



Legislation Details (With Text)

**File #:** 09-0346      **Version:** 0      **Name:** Charter Amendment - City Council - Independent Counsel  
**Type:** Mayor and City Council Res.      **Status:** Failed - End of Term  
**File created:** 6/1/2009      **In control:** City Council  
**On agenda:**      **Final action:**  
**Enactment date:**      **Enactment #:**

**Title:** Charter Amendment - City Council - Independent Counsel

FOR the purpose of authorizing the City Council to retain the services of independent legal counsel; providing for the qualifications and term of that counsel; specifying the duties of that counsel; providing for the counsel’s compensation and expenses; and submitting this amendment to the qualified voters of the City for adoption or rejection.

**Sponsors:** President Young, Nicholas C. D’Adamo, Robert Curran, William H. Cole, IV, James B. Kraft, Helen L. Holton, Warren Branch, Sharon Green Middleton, Agnes Welch, Belinda Conaway, Bill Henry, Edward Reisinger, Mary Pat Clarke

**Indexes:** Charter Amendment, City Council, Independent Counsel

**Code sections:**

**Attachments:** 1. 09-0346 - 1st Reader.pdf, 2. Finance - 09-0346.pdf, 3. Law - 09-0346.pdf

| Date      | Ver. | Action By                                | Action                         | Result |
|-----------|------|--|--------------------------------|--------|
| 9/21/2009 | 0    | Judiciary and Legislative Investigations | Scheduled for a Public Hearing |        |
| 6/4/2009  | 0    | The City Council                         | Referred for a Report          |        |
| 6/4/2009  | 0    | The City Council                         | Referred for a Report          |        |
| 6/4/2009  | 0    | The City Council                         | Referred for a Report          |        |
| 6/1/2009  | 0    | City Council                             | Assigned                       |        |
| 6/1/2009  | 0    | City Council                             | Introduced                     |        |

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

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INTRODUCTORY\*

CITY OF BALTIMORE  
COUNCIL BILL  
(Charter Amendment)

Introduced by: Councilmember Young

A RESOLUTION ENTITLED

A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

## Charter Amendment - City Council - Independent Counsel

FOR the purpose of authorizing the City Council to retain the services of independent legal counsel; providing for the qualifications and term of that counsel; specifying the duties of that counsel; providing for the counsel's compensation and expenses; and submitting this amendment to the qualified voters of the City for adoption or rejection.

BY adding

Article III - City Council  
Section(s) 15  
Baltimore City Charter  
(1996 Edition)

BY repealing and reordaining, with amendments

Article VII - Executive Departments  
Section(s) 24(c)  
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 III. City Council

§ 15. GENERAL COUNSEL.

(A) AUTHORITY TO EMPLOY.

BY RESOLUTION, THE CITY COUNCIL MAY EMPLOY OR CONTRACT FOR THE SERVICES OF AN INDEPENDENT GENERAL COUNSEL.

(B) QUALIFICATIONS.

THE GENERAL COUNSEL MUST BE A MEMBER OF THE MARYLAND BAR.

(C) TERM.

THE GENERAL COUNSEL SERVES AT THE PLEASURE OF THE CITY COUNCIL.

(D) DUTIES.

AS THE CITY COUNSEL DIRECTS, THE GENERAL COUNSEL SHALL:

(1) PROVIDE INDEPENDENT LEGAL ADVICE TO THE CITY COUNCIL, ITS COMMITTEES AND SUBCOMMITTEES, AND ITS MEMBERS;

(2) ASSIST THE CITY COUNCIL IN INVESTIGATIONS UNDERTAKEN BY THE CITY COUNCIL OR ANY OF ITS COMMITTEES OR SUBCOMMITTEES;

(3) REPRESENT THE CITY COUNCIL IN A JUDICIAL OR OTHER PROCEEDING IF THE COUNCIL IS A PARTY TO OR DESIRES TO INTERVENE IN THE PROCEEDING; AND

(4) GENERALLY SERVE AS ATTORNEY FOR THE CITY COUNCIL.

(E) COMPENSATION; EXPENSES.

(1) THE GENERAL COUNSEL'S COMPENSATION SHALL BE AS SET BY RESOLUTION OF THE CITY COUNCIL.

(2) AT LEAST 30 DAYS BEFORE THE BOARD OF ESTIMATES ADOPTS ITS PROPOSED ORDINANCE OF ESTIMATES FOR THE NEXT FISCAL YEAR, THE CITY COUNCIL PRESIDENT SHALL CERTIFY TO THE BOARD OF ESTIMATES THE AGGREGATE AMOUNT OF MONEY THAT THE PRESIDENT ESTIMATES WILL BE NEEDED DURING THE NEXT FISCAL YEAR FOR THE COMPENSATION AND RELATED EXPENSES OF THE GENERAL COUNSEL.

(3) IN THE PROPOSED ORDINANCE OF ESTIMATES SUBSEQUENTLY SUBMITTED TO THE CITY COUNCIL, THE BOARD OF ESTIMATES:

(I) SHALL INCLUDE AN APPROPRIATION FOR THE AGGREGATE AMOUNT CERTIFIED BY THE PRESIDENT, UP TO \$100,000; AND

(II) MAY INCLUDE IN THAT APPROPRIATION ALL OR ANY PORTION OF THE AMOUNT CERTIFIED THAT EXCEEDS \$100,000.

(4) THE AMOUNT APPROPRIATED SHALL BE IN ADDITION TO AND MAY NOT SUPPLANT, BE DEDUCTED FROM, OR SERVE AS A BASIS FOR REDUCING ANY PART OF THE OPERATING BUDGET OF THE CITY COUNCIL.

## Article VII. Executive Departments

§ 24. Department of Law: powers and duties.

(c) Outside counsel.

(1) The City Council, Comptroller and, with the approval of the Mayor, a department, commission, board or other authority, may select outside counsel to represent it if:

(I) [(1)] the City Solicitor gives it written notice that representation of it by the Department of Law involves an irreconcilable conflict of interest; and

(II) [(2)] the Board of Estimates authorizes the employment of outside counsel.

(2) THE CITY COUNCIL ALSO MAY EMPLOY LEGAL COUNSEL AS PROVIDED IN ARTICLE III, § 15 OF THIS CHARTER.

SECTION 2. AND BE IT FURTHER RESOLVED, That this proposed amendment to the City Charter be submitted to the legal and qualified voters of Baltimore City, for adoption or rejection, in accordance with Article XI -A, § 5 of the Maryland Constitution, in the form specified by the City Solicitor.

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