

CITY OF BALTIMORE
RESOLUTION **22-04**
Council Bill 22-0238

Introduced by: Councilmember Ramos, Cohen, Porter, Conway

Introduced and read first time: May 16, 2022

Assigned to: Rules and Legislative Oversight Committee

Committee Report: Favorable with Amendments

Council action: Adopted

Read second time: July 25, 2022

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

1 **Charter Amendment – Inspector General – Advisory Board**

2 FOR the purpose of altering the method by which individuals are selected to be members of the
3 advisory board that appoints or removes the Inspector General; requiring a member of the
4 City Council to consider certain factors when nominating a candidate for the advisory board;
5 setting term limits and staggering certain terms; and submitting this amendment to the
6 qualified voters of the City for adoption or rejection.

7 BY proposing to amend

8 Article IV - Mayor

9 Section 6 (b) and (g)

10 Baltimore City Charter

11 (1996 Edition)

12 BY proposing to add

13 Article VII - Executive Departments

14 New Section 110

15 Baltimore City Charter

16 (1996 Edition)

17 BY proposing to renumber

18 Article VII - Executive departments

19 Section 110 to be 111

20 Baltimore City Charter

21 (1996 Edition)

22 BY proposing to amend

23 Article X - Office of the Inspector General

24 Section 2

25 Baltimore City Charter

26 (1996 Edition)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by
amendment or deleted from existing law by amendment.

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- 1 BY proposing to add
- 2 Article VII - Executive Department
- 3 New Section 3
- 4 Baltimore City Charter
- 5 (1996 Edition)

- 6 BY proposing to renumber
- 7 Article X - Office of the Inspector General
- 8 Sections 3, 4, 5, and 6, respectively
- 9 to be Sections 4, 5, 6, and 7 respectively
- 10 Baltimore City Charter
- 11 (1996 Edition)

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

14 Baltimore City Charter
15 Article IV. Mayor

16 § 6. Appointments of municipal officers.

17 (b) Terms of officers.

18 The terms of all municipal officers appointed by the Mayor shall expire at the end of four
19 years or at the end of the Mayor's term of office, whichever first occurs, with the
20 exception of the terms of the City Administrator and some members of the Board of
21 School Commissioners, the Civil Service Commission, the Planning Commission, the
22 Board of Municipal and Zoning Appeals, THE ADVISORY BOARD ESTABLISHED BY
23 ARTICLE X, SECTION 2 OF THIS CHARTER, and those boards and commissions governed by
24 State or federal law. The terms of the City Administrator and the members of these
25 boards and commissions are prescribed elsewhere in the Charter or by other law.

26 (g) Vacancies – Boards and commissions.

27 When a vacancy occurs on a board or commission established by this Charter, or other
28 law, the Mayor shall have, for 120 days after the occurrence of that vacancy, the sole
29 power of appointment to the vacant office. Such appointment shall be subject to
30 confirmation by the City Council in the manner prescribed in this section.

31 If the Mayor fails to submit a nomination within the time prescribed in this subsection,
32 the power of appointment shall vest and be held by the board or commission to which the
33 vacancy shall apply, and that board or commission, by majority vote, shall certify the
34 name of a person to the City Council for confirmation in the manner prescribed in this
35 section.

36 For the purposes of this subsection only, a vacancy shall occur upon the occurrence of an
37 event enumerated in subsection (f) hereof, and also upon the rejection by the City Council
38 of a nomination to a board or commission.

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1 THIS SUBSECTION IS NOT APPLICABLE TO THE ADVISORY BOARD ESTABLISHED BY
2 ARTICLE X, SECTION 2, OF THIS CHARTER.

3 **Article VII. Executive Departments**

4 ***Board of Ethics***

5 **§ 110. CHAIR: POWERS AND DUTIES.**

6 THE CHAIR OF THE BOARD OF ETHICS SHALL HAVE EXCLUSIVE AUTHORITY TO SELECT AT
7 RANDOM THE ~~7~~ 11 MEMBERS OF THE ADVISORY BOARD TO APPOINT THE INSPECTOR GENERAL,
8 AS DESCRIBED IN ARTICLE X, SECTION 2 OF THIS CHARTER.

9 IN THE EVENT A VACANCY OCCURS ON THE ADVISORY BOARD, THE CHAIR SHALL BE
10 AUTHORIZED TO FILL THE VACANCY THROUGH THE PROCESS OUTLINED IN ARTICLE X,
11 SECTION 2 OF THIS CHARTER.

12 **§ 111. [110.] Board of Ethics: Modification by ordinance.**

13 The Mayor and City Council, by ordinance, may modify, amend, alter, clarify or implement
14 any or all of the provisions of Sections 105 through [110] 111 of this Article VII.

15 **Article X. Office of the Inspector General**

16 **§ 2. Office of Inspector General: [The Inspector General.] ADVISORY BOARD.**

17 (a) [*Appointment.*] *IN GENERAL.*

18 (1) The Inspector General is appointed by an advisory board to be comprised of ~~[5 or] 7~~
19 [5 or 7] 11 members as provided in this [subsection (a)] SECTION.

20 [(2) The advisory board consists of the following:]

21 [(i) the Mayor, or the Mayor's designee;]

22 [(ii) the City Solicitor, who serves as the Chair of the advisory board and may
23 assign staff to the advisory board from the Law Department;]

24 [(iii) the Comptroller, or the Comptroller's designee;]

25 [(iv) the City Council President, or the President's designee; and]

26 [(v) a member of the City Council appointed by the City Council President.]

27 [(3) The Mayor and City Council President may appoint 2 additional members to the
28 advisory board from the list provided in paragraph (4) of this subsection if:]

29 [(i) the Mayor and the City Council President jointly agree to an appointment;
30 and]

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1 [(ii) the members appointed agree to serve on the advisory board.]

2 [(4) The 2 additional members that may be selected to serve on the advisory board
3 pursuant to paragraph (3) of this subsection may only be as follows:]

4 [(i) the Dean of the University of Maryland School of Law; and]

5 [(ii) the Dean of the University of Baltimore School of Law.]

6 [(5) A quorum of the advisory board consists of 4 members.]

7 [(6) An affirmative vote of at least 4 members shall be necessary to appoint an
8 Inspector General.]

9 (2) THE ADVISORY BOARD IS ENTITLED TO THE ASSISTANCE OF THE BALTIMORE CITY
10 DEPARTMENT OF HUMAN RESOURCES FOR PURPOSES OF ADVERTISING A VACANCY
11 AND INTERVIEWING AND HIRING CANDIDATES FOR THE POSITION OF INSPECTOR
12 GENERAL.

13 (3) THE MAYOR MUST PROVIDE THE ADVISORY BOARD WITH ACCESS TO CITY RESOURCES
14 TO FACILITATE THE ADVISORY BOARD'S COMPLETION OF ITS RESPONSIBILITIES.

15 (B) *QUALIFICATIONS.*

16 AN INDIVIDUAL IS QUALIFIED TO SERVE AS A MEMBER OF THE ADVISORY BOARD IF THE
17 INDIVIDUAL:

18 (1) ~~HAS RESIDED WITHIN THE CITY OF BALTIMORE FOR THE FULL 2 YEARS~~
19 ~~IMMEDIATELY PRECEDING THE DATE OF THE INDIVIDUAL'S APPLICATION FOR THE~~
20 ~~POSITION IS A BALTIMORE CITY RESIDENT;~~

21 (2) IS OVER THE AGE OF 21 YEARS OLD;

22 (3) HAS NEVER BEEN CONVICTED OF AN OFFENSE UNDER SECTION 16-201(A)(5) OR (6)
23 OF THE STATE ELECTION LAW ARTICLE; AND

24 (4) HAS A BACKGROUND IN, OR FAMILIARITY WITH, ETHICS, LAW, PROGRAM OR
25 PERFORMANCE EVALUATION, OR ACCOUNTING OR HAS A FAMILIARITY WITH THE
26 OFFICE OF THE INSPECTOR GENERAL AND THE DUTIES OF THE OFFICE.

27 (C) *ELIGIBILITY.*

28 IN ADDITION TO THE REQUIRED QUALIFICATIONS IN SUBSECTION (B) OF THIS SECTION, AN
29 APPLICANT IS NOT ELIGIBLE FOR APPOINTMENT TO THE ADVISORY BOARD IF THE
30 INDIVIDUAL:

31 (1) IS OR BECOMES AN EMPLOYEE OR ELECTED OFFICER OF:

32 (I) THE STATE OF MARYLAND;

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1 (II) THE CITY OF BALTIMORE;

2 (III) ANY STATE OR CITY AGENCY, INSTRUMENTALITY, OR ANY OTHER UNIT OF
3 A STATE ENTITY EXCEPT:

4 (A) A STATE COLLEGE;

5 (B) A STATE UNIVERSITY; OR

6 (C) ANOTHER INSTITUTION OF HIGHER EDUCATION;

7 (2) IS OR BECOMES A CANDIDATE FOR ELECTED PUBLIC OFFICE OF:

8 (I) THE STATE OF MARYLAND;

9 (II) THE CITY OF BALTIMORE; OR

10 (III) ANY COUNTY OR MUNICIPALITY OF THE STATE.

11 (3) IS OR BECOMES AN ELECTED MUNICIPAL OFFICER'S:

12 (I) SPOUSE;

13 (II) PARENT;

14 (III) CHILD; OR

15 (IV) SIBLING;

16 (4) IS OR BECOMES A RESPONSIBLE OFFICER, AS DEFINED IN SECTION 1-101(MM) OF
17 THE STATE ELECTION LAW ARTICLE;

18 (5) IS OR BECOMES EMPLOYED BY THE CITY OF BALTIMORE OR THE STATE OF
19 MARYLAND IN ANY CAPACITY; OR

20 (6) IS OR BECOMES A LOBBYIST UNDER:

21 (I) THE STATE GENERAL PROVISIONS ARTICLE, TITLE 5 {"MARYLAND PUBLIC
22 ETHICS LAW"};

23 (II) ARTICLE 8, SUBTITLE 8 {"LOBBYING"} OF THE CITY CODE; OR

24 (III) THE ETHICS CODE OF ANY POLITICAL SUBDIVISION OF THE STATE; OR

25 (7) IS OR BECOMES ASSOCIATED WITH A BUSINESS ENTITY AS DESCRIBED IN
26 ARTICLE 8, SECTION 6-6 {"PROHIBITED PARTICIPATION"} OF THE CITY CODE.

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1 (D) *NOMINATION PROCESS: IN GENERAL.*

2 (1) AN INDIVIDUAL WHO MEETS THE REQUIREMENTS SET FORTH IN SUBSECTIONS (B) AND
3 (C) OF THIS SECTION MAY SUBMIT AN APPLICATION TO THE MEMBER OF THE CITY
4 COUNCIL WHO REPRESENTS THE DISTRICT IN WHICH THE INDIVIDUAL RESIDES, IN THE
5 FORM REQUIRED BY THE BOARD OF ETHICS.

6 (2) EACH MEMBER OF THE CITY COUNCIL MUST:

7 (I) REVIEW THE APPLICATIONS RECEIVED PURSUANT TO PARAGRAPH (1) OF THIS
8 SUBSECTION; AND

9 (II) SELECT 1 APPLICANT AS THE NOMINEE TO THE ADVISORY BOARD FROM THAT
10 MEMBER'S DISTRICT.

11 (E) *NOMINATION PROCESS: DIVERSITY.*

12 (1) THE MEMBERSHIP OF THE ADVISORY BOARD MUST BE INCLUSIVE AND REFLECT THE
13 RACIAL AND GENDER DIVERSITY OF THE CITY OF BALTIMORE.

14 (2) A MEMBER OF THE CITY COUNCIL MUST GIVE REASONABLE CONSIDERATION TO THE
15 DIVERSITY OF THE MEMBER'S DISTRICT WHEN SELECTING A NOMINEE TO THE
16 ADVISORY BOARD.

17 (F) *NOMINATION PROCESS: FINAL APPOINTMENTS.*

18 (1) FINAL RANDOM SELECTIONS TO THE ADVISORY BOARD MUST BE MADE BY THE CHAIR
19 OF THE BOARD OF ETHICS, PURSUANT TO ARTICLE VII, SECTION 110 OF THIS
20 CHARTER.

21 (2) ~~§ 7~~ OF THE ~~7~~ 11 MEMBERS OF THE ADVISORY BOARD MUST BE RANDOMLY SELECTED BY
22 THE CHAIR OF THE BOARD OF ETHICS ON THE FOLLOWING BASIS:

23 (I) 1 MEMBER FROM AMONG THE ~~3~~ 2 NOMINEES SUBMITTED FROM CITY COUNCIL
24 DISTRICTS ~~1, 2, AND 3~~ 1 AND 2;

25 (II) 1 MEMBER FROM AMONG THE ~~3~~ 2 NOMINEES SUBMITTED FROM CITY COUNCIL
26 DISTRICTS ~~4, 5, AND 6~~ 3 AND 4;

27 (III) 1 MEMBER FROM AMONG THE ~~3~~ 2 NOMINEES SUBMITTED FROM CITY
28 COUNCIL DISTRICTS ~~7, 8, AND 9~~ 5 AND 6;

29 (IV) 1 MEMBER FROM AMONG THE ~~3~~ 2 NOMINEES SUBMITTED FROM CITY
30 COUNCIL DISTRICTS ~~10, 11, AND 12; AND 7 AND 8;~~

31 (V) 1 MEMBER FROM AMONG THE 2 NOMINEES SUBMITTED FROM CITY COUNCIL
32 DISTRICTS ~~13 AND 14.~~ 9 AND 10;

33 (VI) 1 MEMBER FROM AMONG THE 2 NOMINEES SUBMITTED FROM CITY COUNCIL
34 DISTRICTS 11 AND 12; AND

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1 (VII) 1 MEMBER FROM AMONG THE 2 NOMINEES SUBMITTED FROM CITY COUNCIL
2 DISTRICTS 13 AND 14.

3 ~~(3) THE 2 MEMBERS OF THE ADVISORY BOARD NOT SELECTED FROM THE CITY COUNCIL~~
4 ~~DISTRICT NOMINEES, AS DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION, MUST BE~~
5 ~~SELECTED BY THE CHAIR OF THE BOARD OF ETHICS AT RANDOM FROM AMONG THE~~
6 ~~MEMBERSHIP OF ANY OF THE FOLLOWING PROFESSIONAL ORGANIZATIONS:~~

7 ~~(I) THE BALTIMORE CITY BAR ASSOCIATION;~~

8 ~~(II) THE ASSOCIATION OF CERTIFIED FRAUD EXAMINERS; OR~~

9 ~~(III) THE ASSOCIATION OF CERTIFIED PUBLIC ACCOUNTANTS.~~

10 (3) THE REMAINING 4 MEMBERS SHALL CONSIST OF:

11 (I) 1 MEMBER OF THE ASSOCIATION OF CERTIFIED FRAUD EXAMINERS,
12 SELECTED BY THE BOARD OF REGENTS OF THE ASSOCIATION OF CERTIFIED
13 FRAUD EXAMINERS;

14 (II) 1 MEMBER OF THE MARYLAND ASSOCIATION OF CERTIFIED PUBLIC
15 ACCOUNTANTS, SELECTED BY THE BOARD OF DIRECTORS OF THE
16 MARYLAND ASSOCIATION OF CERTIFIED PUBLIC ACCOUNTANTS;

17 (III) THE DEAN OF THE UNIVERSITY OF MARYLAND SCHOOL OF LAW OR
18 THE DEAN'S DESIGNEE; AND

19 (IV) THE DEAN OF THE UNIVERSITY OF BALTIMORE SCHOOL OF LAW, OR
20 THE DEAN'S DESIGNEE.

21 ~~(4) THE 2 4 MEMBERS OF THE ADVISORY BOARD SELECTED PURSUANT TO PARAGRAPH (3)~~
22 ~~OF THIS SUBSECTION MUST ALSO COMPLY WITH ALL ELIGIBILITY AND QUALIFICATION~~
23 ~~REQUIREMENTS FOR ADVISORY BOARD MEMBERS OUTLINED IN THIS SUBSECTION.~~

24 ~~(G) TERM OF MEMBERS.~~

25 ~~(1) THE TERMS OF THE MEMBERS OF THE ADVISORY BOARD MUST BE STAGGERED AND~~
26 ~~MAY NOT BE COTERMINOUS WITH THE MAYOR'S TERM OF OFFICE.~~

27 ~~(2) OF THE INITIAL 7 11 APPOINTMENTS TO THE ADVISORY BOARD:~~

28 ~~(I) THE MEMBERS APPOINTED PURSUANT TO PARAGRAPHS (2)(V) AND (3) OF~~
29 ~~SUBSECTION (F) OF THIS SECTION MUST EACH SERVE A TERM OF 3 YEARS; AND~~

30 ~~(II) THE REMAINING MEMBERS MUST EACH SERVE A TERM OF 4 YEARS.~~

31 ~~(3) AFTER THE INITIAL TERMS OF THE ADVISORY BOARD MEMBERS HAVE EXPIRED, A~~
32 ~~MEMBER OF THE ADVISORY BOARD SHALL SERVE A TERM OF 4 YEARS.~~

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1 (4) THE TERM REQUIRED BY PARAGRAPH (2)(I) OF THIS SUBSECTION SHALL BE
2 CONSIDERED A FULL TERM FOR THE PURPOSES OF THE TERM LIMITS ESTABLISHED IN
3 ARTICLE IV, SECTION 6(E) OF THIS CHARTER.

4 (5) NO MEMBER OF THE ADVISORY BOARD MAY SERVE MORE THAN 2 CONSECUTIVE FULL
5 TERMS.

6 (H) *REMOVAL OF ADVISORY BOARD MEMBER.*

7 ~~(1) THE BOARD OF ETHICS MAY REMOVE MEMBERS OF THE ADVISORY BOARD AT ANY~~
8 ~~TIME, SUBJECT TO APPROVAL BY A MAJORITY VOTE OF THE MEMBERS OF THE BOARD~~
9 ~~OF ETHICS.~~

10 ~~(2) IF A MEMBER OF THE ADVISORY BOARD IS REMOVED PURSUANT TO PARAGRAPH (1) OF~~
11 ~~THIS SUBSECTION, THE DATE AND TIME OF THE REMOVAL SHALL COINCIDE WITH THE~~
12 ~~DATE AND TIME THE BOARD OF ETHICS APPROVED THE REMOVAL.~~

13 A MEMBER OF THE ADVISORY BOARD MAY BE REMOVED FOR CAUSE BY A VOTE OF
14 THE MAJORITY OF THE MEMBERS OF THE ADVISORY BOARD.

15 (I) *VACANCIES.*

16 THE CHAIR OF THE BOARD OF ETHICS SHALL SELECT AT RANDOM A MEMBER FROM THE
17 NOMINATIONS SUBMITTED AT THE OUTSET OF THAT PARTICULAR POSITION'S TERM.

18 (J) *PROCEDURES.*

19 (1) A QUORUM OF THE ADVISORY BOARD CONSISTS OF 4 6 MEMBERS.

21 (2) THE ADVISORY BOARD SHALL ELECT A CHAIR FROM THE MEMBERSHIP OF THE
22 ADVISORY BOARD.

23 (3) AN AFFIRMATIVE VOTE OF AT LEAST 4 6 MEMBERS SHALL BE NECESSARY TO APPOINT
24 AN INSPECTOR GENERAL.

25 (K) *REQUIRED TRAINING.*

26 PRIOR TO BEGINNING THEIR DUTIES, THE MEMBERS OF THE ADVISORY BOARD SHALL
27 ATTEND A TRAINING SESSION, TO BE PROVIDED BY THE ~~CHAIR OF THE BOARD OF ETHICS~~
28 OFFICE OF THE INSPECTOR GENERAL, THAT DETAILS:

29 (1) ~~BALTIMORE CITY ETHICS LAW;~~

30 ~~(2) THE RULES GOVERNING THE ADVISORY BOARD; AND~~

31 (2) (3) THE RULES GOVERNING AND DUTIES OF THE INSPECTOR GENERAL.

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1 (L) ANNUAL OVERVIEW.

2 THE ADVISORY BOARD SHALL APPEAR BEFORE THE CITY COUNCIL AT LEAST ONCE A YEAR
3 TO PROVIDE THE CITY COUNCIL WITH AN OVERVIEW OF THE ACTIVITIES OF THE ADVISORY
4 BOARD AND THE OFFICE OF THE INSPECTOR GENERAL.

5 § 3. OFFICE OF INSPECTOR GENERAL: THE INSPECTOR GENERAL.

6 (A) [(b)] *Qualifications.*

7 (1) The Inspector General shall be appointed without regard to political affiliation and
8 must have substantial experience in auditing, financial analysis, criminal justice law,
9 management analysis, public administration, investigations, or another appropriate
10 field.

11 (2) The Inspector General shall hold at the time of appointment, or be required to obtain
12 within 7 months after appointment, certification as a Certified Inspector General.

13 (B) [(c)] *Term.*

14 The Inspector General shall serve a term of 6 years commencing from the date of
15 appointment.

16 (C) [(d)] *Removal.*

17 The Inspector General may be removed from office by an affirmative vote of at least 4 [at
18 least 4] A MAJORITY OF THE members of the advisory board for:

- 19 (1) misconduct in office;
20 (2) persistent failure to perform the duties of office; or
21 (3) conduct prejudicial to the proper administration of justice.

22 (D) [(e)] *Reports concerning a vacancy or incapacity.*

23 Whenever the Office of the Inspector general remains vacant for 180 days, or whenever
24 the Inspector General is incapacitated or otherwise unable to perform the duties of the
25 office for 180 days, the Chair of the advisory board shall issue a report to the City
26 Council on the 180th day, and every 2 months thereafter until the vacancy is filled or the
27 Inspector General reports to work, describing the status of the efforts to fill the vacancy or
28 the status of the Absent Inspector General.

29 (E) [(f)] *Performance review.*

30 The advisory board shall meet at least once annually to review the performance of the
31 Inspector General.

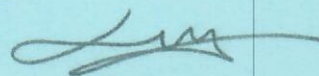
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1 **SECTION 2. AND BE IT FURTHER RESOLVED,** That Sections 3, 4, 5, and 6, respectively of
2 Article X – Office of the Inspector General of this Charter are renumbered to be Sections 4, 5, 6,
3 and 7, respectively.

4 **SECTION 3. AND BE IT FURTHER RESOLVED,** That this proposed amendment to the City
5 Charter be submitted to the legal and qualified voters of Baltimore City, for adoption or rejection,
6 in accordance with Article XI-A, § 5 of the Maryland Constitution, in the form specified by the
7 City Solicitor.

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Certified as duly passed this 25 day of July, 20 22



President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this 25 day of July, 20 22

Natawna B. Austin

Chief Clerk

Approved this 29 day of July, 20 22



Mayor, Baltimore City

Approved for Form and Legal Sufficiency
This 27th Day of July 2022.

Elena R DiPietro

Chief Solicitor