## CITY OF BALTIMORE COUNCIL BILL 19-0381 (Resolution)

(Charter Amendment)

Introduced by: Councilmembers Burnett, Henry, Pinkett, Clarke, Scott, Ex Officio President Middleton, Councilmembers Costello, Bullock, Cohen, Dorsey, Schleifer, Stokes, Sneed, Reisinger

Introduced and read first time: April 29, 2019

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance

## A RESOLUTION ENTITLED

1	A RESOLUTION OF	THE MAYOR AN	ND CITY COUNCIL	concerning

Charter	Amendment –	. Removal	of Elected	Officials
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- FOR the purpose of providing for the removal from office by the City Council of certain City elected officials under certain circumstances; expanding the potential individuals or entities entitled to prefer charges for consideration of removal from office; conforming and clarifying related provisions; and submitting this amendment to the qualified voters of the City for adoption or rejection.
- 8 By proposing to add
- 9 Article III City Council
- Section 2(d)

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- 11 Baltimore City Charter
- 12 (1996 Edition)
- 13 By proposing to amend
- 14 Article III City Council
- Sections 3(b) and 10(d)
- 16 Baltimore City Charter
- 17 (1996 Edition)
- 18 By proposing to amend
- 19 Article IV Mayor
- 20 Section 2
- 21 Baltimore City Charter
- 22 (1996 Edition)
- 23 By proposing to amend
- 24 Article V Comptroller
- 25 Section 2
- 26 Baltimore City Charter
- 27 (1996 Edition)

EXPLANATION: <u>Underlining</u> indicates matter added by amendment. Strike out indicates matter deleted by amendment.

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1 2	<b>SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE</b> , That the City Charter is proposed to be amended to read as follows:
3	Baltimore City Charter
4	Article III. City Council
5	§ 2. Members.
6	(D) REMOVAL.
7	THE CITY COUNCIL BY A THREE-FOURTHS VOTE OF ITS MEMBERS MAY REMOVE AN
8	INDIVIDUAL MEMBER FROM OFFICE FOR INCOMPETENCY, MISCONDUCT IN OFFICE, WILFUL
9	NEGLECT OF DUTY, OR FELONY OR MISDEMEANOR IN OFFICE, ON CHARGES PREFERRED BY
10	THE MAYOR, THE CITY COUNCIL'S COMMITTEE ON LEGISLATIVE INVESTIGATIONS, OR BY
11	THE INSPECTOR GENERAL, AND AFTER NOTICE OF THOSE CHARGES AND AN OPPORTUNITY
12	TO BE HEARD BY THE CITY COUNCIL ARE GIVEN TO THE INDIVIDUAL MEMBER.
13	§ 3. President.
14	(b) Removal.
15	The City Council, by a [two-thirds] THREE-FOURTHS vote of its members, may remove
16	the President of the City Council from office for incompetency, MISCONDUCT IN OFFICE,
17	wilful neglect of duty, or FELONY OR misdemeanor in office [upon] ON charges preferred
18	by the Mayor, BY THE CITY COUNCIL'S COMMITTEE ON LEGISLATIVE INVESTIGATIONS, OR
19	BY THE INSPECTOR GENERAL, after notice of [such] THOSE charges and an opportunity to
20	be heard by the City Council are given to the President.
21	§ 10. Procedures; Council officers.
22	(d) Judge of member qualifications[; Discipline].
23	The City Council shall be judge of the election and qualifications of its members, subject
24	to appeal by petition of the party aggrieved as provided by law. [With the concurrence of
25	three-fourths of its members, the City Council may expel any member for disorderly
26	behavior or misconduct in office, but not a second time for the same offense.]
27	Article IV. Mayor
28	§ 2. REMOVAL, Vacancy, or Absence.
29	(A) REMOVAL.
30	THE CITY COUNCIL BY A THREE-FOURTHS VOTE OF ITS MEMBERS MAY REMOVE THE
31	MAYOR FROM OFFICE FOR INCOMPETENCY, MISCONDUCT IN OFFICE, WILFUL NEGLECT OF
32	DUTY, OR FELONY OR MISDEMEANOR IN OFFICE, ON CHARGES PREFERRED BY THE CITY
33	COUNCIL'S COMMITTEE ON LEGISLATIVE INVESTIGATIONS OR BY THE INSPECTOR

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1 2	GENERAL, AND AFTER NOTICE OF THOSE CHARGES AND AN OPPORTUNITY TO BE HEARD BY THE CITY COUNCIL ARE GIVEN TO THE MAYOR.
3	(B) [(a)] Vacancy.
4 5 6	In case of vacancy in the office of the Mayor by death, resignation, REMOVAL, or permanent disqualification, the President of the City Council shall be Mayor for the remainder of the term for which the Mayor was elected.
7	(C) [(b)] Absence.
8 9	In case of, and during, sickness, temporary disqualification or necessary absence of the Mayor, the President of the City Council shall be ex officio Mayor of the City.
10	Article V. Comptroller
11	§ 2. Removal; Vacancy.
12	(A) REMOVAL.
13 14 15 16 17 18	The City Council by a [majority] THREE-FOURTHS vote of its members may remove the Comptroller from office for incompetency, MISCONDUCT IN OFFICE, wilful neglect of duty, or FELONY OR misdemeanor in office, [upon] ON charges preferred by the Mayor, BY THE CITY COUNCIL'S COMMITTEE ON LEGISLATIVE INVESTIGATIONS, OR BY THE INSPECTOR GENERAL, and after notice of [such] THOSE charges and an opportunity to be heard by the City Council are given to the Comptroller.
19	(B) VACANCY.
20 21 22	In the event of the death, resignation, or removal from office of the Comptroller, a successor, to fill out the unexpired term, shall be elected by the City Council by a majority vote of its members.
23 24 25	<b>SECTION 2. AND BE IT FURTHER RESOLVED</b> , That the City Council shall amend the Rules of the City Council of Baltimore to provide for the conduct and procedures of the notice and hearings required for removal of an elected official under this proposed amendment.
26 27 28 29	<b>SECTION 3. AND BE IT FURTHER RESOLVED</b> , That this proposed amendment to the City Charter be submitted to the legal and qualified voters of Baltimore City, for adoption or rejection in accordance with Article XI-A, § 5 of the Maryland Constitution, in the form specified by the City Solicitor.