

**CITY OF BALTIMORE
COUNCIL BILL 26-0172
(First Reader)**

Introduced by: The Council President

At the request of: Charter Review Special Committee

Cosponsored by: Councilmembers Dorsey, Conway, Bullock, Porter, Blanchard, Jones, Glover,
and Ramos

Introduced and read first time: April 6, 2026

Assigned to: Charter Review Special Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Office of the
Comptroller, Mayor's Office of Government Relations, Planning Commission, Department of
Transportation

A RESOLUTION ENTITLED

1 A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

2 **Charter Amendment – Charter Committee Recommendations**

3 FOR the purpose of amending certain processes, requirements, and permissions relating to the
4 adoption and rejection of ordinances and resolutions, the City's budget, and establishing
5 certain tax rates; providing for the grant of certain minor privilege rights under a process
6 established by ordinance; removing certain improper, non-essential, obsolete, and redundant
7 provisions; setting a special effective date; and submitting this amendment to the qualified
8 voters of the City for adoption or rejection.

9 BY proposing to amend

10 Article IV – Mayor
11 Section 5
12 Baltimore City Charter
13 (1996 Edition)

14 BY proposing to add

15 Article VI – Board of Estimates
16 Section 8 and the new part designations,
17 “Part I. Budget” and “Part II. Board of Estimates”
18 Baltimore City Charter
19 (1996 Edition)

20 BY proposing to renumber

21 Article VI – Board of Estimates
22 Sections 1 and 8, respectively
23 to be
24 Sections 12 and 6, respectively
25 Baltimore City Charter
26 (1996 Edition)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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1 BY proposing to amend and renumber
2 Article VI – Board of Estimates
3 Sections 3 through 7, 9, 10, 11, and 18 respectively
4 to be
5 Sections 1 through 5, 7, 9, 10, and 11 respectively
6 Baltimore City Charter
7 (1996 Edition)

8 BY proposing to repeal
9 Article VI - Board of Estimates
10 Sections 2 and 12 through 17
11 Baltimore City Charter
12 (1996 Edition)

13 BY proposing to add
14 Article VI - Board of Estimates
15 Section 13
16 Baltimore City Charter
17 (1996 Edition)

18 BY proposing to amend
19 Article VIII – Franchises
20 Sections 1 and 2
21 Baltimore City Charter
22 (1996 Edition)

23 BY proposing to repeal
24 Article VIII – Franchises
25 Sections 4 through 9
26 Baltimore City Charter
27 (1996 Edition)

28 BY proposing to amend and renumber
29 Article VIII – Franchises
30 Section 3
31 to be
32 Section 4
33 Baltimore City Charter
34 (1996 Edition)

35 BY proposing to add
36 Article VIII – Franchises
37 Section 3
38 Baltimore City Charter
39 (1996 Edition)

40 **SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
41 Article VI – Board of Estimates of the City Charter be renamed to be Article VI – Budget and
42 Board of Estimates of the City Charter.

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1 (4) [(3)] Notwithstanding paragraph [(2)] (3) of this subsection, no vetoed ordinance or
2 resolution may be reconsidered by a City Council that has been newly-elected and
3 sworn since the passage of the vetoed ordinance or resolution.

4 (5) [(4)] If the ordinance or resolution, after reconsideration, is again passed by the City
5 Council by a vote of two-thirds of its members, it becomes an ordinance or resolution
6 of the City. In these cases, after the reconsideration, the votes on the question of the
7 passage of the ordinance or resolution over the veto of the Mayor shall be determined
8 by yeas and nays, and the names of the persons voting for and against passage of the
9 ordinance or resolution over the veto of the Mayor shall be entered on the Journal of
10 the City Council.

11 (c) *No action by Mayor.*

12 If an ordinance or resolution duly passed by the City Council shall not be returned by the
13 Mayor to the City Council within [three actual regular] TWO meetings, no more than one
14 of which shall occur in any one calendar week, after it shall have been delivered to the
15 Mayor, it shall become an ordinance or resolution of the City in the same manner as if the
16 Mayor had approved it, unless the City Council by an adjournment sine die, or for a
17 period exceeding one month, shall prevent its return, in which case it shall not be law.

18 (d) *Items of appropriation.*

19 If an ordinance or resolution duly passed by the City Council shall embrace different
20 items of appropriation, the Mayor may approve the provisions thereof relating to one or
21 more items of appropriation and disapprove the others, and in such case those the Mayor
22 shall approve shall become effective and those which the Mayor shall not approve shall
23 be reconsidered by the City Council, and shall become effective if again passed over the
24 veto of the Mayor by the vote as above prescribed for the passage over the veto of the
25 [Mayor of entire ordinances or resolutions. The procedures governing the Mayor’s veto of
26 an item of appropriation and the Council’s reconsideration of that item shall be the same
27 as those in this section that govern the passage, veto, reconsideration and override of
28 ordinances and resolutions.] MAYOR.

29 **Article VI. BUDGET AND Board of Estimates**

30 **PART I. BUDGET**

31 **§ 1. [3.] Fiscal year; Budget schedule.**

32 (a) *Fiscal year.*

33 The fiscal, budget, and accounting year of the City shall begin on the first day of July and
34 end on the thirtieth day of June in every year unless otherwise provided by law.

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1 (b) *Notice and hearing.*

2 [At least thirty days prior to the adoption by the Board of Estimates of a proposed
3 Ordinance of Estimates the] THE Board shall make public the Director of Finance’s
4 recommended operating budget, the Planning Commission’s recommended capital budget
5 and long-range capital improvement program, and the reports of the Director of Finance
6 and Planning Commission on these documents.

7 Thereafter, the Board [shall] MAY hold public hearings at which members of the City
8 Council, heads of municipal agencies, and citizens shall have the opportunity to appear
9 before the Board to speak for or against the inclusion of any appropriation in the proposed
10 Ordinance of Estimates.

11 (c) *Submission to Council.*

12 The Board of Estimates shall submit to the City Council the proposed Ordinance of
13 Estimates for the next fiscal year [at least forty-five days before the beginning of that
14 fiscal year.] IN THE MANNER REQUIRED BY § 4 {“ADOPTION OF PROPOSED ORDINANCE OF
15 ESTIMATES”} OF THIS ARTICLE VI NO LATER THAN APRIL 15 EACH YEAR.

16 (d) *Adoption by Council.*

17 [The City Council shall have at least forty days after receipt of the Board’s proposed
18 Ordinance of Estimates to enact an Ordinance of Estimates.]

19 The City Council shall adopt an Ordinance of Estimates at least five days prior to the
20 beginning of the fiscal year to which it is [applicable if the Board of Estimates submits its
21 proposed Ordinance of Estimates within the period prescribed by Section 3(c).]
22 APPLICABLE.

23 **[§ 2. Powers and duties.]**

24 [The Board of Estimates shall formulate and execute the fiscal policy of the City to the
25 extent, and in the manner provided for, in the Charter. To exercise its powers and perform its
26 duties, the Board may promulgate rules and regulations and summon before it the heads of
27 departments, bureaus or divisions, municipal officers, and members of commissions and
28 boards.]

29 **§ 2. [4.] Assistance from Finance Director and Planning Commission.**

30 To assist the Board of Estimates in the preparation of the proposed Ordinance of Estimates:

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1 (1) [(a)] *Recommendations on agency estimates.*

2 The Director of Finance shall submit for the consideration of the Board a
3 recommended operating budget, which shall include the estimates submitted by the
4 municipal agencies for the next fiscal year, the recommendations of the Director of
5 Finance thereon, and all other estimates for appropriations to be made in the next
6 fiscal year, other than for capital improvements; provided, however, the estimates for
7 the Fire Department shall include such amounts, if any, as may be determined by a
8 final decision of a board of arbitration convened to arbitrate unresolved negotiations
9 between the City and the certified employee organizations representing the fire
10 fighters and fire officers, as prescribed by existing Section 53 of Article VII.

11 (2) [(b)] *Recommendations on capital budget, etc.*

12 The Planning Commission shall submit for the consideration of the Board a
13 recommended capital budget, a recommended long-range capital improvement
14 program, and a report on both. The Director and Board of Finance shall review the
15 recommended capital budget and program, and make a report and recommendations
16 about both to the Board of Estimates.

17 **§ 3. [5.] Preparation of proposed Ordinance of Estimates.**

18 (a) *Contents.*

19 After receiving the recommendations of the Department of Finance and the Planning
20 Commission, the Board shall prepare its proposed Ordinance of Estimates, which shall
21 consist of:

22 (1) an operating budget: estimates for the next fiscal year of the appropriations needed
23 for the operation of each municipal agency and for all other purposes, other than
24 for capital improvements. These estimates shall state the amounts needed by every
25 municipal agency for each particular program, purpose, activity, or project and the
26 source of funds, if other than general funds, for each.

27 (2) a capital budget: estimates of the amounts to be appropriated to each municipal
28 agency for capital improvements in the next fiscal year. The capital budget
29 proposed by the Board also shall include the projects that the Board includes in
30 the first year of its long-range capital improvement program and the source of
31 funds for all capital improvements. However, no capital project shall be included
32 in the capital budget portion of the proposed Ordinance of Estimates submitted by
33 the Board of Estimates to the City Council unless the Board has received and
34 considered the reports and recommendations of the Planning Commission, the
35 Director of Finance, and the Board of Finance with regard to such capital project.
36 The Board of Estimates may establish additional procedures for the development
37 of a long-range capital improvement program and a capital budget.

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1 (b) *Contingent fund.*

2 The Board may include annually in the proposed Ordinance of Estimates a [sum up to one
3 million dollars (\$1,000,000.00)] PORTION of the General Fund appropriations to be used
4 during the next fiscal year as a contingent fund in case of an emergency or necessity for
5 the expenditure of money in excess of or other than the appropriations regularly passed
6 for any municipal agency.

7 At least one week before it approves a contingent fund expenditure, the Board shall report
8 to the City Council the reasons for the expenditure.

9 **§ 4. [6.] Adoption of proposed Ordinance of Estimates.**

10 (a) *Adoption, submission, and publication.*

11 [After the public notice and hearings prescribed by Section 3(b), the] THE Board shall
12 adopt a proposed Ordinance of Estimates by a majority vote of all the members.

13 The Board shall deliver the proposed Ordinance of Estimates to the President of the City
14 Council and contemporaneously publish a copy of the proposed ordinance in two daily
15 newspapers in Baltimore City.

16 (b) *Accompanying materials.*

17 The proposed Ordinance of Estimates that the Board submits to the City Council shall be
18 accompanied by the following materials:

19 (1) a breakdown of the amounts stated for each program, purpose, activity, or project of
20 each municipal agency in the proposed operating budget by standard categories of
21 expenditure, for

22 (I) [(a)] personal services,

23 (II) [(b)] materials, supplies, and equipment,

24 (III) [(c)] debt service, and

25 (IV) [(d)] such other categories as the Board of Estimates may deem advisable.

26 The personal services category shall include the compensation of every
27 officer and salaried employee of the City; provided, however, that the
28 salaries for employees in the same classification who have a uniform
29 salary or salary range may be combined into a single entry, which shall
30 indicate the number of such employees, their aggregate salaries, and the
31 name or title of the classification.

32 (2) a comparison by standard categories of expenditures of the appropriations contained
33 in the proposed operating budget with

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- 1 (I) [(a)] the amounts requested by the municipal agencies in their budget
2 submissions
- 3 (II) [(b)] the amounts appropriated for the current fiscal year and
4 (III) [(c)] the amounts expended in the prior fiscal year;
- 5 (3) detailed information about the sources of funds to meet the aggregate total of the
6 appropriations contained in the proposed Ordinance of Estimates;
- 7 (4) the long-range capital improvement program adopted by the Board and for each
8 capital project included in the capital budget, the following:
- 9 (I) a brief description and location,
10 (II) the total estimated cost,
11 (III) the appropriations authorized to date,
12 (IV) the appropriations proposed for the next fiscal year,
13 (V) the appropriations required thereafter to complete the project, and
14 (VI) the estimated additional annual maintenance and operation cost;
- 15 (5) a statement setting out:
- 16 (I) [(a)] the revenues which the City can reasonably expect to receive in the next
17 fiscal year from all existing sources of revenue at existing rates other than the
18 full rate property tax but including amounts believed to be collectible from
19 taxes for prior years and including an estimate of the surplus expected at the
20 end of the current fiscal year;
- 21 (II) [(b)] the difference between the revenues expected under [(a)] (I) above and
22 the total amount of appropriations provided in the proposed Ordinance of
23 Estimates;
- 24 (III) [(c)] the estimated taxable basis for the next ensuing fiscal year for the levy of
25 full rate property taxes;
- 26 (IV) [(d)] the rate for the levy of full rate property taxes which, given the revenues
27 expected under [(a)] (I) above, the total appropriations in the proposed
28 Ordinance of Estimates, and the taxable basis, will be necessary to raise
29 sufficient total revenues to cover total anticipated expenditures;

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1 (v) [(e)] new sources of revenue or new rates on existing sources of revenue, and
2 the amounts which can reasonably be expected from each of them, which the
3 Board of Estimates believes should be adopted for the next fiscal year; also the
4 rate for the levy of full rate property taxes which, in view of such new sources
5 of revenue or new rates on existing sources of revenue, will be necessary to
6 bring total expected revenues for the next fiscal year into balance with total
7 anticipated expenditures for the year;

8 (6) a message from the Mayor explaining the major emphasis and objectives of the City's
9 budget for the next fiscal year;

10 (7) such other information as the Board of Estimates may deem advisable.

11 **§ 5. [7.] Enactment of Ordinance of Estimates.**

12 (a) *Introduction; authorized cuts.*

13 (1) On receipt of the proposed Ordinance of Estimates and the accompanying materials,
14 the President of the City Council shall promptly cause it to be introduced in the City
15 Council, and the Council shall hold public hearings on the proposed Ordinance of
16 Estimates.

17 (2) By a majority vote of its members, the City Council may reduce or eliminate any of
18 the amounts in the proposed Ordinance of Estimates, except:

19 (i) amounts fixed by state or federal law;

20 (ii) amounts for the Fire Department established by a board of arbitration and
21 included in the proposed Ordinance of Estimates; [and]

22 (iii) amounts for the payment of the interest and principal of the municipal [debt.]
23 DEBT; AND

24 (IV) AMOUNTS DEDICATED TO NON-LAPSING FUNDS BY ORDINANCE.

25 (b) *[Increases and additions.] INCREASES, ADDITIONS, AND CONDITIONS.*

26 (1) Except as provided in this subsection, the City Council does not have the power to
27 increase the amounts fixed by the Board or to add any amount for any new purpose in
28 the proposed Ordinance of Estimates.

29 (2) (i) By a majority vote of its members, the City Council may increase items of
30 appropriation within the general fund or add items within the general fund for new
31 purposes provided that:

32 (A) the aggregate amount of the increase does not exceed the aggregate
33 amount by which the City Council has reduced or eliminated from the
34 Ordinance of Estimates under subsection (a) of this section;

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1 (B) the increases authorized by this subsection do not derive from the
2 reduction or elimination of revenue, which by law, contract, or
3 regulation must be used to support appropriations for specific purposes;
4 and

5 (C) an item added for a new purpose is or will be authorized by legislation
6 separate and apart from the Ordinance of Estimates.

7 (ii) In no event, however, may:

8 (A) the total amount of the Operating Budget or the Capital Budget, as
9 amended by the City Council, exceed the total amount of the Operating
10 Budget or Capital Budget, respectively, as proposed by the Board of
11 Estimates; or

12 (B) any increase or addition be made to or for any item described in
13 subsection (a)(2)(i), (ii), [or (iii)] (III), OR (IV) of this section.

14 (3) [If the carrying out of a particular program, purpose, activity, or project depends on
15 action by a body other than the City, the City Council may insert a specific provision
16 in the proposed Ordinance of Estimates making the appropriation for the particular
17 program, purpose, activity, or project contingent on that action.]

18 THE CITY COUNCIL MAY INSERT A SPECIFIC PROVISION IN THE PROPOSED ORDINANCE
19 OF ESTIMATES MAKING AN APPROPRIATION FOR A SPECIFIC PROGRAM, PURPOSE,
20 ACTIVITY, OR PROJECT CONTINGENT ON CERTAIN ACTION.

21 (c) *Revenue ordinances.*

22 (1) *COUNCIL TO ENACT.*

23 (I) As soon as practicable after the passage of the Ordinance of Estimates, the City
24 Council shall enact such revenue ordinances as are necessary to produce sufficient
25 expected revenues, as estimated by the Board of Estimates, to cover the total
26 anticipated expenditures [authorized by] IN the Ordinance of Estimates.

27 (II) The Council may adopt revenue sources or revenue rates other than those
28 proposed by the Board and in each such instance the estimate of the revenue to be
29 yielded by such a source or rate shall be made by the Board of Estimates.

30 (2) *PROPERTY TAX.*

31 (I) The Board of Estimates shall, taking into account any reductions and eliminations
32 made by the City Council in the anticipated expenditures contained in the
33 proposed Ordinance of Estimates and the revenues to be derived from all existing
34 sources and from any new sources or new rates enacted by the City Council,
35 certify to the Council the difference between the anticipated expenditures for the
36 next fiscal year contained in the Ordinance of Estimates and all expected revenues
37 other than from [the] full rate property [tax.] TAXES.

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1 (II) The Board shall then state [a rate] ALL RATES for the levy of full rate property
2 taxes sufficient to realize the amount required to meet the said difference and the
3 ordinance making the annual levy of full rate property taxes shall fix [a rate] ALL
4 RATES not less than that stated by the Board so that it shall not be necessary at any
5 time for the City to create a floating debt to meet any deficiency, and it shall not
6 be lawful for the City to create a floating debt for any such purpose.

7 **§ 6. [8.] Deficiencies; Supplementary appropriations.**

8 (a) *Deficiencies.*

9 No temporary loan shall be authorized or made to pay any deficiency arising from a
10 failure to realize sufficient income from all sources to meet the amounts provided in the
11 Ordinance of Estimates, but the City may temporarily borrow money for its use in
12 anticipation of the receipts of taxes levied for any year. In case of any such deficiency the
13 Board of Estimates shall effect reductions (which need not be pro rata) in appropriations
14 other than those for the payment of the principal and interest of the City debt and such
15 amounts as are fixed by law and contained in the Ordinance of Estimates, except to the
16 extent that the City Council shall, upon the recommendation of the Board of Estimates,
17 enact an ordinance which shall supply revenues to meet all or any part of such deficiency.
18 No emergency loan shall be made except in accordance with the provisions of Article XI
19 of the Constitution of Maryland.

20 (b) *Supplementary appropriations — when authorized.*

21 (1) Except as provided herein, the Ordinance of Estimates shall include all the moneys to
22 be appropriated by the City for all purposes for the fiscal year for which the ordinance
23 is applicable.

24 (2) Additional appropriations are permitted during the fiscal year only in the following
25 circumstances and under the following conditions:

26 (i) *Excess revenues.*

27 Revenues from any source other than the full rate property tax and other taxes
28 imposed under the authority of Article II, in excess of or in addition to those
29 relied on by the Board of Estimates in determining the tax levy required to
30 balance the budget, may be made available for expenditure by the municipal
31 agency responsible for the production of those revenues by a supplementary
32 appropriation ordinance recommended to the City Council by the Board of
33 Estimates, duly passed by the City Council by a majority vote of its members
34 and approved by the Mayor.

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1 (ii) *Unanticipated grants.*

2 Grants from private or governmental sources that could not be expected with
3 reasonable certainty at the time of the formulation of the proposed Ordinance
4 of Estimates may be made available to the appropriate municipal agency for
5 expenditure by a supplementary appropriation ordinance recommended to the
6 City Council by the Board of Estimates, duly passed by the City Council by a
7 majority vote of its members and approved by the Mayor.

8 (iii) *Material changes; new programs.*

9 Further appropriations for programs included in the proposed Ordinance of
10 Estimates made necessary by a material change in circumstances, or additional
11 appropriations for new programs that could not reasonably be anticipated at
12 the time of the formulation of the proposed Ordinance of Estimates may be
13 made available to the appropriate municipal agency for expenditure by a
14 supplementary appropriation ordinance recommended to the City Council by
15 the Board of Estimates, duly passed by the City Council by a vote of
16 three-fourths of its members and approved by the Mayor.

17 (c) *Supplementary appropriations – Requisites of ordinance.*

18 Every such further or additional appropriation shall be embodied in a separate ordinance
19 limited to a single program, purpose, activity or project therein stated, and each such
20 supplementary appropriation ordinance shall also, anything contained in the Charter to the
21 contrary notwithstanding, provide the revenue necessary to pay the appropriation by a
22 source, other than the full rate property tax, imposed under the authority of Article II. The
23 revenue shall be levied and collected as directed in the ordinance. The estimate of the
24 revenues to be derived from any source proposed in a supplementary appropriation
25 ordinance shall be made by the Board of Estimates.

26 **§ 7. [9.] Uses of appropriations.**

27 (a) *In general.*

28 Following the passage of the Ordinance of Estimates and the enactment of the revenue
29 measures necessary to achieve a balance between expected revenues and anticipated
30 expenditures for the next fiscal year, EXCEPT AS CERTAIN APPROPRIATIONS MAY BE
31 CONDITIONAL, AS PROVIDED FOR UNDER § 5(B)(3) OF THIS ARTICLE, the sums contained in
32 the Ordinance of Estimates shall, after the beginning of the fiscal year to which it is
33 applicable, be and become appropriated for the purposes therein named.

34 No appropriation provided for in the Ordinance of Estimates shall be used for any
35 purpose other than that named in that ordinance, except:

- 36 (1) the Board of Estimates may increase the amount for a particular program, purpose,
37 activity, or project or introduce an amount for a new program, purpose, activity or
38 project by transferring thereto amounts already appropriated to that agency; and

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1 (2) upon the recommendation of the Board of Estimates, the City Council by
2 ordinance may authorize the transfer of an appropriation contained in the
3 Ordinance of Estimates from one municipal agency to another municipal agency;

4 provided, however, that new or different amounts for capital projects from those
5 stated in the capital budget portion of the Ordinance of Estimates shall not be
6 authorized unless the Board of Estimates has received and considered the reports
7 and recommendations thereon of the Planning Commission and the Director of
8 Finance.

9 (b) *Expenditure schedule.*

10 Upon the authorization of the Board of Estimates and under procedures established by the
11 Board, the Director of Finance shall establish an expenditure schedule, applicable to any
12 or all municipal agencies whenever, in the opinion of the Board, financial conditions
13 warrant such budgetary allotments.

14 (c) *Carry-overs; Lapses.*

15 (1) Appropriations contained in the Ordinance of Estimates for a particular program,
16 purpose, activity, or project may, upon the recommendation of the head of the
17 municipal agency concerned and the Director of Finance, and with the approval of the
18 Board of Estimates, be carried over to fiscal years subsequent to the one for which the
19 appropriation is initially made if necessary to accomplish that program, purpose,
20 activity, or project.

21 (2) Funds encumbered for contracts, projects or other actual commitments and funds
22 dedicated by any act of Congress or by State law or by the terms of any private grant
23 to some specific purpose shall be carried over to the next fiscal year.

24 (3) All appropriations not so carried over shall lapse at the end of the fiscal year from
25 which made, except as provided in paragraph (4) of this subsection.

26 (4) Any balance remaining in ANY NON-LAPSING FUND OR IN the fund of the water,
27 sanitary wastewater, or stormwater utility (under Section [18] 11 of this article) at the
28 end of the fiscal year shall remain to the credit of that utility [and an estimate of that
29 balance shall be included in that utility's budget for the next year as an estimated
30 receipt.] OR FUND.

31 (d) *Surpluses.*

32 (1) In case of any surplus arising in any fiscal year by reason of an excess of revenue over
33 the expenditures (including any appropriation carried over) for that year, the surplus
34 shall become a part of the general revenue of the City and shall be available for the
35 general expenditures of the City for the next fiscal year, in accordance with the
36 Ordinance of Estimates for that year. An estimate of the surplus shall be made by the
37 Board of Estimates and included in expected revenues for the next year.

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(2) However, any surplus or retained earnings of the water, sanitary wastewater, or stormwater utility fund (under § [18] 11 of this article) at the end of the fiscal year shall remain to the credit of that utility and the estimate of that balance shall be included in that utility’s budget for the next year as an estimated receipt.

§ 8. NON-LAPSING FUNDS.

NOTHING IN THIS CHARTER PREVENTS THE ESTABLISHMENT OF NON-LAPSING FUNDS BY ORDINANCE, OR THE DEDICATION OF REVENUE SOURCES TO SUCH FUNDS BY ORDINANCE.

§ 9. [10.] Salaries.

[(a) In-term increases or decreases — in general.]

(A) [(1)] In preparing the Ordinance of Estimates, the Board of Estimates may increase or decrease the salaries of all municipal officers, except:

(1) [(i)] the elected officials subject to Article VII, §§ 117 through 125 of this Charter; and

(2) [(ii)] the appointed municipal officers who serve as members of the Board of Estimates,

(B) [(2)] If the salary of an appointed municipal officer is so increased or decreased, it may not again be increased or decreased, as the case may be, during that officer’s term.

(C) [(b) *In-term increases or decreases — Board members.*]

[(1)] The Mayor and City Council may, by ordinance, increase or decrease the salaries of the appointed municipal officers who serve as members of the Board of Estimates.

[(2) If the salary of an appointed municipal officer on the Board is so increased or decreased, it may not again be increased or decreased, as the case may be, during that officer’s term.]

[(c) Employment contingent on appropriation.]

[No person shall be appointed or employed as a paid municipal officer or employee unless an appropriation to cover that person’s compensation is included in the Ordinance of Estimates;]

[provided, however, that this provision shall not apply to:]

[(1) appointments or employments approved by resolution of the Board of Estimates, where funds are available for payment of the designated compensation; and]

[(2) persons whose appointment or employment is to be made and whose compensation is to be fixed by the Board of School Commissioners as provided in Section 63 of Article VII.]

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1 [(d) *Increases beyond Ordinance of Estimates.*]

2 [Except in cases of promotion, the salary or compensation of no officer or employee of
3 the City shall be increased beyond that set forth in the materials accompanying the
4 proposed Ordinance of Estimates unless the increase be approved by the Board of
5 Estimates upon the recommendation of the head of the agency concerned, and funds
6 therefor are available in the appropriation allotted in the Ordinance of Estimates to the
7 agency in question;]

8 [provided, however, that the Board of Estimates may adopt rules and regulations
9 governing increments to be granted to employees whose classifications call for an annual
10 increment until the maximum of such classification is reached;]

11 [provided, further, that nothing in this provision shall affect the power conferred by
12 Section 63 of Article VII upon the Board of School Commissioners.]

13 [(e) *Payment intervals.*]

14 [The salaries of all municipal officers and employees, whether or not fixed by the Charter,
15 shall be paid at such intervals, but not less frequently than semi-monthly, as the Board of
16 Estimates may determine from time to time.]

17 **§ 10. [11.] Procurement.**

18 [(a) *Board of Estimates responsible.*]

19 [The Board of Estimates shall be responsible for awarding contracts and supervising all
20 purchasing by the City as provided in this section and elsewhere in the Charter.]

21 (A) [(b)] *Authority of City Council.*

22 [(1)] By ordinance passed by two-thirds of the City Council members, the Mayor and City
23 Council shall set the dollar thresholds for:

24 (1) [(i)] contracts that must be formally advertised; and

25 (2) [(ii)] contracts that must be approved by the Board of Estimates.

26 (B) [(2)] *EFFECTIVE DATE OF THRESHOLD AMOUNTS.*

27 [Pending enactment of an Ordinance under this subsection, the Board of Estimates shall
28 set initial threshold amounts. Those initial existing threshold amounts shall remain in
29 effect until different amounts have been set by Ordinance under this subsection.]

30 THRESHOLD AMOUNTS SET BY ORDINANCE SHALL REMAIN IN EFFECT UNTIL DIFFERENT
31 AMOUNTS HAVE BEEN SET BY ORDINANCE UNDER THIS SECTION.

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1 [(c) *Formal advertisement.*]

2 [In contracting for any public work, or the purchase of any supplies (unless otherwise
3 provided by ordinance for foodstuffs and related perishables), materials, equipment, or
4 services other than professional services, for the City or by any municipal agency,
5 involving an expenditure of greater than the threshold set under subsection (b) of this
6 section, advertisements for proposals shall first be published at least twice in two or more
7 newspapers of general circulation published in Baltimore City, and published
8 electronically to the public, unless otherwise provided by the Charter. The first
9 publication shall be made not less than 10 nor more than 90 days prior to the day set for
10 opening the bids.]

11 [(d) *Professional services.*]

12 [All professional services contracted for by the City shall be engaged in the manner
13 prescribed by resolution of the Board of Estimates.]

14 [(e) *Emergencies, etc.*]

15 [(i) When any supplies, materials, equipment, services, or public works are of such a
16 nature that no advantage will result in seeking, or it is not practicable to obtain,
17 competitive bids, or when the need for supplies, materials, equipment, services, or
18 public works is of an emergency nature and the using agency certifies this in writing
19 to the Board of Estimates, with written notice to the Department of Finance, the
20 provisions of subsection (c) of this section may be dispensed with. However, the
21 purchase may not be made, nor may the City incur any obligation for it, until
22 approved by the Board of Estimates after considering the recommendation of the
23 Department of Finance. When practicable, the City's intent to make a purchase under
24 this exception shall be posted electronically to the public for comment prior to the
25 approval of the purchase by the Board of Estimates.]

26 [(ii) In the event of an emergency of such a nature that the public welfare would be
27 adversely affected by awaiting the approval of the Board of Estimates, the Department
28 of Finance, upon application by the head of the municipal agency involved, may
29 proceed to obtain the supplies, materials, equipment, services, or public works
30 required without reference to the provisions of subsection (c) of this section. A full
31 report of any this action shall be promptly submitted to the Board of Estimates.]

32 [(f) *Contracts subject to Board of Estimates approval.*]

33 [All purchases of services other than professional services, of property other than real
34 estate or interests therein (except as may be otherwise provided by ordinance for
35 foodstuffs and related perishables), and all other contracts involving an expenditure
36 greater than an amount set under subsection (b) of this section, except those awarded by
37 the Board of Estimates pursuant to the provisions of subsection (h) of this section, made
38 by any municipal agency, in addition to compliance with other applicable provisions of
39 the Charter, shall be submitted to the Board of Estimates for its approval and shall be
40 binding upon the City only when so approved.]

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1 [The Board of Estimates may adopt rules and regulations governing the procedures and
2 requirements to be followed by any municipal agency in making purchases or other
3 contracts involving an expenditure that does not require formal advertising under
4 subsection (c) of this section.]

5 [(g) *Prequalification of bidders.*]

6 [In contracting for any public work or the purchase of any supplies, materials, equipment,
7 or services for the City or by any municipal agency, the Board of Estimates may establish,
8 maintain, and modify rules, regulations, and standards for the prequalification of bidders.]

9 [(h) *Bid awards.*]

10 [(1)(i) All bids made to the City in response to the formal advertising procedures
11 contained in this section, for materials, supplies, equipment, services, or public
12 works, or for any other purpose, unless otherwise provided in the Charter, shall be
13 opened by the Board of Estimates.]

14 [(ii) After opening the bids, the Board of Estimates shall award the contract, as an
15 entirety to the lowest responsive and responsible bidder or by items to the
16 respective lowest responsive and responsible bidders, or in the case of Requests
17 for Proposals to the highest scoring responsive and responsible bidder, or shall
18 reject all bids. However, whenever alternative bids are invited for two or more
19 different things, then, after all bids have been opened, the Board may select the
20 particular item that will be procured, and shall award the contract to the lowest
21 responsive and responsible bidder or in the case of Requests for Proposals to the
22 highest scoring responsive and responsible bidder for that particular item.]

23 [(iii) In the event of tie bids, the using agency, with written notice to the Department of
24 Finance, shall make a written recommendation and report to the Board of
25 Estimates setting forth all pertinent considerations and the reasons for its
26 recommendation. The Board, after also considering the recommendation of the
27 Department of Finance, may then award the contract in its discretion, as long as
28 the total cost to the City does not exceed the amount of the tie bid.]

29 [(iv) Once filed, bids are irrevocable.]

30 [(v) Any recommendation that is made by any municipal agency to the Board of
31 Estimates as to the appropriate award to be made by the Board is advisory only
32 and not binding on the Board.]

33 [(vi) Notwithstanding the competitive bid provisions of this Charter, the Board of
34 Estimates may adopt rules and regulations that establish uniform procedures for
35 providing, on a neighborhood service, neighborhood public work, or
36 neighborhood public improvement contract, limited bid preferences to responsive
37 and responsible bidders who are residents of, or have their principal places of
38 business in, that neighborhood.]

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1 [(2)(i) All bids for construction contracts let for the Department of Public Works, the
2 Department of General Services, and the Department of Transportation and any
3 other contracts for public works shall be accompanied by a check or bid bond. For
4 all other contracts, the Director of Finance shall implement policies and
5 procedures to determine whether a bid bond is required for a contract, the term
6 and face value of the bond, and the manner in which the bond shall be provided
7 and refunded.]

8 [(ii) Except as otherwise provided in this paragraph (2), the check shall be a certified
9 check of the bidder, a bank cashier’s check, or a bank treasurer’s check, drawn on
10 a clearing house bank. The check shall be in an amount provided by ordinance, by
11 the bid specifications, or by an order or regulation of the using agency. In the case
12 of bid checks of \$5,000 or less, the check may be of any type drawn on any
13 banking institution of the United States.]

14 [(iii) The bid bond shall be in the form and amount provided by the rules and
15 regulations of the Board of Estimates, and shall be filed by the bidder with the
16 Department of Finance.]

17 [(3)(i) The successful bidder promptly shall execute a formal contract, to be approved as
18 to its form, terms, and conditions by the City Solicitor.]

19 [(ii) For all construction contracts let for the Department of Public Works, the
20 Department of General Services, and the Department of Transportation and any
21 other contracts for public works , the bidder shall execute and deliver to the
22 Mayor a good and sufficient performance bond, irrevocable letter of credit, or
23 certification that the successful bidder meets the requirements under the City’s
24 self-insurance program for performance coverage. For all other contracts, the
25 Director of Finance shall implement policies and procedures to determine whether
26 a performance bond is required for a contract, the term and face value of the bond,
27 and the manner in which the bond shall be provided.]

28 [(iii) The bond, letter of credit, or certification shall be:]

29 [1. in an amount equal to the full contract price; or]

30 [2. for each year in a multi-year contract (other than a construction contract), in
31 an amount equal to the estimated contract price for that year, as determined
32 by the Director of Finance.]

33 [(iv) Any successful bidder who fails to execute promptly and properly the required
34 contract, performance bond, irrevocable letter of credit, or certification, as
35 applicable, shall forfeit the amount deposited, or an equivalent amount under the
36 bid bond. This amount shall be taken and considered as liquidated damages and
37 not as penalty for the bidder’s failure.]

38 [(4) When the successful bidder executes the contract and, if required, the performance
39 bond, the bid checks shall be returned to all bidders or the equivalent amounts
40 charged against their bid bond shall be released. If the City has deposited bid
41 checks, the City shall reimburse these bidders in the amounts of the bid checks.]

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1 [(5) If a bidder is not required to file a bid bond under the policies and procedures
2 adopted by the Director of Finance and the bidder fails to execute and perform any
3 contract awarded to that bidder, the exempted bidder shall forfeit the right to bid on
4 any future City contract for a period of time determined by the Board of Estimates,
5 and shall be liable for any costs incurred by the City as a result of the default.]

6 [(i) *Local, small, and disadvantaged business enterprise programs.*]

7 [The Mayor and City Council may, by ordinance, establish programs that grant
8 purchasing preferences to local, small, or disadvantaged businesses and, for that purpose,
9 waive or modify the application of this section (with the exception of subsection (a)) to
10 certain transactions.]

11 **[§ 12. Salary and wage scales; Work conditions.]**

12 [(a) *In general.*]

13 [(1) The Board shall fix the salary or wage scales for the several classifications of the
14 City employee in the Classified Civil Service, and such scales, so far as practicable,
15 shall be uniform for all like classifications except that where a final decision of a
16 board of arbitration convened to arbitrate unresolved negotiations between the City
17 and the certified employee organization representing the fire fighters and fire
18 officers has been rendered in any year, the amounts as determined shall be adopted
19 by the Board of Estimates as the salary and wage scales for employees of the Fire
20 Department.]

21 [(2) The Board shall also adopt such rules and regulations as it may deem appropriate to
22 insure, so far as practicable, like working conditions for the employees in the
23 several municipal agencies, including vacation and sick leave.]

24 [(b) *Multi-year collective bargaining agreements.*]

25 [(1) The Board of Estimates may approve a collective bargaining agreement between the
26 City and one or more of the Baltimore Fire Fighters, IAFF Local 734, the Baltimore
27 Fire Officers, IAFF Local 964, the American Federation of State, County and
28 Municipal Employees, AFL-CIO, Council 67 (AFSCME Locals 44, 558, and 2202),
29 the City Union of Baltimore, and the Baltimore City Lodge No. 3, Fraternal Order
30 of Police, Inc., Units I and II, for a term of not less than 1 fiscal year and not more
31 than 3 consecutive fiscal years, so long as the term of the collective bargaining
32 agreement does not extend beyond the fiscal year in which the current Mayor's term
33 of office ends.]

34 [(2) The Board shall annually include in the Ordinance of Estimates submitted to the
35 City Council an amount sufficient to fund the salaries provided for in any collective
36 bargaining agreement between the City and the local unions listed in paragraph (1)
37 of this subsection.]

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1 **[§ 13. Command appearance of municipal officers.]**

2 [The Board shall have power at any time to summon before it the heads of departments and
3 their respective bureaus or divisions, all municipal officers, and members of commissions,
4 and boards.]

5 **[§ 14. Bonds of municipal officers.]**

6 [Except as otherwise provided by State law, the Board of Estimates shall determine which
7 officials of the City shall be bonded for the faithful performance of their duties and the form
8 and amount of such bonds. All premiums on official bonds shall be paid by the City. All
9 bonds executed in favor of the City shall be approved by the Mayor.]

10 **[§ 15. Claims against or by City.]**

11 [No private claims against the City shall be paid nor shall any claims held by the City be
12 compromised or released except in accordance with procedures established by the Board of
13 Estimates. Nothing contained in this section shall be held to apply to claims against the City
14 or held by the City in any case where, by the express terms of any contract, an engineer,
15 architect or other agent or representative of the City is authorized to decide as to such
16 claims.]

17 **[§ 16. Salaries of State's Attorney's Office.]**

18 [The Board of Estimates is hereby authorized and empowered to fix the salaries of the State's
19 Attorney, the Deputy State's Attorney, and Assistant State's Attorneys of Baltimore City, in
20 amounts not less than those prescribed by the Constitution of Maryland.]

21 **[§ 17. Expenditures for new improvements.]**

22 [Except as provided in Section 61 of Article VII, no expenditure for any new improvement
23 shall be made out of any appropriation in the Ordinance of Estimates unless the plans for
24 such improvement are first submitted to and approved by the Board of Estimates.]

25 **§ 11. [§ 18.] Water, sanitary wastewater, and stormwater utilities.**

26 (a) *To be separate enterprises.*

27 (1) Water, sanitary wastewater, and stormwater utilities each shall be conducted as a
28 separate enterprise.

29 (2) Each of the utilities shall be financially self-sustaining and shall be operated without
30 profit or loss to the other funds or programs of the City.

31 (b) *Utility budgets; Agency budget estimates.*

32 (1) Separate budgets, which shall include estimates of revenue and expense for the
33 ensuing fiscal year, shall be prepared annually for the water, sanitary wastewater, and
34 stormwater utilities. The actions of the Board of Estimates and the City Council on
35 the utilities' budgets are subject to this section.

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1 (2) The budget estimates of each agency of the City shall include items for the use of
2 services provided by the water, sanitary wastewater, and stormwater utilities, as
3 applicable.

4 (c) *Interfund and other borrowing.*

5 Nothing in this section prevents the following, if otherwise in accordance with law:

6 (1) interfund cash borrowings between the water, sanitary wastewater, and
7 stormwater utilities to meet temporary cash requirements; or

8 (2) borrowings by these utilities from the General Fund or any other fund of the City.

9 (d) *Transfer of employees.*

10 Nothing in this section prevents:

11 (1) the transfer or assignment of employees from one utility to another utility or to
12 any department, board, commission, or agency of the City; or

13 (2) the division of employees' time among the utilities or between a utility and any
14 department, board, commission, or agency of the City.

15 (e) *Supplemental legislation.*

16 The Mayor and City Council may enact, from time to time, ordinances not inconsistent
17 with this Charter, as necessary or desirable to implement the provisions of this section.

18 **PART II. BOARD OF ESTIMATES**

19 **§ 12. [1.] Establishment and organization.**

20 (a) *In general.*

21 There shall be a Board of Estimates composed of the Mayor, President of the City
22 Council, Comptroller, City Solicitor, and Director of Public Works, none of whom shall
23 receive any additional salary as members of the Board.

24 The President of the City Council shall be President of the Board, and one of the
25 members shall act as Secretary.

26 The Board may employ such employees as may be necessary to discharge its duties; their
27 number and compensation shall be fixed in the Ordinance of Estimates.

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1 (b) *Meetings.*

2 The first meeting of the Board in every year shall be called by notice from the Mayor or
3 President of the City Council personally served upon members of the Board. Subsequent
4 meetings shall be called as the Board may direct.

5 (c) *Representatives.*

6 If a member is unable to attend a Board meeting, that member’s representative, as
7 designated in the Charter, may attend and exercise the powers of the member. The Mayor
8 may designate a municipal officer or member of the Mayor’s personal staff to represent
9 the Mayor and exercise the Mayor’s power at Board meetings in the Mayor’s absence.

10 **§ 13. POWERS AND DUTIES.**

11 (A) *IN GENERAL.*

12 THE BOARD OF ESTIMATES SHALL:

- 13 (1) SUBMIT TO THE CITY COUNCIL THE PROPOSED ORDINANCE OF ESTIMATES FOR THE
14 NEXT FISCAL YEAR;
- 15 (2) AWARD CONTRACTS AND SUPERVISE ALL PURCHASING BY THE CITY; AND
- 16 (3) PERFORM DUTIES AND EXERCISE POWERS AS MAY BE DIRECTED BY ORDINANCE.

17 (B) *TO EXERCISE.*

18 THE BOARD MAY, TO EXERCISE ITS POWERS AND PERFORM ITS DUTIES:

- 19 (1) SUMMON BEFORE IT THE HEADS OF DEPARTMENTS, BUREAUS, OR DIVISIONS,
20 MUNICIPAL OFFICERS, AND MEMBERS OF COMMISSIONS AND BOARDS; AND
- 21 (2) PROMULGATE RULES AND REGULATIONS NOT INCONSISTENT WITH THE PROVISIONS
22 OF ANY ORDINANCE.

23 **Article VIII. Franchises**

24 **§ 1. Authority to grant.**

25 (A) *TITLE IS INALIENABLE.*

26 The title of the City in and to its waterfront, wharf property, land under water, public
27 landings, wharves and docks, streets, lanes, and parks, its sewer system and water-supply
28 system, as described in Article VII, §§ 33 and 34 of this Charter, and its underground
29 conduit system for cables, wires, and similar facilities is hereby declared to be
30 inalienable.

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1 (B) *GRANT OF FRANCHISES.*

2 (1) With the exception of the City’s sewer [system,] AND water-supply [system, and
3 underground conduit system for cables, wires, and similar facilities,] SYSTEMS, the
4 City may grant for a limited time and subject to the limitations and conditions
5 contained in the Charter, specific franchises or rights in or relating to any of the public
6 property or places mentioned in [the preceding sentence;] SUBSECTION (A) OF THIS
7 SECTION; provided that such grant is in compliance with the requirements of the
8 Charter, and that the terms and conditions of the grant shall have first been authorized
9 and set forth in an ordinance duly adopted.

10 (2) THE CITY MAY NOT, BY GRANT OR ORDINANCE, DIVEST ITSELF OF THE RIGHT OR
11 POWER TO REGULATE THE EXERCISE OF A FRANCHISE OR A RIGHT.

12 (C) *REQUIRED PROVISIONS.*

13 [Every such grant shall specifically set forth and define the nature, extent and duration of
14 the franchise or right thereby granted, and no franchise or right shall pass by implication
15 under any such grant; and, notwithstanding any such grant the City shall at all times have
16 and retain the power and right to reasonably regulate in the public interest the exercise of
17 the franchise or right so granted; and the City shall not have the power by grant or
18 ordinance to divest itself of the right or power so to regulate the exercise of such
19 franchise or right.]

20 EACH FRANCHISE AGREEMENT OR GRANT SHALL:

21 (1) SPECIFY THE NATURE, SCOPE, AND DURATION OF THE FRANCHISE OR RIGHT BEING
22 GRANTED;

23 (2) NOT TRANSFER ANY FRANCHISE OR RIGHT BY IMPLICATION; AND

24 (3) PRESERVE THE CITY’S CONTINUING AUTHORITY TO REASONABLY REGULATE THE
25 EXERCISE OF THE GRANTED FRANCHISE OR RIGHT IN THE PUBLIC INTEREST.

26 **§ 2. [Procedures; Compensation; Minor privileges.] PROCEDURE; COMPENSATION.**

27 Whenever an ordinance is introduced into the City Council pursuant to the provisions of
28 Section 1 of this Article VIII, which ordinance shall contain all the terms and conditions of
29 the proposed grant, including a provision as to the rates, fares and charges, if the grant
30 provides for the charging of rates, fares or charges, and a provision that the franchise or right
31 shall be executed and enjoyed within six months after the grant, it shall, after the first
32 reading, be referred forthwith to the Board of Estimates. The said Board shall make diligent
33 inquiry as to the money value of said franchise or right proposed to be granted and the
34 adequacy of the proposed compensation to be paid therefor to the City as offered in said
35 ordinance, and the propriety of the terms and conditions of said ordinance, and said board is
36 empowered to increase the compensation to be paid therefor to the City and to alter the terms
37 and conditions of said ordinance, including the space in or over which the franchise or right is
38 proposed to be granted and the person to whom the franchise or right shall be granted,
39 provided such alterations are not inconsistent with the requirements and provisions of the
40 Charter, and it shall be the duty of said Board to fix in said ordinance the said compensation

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1 at the largest amount it may be able to obtain, by advertising or otherwise, for said franchise
2 or right, and no grant thereof by the City Council shall be made except for the compensation
3 and on the terms approved by vote or resolution of the said Board, entered in the minutes or
4 records of said Board and attached to said ordinance with the signature of a majority of said
5 Board signed thereto, and in the absence of such vote or resolution of said Board said
6 proposed ordinance may not be passed but shall lapse and be void.

7 **§ 3. MINOR PRIVILEGES.**

8 (A) *DEFINITIONS.*

9 (1) *IN GENERAL.*

10 IN THIS ARTICLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

11 (2) *MINOR PRIVILEGE.*

12 “MINOR PRIVILEGE” MEANS A RIGHT GRANTED BY THE CITY TO A PERSON TO USE A
13 PORTION OF PUBLIC PROPERTY FOR PRIVATE PURPOSES AS IDENTIFIED AND DEFINED BY
14 ORDINANCE.

15 (3) *TEMPORARY MINOR PRIVILEGE.*

16 “TEMPORARY MINOR PRIVILEGE” MEANS A MINOR PRIVILEGE THAT CAN BE REMOVED
17 WITHOUT MATERIALLY ALTERING THE PUBLIC PROPERTY WHERE IT IS LOCATED.

18 (4) *PERMANENT MINOR PRIVILEGE.*

19 “PERMANENT MINOR PRIVILEGE” MEANS A MINOR PRIVILEGE THAT CANNOT BE
20 REMOVED WITHOUT MATERIALLY ALTERING THE PUBLIC PROPERTY WHERE IT IS
21 LOCATED.

22 (B) *TEMPORARY AND PERMANENT MINOR PRIVILEGES*

23 [Provided, that the] THE right to use the streets, or other public property, by any person
24 for [steps, porticoes, bay windows, bow windows, show windows, signs, columns, piers,
25 or other projections or structural ornaments of any character except so far as the same
26 may be prohibited by law, and covered vaults, covered areaways, drains, drainpipes,] A
27 TEMPORARY OR PERMANENT MINOR PRIVILEGE or any other private purpose not prohibited
28 by law or ordinance and not being a franchise or right requiring a formal grant by
29 ordinance, may be granted by [the Board of Estimates for such an amount of money and
30 upon such terms as the said Board may consider right and proper without the necessity of
31 an ordinance or advertising.] AN EXECUTIVE AGENCY UNDER A PROCESS ESTABLISHED BY
32 ORDINANCE.

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1 [The applicant for any such right shall make written application therefor to the Board of
2 Estimates, stating therein the use desired and the amount he proposes to pay therefor.
3 Before filing the application with the Board of Estimates, the applicant shall serve copies
4 thereof on the owners of the adjoining properties. The use applied for shall be enjoyed
5 only on the payment of the consideration fixed by said Board and on the terms and
6 conditions prescribed by it in writing, which terms and conditions, including the
7 consideration charged therefor, may be changed from time to time by the Board — but
8 with respect to “permanent” minor privileges, as defined in Section 9 of this Article VIII
9 of the Charter, only after reasonable notice to the holder of the privilege and opportunity
10 to him to be heard before the Board or its designated representative — and provided
11 further, that all grants of minor privileges shall also be subject to the provisions of said
12 Section 9 of this Article VIII.]

13 [The Board of Estimates may delegate to any department or other municipal agency, and
14 such department or other municipal agency shall exercise, any administrative powers and
15 duties relating to minor privileges.]

16 **§ 4. [3. Duration.] TERM; RENEWAL; TRANSFER ON TERMINATION.**

17 No franchise or right in relation to any street, either on, above or below the surface of the
18 same, or franchise or right with respect to any other public property, shall be granted by the
19 City to any person for a longer period than twenty-five years, but such grant may, at the
20 option of the City, provide for giving to the grantee the right (on fair revaluation, including in
21 such revaluation the value derived from the said franchise or right) to renewals not exceeding
22 in the aggregate twenty-five years.

23 Regardless of the number of previous grants of a given franchise to its holder, or the number
24 of years such holder may have held the same, the City may renew the same to him on the
25 same or different terms from that theretofore granted, including an increase or decrease of the
26 consideration or charge therefor, provided always, no grant by the City of a franchise or right
27 in, over or under any part of its public property, whether an original grant or a renewal
28 thereof, shall (save for a possible provision for renewals in accordance with the first sentence
29 of this section) create a term therefor or a right to obtain a renewal of said term extending
30 more than twenty-five years from the date of the ordinance granting or renewing the same, as
31 the case may be.

32 Any grant of a franchise may provide that upon the termination of the said franchise or right
33 granted by the City, the plant, as well as the property of the grantee situated in, above or
34 under the streets or other public property aforesaid with its appurtenances, shall thereupon be
35 and become the property of the City, without further or other compensation to the grantee; or
36 such grant may provide that upon such determination, there shall be a fair valuation of the
37 plant and property, which shall be and become the property of the City at its election, on
38 paying the grantee said valuation. If, by virtue of the grant, the plant and property are to
39 become the property of the City without money payment therefor, the City shall have the
40 option either to take and operate the said property on its own account, or to renew the said
41 grant for not exceeding twenty-five years on a revaluation or sell the same to the highest
42 bidder at public sale. If the original grant shall prescribe that the City shall at its election
43 make payment for such plant and property, such payment shall be at a fair valuation of the
44 same as property, excluding any value derived from the franchise or right and if the City shall
45 make payment for such plant and property, it may, in that event, operate the plant and

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1 property on its own account for five years, after which it may determine either to continue
2 such operation on its own account or to lease the said plant and property and the said
3 franchise or right to use the streets, or other public property in connection therewith, for
4 limited periods, not to exceed twenty-five years from the date of the grant, under such rules
5 and regulations as it may prescribe, or to sell the plant and property to the highest bidder at
6 public sale.

7 Every grant of any such franchise or right shall make provision, by way of forfeiture or
8 otherwise, for the purpose of compelling compliance with the terms of the grant, and to
9 secure efficiency of public service at reasonable rates, and the maintenance of the property in
10 good condition, throughout the full term of the grant. The grant shall also specify the mode
11 of determining the valuations and revaluations which may be provided for therein.

12 SECTIONS 1, 2, AND 4 OF THIS ARTICLE VIII SHALL APPLY TO ANY RENEWAL OR EXTENSION OF
13 A FRANCHISE, WHETHER TO THE SAME GRANTEE OR TO OTHERS.

14 **[§ 4. Street railways.]**

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

22 **[§ 5. Trackless trolleys.]**

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

26 **[§ 6. Advertising.]**

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

34 **[§ 7. Reservation of rights.]**

35 [When the grant of a franchise or right is made in compliance with the foregoing sections, the
36 City shall not part with, but shall expressly reserve the right and duty at all times to exercise
37 in the interest of the public full municipal superintendence, regulation and control in respect
38 to all matters connected with said grant and not inconsistent with the terms thereof.]

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1 [§ 8. Renewals.]

2 [Sections 1, 2,[3, 6, and 7 of this Article VIII shall apply to any renewal or extension of a
3 franchise, whether to the same grantee or to others.]

4 [§ 9. Minor privileges.]

5 [(a) *Temporary minor privilege charges.*]

6 [Beginning with the year 1935, the amount of the lien of the City for charges for
7 temporary minor privileges, as hereinafter defined, shall be limited to the amount of the
8 charge therefor for the last calendar year for which made. The person to whom such
9 temporary minor privilege is granted shall be personally liable to the City for the amount
10 of such charges. If any such charge is not paid by April 1st of the year succeeding that in
11 respect of which the charge was made, the Department of Finance shall record the lien for
12 such previous year's charge in the tax lien record, where it shall continue to be a lien,
13 until paid, upon the property on which such minor privilege is located. The Department of
14 Finance may proceed to enforce the liability above provided for or to sell the property in
15 satisfaction of such lien under the provisions of Article 81 of the Code of Public General
16 Laws of Maryland.]

17 [(b) *“Temporary” and “permanent” defined; Procedures.*]

18 [Temporary minor privileges are those in the nature of awnings, barber poles, signs,
19 skids, clothes racks, sidewalk displays and vending machines and the like, which can be
20 removed without a material alteration of the property where the said privilege is located.]

21 [Permanent minor privileges are those in the nature of steps, porticoes, bay windows, bow
22 windows, show windows, columns, tiers, covered vaults, covered areaways, drains or
23 drainpipes, and the like which cannot be removed without a material alteration of the
24 property where the said privilege is located.]

25 [The procedure for granting minor privileges is set forth in Section 2 of this Article VIII.]

26 [(c) *Savings clause.*]

27 [Nothing contained in this section shall affect the payment or collection of any minor
28 privilege charges, temporary, or permanent, accruing before the year 1935 or the payment
29 or collection of charges for permanent minor privileges during and after the year 1935. As
30 to any of such charges which are not paid when due, the Department of Finance may
31 institute suit against the holder of the privilege and the owner of the property at the time
32 the charge arose, and shall record them in the tax lien record, and they shall remain a lien
33 until paid and may sell the property at which the privilege is located under the provisions
34 of said Article 81.]

35 [(d) *Designation by Board of Estimates.*]

36 [In issuing minor privileges the Board of Estimates shall designate the same as being
37 “temporary” or “permanent” as defined in this section.]

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1 **SECTION 3. AND BE IT FURTHER RESOLVED**, That each provision repealed by this Resolution
2 shall, upon approval by the legal and qualified voters of Baltimore City, become fully effective
3 upon the date of the next General Election conducted in Baltimore City or upon passage of an
4 ordinance or promulgation of a regulation governing the subject matter of the repealed provision,
5 whichever is sooner. To the extent of any inconsistency or conflict between such ordinance or
6 regulation and the repealed provision, the ordinance shall prevail.

7 **SECTION 4. AND BE IT FURTHER RESOLVED**, That all provisions of this amendment to the
8 City Charter not contemplated by Section 3 shall become effective on January 1, 2027.

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