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**BALTIMORE CITY COUNCIL
WAYS AND MEANS
COMMITTEE**

Mission Statement

The Committee on Ways and Means (WM) is responsible for ensuring taxpayer dollars are expended prudently and equitably. WM will exercise regular oversight of the City's budget, expenditures, loans, and other financial matters. The committee's areas of jurisdiction include: budget & appropriations, taxation, financial services, consumer protection, audits, and the Comptroller's Office.

**The Honorable Eric T. Costello
Chairman**

PUBLIC HEARING

**TUESDAY, FEBRUARY 16, 2021
10:00 AM**

VIRTUAL WEBEX MEETING

Council Bill #21-0032

Salary – Director of Public Works

CITY COUNCIL COMMITTEES

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Sharon Green Middleton
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Staff: Richard Krummerich



BILL SYNOPSIS

Committee: Ways and Means

Bill 21-0032

Salary – Director of Public Works

Sponsor: *President Mosby at the request of the Administration*

Introduced: *February 16, 2021*

Purpose:

For the purpose of establishing the salary of the Director of Public Works; and providing for a special effective date.

Effective: Salary takes effect with the 1st pay period following the effective date of the Ordinance.

Agency Reports

Law Department	<i>None received as of this writing</i>
Department of Public Works	<i>None received as of this writing</i>
Department of Finance	<i>None received as of this writing</i>

Analysis

Current Law

ART. VI, § 10(b) of the City Charter outlines the mandates for increasing the salary for the **Director of Public Works**

§ 10. Salaries.

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

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

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

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

(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.

(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.**

Background

The **Baltimore City Board of Estimates** consists of five voting members: The Mayor, President of the City Council, the Comptroller, the City Solicitor, and **the Director of Public Works**.

If approved by the Mayor and City Council, Council Bill 21-0003 will increase the salary paid to the City's Director of Public Works.

Also attached for your review and/or file are:

- Information regarding the Department of Public Works¹
- Information regarding the appointment of Municipal Officers², and
- Two (2) recent news articles regarding Council Bill 21-0032³

Additional Information

Fiscal Note: **See attached news article**

Information Source(s): City Charter, Council Bill 21-0032 and see footnotes below.

Marguerite M. Currin

Analysis by: Marguerite M. Currin

Direct Inquiries to: (443) 984-3485

Analysis Date: February 11, 2021

¹ Baltimore City Charter

² Baltimore City Charter

³ News Articles from the Baltimore Sun and Fox News, both dated February 8, 2021

CITY CHARTER

ESTABLISHED

THE DEPARTMENT

OF

PUBLIC WORKS

SEE ATTACHED

Whenever a vacancy shall occur in the office of City Solicitor, or whenever the City Solicitor shall be incapacitated or otherwise unavailable for duty for any cause, the Deputy City Solicitor appointed pursuant to this section shall be the acting City Solicitor, until the City Solicitor is again available for duty or the vacancy is filled.

(b) *Additional assistance.*

In connection with the examination of titles on behalf of the City or the representation of a City agency, the City Solicitor may employ, out of the funds appropriated by the Ordinance of Estimates to the Department for general expenses, or out of the proceeds of loans or other sums appropriated by the City, such assistance as the City Solicitor may deem advisable.

§ 26. Department of Law: Suits; Appeals.

The City Solicitor shall have authority to institute, defend or discontinue on behalf of the City, any suit, action, or proceeding in any local, State or federal court or tribunal, but no appeals on behalf of the City to the Court of Appeals, the Supreme Court of the United States, or the United States Court of Appeals shall be taken except upon the written order of the City Solicitor, or outside counsel employed pursuant to Section 24(c), approved by the Mayor.

DEPARTMENT OF PUBLIC WORKS

§ 27. Department of Public Works: Established.

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

§ 28. Department of Public Works: Director.

(a) *Head of Department; Qualifications.*

The Director of Public Works shall supervise and direct the Department.

The Director shall have had substantial administrative experience in the construction and maintenance of public works, public improvements and the delivery of related public services or ten years experience as an engineer.

(b) *Appointment; Term.*

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

(c) *Salary.*

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

§ 29. Department of Public Works: Staff.**(a) Deputy; Other employees.**

The Director shall appoint a Deputy Director pursuant to this section and such employees as provided in the Ordinance of Estimates, provided, however, that bureau heads in the Department of Public Works shall be appointed by the Mayor in the manner prescribed in Section 6 of Article IV and shall hold their offices as therein provided.

(b) Deputy as Acting Director.

Whenever a vacancy shall occur in the office of Director or whenever the Director shall be incapacitated or otherwise unavailable for duty for any cause, the Deputy Director shall be the Acting Director, until the Director is again available for duty or the vacancy is filled.

§ 30. Department of Public Works: Supervision of public works.

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

(Res. 08-003, ratified Nov. 4, 2008.)

§ 31. Department of Public Works: Construction, maintenance, and repair.

Unless otherwise provided by this Charter, the Department has charge of the construction, demolition, alteration, operation and maintenance of all public works that relate to the Department's powers under this Charter.

(Res. 08-003, ratified Nov. 4, 2008.)

§ 32. {Repealed by Res. 08-003, ratified Nov. 4, 2008.}**§ 33. Department of Public Works: Water supply.**

The Department shall have charge of the water supply of the City and of all the properties, reservoirs, streams, pumping and filtration stations, pipes, apparatus and equipment appurtenant thereto and shall exercise all the powers and perform all the duties connected with the operation thereof and the supplying of water to the City.

§ 34. Department of Public Works: Sewage.

The Department shall have charge of the construction, operation and maintenance of all drains, sewers, and sewage disposal facilities, of the inspection or supervision of sewer or drain construction and repair work, and of waste disposal.

§ 35. Department of Public Works: Street cleaning.

The Department shall be responsible for cleaning the streets and for the collection, disposal and recycling of garbage, ashes, refuse, trash, and other waste matter, except as otherwise provided by law.

§ 36. *{Repealed by Res. 08-003, ratified Nov. 4, 2008.}*

§ 37. Department of Public Works: Testing.

At the request of a municipal agency, the Department shall test materials and supplies purchased or used by the agency.

(Res. 08-003, ratified Nov. 4, 2008.)

§§ 38 to 40. *{Repealed by Res. 08-003, ratified Nov. 4, 2008.}*

§ 41. Department of Public Works: Correcting physical obstruction.

(a) *Correction required.*

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

(b) *Condemnation.*

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

(Res. 08-003, ratified Nov. 4, 2008.)

§ 42. Department of Public Works: Assistance to other agencies.

On the request of the head of a municipal agency, the Director shall:

- (1) supply estimates of the cost of work proposed to be done for that agency during the next fiscal year; and
- (2) perform services for the municipal agency of the same general character as those carried on by the Department, the cost of which shall be charged to the agency requesting the services and shall be paid out of the funds appropriated to it.

(Res. 08-003, ratified Nov. 4, 2008.)

§§ 43 to 46. *{Repealed by Res. 08-003, ratified Nov. 4, 2008.}*

FIRE DEPARTMENT

§ 47. Fire Department: Established.

There is a Fire Department, the head of which shall be the Chief.

CITY CHARTER

**APPOINTMENT
OF
MUNICIPAL
OFFICERS**

SEE ATTACHED

(c) *No action by Mayor.*

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

(d) *Items of appropriation.*

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

§ 6. Appointments of municipal officers.

(a) *Appointment subject to confirmation.*

Except as otherwise provided in the Charter, the Mayor shall have the sole power of appointment of all municipal officers, subject to confirmation by the City Council by a majority vote of its members; provided the Council shall take action on the nomination within the first three regular meetings of the Council after the nomination is sent to it by the Mayor. If the Council fails to take action within this time, then the person nominated shall be, by operation of this subsection, confirmed by the Council. If the Council, by the required vote and in the prescribed time, shall refuse to confirm the nomination, the Mayor shall send to it another name for the office, who shall be subject to confirmation pursuant to this subsection.

(b) *Terms of officers.*

The terms of all municipal officers appointed by the Mayor shall expire at the end of four years or at the end of the Mayor's term of office, whichever first occurs, with the exception of the terms of some members of the Board of School Commissioners, the Civil Service Commission, the Planning Commission, the Board of Municipal and Zoning Appeals, and those boards and commissions governed by State or federal law. The terms of the members of these boards and commissions are prescribed elsewhere in the Charter or by other law.

(c) *Removal – In general.*

The Mayor shall have the power to remove at pleasure all municipal officers, except members of boards and commissions established by Charter or other law, appointed by the Mayor in the manner prescribed in this section and confirmed by the City Council; provided, however, that

appointees holding office pursuant to the provisions of the Charter relating to the Civil Service may be removed from office only in accordance with such provisions.

(d) *Removal – Boards and commissions.*

Except as otherwise provided by law, the Mayor may remove members of boards and commissions established by Charter or other law by majority vote of the members of the City Council. Removal shall date from the time of City Council approval.

(e) *Term limits.*

No person, except ex officio members, shall serve more than two consecutive full terms, in addition to any unexpired term served, on the same board or commission.

(f) *Vacancies – In general.*

Upon the vacancy in any office subject to this section, whether by resignation, removal, death, end of a term or otherwise, the Mayor shall fill the vacancy by an appointment in the manner prescribed in this section for the remainder of the term, if any, of the former incumbent.

(g) *Vacancies – Boards and commissions.*

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

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

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

(h) *Vacancies – Office of director or similar.*

When a vacancy occurs in an office to which a municipal officer may be appointed who is subject to removal as provided in subsection (c), the Mayor may, in the interest of governmental efficiency and in order to provide uninterrupted municipal services, designate a person within the department or agency affected to perform the duties of the vacant office. Such a person shall cease to perform the duties of the office when a municipal officer is appointed and confirmed in the manner prescribed in this section, or one year after designation, or sixty days after the City Council shall by resolution, passed by majority vote and not subject to veto, direct the Mayor to appoint, subject to confirmation, a municipal officer, whichever first occurs; provided, however, that the City Council shall have no power to direct the appointment of any individual.

(i) *Oath and commission.*

All persons appointed by the Mayor, as well as those municipal officers elected by the people or by the City Council, shall qualify for office by taking before the Mayor an oath faithfully to perform the duties of their offices, and to support the laws and constitutions of the United States and of the State of Maryland. A test book shall be kept by the Mayor, which shall be signed at the time of taking the oath, and after qualifying, the Mayor shall issue to the officers a commission signed by the Mayor with the corporate seal attached.

(j) *Recess appointments.*

Whenever a vacancy that the Mayor is empowered to fill subject to confirmation by the City Council shall occur during the recess of the City Council, the Mayor may temporarily appoint a person to fill that vacancy until the next regular meeting of the City Council. At that meeting, the Mayor shall present such appointment for confirmation as provided for in this section for other appointments by the Mayor.

(k) *Holding over; Dual offices of profit prohibited.*

All elected municipal officers provided for in the Charter or other law, shall hold their offices until their successors are appointed or elected and qualified.

No person shall at any time hold more than one office yielding pecuniary compensation under the Mayor and City Council of Baltimore.

(l) *Residency requirement.*

- (1) All heads of departments and bureaus, including presidents of boards and commissions, provided for by this Charter or any other law, and appointed by the Mayor or by the governing board of the department, shall be residents and registered voters of Baltimore City at the time of their appointment and shall remain residents and registered voters during their entire term of office.
- (2) The provisions of this subsection shall not apply to those holding office prior to January 1, 1975, as long as they shall retain that office, and further, shall not apply to a department head or bureau head appointed after January 1, 1975 who signs a declaration of intent to become a City resident and registered voter within six months of the date of appointment. If that department or bureau head fails to abide by this declaration of intent, then the appointment shall be terminated.

Editor's Note: See City Code Article 1, § 7-10 ("Residency requirements for City officials") and its accompanying Editor's Note. That section codifies the City's residency requirements in accord with controlling limitations imposed by State Local Government Article, § 1-201.

§ 7. Appointment of municipal employees.

The heads of departments, municipal officers not embraced in a department (including the Comptroller), commissions and boards shall have the sole power of appointment and removal of all deputies, assistants, clerks and subordinate employees employed by them, subject to the Civil Service provisions of Article VII, unless otherwise provided in the Charter.

ATTACHED

**TWO (2)
RECENT NEWS
ARTICLES**

Baltimore mayor asks for \$245,000 salary for public works director, third highest in city

By EMILY OPILO

BALTIMORE SUN

FEB 08, 2021 AT 5:53 PM

The mayor is asking the Baltimore City Council to approve a \$245,000 salary for the director of the Department of Public Works, a move that would make the position one of the city's best-paid jobs.

The proposed increase, which was introduced before the board Monday night, was requested by Democratic Mayor Brandon Scott. **The DPW director's salary is set by city ordinance at \$188,000. The new amount would represent a 30% increase.**

Scott's spokesperson, Stefanie Mavronis, said the salary would be comparable to other cities of Baltimore's size and "commensurate to the great challenges we face."

Baltimore has been without a permanent director in the Department of Public Works since the retirement of Rudolph S. Chow in early 2020. Matthew Garbark is the acting director.

Scott pledged to find a permanent director for the department within 100 days of taking office Dec. 6, and interviews are underway, Mavronis said.

The position is critical and heavily scrutinized, as the director oversees Baltimore's crumbling water infrastructure and failing sewer system.

The water system, owned by Baltimore City but also serving Baltimore County, has been plagued for years by billing problems. In December, a [report](#) released by city Inspector General Isabel Cumming and Baltimore County Inspector General Kelly Madigan highlighted millions of dollars in lost revenue due to thousands of broken meters and more than 8,000 unresolved “tickets” on problems with customers’ accounts.

Baltimore is also subject to a \$1.6 billion consent agreement with the federal government to overhaul its sewer system and stop wastewater from polluting the Inner Harbor by 2030.

Trash collection, also within DPW’s purview, has been strained by the coronavirus pandemic. Parts of the operation remain suspended, and the city halted curbside recycling collection for six months to focus on trash pickup, which has increased by 22% during the pandemic. Recycling service [restarted in January](#) with the help of five contractors who could cost the city up to \$7 million this year.

The council’s Ways and Means Committee will hold a hearing to discuss Scott’s salary proposal.

If the council approves the bigger salary, the DPW director would be the third-highest-paid city employee. **Police Commissioner Michael Harrison** has a higher base salary, at \$275,000 a year, and the Board of Estimates approved [a \\$250,000 salary](#) in December for the newly created **city administrator position**. That position is being held in an acting capacity by Christopher Shorter, pending the council’s approval of his appointment by the mayor. **Democratic State’s Attorney Marilyn Mosby** is currently No. 3 on the salary list at \$238,772. City Finance Director **Henry Raymond** made \$221,987 in fiscal year 2020, [according to figures from the mayor’s office](#).

Proposed pay would make DPW Director one of city's top paid

FOX NEWS

by Jeff Abell

Monday, February 8th 2021

BALTIMORE (WBFF) - If Baltimore Mayor Brandon Scott gets his way, the city's public works director will become the third highest paid employee on the city's payroll.

At a city council meeting Monday night, the mayor introduced a proposal to increase the salary of the DPW Director by 30%, from \$188,000 to \$245,000.

According to the Mayor's office, the current salary "makes it challenging to attract competitive candidates with the experience required to lead the department at a time when transformation is needed."

The proposed salary would far exceed the \$110,000 the city of Pittsburgh pays its DPW Director and the \$162,000 the DPW Director in Detroit earns.

Baltimore has been without a permanent director for almost a year and when Mayor Scott took office in December, he vowed to hire a new director in 100-days.

David Williams, who heads the Taxpayers Protection Alliance, says the 30% pay increase sends the wrong message.

"This is one of the most irresponsible things Mayor Scott could do right now," said Williams. "Taxpayers are frustrated when they see city leaders making \$244,000 when they've been asked to sacrifice."

A hearing date on the proposal has yet to be set.

Council Bill 21-0032

AGENCY REPORTS

None received as of this writing

**CITY OF BALTIMORE
COUNCIL BILL 21-0032
(First Reader)**

Introduced by: The Council President, Councilmember Middleton
At the request of: The Administration (Executive Office of the Mayor)
Introduced and read first time: February 8, 2021
Assigned to: Ways and Means Committee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Salary – Director of Public Works**

3 FOR the purpose of establishing the salary of the Director of Public Works; and providing for a
4 special effective date.

5 BY authority of
6 Article VI - Board of Estimates
7 Section 10(b)
8 Baltimore City Charter
9 (1996 Edition)

10 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That**

11 (a) The annual salary of the Director of Public Works, an appointed municipal officer
12 who also serves as a member of the Board of Estimates, shall be \$245,000.

13 (b) This salary takes effect with the first pay period following the effective date of this
14 Ordinance.

15 **SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on date it is**
16 enacted.

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