



Legislation Details (With Text)

File #:	18-0264	Version:	0	Name:	Charter Amendment - Charter Commission General Recommendations
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File created:	6/11/2018	In control:		In control:	City Council
On agenda:		Final action:		Final action:	8/10/2018
Enactment date:		Enactment #:		Enactment #:	18-11

Title: Charter Amendment - Charter Commission General Recommendations
For the purpose of increasing the City's record keeping flexibility; repealing an obsolete provision regarding the City's official time; improving the City's legislative and administrative flexibility by removing redundant Charter provisions and language more appropriate for ordinances or regulations; removing Charter provisions found to simply restate applicable State law; requiring the Department of Finance to employ at least 1 Certified Public Accountant to perform certain duties; allowing certain agencies to be designated by law to approve the withdrawal of City monies from depositories; removing certain formal lien requirements from the Charter; clarifying that the review of disciplinary matters by the Board of Fire Commissioners is at the request of the Fire Chief; clarifying the authority of the Mayor to appoint the Board of Recreation and Parks; modernizing various public notice provisions, including removing mandatory requirements for notice to be published in a newspaper of general circulation in Baltimore City; simplifying requirements related to the City's Master Plan; removing certain penalties relating to the Department of Planning from the Charter; conforming to State law requiring alternate members be made available for the Board of Municipal and Zoning Appeals; allowing the Board of Municipal and Zoning Appeals to change its rules internally; removing the Board of Municipal and Zoning Appeals' authority to appoint employees other than its Executive Secretary; updating the Board of Municipal and Zoning Appeals' powers for reviewing paving assessments and other matters; conforming a provision relating to appeals from Board of Municipal and Zoning Appeals' decisions to State law; replacing the Board of Legislative Reference with an ad hoc board appointed by the Mayor, the President of the City Council, and the Comptroller; allowing the newly restructured ad hoc Board of Legislative Reference to make recommendations regarding the hiring of a Director of Legislative Reference; removing the Civil Service status of the Director of Legislative Reference; making the Director of Legislative Reference removable for any reason rather than just for incompetence or neglect of duties; allowing the Mayor and the President of the City Council to jointly appoint and remove the Director of Legislative Reference; allowing the President of the City Council to recommend 1 of the 3 Civil Service Commissioners; updating the required qualifications for Civil Service Commissioners; formally transferring many of the powers formerly belonging to the Civil Service Commission to the Department of Human Resources to improve administrative flexibility; allowing the Department of Human Resources to transfer employees into and out of the Civil Service by regulation, and to adjust Civil Service protections administratively, to increase flexibility in personnel management; updating the required qualifications for the Director of Human Resources; removing certain penalties relating to the Civil Service Commission from the Charter; adding the State's Attorney for Baltimore City to the list of elected officials covered by the Compensation Commission for Elected Officials; removing certain obsolete provisions regarding street railways, trackless trolleys, and advertising from the Franchises Article; establishing a procedure for regularly appointing Charter Review Commissions to review the Charter and make recommendations as to the necessity for deleting, adding to, or revising any portion of its contents; requiring the appointment of a Charter Review Commission at least once every 10 years; requiring that the Charter Review Commission publically report on its findings to the Mayor and City Council; clarifying and conforming related provisions; setting special effective dates for the proposed Charter amendments; and submitting this amendment to the qualified voters of the City for adoption or rejection.

Sponsors: City Council President (Administration)

Indexes: Charter Amendment, Commission, General, Recommendations

Code sections:

Attachments: 1. 18-0264~1st Reader, 2. Law 18-0264, 3. Planning 18-0264, 4. Department of Legislative Reference 18-0264, 5. DPW 18-0264, 6. DOT 18-0264, 7. 2nd Reader Amendment 18-0264, 8. 18-0264~3rd Reader, 9. Completed File_18-0264

Date	Ver.	Action By	Action	Result
9/17/2018	0	Mayor	Signed by Mayor	
7/9/2018	0	City Council	Approved and Sent to the Mayor	
6/25/2018	0	City Council	3rd Reader, for final passage	
6/25/2018	0	Judiciary and Legislative Investigations	Recommended Favorably with Amendment	
6/18/2018	0	Judiciary and Legislative Investigations	Recommended Favorably with Amendment	Pass
6/14/2018	0	The City Council	Refer to Dept. of Transportation	
6/14/2018	0	The City Council	Refer to Fire Department	
6/14/2018	0	The City Council	Refer to Board of Municipal and Zoning Appeals	
6/14/2018	0	The City Council	Refer to Dept. of Public Works	
6/14/2018	0	The City Council	Refer to Dept. of Planning	
6/14/2018	0	The City Council	Refer to Dept. of Legislative Reference	
6/14/2018	0	The City Council	Refer to Dept. of Finance	
6/14/2018	0	The City Council	Refer to Dept. of Human Resources	
6/14/2018	0	The City Council	Refer to City Solicitor	
6/11/2018	0	City Council	Assigned	
6/11/2018	0	City Council	Introduced	
6/11/2018	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing	

Explanation: Capitals indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

* **Warning:** This is an unofficial, introductory copy of the bill.
The official copy considered by the City Council is the first reader copy.

Introductory*

**City of Baltimore
Council Bill
(Charter Amendment)**

Introduced by: The Council President
At the request of: The Administration (Mayor’s Charter Review Commission)

A Resolution Entitled

A Resolution of the Mayor and City Council concerning
Charter Amendment - Charter Commission General Recommendations
For the purpose of increasing the City’s record keeping flexibility; repealing an obsolete provision regarding the City’s official time; improving the City’s legislative and administrative flexibility by removing redundant Charter provisions and language more appropriate for ordinances or regulations; removing

Charter provisions found to simply restate applicable State law; requiring the Department of Finance to employ at least 1 Certified Public Accountant to perform certain duties; allowing certain agencies to be designated by law to approve the withdrawal of City monies from depositories; removing certain formal lien requirements from the Charter; clarifying that the review of disciplinary matters by the Board of Fire Commissioners is at the request of the Fire Chief; clarifying the authority of the Mayor to appoint the Board of Recreation and Parks; modernizing various public notice provisions, including removing mandatory requirements for notice to be published in a newspaper of general circulation in Baltimore City; simplifying requirements related to the City's Master Plan; removing certain penalties relating to the Department of Planning from the Charter; conforming to State law requiring alternate members be made available for the Board of Municipal and Zoning Appeals; allowing the Board of Municipal and Zoning Appeals to change its rules internally; removing the Board of Municipal and Zoning Appeals' authority to appoint employees other than its Executive Secretary; updating the Board of Municipal and Zoning Appeals' powers for reviewing paving assessments and other matters; conforming a provision relating to appeals from Board of Municipal and Zoning Appeals' decisions to State law; replacing the Board of Legislative Reference with an ad hoc board appointed by the Mayor, the President of the City Council, and the Comptroller; allowing the newly restructured ad hoc Board of Legislative Reference to make recommendations regarding the hiring of a Director of Legislative Reference; removing the Civil Service status of the Director of Legislative Reference; making the Director of Legislative Reference removable for any reason rather than just for incompetence or neglect of duties; allowing the Mayor and the President of the City Council to jointly appoint and remove the Director of Legislative Reference; allowing the President of the City Council to recommend 1 of the 3 Civil Service Commissioners; updating the required qualifications for Civil Service Commissioners; formally transferring many of the powers formerly belonging to the Civil Service Commission to the Department of Human Resources to improve administrative flexibility; allowing the Department of Human Resources to transfer employees into and out of the Civil Service by regulation, and to adjust Civil Service protections administratively, to increase flexibility in personnel management; updating the required qualifications for the Director of Human Resources; removing certain penalties relating to the Civil Service Commission from the Charter; adding the State's Attorney for Baltimore City to the list of elected officials covered by the Compensation Commission for Elected Officials; removing certain obsolete provisions regarding street railways, trackless trolleys, and advertising from the Franchises Article; establishing a procedure for regularly appointing Charter Review Commissions to review the Charter and make recommendations as to the necessity for deleting, adding to, or revising any portion of its contents; requiring the appointment of a Charter Review Commission at least once every 10 years; requiring that the Charter Review Commission publically report on its findings to the Mayor and City Council; clarifying and conforming related provisions; setting special effective dates for the proposed Charter amendments; and submitting this amendment to the qualified voters of the City for adoption or rejection.

By proposing to amend

Article I - General Provisions
Section(s) 7, 8, and 10
Baltimore City Charter
(1996 Edition)

By proposing to amend

Article VII - Executive Departments
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),
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, 98a, 99, 100,
101, 103, 104, 116(b)(3), 116B, 117(d), and 134
Baltimore City Charter
(1996 Edition)

By proposing to amend

Article VIII - Franchises
Section(s) 4 to 6

Baltimore City Charter
(1996 Edition)

By proposing to add
Article X - Charter Review Commission
Section(s) 1 to 6
Baltimore City Charter
(1996 Edition)

Section 1. Be it resolved by the Mayor and City Council of Baltimore, That the City Charter is proposed to be amended to read as follows:

Baltimore City Charter

Article I. General Provisions

§ 7. Records[; Reports]

(a) *Record keeping.*

The Mayor and City Council shall provide for appropriate record keeping.

(b) *Public inspection.*

The public shall have the right to inspect public records in accordance with State law.

[(a) *Required maintenance; Admissibility; Public inspection.*]

[A suitable record of all the proceedings, financial transactions and official acts of all municipal agencies, shall be kept, and a certified copy of the record, or any part thereof, under the corporate seal of the City shall be admissible in evidence in any court of this State as proof of such record, or a part thereof. A record shall be available for public inspection unless otherwise expressly ordered by the head of the agency or the municipal officer by or on behalf of whom the record is kept; and in the event that written demand shall be made for the public disclosure of any matter deemed confidential by the head of an agency or by a municipal officer, the demand shall at once be referred to the Board of Estimates and the Board, after consultation with the City Solicitor as to the legal propriety of its action, may order the demanded disclosure to be made in whole or in part.]

[(b) *Microfilm, etc.*]

[The City may provide by ordinance for the making and keeping of all or some records on microfilm or by other method of reproduction and, when so made, for the destruction of the original records. Any such reproduction or print therefrom shall be in all respects the equivalent of the original from which made, and when authenticated as above provided shall be admissible in evidence in any court of this State as proof of that record, or part thereof.]

[(c) *Annual report; Other information.*]

[Unless otherwise directed by the Board of Estimates, every municipal agency of the City shall prepare annually a written report of its work and proceedings. A copy of each report shall be filed with the Mayor and a copy shall also be filed with the Department of Legislative Reference; additional copies of each report, or parts thereof, shall be prepared and made available as from time to time may be directed by the Board of Estimates.]

[Upon request of the Mayor or Board of Estimates every municipal agency shall promptly supply the Mayor or the Board with all requested information with respect to the practice and proceedings of the agency; provided, however, that this information need not be given with respect to any undetermined policy or opinion, nor shall the Board of Municipal and Zoning Appeals make any disclosure as to any pending appeal other than to furnish a copy of the testimony and papers filed with it pertaining to that appeal.]

§ 8. [Official time.]

[The official time of the City of Baltimore shall conform to standard time based upon the time of the seventy-fifth meridian, except that, from two o'clock a.m. of the last Sunday in April until two o'clock a.m. of the last Sunday in September of each year, the official time throughout the City of Baltimore shall be advanced one hour, and all courts, public offices, legal and official proceedings, insofar as the same are subject to or under the control of the Mayor and City Council of Baltimore, shall be regulated thereby, and all time shown by the public clocks shall agree therewith. Provided, however, that the Mayor and City Council by ordinance passed not less than fifteen days before the change would become effective, may extend the period during which the one hour variation from standard time shall be effective in any year or years. The extension may be to change the advance in time up to two o'clock a.m. on the last Sunday in March, or back to two o'clock a.m. on the last Sunday in October, or both such changes, or any portion or portions of either. Any such extension may be provided only if other municipalities or sections of the United States shall have made such a change, and in the opinion of the Mayor and City Council thereby have caused inconvenience and annoyance to the commercial, economic, industrial or social affairs of the residents of Baltimore City.]

§ 10. Affordable housing funds.

[(a) Authorization.]

By Ordinance, the Mayor and City Council of Baltimore may establish 1 or more continuing, nonlapsing funds for purposes of promoting economically diverse housing in City neighborhoods, including:

- (1) providing assistance, by loan, grant, or otherwise, for the planning, production, maintenance, or expansion of affordable housing in the City;
- (2) providing assistance, by loan, grant, or otherwise, to persons unable to obtain affordable housing; and
- (3) otherwise increasing housing opportunities for working families and other persons of low and moderate income.

[(b) Revenue sources.]

[A fund established under this section may comprise:]

- [(1) money appropriated to the fund in the annual Ordinances of Estimates; and]
- [(2) grants or donations made to the fund.]

[(c) Continuing nature of fund.]

[Notwithstanding any other provision of this Charter, unspent portions of a fund established under this section:]

- [(1) remain in the fund, to be used exclusively for their ordained purposes;]
- [(2) do not revert to the general revenues of the City; and]
- [(3) their appropriations do not lapse.]

Article VII. Executive Departments

General Provisions

§ 3. General provisions: Bureaus and divisions.

(a) Establishment or abolishment.

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

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

(b) Allocation of powers and duties.

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

Department of Finance

§ 10. [Department of Finance: Disbursements.]

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

§ 11. Department of Finance: Accounting.

(a) In general.

- (1) The Department shall keep all general accounts of the City, prepare the City's financial statements, and maintain an adequate system of accounting that, at all times, reflects the actual financial condition of the City resulting from income accrued and liabilities incurred, property owned, and funded obligations, estimated revenue and authorized appropriations, cash received and disbursed, among other factors. The Department shall also maintain complete physical and cost records of all property owned by the City, including perpetual inventory records itemizing materials and supplies on hand.
- (2) The Department shall employ at least 1 Certified Public Accountant in the performance of these duties.

§ 12. Department of Finance: Collections, deposits, withdrawals, etc.

(a) *In general.*

[The] Unless otherwise provided by law, the Director shall receive, collect, and account for all moneys due the City and deposit these moneys in depositories selected by the Board of Finance.

(b) *Withdrawals.*

[The] Unless otherwise provided by law, the Director shall approve the withdrawal of City moneys from its depositories.

(c) *Required signatures for checks.*

Unless otherwise provided by law, all checks of the City shall be signed by the Director or Deputy Director, and counter-signed by the Mayor, except payroll, pension, and similar checks, which shall bear the signatures of the Director or Deputy Director and of a person in the Department of Finance designated by the Director to sign as disbursing officer; such designation shall be made in writing by the Director and filed with all banks on which such checks are drawn. Any signature on checks of the City may be manual or facsimile.

[(d) *Local and state taxes.*]

[In addition to collecting all taxes and assessments levied or made by the City, the Director shall collect such State taxes and perform such other duties for the State as may be prescribed by law. The salary provided the Director in the Ordinance of Estimates shall include compensation for collecting State taxes and such other duties as the Director may perform for the State.]

[After the levy of the full rate property tax has been made, the Director shall prepare the tax bills and shall have them ready for payment by the taxpayers on the first day of the fiscal year for which the levy is made or as soon thereafter as is possible. To encourage the payment of taxes prior to the date on which they become in arrears, the Department shall allow such discounts upon payment prior to such date as may be provided by law.]

§ 13. Department of Finance: Lien records.

[(a) *Keeping records; Issuing lien certificates.*]

The Department shall keep a record of all municipal charges and assessments and shall provide for the issuance of a lien certificate stating whether any, and, if so, what municipal charges or assessments exist against any particular property. The Department shall make such charge for the issuance of a lien certificate as may be fixed by the Board of Estimates.

[(b) *Contents of certificates; Charges constitute liens.*]

[A lien certificate shall show all charges and assessments of every character due the City, including State and City taxes and special paving tax, water and sewer billings, street benefit assessments, minor privilege charges, charges for street, alley and footway paving, sewerage connections, nuisance abatements and other charges. All of the charges and assessments shall be liens, until paid, against the property named in the lien certificate; provided that no then existing charge shall be a lien against a property after the issuance of a lien certificate for that property unless that charge be shown on the lien certificate.]

[(c) *Tax lien records.*]

[The Department shall maintain at all times tax lien records that record tax liens and all other municipal

liens. The tax lien records shall show the location of the property, the character of the liens against the property, and the amount of the liens as of the date of recording. After a lien shall have been recorded in the tax lien records, it shall remain a lien until paid and no statute of limitations shall operate as a bar to the collection of the lien.]

§ 14. [Department of Finance: Notices of lien.]

[The Director shall provide notice of a lien to a property owner as provided by law.]

§ 15. [Department of Finance: Distraint or levy for taxes.]

[(a) *Good or chattels - Notice of proposed sale.*]

[Whenever the Director shall distraint or levy upon any goods or chattels in Baltimore City for nonpayment of any taxes, state or municipal, due by the owner thereof, before making sale of property so distrained or levied upon, the Director shall give notice as required by law, including notice by advertisement published twice a week for one week prior to the day of sale, and also on the day of sale, in three of the daily newspapers published in the City, that the Director will sell for cash, at public auction, to the highest bidder, on the day and at the time and place mentioned in the advertisement, the property therein specified, unless on or before the day of sale the entire amount of taxes for which such distraint or levy shall have been made, with interest thereon, and costs of making the levy and advertisement, shall be paid.]

[(b) *Goods or chattels - Application of proceeds.*]

[Whenever the Director shall sell any goods or chattels levied or distrained upon for taxes, state or municipal, in Baltimore City, after due advertisement as required in the preceding paragraph, the Director shall retain out of the proceeds of sale the amount of taxes due from the delinquent, for which the levy or distraint shall have been made, with interest thereon, and all costs incurred in making the sale, and shall pay over the surplus, if any, to the owner of the property so levied upon and sold.]

[(c) *Other sales.*]

[All other sales of real or personal property, or interests therein, for nonpayment of taxes or other charges shall be conducted by such persons and in such manner as may be prescribed by law.]

§ 18. Department of Finance: Registrar of debt; Custodian of funds and securities; Keeper of Seal.

(a) *Registrar of debt; Custodian of funds and securities.*

The Director shall be the registrar of the public debt and responsible for all moneys and securities belonging to the City including the actuarial retirement systems and shall provide for the safekeeping and transfer of stocks, bonds, and securities owned or held by the City or any agency thereof[, provided, however, that the designation of depository institutions shall be as set forth in Article VII, Section 21 (b)].

[To help the Director discharge the Director's duties as custodian of the moneys and securities of the actuarial retirement systems of the City, the administrators of those systems shall provide the Director with the financial information and assurances that he may request. The Director, acting under the supervision of the Board of Estimates, may contract with banks or trust companies that have appropriate charter authority to be custodians of cash and securities of the retirement systems. The Director shall have no personal liability for the performance, lack of performance, misfeasance or malfeasance of a bank or trust company so selected.]

(c) *Keeper of City Seal.*

The Director or the Director's delegate, designated in writing by the Director, shall have charge of the corporate seal of the City [and shall use it in all cases where the use of the seal is required by federal or State laws, ordinances, or the uses and customs of nations, and shall charge a fee as may be fixed from time to time by the Board of Estimates for each impression of the seal except such as shall be affixed to or impressed upon documents for the City].

Department of Public Works

§ 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.]

§ 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.]

§ 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.]

§ 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.]

Fire Department

§ 51. Fire Department: Board of Fire Commissioners - Powers and duties.

(a) *Advise Chief.*

The Board generally shall advise the Chief.

(b) *Review disciplinary policies.*

[The] At the request of the Chief, the Board shall review the disciplinary policies and practices of the Department and make appropriate recommendations to the Chief.

(c) *Investigations of Department conduct.*

(1) In giving advice, the Board may investigate all matters affecting the conduct of the Department.

(2) It shall be the sole discretion of the Chief whether to accept the recommendations made related to investigations under this subsection.

[(d) *Appeal panels.*]

[The Board may sit in panels of not less than two to hear appeals under the Fire Prevention Code.]

§ 52. [Fire Department: Board of Fire Commissioners - Retirement of employees.]

[As to employees not covered by the Employees' Retirement System or the Fire and Police Employees' Retirement System of the City, the Board may retire from office in the Department any permanent or call member thereof who has become permanently disabled, while in the actual performance of duties, from risks taken in the performance of those duties and not due to any wilful misconduct on the member's part, or who has performed faithful service in the Department for a period of not less than twenty consecutive years, or who may become unable to perform further service by reason of age or other physical or mental disabilities, and place the member so retired upon a pension roll. The amount of such annual pension to be allowed by the Board to each pensioner shall be equal to one-half the yearly salary received by members of the Department in active service in the same grade or occupying the same position as, or position most similar to, that occupied by the pensioner at the time of his retirement, payable in monthly installments. The Board may also provide for the relief of widows and children of members of the Department who may have been killed in the discharge of their duties or have died as a result of injuries sustained in the performance of their duties, provided that the injuries were caused solely by risks taken in the performance of their duties and not due to the wilful misconduct of the deceased.]

[The annual amount which shall be paid to the widows and/or to the children under the age of 18 years, of members of the Department who may have been killed in the discharge of their duties or have died as a result of injuries sustained in the performance of their duties shall be in the discretion of the Board, but shall not exceed the full amount of the yearly salary received by members of the Department in active service in the same grade and occupying the same position as, or position most similar to, that occupied by the deceased at the time of his death, payable in monthly installments.]

[The Board may also provide for the relief of unremarried widows, by marriages existing at the time of retirement or death, of employees of the Department who are not members of the Employees' Retirement System or the Fire and Police Employees' Retirement System who die, whether death occurs before or after their retirement, subject to the Ordinance of Estimates. The annual amount which shall be paid to such widow of such a deceased member shall not exceed fifty per centum (50%) of the yearly pension to which such deceased member would have been entitled to receive had that member lived and been retired under the provisions of this section.]

[The City Council may provide by ordinance a system of benefits payable to the unremarried widows and children under age 18 of persons who were employees or retired employees of the Department who were not members of the Employees' Retirement System or the Fire and Police Employees' Retirement System and who died or retired prior to June 7, 1963, subject to such exceptions, conditions, restrictions and classifications as may be provided therein.]

§ 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 Commissioner'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.

(h) before adopting or revising the master plan, shall hold a public hearing, and provide reasonable notice [of which shall be given] in the neighborhood of the properties affected [and by publication in a newspaper of general circulation in Baltimore City] in a manner that ensures adequate public notice.

§ 74. Department of Planning: Master Plan.

(a) *Purpose.*

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

(b) [*Scope.*]

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

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

(c) *Revisions.*

After the adoption of the Master Plan, or any part thereof, by the Commission, the plan may be revised as provided by State law and only by:

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

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

(d) *Conformity with Plan required.*

Public and private improvements shall be in conformity to the Master Plan to the extent required by law. [No public improvement or enterprise, including, among other things, streets, highways, boulevards, viaducts, bridges, subways, tunnels or other uses of land for purposes of public transportation, and piers, wharves, docks, and bulkheads, and buildings or structures thereon, whether publicly or privately owned or operated, and publicly owned places of recreation, such as playgrounds, squares or parks, and public buildings, including school buildings, and public utilities, services or terminals, including gas, water, electricity, sewerage, telephone, telegraph or transportation, whether privately or publicly owned or operated, within the scope of the Master Plan shall be authorized or constructed in Baltimore City unless the location and grade thereof and, in cases of the use of land for purposes of transportation, the width thereof, shall be in conformity with the Master Plan and have been first approved by the Commission.]

§ 75. Department of Planning: Subdivisions [- In general.]

(a) *In general.*

The Commission shall publish rules and regulations for the development of subdivisions which will require that development plans include adequate provision for all public improvements, enterprises and all public utilities, whether privately or publicly owned or operated; for the proper width, grade and arrangement of streets, and all uses of land for public transportation, and the relation thereof to existing streets; for adequate and convenient open spaces for traffic and the access of fire fighting apparatus; for proper drainage; and which will require that all such subdivisions and the owners thereof comply in all respects with the Master Plan.

(b) Approval by Commission and Department of Transportation required.

No permits may be issued for any project or development that is subject to a proposed subdivision plan until the Commission and the Department of Transportation have approved the plan.

(c) Filing of plats.

Every plat showing an improved subdivision plan shall be filed among the land records of Baltimore City.

§ 76. [Department of Planning: Subdivisions - Definition.]

[A subdivision plan shall mean a plan submitted by the owner of not less than one-third of the land included therein showing one or more new streets or parks, or showing the division of a lot, tract or parcel of land into two or more lots, tracts or parcels, or other divisions of land for the purpose, whether immediate or future, of sale or building development.]

§ 77. [Department of Planning: Subdivisions - Approvals.]

[(a) Commission approval required.]

[All plans for subdivision of land shall be filed for record with the Commission, and no permits shall be issued by any department of the City for any work of any character whatsoever, to be done in such subdivision of land, until the plan thereof shall have been approved by the Commission as in conformity with the rules and regulations formulated and published by the Commission.]

[(b) Deadline for decision.]

[In the event the Commission shall fail to approve or disapprove any such subdivision plan within thirty days from the date of submission thereof to the Commission, such plan shall be deemed to have been approved by the commission unless the applicant waives this requirement and consents to an extension of such period.]

§ 78. [Department of Planning: Subdivision regulation - Recording.]

[Every plat showing a subdivision plan shall be filed among the Land Records of Baltimore City and with the Department of Legislative Reference, but not until after the plan has been endorsed with the approval of the Commission and of the Department of Transportation.]

§ 80. [Department of Planning: Penalties.]

[Any person who shall violate any of the provisions or requirements of Sections 71 to 80 shall be guilty of a misdemeanor, and, upon conviction in any court of competent jurisdiction, shall be fined as provided by law. Every day that such violation continues shall be deemed a separate offense.]

Department of Municipal and Zoning Appeals

§ 82. Board of Municipal and Zoning Appeals: Established; Composition, etc.

(a) *Composition, appointment, terms, qualifications.*

- (1) The Board shall consist of five members, at least one of whom shall be a lawyer, and at least one alternate member, each of whom [who] shall be appointed, must be confirmed and shall serve pursuant to Article IV, Section 6 and State law.
- (2) An alternate member may sit on the Board when another member of the Board is absent or recused.
- (3) When an alternate member is absent or recused, the Mayor may designate a temporary alternate.
- (4) Each member of the Board shall be a registered voter and resident of the City at the time, and during the term of, appointment.

§ 83. Board of Municipal and Zoning Appeals: General powers and duties.

(b) *Rules of proceedings.*

The Board shall adopt rules for the conduct of its proceedings, which may be modified or repealed by the Board or by ordinance. The rules shall be in writing and when adopted shall be [immediately filed in the office of the Board and shall be a public record. A copy thereof (and of any amendments thereto) shall also be] available to the public and filed with the Department of Legislative Reference.

(c) *Executive Secretary[: Staff].*

The Board shall appoint an Executive Secretary [and such other employees as may be provided in the Ordinance of Estimates].

(f) *[Access to agency records.]*

[The Board shall have access, through its agents and employees, to the plats and records of all other departments of the City.]

§ 85. Board of Municipal and Zoning Appeals: Paving assessments.

The Board shall hear appeals concerning the assessment of fees and charges for the paving of a street, alley, or sidewalk and set an amount the Board determines to be proper.

[(a) *Appeal to Board.*]

[Whenever the Department of Transportation levies an assessment or charge for the paving of a street, alley, or sidewalk under § 116 of this article, the owner of the property on which the assessment or charge is levied may, within 30 days of the mailing to the owner of a notice of the assessment or charge, bring the assessment or charge to the Board for its review.]

[(b) *Decision.*]

[On reasonable notice in accordance with its rules and this Charter, the Board shall:

- (1) determine whether the assessment or charge is proper; and
- (2) if not, set it at the amount that the Board determines to be proper.]

§ 86. [Board of Municipal and Zoning Appeals: Review powers conferred by law.]

[The Board shall have such additional powers to examine, review and revise acts or rulings of other departments and officers of the City affecting the construction, alteration, use or operation of land or buildings in the City or other charges as may from time to time be conferred upon it by law, but the powers conferred upon it in the Charter shall not be diminished or abridged by ordinance, nor may the Board be given power to review or alter determinations of the Planning Commission.]

§ 87. Board of Municipal and Zoning Appeals: Additional powers conferred by law.

[The Board of Municipal and Zoning Appeals shall have and exercise all the rights, powers, duties, obligations and functions conferred by law upon the Board of Zoning Appeals not otherwise conferred by the Charter on other agencies of the City and not inconsistent with its provisions.]

(a) *In general.*

The Board by ordinance may be granted additional powers to review administrative actions, provided the additional powers granted are not inconsistent with this Charter or law.

(b) *Exception.*

The board may not be granted the power to review or alter the decisions of the Planning Commission.

§ 88. Board of Municipal and Zoning Appeals: Judicial review.

If any person, including the City and the Planning Commission, feeling aggrieved by any decision of the Board within thirty days of a decision by the Board, appeals therefrom to the Baltimore City Circuit Court, the Board shall forthwith transmit all papers, or copies thereof, to the court, certified by its executive secretary.

[An appeal shall stay all proceedings in furtherance of the action appealed from. But whenever, in the opinion of the Board, such stay would cause imminent peril to life or property, or serious public inconvenience, it may ask the Circuit Court for an order vacating such stay. From the findings of the Circuit Court in such cases, there shall be such appeal, if any, as may be permitted by law.]

Department of Legislative Reference

§ 90. Department of Legislative Reference: Established.

There is a Department of Legislative Reference, the head of which shall be [a Board of Legislative Reference] the Director of Legislative reference who shall supervise and direct the Department.

§ 91. [Department of Legislative Reference: Director - Appointment, qualifications, etc.] Board of the Department of Legislative Reference.

(a) *Ad hoc board.*

There is a board of the Department of Legislative Reference, which from time to time shall be established pursuant to this section.

(b) *Composition of board.*

(1) The board shall be composed of 3 members. The Mayor, the President of the City Council, and the Comptroller shall each appoint 1 member to the board.

- (2) The board shall be appointed without regard to political affiliation, and is not subject to the requirements of Article IV, § 8. {"Minority party representation"} of this Charter.
- (3) No member of the board may be a City employee or an elected official other than a member of the judiciary.
- (4) The board shall elect a chair from among its members.

(c) *Filling a vacancy.*

- (1) Whenever the Mayor and the President of the City Council find that the position of Director of Legislative Reference is vacant, the board shall be appointed within 6 weeks of that finding.
- (2) The board shall be responsible for all activities by which candidates to fill the vacancy are solicited, investigated, interviewed, and recommended for appointment.
- (3) The board shall recommend no less than 2, and no more than 3, candidates for appointment to the Mayor and the President of the City Council.
- (4) Upon the appointment of the Director of Legislative Reference, the board shall be deemed dissolved and its work completed.

§ 92. [§ 91.] Department of Legislative Reference: Director [- Appointment, qualifications, etc.]

[(a) *Appointment; Tenure.*]

[The Director shall be appointed by the Board of Legislative Reference, shall be a member of the Civil Service, shall hold office during good behavior, and shall be subject to removal by a majority of the Board members for incompetence or neglect of duties.]

(a)[(b) *Head of Department;*] *Qualifications.*

[The Director of Legislative Reference shall supervise and direct the Department.]

The Director shall have substantial experience in law, legislative drafting, or library administration.

(b) *Appointment.*

Upon receipt of a recommendation by an ad hoc board of the Department of Legislative Reference pursuant to § 91(c) {"Board of the Department of Legislative Reference: Filling a vacancy"} of this Article, a Director may be appointed by the affirmative vote of both the Mayor and the President of the City Council.

(c) *Removal.*

The Director may be removed from office by the affirmative vote of both the Mayor and the President of the City Council.

(d)[(c)] *Salary.*

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

§ 93. [§ 92.] Department of Legislative Reference: Director - Powers and duties.

The Director:

(a) *Legislative matters.*

shall investigate and report upon the laws of this and other states and cities relating to any subject requested by the Mayor, any committee of the City Council or the head of any department;

accumulate data in relation to the practical operation and effect of such laws;

investigate and collect all available information relating to any matter which is the subject of proposed legislation by the General Assembly of Maryland, or the City Council of Baltimore;

examine acts, ordinances and records of any state or city, and report the result thereof to the Mayor, any committee of the City Council or the head of any department requesting the same;

prepare or advise in the preparation of any bill, ordinance or resolution when requested so to do by any member of the City Council; and

preserve and collect all information obtained, carefully indexed and arranged so as to be at all times easily accessible to city officers and open to the inspection of the general public.

(b) *Records and archives.*

shall keep all the books, documents, archives, records, official plats, papers and proceedings of the City except those in current use or whose custody the Board of Estimates shall by resolution otherwise direct or authorize;

carefully collect, arrange and safely keep a complete series of the ordinances, resolutions and proceedings of the City;

receive and keep all other documents pertaining to the City which the Director may deem of historic value or be instructed so to do by ordinance or by resolution of the Board of Estimates;

[retain] provide for the retention of such books, documents, papers, plats or archives in the Department, [but permit] and provide for their inspection and reproduction by the public under such reasonable regulations and supervision as the Director may prescribe;

carefully prepare and keep an index of all books, papers, records and documents in the custody of the Department; and

keep a current separate index of all rules and regulations of other departments and agencies of the City.

(c) *Staff.*

may appoint such employees as may be provided in the Ordinance of Estimates.

(d) *Duties prescribed by law.*

perform such other duties as prescribed by law.

[§ 93. Department of Legislative Reference: Board.]

[The Board of Legislative Reference shall be comprised of

the Mayor,
the City Solicitor,
the President of the Johns Hopkins University,
the Deans of the University of Maryland and University of Baltimore Schools of Law,
a member of the City Council selected by the Council and
the Director of the Enoch Pratt Library.]

Civil Service Commission

§ 94. Civil Service Commission: Established.

(a) *Appointment, term, qualifications.*

- (1) There is a Civil Service Commission of three members who shall be appointed, must be confirmed, and shall serve pursuant to Article IV, Section 6.
- (2) One of the three members of the Commission shall be recommended by the President of the City Council prior to appointment.
- (3) The terms of two members shall expire on the last day of the year in which the term of the Mayor begins pursuant to Article IV, Section 1, and the four year term of the third member shall expire two years thereafter.
- (4) Each member of the commission shall:
 - (i) be a registered voter and resident of the City at the time, and during the term, of appointment;
 - (ii) hold a relevant post-graduate degree; and
 - (iii) possess substantial experience and knowledge of labor and employment issues and law.
- (5) No one holding any public office of profit may be appointed a member of the commission.

[Each member of the Commission shall be a registered voter and resident of the City at the time, and during the term, of appointment. All appointments to the Commission shall be made from persons friendly to the merit system of appointment to office. No one holding any public office of profit shall be appointed a member of the Commission.]

§ 95. Civil Service Commission: Powers and duties.

The Commission:

- (a) shall advise the Mayor and Director of Human Resources on personnel matters.
- (b) shall provide to the Mayor and City Council at least annually a report on the operations of the Commission.

(c) [shall review and approve the different groupings of positions having similar duties, responsibilities and qualifications (“classifications”) that are used by the Department.]

(d) shall promulgate and make available to the public rules governing the operation of the Commission.

(e) shall review and approve, before they become final, and make available to the public, the rules of the Department of Human Resources.

(f) shall provide a hearing, on written request, to any non-probationary member of the Civil Service who has been discharged from the Civil Service, reduced in pay or position, or suspended for longer than 30 days. If the Commission finds that the intent and spirit of a provision of this Charter has been violated, it shall report its findings to the Mayor; and the appointing officer shall take whatever action the Commission directs to rectify the violation.

(g) may, if it determines after appropriate investigation, that any administrative head of the City, including any commission or board, or any officer having the power of appointment and removal in the Civil Service, has abused such power by making appointments or removals for any reason other than the good of the public service, so report to the Mayor.

(h) may appoint such hearing officers and other employees as provided in the Ordinance of Estimates.

(i) may, in the course of hearings, administer oaths, subpoena documents, summon witnesses, and examine witnesses; and may delegate these powers to a commissioner or hearing officer.

(j) shall render decisions within sixty days of the close of hearings unless the City employee and City both agree to an extension. If the Commission fails to decide within the sixty day time period, the decision of the hearing officer, if there is one, shall be deemed to be the decision of the Commission.

§ 96. Civil Service Commission: Department of Human Resources - Established.

(a) *In general.*

There is a Department of Human Resources.

(b) *[Purpose] Powers.*

The Department shall:

(1) [promote merit and fitness in City employment] propose to the Commission personnel and civil service rules and regulations for the Commission’s approval;

(2) [ensure that appointments and promotions in the City’s Civil Service are made, and that salaries are established, without regard to political affiliation; and] implement, manage, and administer approved regulations;

(3) [promote the efficient delivery of services to the public.] review and approve different groupings of positions having similar duties, responsibilities, and qualifications (“classifications”) that are used by the Department; and

(4) perform all functions necessary and related to human resource administration and management required by this Charter, other law, and regulation.

§ 97. [Civil Service Commission: Department of Human Resources - Powers and duties.]

[The Department:]

[(a) shall propose and submit to the Commission for final approval rules and regulations, including rules and regulations governing probationary status, temporary and emergency appointments, classifications, reclassifications, examinations, promotions, demotions, transfers, reinstatements, discharges, and other discipline of employees.]

[(b) shall propose and submit to the Commission for final approval the different classifications that are used by the Department. Such classifications shall assure that City employees are hired and promoted based on ability, efficiency, character, and industry (“merit”); and shall encourage the recruitment, training and supervision of qualified employees. Classifications may be grouped into categories, which may include a general category for employees who are hired or promoted based, in part, on the results of competitive or non-competitive examinations; a labor category for unskilled or skilled laborers; and other categories that the Commission may deem to be appropriate.]

[(c) subject to the exceptions in Section 99, shall assign to a classification each position in the City to which appointments are made. The Department shall not assign a position outside of the Civil Service without the approval of the Civil Service Commission. All the classified positions shall constitute the Civil Service, and appointments to positions in the Civil Service shall be made according to the rules of the Commission.]

[(d) shall provide for competitive examinations, non-competitive examinations, and other evaluative measures to assure that City employees are hired based on merit.]

[(e) shall provide for competitive examinations, non-competitive examinations, and other evaluative measures, including conduct in office, demonstrated capacity, and seniority, to assure that City employees are promoted based on merit.]

[(f) shall promptly certify to appointing officers lists of candidates eligible for employment within each classification. The Commission, by rule:]

1. [shall determine when certifications shall include, in rank order, those persons who have performed best on competitive examinations and when certifications should include persons whose fitness has been otherwise established;]
2. [shall determine when and how the appointing officer shall fill a vacancy or new position from the certifications; and]
 3. may provide that honorably discharged veterans of war, including disabled veterans, may receive special credits for their service to the United States in determining the qualifications and relative standing of applicants for City positions.]

[(g) shall establish a period of probation not exceeding one year during which the appointing officer may remove the employee at pleasure.]

[(h) shall propose to the Board of Estimates appropriate salaries and wages for each classification.]

[(i) shall, in conjunction with the employing department, recruit, train and counsel Civil Service members.]

[(j) may appoint such employees as provided in the Ordinance of Estimates.]

[(k) shall administer employee benefits and pre-employment screening programs as directed by the Board of Estimates.]

§ 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.]

§ 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.]

(b) [(c)] *Reductions in force [- Seasonal and part-time employees].*

The disposition of employees discharged as a result of a reduction of force shall be determined by Civil Service rules and regulations.

[In the case of classes of seasonal or part-time employees the Commission, after notice and a public hearing, may adopt rules excluding them from, or limiting the application to them of, the preference contained in the preceding subsection.]

§ 101. [Civil Service Commission: Roster of Service employees.]

[(a) *Commission to keep; Contents.*]

[The Commission shall keep in its office an official roster of the Civil Service, and shall enter thereon the name of every person who has been appointed, employed, promoted, reduced, transferred or reinstated in any Civil Service position.]

[This roster shall be open to public inspection at all reasonable hours, and shall show in connection with each name the date of appointment, employment, promotion, reduction, transfer or reinstatement and the compensation of the position, its title, the nature of the duties thereof and the date and cause of any termination of such office or employment.]

[(b) *Reports to Commission.*]

[It shall be the duty of each appointing officer to report to the Commission forthwith, upon the appointment or employment of any person in the Civil Service, the name of the appointee or employee, the title and character of the office or employment, the date of commencement of service, and to report the separation of a person from the service, or other change in status and other information that the Civil Service Commission may require in order to keep the roster.]

[(c) *Salary contingent on roster listing.*]

[It shall be unlawful, after notice from the Commission for the Department of Finance to pay any salary or compensation to any officer, clerk, employee or other person in the Civil Service whose name does not appear upon the roster as being in the employ of the City.]

§ 103. Civil Service Commission: Abolished positions.

The disposition of employees holding Civil Service positions that may be abolished shall be determined by Civil Service rules and regulations.

[Any person holding any position in the Civil Service which may be abolished by the adoption of any amendment to the Charter or in any other lawful manner, shall be placed upon the reemployment list for the classification to which the abolished position belonged in accordance with Sections 100 and 101; or if no position of the same classification as that of the position abolished shall remain in the Civil Service after the abolition of the position, the person shall be placed on the reemployment list for a position that, in the judgment of the Civil Service Commission, shall most nearly approximate the position abolished.]

[No position shall be deemed to be abolished by reason of being transferred or placed in or under a different municipal agency without substantial change in the nature of the actual duties of the position.]

§ 104. [Civil Service Commission: Penalties.]

[Any violation of any of the provisions of the Charter relating to the Civil Service, or any willful use of any corrupt means in connection with any examination, appointment, promotion, reduction, transfer or reinstatement shall be deemed a misdemeanor and, upon conviction in a court of competent jurisdiction, shall be punished by a fine or by imprisonment as provided by law.]

Department of Transportation

§ 116. Powers and duties of Department.

(b) *Street construction and maintenance.*

(3) Before paving or repaving a street, the Director of Transportation shall [give notice in one or more daily City newspapers that,] ensure adequate public notice not less than 90 days from the first

publication date, the Department will proceed with the paving or repaving and warning all persons to obtain permits for and to complete before that day all work that might involve the digging up of the street.

§ 116B. [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.]

Compensation Commission for Elected Officials

§ 117. Definitions.

(d) *Elected official.*

“Elected official” means:

- (1) the Mayor;
- (2) the City Comptroller;
- (3) the President of the City Council; [and]
- (4) the Members of the City Council; and
- (5) the State's Attorney for Baltimore City.

Department of General Services

§ 134. [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.]

Article VIII. Franchises

§ 4. [Street railways.]

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

§ 5. [Trackless trolleys.]

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

§ 6. [Advertising.]

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

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.

§ 5. Report to the Mayor and City Council.

(a) *Written report.*

The Commission shall deliver a written report containing its recommendations to the Mayor and City Council.

(b) *City Council hearing.*

The City Council shall convene a public hearing at which the Commission shall present its report and recommendations.

§ 6. Dissolution.

Upon completing the activities required in § 5 {"Report to the Mayor and City Council"} of this Article, the commission shall be deemed dissolved and its work completed.

Section 2. And be it further resolved, that these amendments to the City Charter shall become effective on January 1, 2020, except as is hereafter provided.

Section 3. And be it further resolved, that the amendments to Article VII, Sections 90, 91, 92, 93, and 117 of the City Charter shall become effective on January 1, 2019.

Section 4. And be it further resolved, that the Director of Legislative Reference holding office at the time the amendments to Article VII, Sections 90, 91, 92 and 93 become effective shall remain in the office until, pursuant to the amendments, reappointment or the appointment of a successor.

Section 5. And be it further resolved, that these proposed amendments 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.