

**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:

Baltimore City Charter

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) do not revert to the general revenues of the City; and]

2 [(3) their appropriations do not lapse.]

3 Article VII. Executive Departments

4 *General Provisions*

5 § 3. General provisions: Bureaus and divisions.

6 [(a) *Establishment or abolishment.*]

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

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

15 [(b) *Allocation of powers and duties.*]

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

21 *Department of Finance*

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

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

26 § 11. Department of Finance: Accounting.

27 (a) *In general.*

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

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 **§ 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

§ 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.

Council Bill 18-0264

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

5 § 74. Department of Planning: Master Plan.

6 (a) *Purpose.*

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

11 (b) [Scope.]

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

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

24 (c) *Revisions.*

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

- 27 (1) a resolution of the Commission, carried by the affirmative vote of not less than six
28 members of the Commission, or [by]
- 29 (2) ordinance adopted by the City Council by the affirmative vote of not less than
30 three-fourths of its members.

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

33 (d) *Conformity with Plan required.*

34 PUBLIC AND PRIVATE IMPROVEMENTS SHALL BE IN CONFORMITY TO THE MASTER PLAN TO
35 THE EXTENT REQUIRED BY LAW. [No public improvement or enterprise, including, among
36 other things, streets, highways, boulevards, viaducts, bridges, subways, tunnels or other
37 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 (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.]

CIVIL SERVICE COMMISSION

17
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 (1) 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.

8 **§ 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

§ 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.]

Council Bill 18-0264

§ 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.]

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.