



Legislation Text

File #: 19-0382, **Version:** 0

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: Councilmember Scott

A Resolution Entitled

A Resolution of the Mayor and City Council concerning

Charter Amendment - City Administrator

For the purpose of establishing the position of City Administrator as the Chief Administrative Officer of Baltimore City; establishing how the City Administrator is appointed and removed; establishing the powers and duties of the City Administrator; establishing that the City Administrator shall appoint a Deputy City Administrator and certain other staff; providing that the City Administrator may appoint and remove certain municipal officials; clarifying and conforming related provisions; generally relating to the position of the City Administrator; and submitting this amendment to the qualified voters of the City for adoption or rejection.

By proposing to amend

Article I - General Provisions
Sections 2(f) and 7(c)
Baltimore City Charter
(1996 Edition)

By proposing to amend

Article IV - Mayor
Sections 3, 4, and 6(b), (c), and (l)
Baltimore City Charter
(1996 Edition)

By proposing to amend

Article VII - Executive Departments
Sections 1, 2(b), 3, 98(b), and 131(b)
Baltimore City Charter
(1996 Edition)

By proposing to add

Article VII - Executive Departments
Sections 135 to 140

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

§ 2. Definitions.

(f) *Officer; Municipal officer.*

“Officer” and “municipal officer” shall include, but shall not be limited to, the City Administrator, the heads of all departments and bureaus, the members of all commissions and boards, and persons who exercise authority comparable to that of heads of departments or bureaus.

§ 7. Records; Reports

(c) *Annual report; Other information.*

- (1) 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 the City Administrator, 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.
- (2) Upon request of the Mayor, the City Administrator, the City Council, or Board of Estimates, every municipal agency shall promptly supply the Mayor, the City Administrator, the City Council, 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.

Article IV. Mayor

§ 3. Staff.

(a) *In general.*

The Mayor may appoint such persons to aid in the discharge of the Mayor’s duties as provided in the Ordinance of Estimates.

(b) *City Administrator.*

The Mayor shall appoint and directly supervise a City Administrator who shall be the chief administrative officer of the City.

§ 4. General powers.

(b) *Chief executive officer.*

The Mayor [shall be] is the chief executive officer of the City[,] and shall see that ordinances and resolutions are duly and faithfully executed[, and shall have general supervision over all municipal officers and agencies].

§ 6. Appointments of municipal officers.

(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 the City Administrator, any officer appointed by the City Administrator under the Charter, and some of the 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 City Administrator and the members of these boards and commissions are prescribed elsewhere in the Charter or by other law.

(c) *Removal - In general.*

Except as otherwise provided in the Charter, the [The] Mayor shall have the power to remove at pleasure all municipal officers, except any officer appointed by the City Administrator under the Charter and 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.

(l) *Residency requirement.*

(1) The City Administrator and all [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.

Article VII. Executive Departments

General Provisions

§ 1. General provisions: Executive power; Rules and regulations.

(a) *Executive power of City.*

Except as committed to the Board of Estimates, the executive power of the City is vested in the Mayor, the City Administrator, the departments, commissions and boards provided for in this article and the special officers, departments, commissions and boards that may be created by law.

(b) *Rulemaking authority.*

Subject to the approval of the City Administrator, departments [Departments], acting through their directors, and commissions and boards, may adopt rules and regulations, not inconsistent with laws or ordinances, for the operation of their respective departments, commissions and boards as they may deem appropriate.

§ 2. General provisions: Powers and duties; Contracts.

(b) *Execution of contracts.*

All contracts on behalf of a municipal agency shall be executed on behalf of the City either by the Mayor, [or the Mayor's designee] the City Administrator, or the head of the agency.

§ 3. General provisions: Bureaus and divisions.

(a) *Establishment or abolishment.*

(1) With the approval of the Board of Estimates, the City Administrator or 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.

(2) 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 City Administrator, 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.

Civil Service Commission

§ 98. Civil Service Commission: Department of Human Resources - Director.

(b) *Appointment; Term.*

(1) The Director shall be appointed by the City Administrator and must be confirmed by the City Council[, and shall serve,] pursuant to the process set forth in Article IV, Section 6.

- (2) The Director may be removed at any time by the City Administrator.

Department of General Services

§ 131. Director of General Services.

(b) *Appointment; Term.*

- (1) The Director shall be appointed by the City Administrator and must be confirmed by the City Council[, and shall serve,] pursuant to the process set forth in Article IV, § 6.
- (2) The Director may be removed at any time by the City Administrator.

City Administrator

§ 135. City Administrator: Establishment.

There is a City Administrator who shall be the chief administrative officer of the City.

§ 136. City Administrator: Appointment, term, etc.

(a) *Appointment.*

The Mayor shall appoint the City Administrator without regard to political affiliation, subject to confirmation by the City Council, pursuant to Article IV, Section 6(a).

(b) *Qualifications.*

- (1) The City Administrator must have, prior to appointment, at least 5 years of administrative experience that is sufficiently broad, responsible, and technical to function as the City Administrator.
- (2) In determining and assessing the qualifications for appointment as the City Administrator, the Mayor must give full consideration to:
- (i) the depth, breadth, quality, and importance of relevant experience and the degree of progression achieved;
 - (ii) the individual's education background;
 - (iii) evidence of the individual's demonstrated ability to accept and successfully meet increasing responsibilities; and
 - (iv) evidence of the individual's excellent character, professional reputation, and employment record.
- (3) To assure the selection of the most qualified individual available, the Mayor may retain any recognized testing agency to evaluate and make recommendations concerning the qualifications of prospective appointees.

(c) *Term.*

- (1) Subject to paragraph (2) of this subsection, the City Administrator's term shall be coterminous to the Mayor.

(2) The City Administrator may continue to serve beyond the Mayor's term until a qualified successor is appointed and confirmed.

(d) *Salary.*

The City Administrator's salary shall be set in the Ordinance of Estimates, but in no event shall the City Administrator's salary be less than \$200,000 per year.

§ 138. City Administrator: Removal.

(a) *In general.*

Subject to subsection (b) of this section, the City Administrator may be removed, without cause, by the Mayor in writing to the City Council.

(b) *City Council ratification required.*

(1) The City Council must ratify the Mayor's removal of the City Administrator with an affirmative vote of the majority of all Councilmembers.

(2) A ratification vote under this subsection must occur at the City Council meeting immediately following receipt of the Mayor's removal letter.

(3) If the City Council fails to take action within the time required by paragraph (2) of this subsection, the City Administrator will be removed by operation of law.

§ 139. City Administrator: Office administration.

(a) *Staff.*

The City Administrator may appoint employees to assist in his or her duties as may be provided in the Ordinance of Estimates.

(b) *Deputy City Administrator.*

(1) The City Administrator shall appoint a Deputy City Administrator who shall serve as the Acting City Administrator in the event that the City Administrator is temporarily unavailable for duty or if the position has been vacated.

(2) A Deputy City Administrator may not serve as an Acting City Administrator longer than 6 months without confirmation by the City Council, pursuant to Article IV, Section 6(a).

§ 140. City Administrator: Powers and duties.

Except as otherwise provided in this Charter and under the direct authority and supervision of the Mayor, the City Administrator:

- (1) administers the day-to-day operations of the City and oversee the delivery of municipal services;
- (2) exercises supervisory authority over all agencies, department directors, and municipal officers;
- (3) approves rules and regulations proposed by municipal departments and agencies;
- (4) supervises the preparation of the City's preliminary operating budget and participate in the development of the proposed Ordinance of Estimates;
- (5) advises the Mayor in the formation of policy and the implementation of plans to address demands for municipal services, enhance the quality of life, and strengthen the economic vitality of the City;
- (6) performs duties delegated by the Mayor that are not inconsistent with this Charter; and
- (7) performs any other duty as required by this Charter or required by ordinance of the Mayor and City Council.

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.