [but permit] 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.

(c) *Staff.*

may appoint such employees as may be provided in the Ordinance of Estimates.

(d) *Duties prescribed by law.*

perform such other duties as prescribed by law.

[§ 93. Department of Legislative Reference: Board.]

[The Board of Legislative Reference shall be comprised of

the Mayor,

the City Solicitor,

the President of the Johns Hopkins University,

the Deans of the University of Maryland and University of Baltimore Schools of Law,

a member of the City Council selected by the Council and

the Director of the Enoch Pratt Library.]

CIVIL SERVICE COMMISSION

§ 94. Civil Service Commission: Established.

(a) *Appointment, term, qualifications.*

- (1) There is a Civil Service Commission of three members who shall be appointed, must be confirmed, and shall serve pursuant to Article IV, Section 6.
- (2) ONE OF THE THREE MEMBERS OF THE COMMISSION SHALL BE RECOMMENDED BY THE PRESIDENT OF THE CITY COUNCIL PRIOR TO APPOINTMENT.
- (3) The terms of two members shall expire on the last day of the year in which the term of the Mayor begins pursuant to Article IV, Section 1, and the four year term of the third member shall expire two years thereafter.
- (4) EACH MEMBER OF THE COMMISSION SHALL:
 - (I) BE A REGISTERED VOTER AND RESIDENT OF THE CITY AT THE TIME, AND DURING THE TERM, OF APPOINTMENT;
 - (II) HOLD A RELEVANT POST-GRADUATE DEGREE; AND
 - (III) POSSESS SUBSTANTIAL EXPERIENCE AND KNOWLEDGE OF LABOR AND EMPLOYMENT ISSUES AND LAW.
- (5) NO ONE HOLDING ANY PUBLIC OFFICE OF PROFIT MAY BE APPOINTED A MEMBER OF THE COMMISSION.

[Each member of the Commission shall be a registered voter and resident of the City at the time, and during the term, of appointment. All appointments to the Commission shall be made from persons friendly to the merit system of appointment to office. No one holding any public office of profit shall be appointed a member of the Commission.]

§ 95. Civil Service Commission: Powers and duties.

The Commission:

- (a) shall advise the Mayor and Director OF HUMAN RESOURCES on personnel matters.
- (b) shall provide to the Mayor and City Council at least annually a report on the operations of the Commission.
- (c) [shall review and approve the different groupings of positions having similar duties, responsibilities and qualifications (“classifications”) that are used by the Department.]
- (d) shall promulgate and make available to the public rules governing the operation of the Commission.
- (e) shall review and approve, before they become final, and make available to the public, the rules of the Department OF HUMAN RESOURCES.
- (f) shall provide a hearing, on written request, to any non-probationary member of the Civil Service who has been discharged from the Civil Service, reduced in pay or position, or suspended for longer than 30 days. If the Commission finds that the intent and spirit of a provision of this Charter has been violated, it shall report its findings to the Mayor; and the appointing officer shall take whatever action the Commission directs to rectify the violation.
- (g) may, if it determines after appropriate investigation, that any administrative head of the City, including any commission or board, or any officer having the power of appointment and removal in the Civil Service, has abused such power by making appointments or removals for any reason other than the good of the public service, so report to the Mayor.
- (h) may appoint such hearing officers and other employees as provided in the Ordinance of Estimates.
- (i) may, in the course of hearings, administer oaths, subpoena documents, summon witnesses, and examine witnesses; and may delegate these powers to a commissioner or hearing officer.
- (j) shall render decisions within sixty days of the close of hearings unless the City employee and City both agree to an extension. If the Commission fails to decide within the sixty day time period, the decision of the hearing officer, if there is one, shall be deemed to be the decision of the Commission.

§ 96. Civil Service Commission: Department of Human Resources – Established.

- (a) *In general.*

There is a Department of Human Resources.

- (b) [*Purpose*] *POWERS.*

The Department shall:

- (1) [promote merit and fitness in City employment] PROPOSE TO THE COMMISSION PERSONNEL AND CIVIL SERVICE RULES AND REGULATIONS FOR THE COMMISSION'S APPROVAL;
- (2) [ensure that appointments and promotions in the City's Civil Service are made, and that salaries are established, without regard to political affiliation; and] IMPLEMENT, MANAGE, AND ADMINISTER APPROVED REGULATIONS;
- (3) [promote the efficient delivery of services to the public.] REVIEW AND APPROVE DIFFERENT GROUPINGS OF POSITIONS HAVING SIMILAR DUTIES, RESPONSIBILITIES, AND QUALIFICATIONS ("CLASSIFICATIONS") THAT ARE USED BY THE DEPARTMENT; AND
- (4) PERFORM ALL FUNCTIONS NECESSARY AND RELATED TO HUMAN RESOURCE ADMINISTRATION AND MANAGEMENT REQUIRED BY THIS CHARTER, OTHER LAW, AND REGULATION.

§ 97. [Civil Service Commission: Department of Human Resources – Powers and duties.]

[The Department:]

- [(a) shall propose and submit to the Commission for final approval rules and regulations, including rules and regulations governing probationary status, temporary and emergency appointments, classifications, reclassifications, examinations, promotions, demotions, transfers, reinstatements, discharges, and other discipline of employees.]
- [(b) shall propose and submit to the Commission for final approval the different classifications that are used by the Department. Such classifications shall assure that City employees are hired and promoted based on ability, efficiency, character, and industry ("merit"); and shall encourage the recruitment, training and supervision of qualified employees. Classifications may be grouped into categories, which may include a general category for employees who are hired or promoted based, in part, on the results of competitive or non-competitive examinations; a labor category for unskilled or skilled laborers; and other categories that the Commission may deem to be appropriate.]
- [(c) subject to the exceptions in Section 99, shall assign to a classification each position in the City to which appointments are made. The Department shall not assign a position outside of the Civil Service without the approval of the Civil Service Commission. All the classified positions shall constitute the Civil Service, and appointments to positions in the Civil Service shall be made according to the rules of the Commission.]
- [(d) shall provide for competitive examinations, non-competitive examinations, and other evaluative measures to assure that City employees are hired based on merit.]
- [(e) shall provide for competitive examinations, non-competitive examinations, and other evaluative measures, including conduct in office, demonstrated capacity, and seniority, to assure that City employees are promoted based on merit.]
- [(f) shall promptly certify to appointing officers lists of candidates eligible for employment within each classification. The Commission, by rule:]

- [1. shall determine when certifications shall include, in rank order, those persons who have performed best on competitive examinations and when certifications should include persons whose fitness has been otherwise established;]
 - [2. shall determine when and how the appointing officer shall fill a vacancy or new position from the certifications; and]
 - [3. may provide that honorably discharged veterans of war, including disabled veterans, may receive special credits for their service to the United States in determining the qualifications and relative standing of applicants for City positions.]
- [(g) shall establish a period of probation not exceeding one year during which the appointing officer may remove the employee at pleasure.]
- [(h) shall propose to the Board of Estimates appropriate salaries and wages for each classification.]
- [(i) shall, in conjunction with the employing department, recruit, train and counsel Civil Service members.]
- [(j) may appoint such employees as provided in the Ordinance of Estimates.]
- [(k) shall administer employee benefits and pre-employment screening programs as directed by the Board of Estimates.]

§ 98. Civil Service Commission: Department of Human Resources – Director.

(a) *Head of Department; Qualifications.*

- (1) The Director of Human Resources shall supervise and direct the Department.
- (2) The Director shall have substantial experience in [personnel administration] HUMAN RESOURCE MANAGEMENT.

§ 99. Civil Service Commission: Civil Service positions.

EMPLOYEES OF THE CITY OF BALTIMORE SHALL BE MEMBERS OF THE CIVIL SERVICE, EXCEPT AS MAY BE PROVIDED BY LAW OR BY CIVIL SERVICE RULES AND REGULATIONS.

[(a) *Positions included.*]

- [1. All employees of the City of Baltimore, except as otherwise provided by the Charter or State law, shall be members of the Civil Service, with the exception of:]
 - [a. elected officials and those employees whom the elected officials have designated as members of their personal staffs.]
 - [b. Assistant City Solicitors.]
 - [c. with the exception of the Director of the Department of Legislative Reference, directors, or by whatever other name the chief administrative officer may be known, and the deputy directors, of all departments of the City.]

- [d. all members of boards and commissions.]
- [e. all professional employees of the Department of Education.]
- [f. persons in positions of temporary or seasonal employment.]
- [g. persons who, in the judgment of the Civil Service Commission, exercise policy-making discretion or occupy a position of special trust and confidence that is inconsistent with membership in the Civil Service.]

[2. Any dispute about whether a position is within the Civil Service shall be finally resolved by the Commission.]

[(b) *Reemployment of director or deputy.*]

[Upon leaving a position of director or deputy director, one who relinquished Civil Service status to assume that position shall, on application and with approval of the Commission, be placed on the re-employment list for his or her former classification.]

§ 100. Civil Service Commission: Discharges, etc.; Reductions in force.

(a) *Discharges, suspensions, reductions in pay or position.*

[(1)] No person may be discharged from the Civil Service, reduced in pay or position, or suspended because of political opinions or affiliations, or for refusing to contribute to any political fund or refusing to render any political service. But nothing in this Charter relating to the Civil Service forbids the discharge, reduction in pay or position, or suspension of an officer or employee for any just cause.

[(2)] Whenever a non-probationary employee is discharged, reduced in pay or position, or suspended for more than 30 days, the appointing officer shall furnish a copy of the order of discharge, reduction, or suspension, together with a statement of the reasons for the action, to the employee and to the Commission.]

[(3)] The employee may contest the action by:

- (i) requesting a hearing before the Commission; or
- (ii) initiating a grievance pursuant to an applicable grievance and arbitration procedure, if any, contained in an applicable collective bargaining agreement.]

[(4)] Once an employee has chosen to contest an action by electing one of the procedures specified in paragraph (3) of this subsection, the employee is bound by that election and may not subsequently choose to follow a different procedure.]

[(5)] In all cases, except one in which an employee elects to contest an action through a grievance and arbitration procedure under paragraph (3)(ii) of this subsection, the Commission may, and on the written request of the employee, the Commission shall investigate the disciplinary action. If the Commission finds that the intent and spirit of the provisions of this Charter have been violated in the discharge, reduction, or suspension, it shall report its findings to the Mayor; and the appointing officer shall take whatever action the Commission directs to rectify the violation.]

[(b) *Reductions in force – Reemployment preference.*]

[Each person discharged for the purpose of reducing the force and without fault shall receive a certificate so stating and all persons so discharged shall be placed on the eligible list in the order of the length of their service in their classifications at the time of being laid off and in other classifications the civil service in which they may have served previously. The weight to be given to length of service in their last classification and in prior classifications shall be determined in accordance with the rules of the Commission. Persons so discharged shall have preference in the order of their seniority over others on the eligible list, subject, however, to the terms of the next subsection and to any priority to which any person may be entitled by virtue of any preference to veterans or their dependents.]

(B) [(c) *Reductions in force [– Seasonal and part-time employees].*]

THE DISPOSITION OF EMPLOYEES DISCHARGED AS A RESULT OF A REDUCTION OF FORCE SHALL BE DETERMINED BY CIVIL SERVICE RULES AND REGULATIONS.

[In the case of classes of seasonal or part-time employees the Commission, after notice and a public hearing, may adopt rules excluding them from, or limiting the application to them of, the preference contained in the preceding subsection.]

§ 101. [Civil Service Commission: Roster of Service employees.]

[(a) *Commission to keep; Contents.*]

[The Commission shall keep in its office an official roster of the Civil Service, and shall enter thereon the name of every person who has been appointed, employed, promoted, reduced, transferred or reinstated in any Civil Service position.]

[This roster shall be open to public inspection at all reasonable hours, and shall show in connection with each name the date of appointment, employment, promotion, reduction, transfer or reinstatement and the compensation of the position, its title, the nature of the duties thereof and the date and cause of any termination of such office or employment.]

[(b) *Reports to Commission.*]

[It shall be the duty of each appointing officer to report to the Commission forthwith, upon the appointment or employment of any person in the Civil Service, the name of the appointee or employee, the title and character of the office or employment, the date of commencement of service, and to report the separation of a person from the service, or other change in status and other information that the Civil Service Commission may require in order to keep the roster.]

[(c) *Salary contingent on roster listing.*]

[It shall be unlawful, after notice from the Commission for the Department of Finance to pay any salary or compensation to any officer, clerk, employee or other person in the Civil Service whose name does not appear upon the roster as being in the employ of the City.]

§ 103. Civil Service Commission: Abolished positions.

THE DISPOSITION OF EMPLOYEES HOLDING CIVIL SERVICE POSITIONS THAT MAY BE ABOLISHED SHALL BE DETERMINED BY CIVIL SERVICE RULES AND REGULATIONS.

[Any person holding any position in the Civil Service which may be abolished by the adoption of any amendment to the Charter or in any other lawful manner, shall be placed upon the reemployment list for the classification to which the abolished position belonged in accordance with Sections 100 and 101; or if no position of the same classification as that of the position abolished shall remain in the Civil Service after the abolition of the position, the person shall be placed on the reemployment list for a position that, in the judgment of the Civil Service Commission, shall most nearly approximate the position abolished.]

[No position shall be deemed to be abolished by reason of being transferred or placed in or under a different municipal agency without substantial change in the nature of the actual duties of the position.]

§ 104. [Civil Service Commission: Penalties.]

[Any violation of any of the provisions of the Charter relating to the Civil Service, or any willful use of any corrupt means in connection with any examination, appointment, promotion, reduction, transfer or reinstatement shall be deemed a misdemeanor and, upon conviction in a court of competent jurisdiction, shall be punished by a fine or by imprisonment as provided by law.]

DEPARTMENT OF TRANSPORTATION

§ 116. Powers and duties of Department.

(b) *Street construction and maintenance.*

(3) Before paving or repaving a street, the Director of Transportation shall [give notice in one or more daily City newspapers that,] ENSURE ADEQUATE PUBLIC NOTICE not less than 90 days from the first publication date, the Department will proceed with the paving or repaving and warning all persons to obtain permits for and to complete before that day all work that might involve the digging up of the street.

§ 116B. [Correcting physical obstruction.]

[(a) *Correction required.*]

[Any person who has, in, over, or under a public street in Baltimore City, any building, structure, conduit, drain, main, pipe, track, work, or other physical obstruction that blocks or impedes the work of the Department shall, on reasonable notice from the Department, promptly shift, adjust, or remove it, at that person's expense, to fully meet the exigencies described in the notice.]

[(b) *Condemnation.*]

[The City is empowered, when the exigencies of the Department's work require, to secure the condemnation of the physical obstruction as provided in Article II of this Charter.]

COMPENSATION COMMISSION FOR ELECTED OFFICIALS

§ 117. Definitions.

(d) *Elected official.*

“Elected official” means:

- (1) the Mayor;
- (2) the City Comptroller;
- (3) the President of the City Council; [and]
- (4) the Members of the City Council; AND
- (5) THE STATE’S ATTORNEY FOR BALTIMORE CITY.

DEPARTMENT OF GENERAL SERVICES

§ 134. [Correcting physical obstruction.]

[(a) *Correction required.*]

[Any person who has, in, over, or under a public street in Baltimore City, any building, structure, conduit, drain, main, pipe, track, work, or other physical obstruction that blocks or impedes the work of the Department shall, on reasonable notice from the Department, promptly shift, adjust, or remove it, at that person’s expense, to fully meet the exigencies described in the notice.]

[(b) *Condemnation.*]

[The City is empowered, when the exigencies of the Department’s work require, to secure the condemnation of the physical obstruction as provided in Article II of this Charter.]

Article VIII. Franchises

§ 4. [Street railways.]

[The Board of Estimates, subject to ratification and approval by ordinance, is empowered to agree with any street railway company for the surrender of any of its franchises, easements or rights-of-way, and in substitution for the franchise, easement or right-of-way so surrendered to grant a new franchise, easement or right-of-way on any street, and which may be for the same duration as the franchise, easement or right-of-way surrendered; and to provide, in appropriate cases, for a graduated park tax, as prescribed by Chapter 566 of the Acts of the General Assembly of 1906.]

§ 5. [Trackless trolleys.]

[The City may, by ordinance, permit any street railway company to operate under its existing franchises vehicles propelled by electricity furnished by overhead wires but not operated upon rails, and any such grant heretofore made is hereby ratified and confirmed.]

§ 6. [Advertising.]

[Before any grant of the franchises or right to use any street, or other public property, either on, above or below the surface of the same shall be made, the proposed specific grant, except as provided in the second paragraph of Section 2 of this Article VIII, embodied in the form of a brief advertisement, prepared by the Board of Estimates, at the expense of the applicant, shall be published by the Comptroller for at least three days in one daily newspaper published in Baltimore City to be designated by the Board of Estimates, and all the provisions of the first paragraph of Section 2 of this Article VIII shall be complied with.]

ARTICLE X. CHARTER REVIEW COMMISSION

§ 1. COMMISSION ESTABLISHED.

A CHARTER REVIEW COMMISSION MAY BE APPOINTED FROM TIME TO TIME PURSUANT TO THE REQUIREMENTS OF THIS ARTICLE BUT AT LEAST ONCE EVERY 10 YEARS FOLLOWING THE ADOPTION OF THIS ARTICLE IN NOVEMBER 2018.

§ 2. APPOINTMENT.

A CHARTER REVIEW COMMISSION SHALL BE APPOINTED NO LATER THAN MAY 1 IN THE YEAR PRECEDING A CONGRESSIONAL ELECTION AND COMPLETE ITS WORK, AS PROVIDED IN THIS ARTICLE, NO LATER THAN MAY 1 IN THE YEAR FOLLOWING ITS APPOINTMENT.

§ 3. COMPOSITION.

(A) IN GENERAL.

- (1) THE COMMISSION SHALL BE COMPOSED OF 9 REGISTERED VOTERS OF THE CITY APPOINTED WITHOUT REGARD TO POLITICAL AFFILIATION.
- (2) THE MAYOR, THE PRESIDENT OF THE CITY COUNCIL, AND THE COMPTROLLER SHALL EACH APPOINT 3 MEMBERS TO THE COMMISSION.
- (3) EXCEPT FOR A MEMBER OF THE JUDICIARY, NO PERSON WHO HOLDS ELECTED OFFICE MAY BE APPOINTED TO THE COMMISSION.

(B) CHAIR.

THE CHAIR OF THE COMMISSION SHALL BE ELECTED FROM, AND BY, THE COMMISSION MEMBERS.

(C) ADVISORY BODY.

AT THE DISCRETION OF THE COMMISSION, AN ADVISORY BODY MAY BE APPOINTED TO ASSIST THE COMMISSION IN ITS DUTIES.

§ 4. DUTIES.

(A) RECOMMEND CHARTER CHANGES.

THE COMMISSION SHALL REVIEW THE PROVISIONS OF THIS CHARTER AND MAKE RECOMMENDATIONS AS TO THE NECESSITY FOR DELETING, ADDING TO, OR REVISING ANY PORTION OF ITS CONTENTS.

(B) *PUBLIC HEARING REQUIRED.*

DURING ITS DELIBERATIONS, THE COMMISSION SHALL HOLD AT LEAST 1 PUBLIC HEARING TO RECEIVE PUBLIC TESTIMONY CONCERNING THE WORK OF THE COMMISSION.

§ 5. REPORT TO THE MAYOR AND CITY COUNCIL.

(A) *WRITTEN REPORT.*

THE COMMISSION SHALL DELIVER A WRITTEN REPORT CONTAINING ITS RECOMMENDATIONS TO THE MAYOR AND CITY COUNCIL.

(B) *CITY COUNCIL HEARING.*

THE CITY COUNCIL SHALL CONVENE A PUBLIC HEARING AT WHICH THE COMMISSION SHALL PRESENT ITS REPORT AND RECOMMENDATIONS.

§ 6. DISSOLUTION.

UPON COMPLETING THE ACTIVITIES REQUIRED IN § 5 {"REPORT TO THE MAYOR AND CITY COUNCIL"} OF THIS ARTICLE, THE COMMISSION SHALL BE DEEMED DISSOLVED AND ITS WORK COMPLETED.

SECTION 2. AND BE IT FURTHER RESOLVED, that these amendments to the City Charter shall become effective on January 1, 2020, except as is hereafter provided.

SECTION 3. AND BE IT FURTHER RESOLVED, that the amendments to Article VII, Sections 90, 91, 92, 93, and 117 of the City Charter shall become effective on January 1, 2019.

SECTION 4. AND BE IT FURTHER RESOLVED, that the Director of Legislative Reference holding office at the time the amendments to Article VII, Sections 90, 91, 92 and 93 become effective shall remain in the office until, pursuant to the amendments, reappointment or the appointment of a successor.

SECTION 5. AND BE IT FURTHER RESOLVED, that these proposed amendments 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.



ACTION BY THE CITY COUNCIL

JUN 11 2018

FIRST READING (INTRODUCTION) _____ 20 _____

PUBLIC HEARING HELD ON June 18, 2018 _____ 20 _____

COMMITTEE REPORT AS OF June 25, 2018 _____ 20 _____

_____ FAVORABLE _____ UNFAVORABLE FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION

Z-V-eva

Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

JUN 25 2018

Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING _____ JUL 09 2018

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ 20 _____

WITHDRAWAL _____ 20 _____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

[Signature]

President

[Signature]

Chief Clerk