



Legislation Details (With Text)

File #: 13-0236 **Version:** 0 **Name:** Charter Amendment - City Council - Independent Counsel
Type: Mayor and City Council Res. **Status:** Enacted
File created: 6/3/2013 **In control:** City Council
On agenda: **Final action:** 11/25/2013
Enactment date: **Enactment #:** 13-13
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, Sharon Green Middleton, Carl Stokes, Bill Henry, Helen L. Holton, Rochelle Spector, Mary Pat Clarke, Warren Branch, James B. Kraft, Nick Mosby, Edward Reisinger, Brandon M. Scott, William "Pete" Welch

Indexes: Charter Amendment, Independent Counsel, Mayor and City Council Resolution, Resolution-Mayor and City Council

Code sections:

Attachments: 1. 13-0236 - 1st Reader.pdf, 2. Law - 13-0236.pdf, 3. BOE - 13-0236.pdf, 4. 13-0236 - 3rd Reader.pdf

Date	Ver.	Action By	Action	Result
11/25/2013	0	Mayor	Signed by Mayor	
11/18/2013	0	City Council	Approved and Sent to the Mayor	
11/4/2013	0	Judiciary and Legislative Investigations	Recommended Favorably with Amendment	
11/4/2013	0	City Council	Advanced to 3rd Rdr., Adopted Comm. Report	
10/24/2013	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing	
10/21/2013	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing	
10/7/2013	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing	
6/6/2013	0	The City Council	Referred for a Report	
6/6/2013	0	The City Council	Referred for a Report	
6/3/2013	0	City Council	Introduced	
6/3/2013	0	City Council	Assigned	

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: President Young and Councilmembers Middletown, Stokes, and Henry

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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