

BALTIMORE CITY COUNCIL TRANSITION COMMISSION

October 29, 2004

Honorable Sheila Dixon
President
Baltimore City Council
Room 400, City Hall
Baltimore, MD 21202

Dear Madame President:

I am pleased to submit the enclosed recommendations of the Baltimore City Transition Commission, which was created by Resolution No. 03-1264 on December 8, 2003.

The Commission has met monthly since January 2004 to consider the reports of its committees: Budget and Miscellaneous Matters, Land Use, Open Government, and Ordinance and Administrative Rules. As requested in Resolution No. 03-1264, it considered all issues directly resulting from the reconfiguration of the Council and the recommendations made by the City Council President's Commission on Council Representation ("Stokes Commission") issued in July 2001. All meetings of the Commission have been announced on the City Council's website and open to the public. We held public hearings on March 11 and June 8. The Commission's business has been conducted in a transparent manner.

All of the recommendations included in this report were supported by at least a majority of the Commission members. Nearly all of recommendations represent a consensus of the entire Commission. Of the issues on which there were minority views, most stemmed from concerns about whether issues fell within the scope of the Commission's charge rather than the merits of the recommendations themselves. On the remaining few, substantive debate within the Commission was lively, and this in itself was felt to be a useful service to the Council. We believe that our recommendations can serve as a starting point for the Council's own discussions and we stand ready to review our findings and deliberations with you and any interested Council Members.

In addition to the recommendations included in the report, the Commission considered matters on which it declined to recommend any action: consolidation in Article III of the portions of the City Charter that deal with the City Council; prescribed meetings of the Council with the City's delegation to the General Assembly; whether Mayor's Cabinet members would provide sworn or unsworn testimony; and appointment of a Charter Review Commission to

consider the complex matter of reconstitution of the Board of Estimates and the balance of authority between the Mayor and the City Council.

On behalf of the Commission and the Baltimore Efficiency & Economy Foundation, I want to express our gratitude for the courtesy and assistance you, your staff, the City Council, the City of Baltimore, and particularly the Department of Legislative Reference, have provided. We would also like to thank Marsha Schachtel for her invaluable assistance.

Respectfully submitted,

Zelig Robinson
CHAIRMAN
Baltimore City Council Transition Commission

cc: George A. Nilson, Esq.
Chairman, Baltimore Efficiency & Economy Foundation, Inc.
Vice Chairman of the Baltimore City Council Transition Commission

Members of the Baltimore City Council Transition Commission

Distribution list

Baltimore City Council Transition Commission

Final Report

October 29, 2004

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Executive Summary

Introduction

In November 2002, the voters of Baltimore City approved a new structure for Baltimore City Council representation of citizen interests. Since 1922, the Council consisted of 18 council members, with three members elected from each of six districts. The restructured Council will have 14 council members, each elected from a single-member district. The Council President will continue to be elected by voters citywide.

At the behest of City Council President Sheila Dixon and in cooperation with the Baltimore Efficiency and Economy Foundation (BEEF), the Baltimore City Council Transition Commission was created by City Council Resolution 03-1264 in December of 2003. The Commission was charged primarily with evaluating “all aspects of the City Council and its operations to ensure a smooth transition from a body comprising six 3-member districts to a body comprising 14 single-member districts, and to facilitate a continuing satisfactory level of delivery of services to the citizens of Baltimore.” The Commission issued an Interim Report on April 29, 2004.

Recommendations

(*denotes recommendations that call for an amendment to the City Charter approved by the voters)

I. Council Structure and Vacancies

*A. A Nominating Committee should be named to fill council vacancies. The Nominating Committee should consist of the President of the City Council and the Chairs of all Standing Committees.

B. The Council’s committee structure should embody continuity, and the Budget and Appropriations Committee should be codified.

II. Council Procedures

A. The Council should adopt a Council Rule governing the introduction of bills for zoning or land use changes or amendments. The Rule should prescribe a process that requires concurrence when land use changes affect more than one councilmanic district.

*B. The number of votes required to override a Mayoral veto should be clarified by amending the City Charter.

*C. The Mayor and City Council should have the authority to reallocate appropriations within the Proposed Ordinance of Estimates while it is before the Council. Thus the funds that the Council cuts from one appropriation could be added to another appropriation provided the Mayor and City Council agree.

D. The City Solicitor should assign an attorney to provide legal advice to the City Council on legislative matters.

E. The Council should meet year-round.

F. The Council, both collectively and individually, should continue to review and make judgments about the balance between their legislative and constituent services functions.

III. Open Government

A. The Council should utilize all available technologies to improve public information about current city issues.

B. The Council should publish the City's General Fund budget annually.

C. The Council should annually develop and publish reports linking the budget to the performance of city services, as generated through the CitiStat program.

D. Committee votes on significant issues should be conducted in public.

E. The Council agenda should be reorganized to give separate prominence to consideration of legislation. Council resolutions should be handled by consent calendar, as ceremonial resolutions are today.

F. New options for interactive remote access to City Council meetings should be explored.

IV. Budget, Staffing and Compensation

A. The Commission recommends that all of the funds currently appropriated for the salary and benefits of the four Council positions, and one-half of the appropriation for the staff and support services of the positions be eliminated from future City budgets. The remaining one-half of the staff and support funds saved should be devoted to hardware and software improvements that enhance the capacity of the Council President's office to provide constituent services to Council members and citizens.

B. The Council needs augmented fiscal staff support.

*C. Salaries and benefits of City Council members should be determined on recommendation of an independent commission and approved by the Council **at least 30 days before the primary election.**

V. Baltimore City Code and Council Rules

A. Council Rules must be changed to reflect the change in number of Council Members.

B. The Baltimore City Code must be changed to reflect the change in the number of Council members.

Introduction

In November 2002, the voters of Baltimore City approved a new structure for Baltimore City Council representation of citizen interests. Since 1922, the Council has consisted of 18 council members, with three members elected from each of six districts. The restructured Council will have 14 council members, each elected from a single-member district. The Council President will continue to be elected by voters citywide.

In February 2003, Mayor O'Malley introduced his redistricting plan to the Council, which reviewed and discussed the Mayor's proposed plan with the help of public input through open forums, including informational hearings, community meetings and talk show discussions. The primary election to nominate candidates for the 14 Council Member seats and the at-large Council President was held in September 2003. Following an anomalous 15-month lag time, the restructured Council will be seated in December 2004 after the general election in November 2004.

At the behest of City Council President Sheila Dixon and in cooperation with the Baltimore Efficiency and Economy Foundation (BEEF), the Baltimore City Council Transition Commission was created by City Council Resolution 03-1264 in December of 2003. (See **Appendix A.**) The Commission was charged with evaluating “all aspects of the City Council and its operations to ensure a smooth transition from a body comprising six 3-member districts to a body comprising 14 single-member districts, and to facilitate a continuing satisfactory level of delivery of services to the citizens of Baltimore.” Members of the Commission are listed in **Appendix B.**

The Commission has met monthly since January 2004 to consider the reports of its committees: Budget and Miscellaneous Matters, Land Use, Open Government, and Ordinance and Administrative Rules. It was also asked to review the recommendations made by the City Council President's Commission on Council Representation (“Stokes Commission”) issued in July 2001. It held public hearings on March 11 and June 8, 2004. All meetings of the Commission have been announced on the City Council's website and open to the public. All of the Commission's recommendations were endorsed by a majority of its members, almost all unanimously; exceptions are noted in the body of the report.

The Commission was asked to address first the issues that required immediate action by the sitting Council in advance of the election and installation of the new Council. The Commission's interim report, issued on April 29, 2004, made recommendations for the FY 2005 budget (see recommendation IV.A below), and regarding the City Charter amendment required to change the way Council mid-term vacancies are filled (see recommendation I.A below). An ordinance embodying the recommended City Charter amendment was passed by the City Council on July 12, 2004 and the proposed amendment will appear on the ballot on November 2, 2004 for the voters' consideration.

Recommendations

Each of the following recommendations was supported by a majority of the Commission members who voted. Recommendations marked with an asterisk (*) call for an amendment to the City Charter approved by the voters.

I. Council Structure and Vacancies

***I.A A Nominating Committee should be named to fill council vacancies. The Nominating Committee should consist of the President of the City Council and the Chairs of all Standing Committees.**

Council Rules should be amended to recognize that the Council will be changing from multi-member districts to single-member districts. Council Rule 5-11 currently gives the power to nominate a person to fill a vacancy in a multi-member district to the “remaining” members of the district delegation. That process customarily results in the ultimate selection of their nominee by the Council.

In the 14-member Council, if a vacancy should occur in a single member district, there would be no “remaining” members. The Commission recommends a nomination process that would lead to the presentation of a single nominee to the Council for its consideration. A Nominating Committee would be formed, consisting of the President of the City Council (who would chair the Nominating Committee) and the Chairs of the various Standing Committees. The Nominating Committee would review potential nominees and make a recommendation to the full Council. If the full Council should reject the Committee’s nominee, the Committee would be required to reconvene to consider an alternative nominee, and report its recommendation at the next Council meeting. If the President’s office should become vacant, the Vice President of the Council would chair the Nominating Committee.

We recognize that this places considerable power in the hands of the President (who is responsible for selecting the committee chairs), but the President is after all accountable to all the voters in the City whereas the other Council Members have been elected to their seats cumulatively by everyone *except* the voters whose Councilperson is being replaced. In addition, we recommend certain refinements to the nominating process designed to insure that it is a completely open and transparent process and proceeds to a prompt conclusion. These changes are embodied in a proposed amendment to Council Rule 5-11, attached to this report as **Appendix C**.

There are related provisions of the City Charter that should be changed. An amendment to the Charter requires passage of an ordinance to place the proposed change on the ballot for consideration by the voters. Since the deadline for including issues on the ballot for the November 2004 general election fell before the issuance of this final report of the Commission, the Commission’s Interim Report, issued on April 29, 2004, made the following recommendation:

The Baltimore City Charter (Art. III, Sec. 6) simply directs that vacancies shall be filled by the Council. In effect, this means that the Council Rules prescribe the decision-making process. But the Charter provides that vacancies shall be filled in this manner only until the next primary and general election held in the City, at which time a successor shall be elected by the voters. By way of example, if a vacancy were to occur in February 2005, under the current Charter the “interim replacement” named by the Council would only serve until the 2006 Gubernatorial elections, rather than until the next Municipal Elections. However, neither the City nor its voters have the power to dictate when elections may be held for municipal offices; this power rests *solely* with the General Assembly. And the General Assembly has not ever approved the holding of such “vacancy elections” in Baltimore City at any time other than the regular Municipal Elections held every four years. The Maryland Attorney General’s office has opined that City Council members may only be voted on at these Municipal Elections.

In short, the City Charter should conform to the law. The Commission’s recommendation was accepted by the City Council following the Commission’s Interim Report and passed on July 12, 2004. The adopted City Council Resolution 04-055 for a City Charter amendment regarding vacancies is attached as **Appendix D**. It will appear on the ballot on November 2, 2004 for the voters’ consideration.

I.B The Council’s committee structure should embody continuity, and the Budget and Appropriations Committee should be codified.

The specific configuration of committees is the prerogative of the President and Council. The Commission believes that continuity in the committee line-up gives council members the ability to develop expertise and the public the ability to identify and get to know relevant points of contact.

In addition, the Commission believes that the City Council Budget and Appropriations Committee should be institutionalized. Currently, Council committees are created (and frequently reconfigured) through amending Council Rules. Only the Legislative Investigations Committee is included in the City Code, a codification that ensures that the committee has authorization to exist beyond the will of a Council majority at a given point in time. The Commission adopted draft language to amend Article 1, §1 of the City Code:

- 1) §1-5 (a)-(c): creates a committee of four or more members (at least one-quarter of the new 14-member Council) with reappointment every year by the President and Council;
- 2) §1-5 (d): requires public hearings on the budget; and
- 3) Encourages an annual meeting with the City Auditor to discuss major audit findings and city fiscal issues

II. Council Procedures

II.A The Council should adopt a Council Rule governing the introduction of bills for zoning or land use changes or amendments. The Rule should prescribe a process that requires concurrence when land use changes affect more than one councilmanic district.

The Commission spent a considerable amount of time deliberating this issue and believes that it deserves serious consideration and discussion among the members of the Council. The recommended protocol reflects the Commission's strong desire to prevent a single Council Member from exercising unilateral power over land use legislation when the subject legislation has an impact beyond the individual member's district boundaries.

Protocol recommended for adoption as a Council Rule:

The Council Member elected from a single district may serve as the sole or primary sponsor for purposes of introducing a bill or bills for zoning or land use changes or amendments when the affected property or parcel of land is physically located within the Council district from which the Council member was elected. However, if a zoning or land use bill pertains to a property, parcel or use that meets any one of the criteria enumerated below, then the report of the Council committee to which the bill was referred must have the concurrence of the sponsor and at least one other Council Member who represents the affected or adjacent districts.

- 1) The property or parcel is located on, or overlaps a City Council district boundary line or lines, or
- 2) The change or use will have a direct impact on a residential or commercial area located in an adjacent City Council district(s), as determined by the committee to which the Bill is assigned, or
- 3) The affected property is located within a neighborhood designated by the Baltimore City Planning Department as a Neighborhood Statistical Area, that falls within or overlaps two or more City Council districts.

Nothing in this protocol shall prevent the City Council President, as a City-wide elected official, from introducing or sponsoring a zoning or land use bill at the request of an interested party, or on behalf of the Administration, or prevent the City Council from voting on such a bill.

Land use is one of the most important powers of city council members, and Baltimore's City Council has historically had an unusually strong role in these decisions. In the past, through the exercise of informal councilmanic courtesy, the three members from each councilmanic district were able in large measure to be responsible and answerable for land use decisions within their own boundaries. If constituents could persuade two or all three of the members of their position on a land use issue, the rest of the Council would usually accede to their wishes. The exceptions have been in cases in which the Administration had a strong position or deemed the project to be of citywide import, and those that the Planning Commission has opposed. Residents, businesses, and investors understood this unwritten protocol, generally bringing stability and predictability to the process, which is critical to the quality of life in neighborhoods and continued interest by outside investors. Further, it promoted civility and collegiality among the Council Members.

More numerous, smaller single member districts pose two significant challenges: the vesting of this control in a single individual Council Member, and the increased likelihood that land use decisions will affect more than one district. Many communities and commercial corridors are now divided among multiple council districts, and the growth from six to fourteen districts means that number and linear distance of district lines has increased dramatically. It is far more likely that targeted properties will lie on or adjacent to a district boundary.

After discussion at several meetings and numerous revisions, the Commission adopted the revised protocol described above for handling land use issues in the Council. Explicit in the protocol is the responsibility given to the land use committee handling the matter for determining whether the sphere of impact of a land use decision extends beyond a single councilmanic district. After a lively debate, the majority of Commission members recommended that the new protocol be adopted as a Council Rule.

***II.B The number of votes required to override a Mayoral veto should be clarified by amending the City Charter.**

The number of votes required to override a mayoral veto should be clarified and disclosed by amending the Charter (Art. IV (Mayor) §6(b) (third paragraph) to read:

“If the ordinance or resolution, after reconsideration, shall be again passed by the City Council by a vote of [~~three-fourths~~] eleven of its members, it shall become an ordinance or resolution of the City.”

The change would “round down” the result of a calculation of three-quarters of 15.^a The Commission reviewed a survey (attached as **Appendix E**) showing that 11 members (73 percent) would continue to be the steepest requirement for a veto override among comparable jurisdictions (cities nationally and urban counties in Maryland) as well as the Maryland General Assembly and the U.S. Congress. The average of the 10 cities examined was 69 percent, the median, 67 percent.

This issue was discussed extensively at several Commission meetings. After further research on policies in comparable jurisdictions, the majority of Commission members endorsed the recommendation. A draft bill for a City Charter amendment is attached as **Appendix F**. Some minority votes strongly favored a two-thirds override requirement, which was the recommendation of the Stokes Commission. Others felt the issue was beyond the charge given to the Commission.

***II.C The Mayor and City Council should have the authority to reallocate appropriations within the Proposed Ordinance of Estimates while it is before the Council. Thus the funds that the Council cuts from one appropriation could be added to another appropriation provided the Mayor and City Council agree.**

^a Three quarters of 15 equals 11-1/4 members. “Rounding down” to 11 council members required to override a veto would equal 73 percent of the Council, while “rounding up” to 12 would equal 80 percent of the Council. Seventy-three percent is closer to three-fourths than is 80 percent.

The present Charter not only prohibits the Council from increasing any expenditure in the budget proposed by the Mayor and the Board of Estimates, but also provides that if the Council cuts the tax-supported budget, the funds saved may only be used to reduce the property tax rate or as a reserve for spending in a future fiscal year. They may not be added to any other item of expenditure. The Stokes Commission recommended a change that permitted the Council, with the agreement of the Mayor, to reallocate cut funds. This recommendation was endorsed by the Transition Commission. In the State of Maryland's budget process, the General Assembly similarly may cut items but not increase expenditures in the budget presented by the Governor. However, the Governor may submit for the General Assembly's consideration a supplemental budget reallocating the funds cut.

II.D The City Solicitor should assign an attorney to provide legal advice to the City Council on legislative matters.

The City Council requires competent legal advice on legislative matters before the Council and in the development of new legislation. The mission of the Baltimore City Law Department includes "provid[ing] sound legal advice and counsel to the Mayor, City Council, and City departments, boards, and commissions." The President of the City Council should request that the City Solicitor assign an experienced attorney to the City Council to provide advice on legislative matters. This attorney should be able to draw on the expertise of the entire Law Department as special issues arise.

II.E The Council should meet year-round.

The Commission supports the decision of the Council to meet at least once in every month, and more frequently between September and June.

II.F The Council, both collectively and individually, should continue to review and make judgments about the balance between their legislative and constituent services functions.

The Commission members did not feel qualified to make a recommendation about the balance of Council Member activity between legislative and constituent services functions. However, it was noted that Administration initiatives to improve services and make Executive Branch agencies more accessible and accountable might reduce the constituent service requirements placed on Council Members, giving them more time for legislative and year-round budget review functions. It was also pointed out that the Council retains an important oversight role in assuring that agency responses made through the 311 system are effective.

III. Open Government

III.A The Council should utilize all available technologies to improve public information about current city issues.

The public's understanding of key issues can be enhanced through the underutilized city cable television channel for regularly scheduled programs featuring panels of city government and other knowledgeable citizens, and sessions at which the press and members of the City Council discuss matters of public health or safety with provision for call-ins from citizens.

The Council's website can be used more intensively to provide public notice of all Council activities. The General Assembly of Maryland's website provides a framework for significantly enhancing public notice of all matters to be taken up by the City Council, and of City Council actions, particularly during the time between enactment and effective dates of new laws.

III.B The Council should publish the City's General Fund budget annually.

The publicly available Baltimore City budget does not enable the public to easily compare from year to year the proposed and adopted changes in the most meaningful part of the budget – the portion funded by General Fund dollars. The General Fund is a central fund that contains most of the City's tax and unrestricted revenues that are used to support basic City operations and pay-as-you-go (PAYGO) capital projects. These are the tax sources and revenues over which the Mayor and City Council have total authority and control, unlike taxes or revenues coming from State, Federal or restricted sources. The City's website does not break down the \$2 billion budget expenditures by fund, and even with the \$135 budget books that contain budget detail, it is almost impossible to tease out the specific proposed and actual uses of the \$900 million General Fund. The Council should obtain from the Finance Department and publish on its website a breakdown of the General Fund budget, by department, by program, by activity and objects of expenditure. It should retain previous year information on the website for at least three years to enable the public to see changes over time.

III.C The Council should annually develop and publish reports linking the budget to the performance of city services, as generated through the CitiStat program.

The service performance data generated by the CitiStat program should be published on the Council website in conjunction with the General Fund budget. National organizations are moving toward use of performance measurements in budget analysis. The Department of Finance has experience and expertise in compiling and publishing performance measurements. Baltimore's CitiStat program represents a leap forward in performance measurement. The City has an opportunity to use this tool to increase public understanding of the link between dollars spent and units of service produced. Institutionalizing this type of performance measurement will also serve the City well in the future when bond rating agencies evaluate the City's budget development and management. A majority of Commission members voted to approve this recommendation.

III.D Committee votes should be conducted in public.

It is in the public interest to achieve transparency in government decision-making, including public observation of committee discussion and the justifications provided by Council Members of the votes they cast. It is also beneficial to Council Members to hear and discuss the issues with their colleagues face-to-face. However, reform efforts must avoid slowing down the legislative process. The Commission was pleased to learn that in the time since the Stokes Commission report, the Council has adopted the practice of holding public voting sessions on all ordinances and Mayor and City Council resolutions.

III.E The Council agenda should be reorganized to give separate prominence to consideration of legislation. Council resolutions should be handled by consent calendar, as ceremonial resolutions are today.

The current Council calendar is a mix of ceremonial resolutions (handled in a separate consent calendar), “nonbinding” Council resolutions of the Council’s intent or position on issues, and substantive bills and resolutions of the Mayor and City Council. Constituents interested in issues before the Council are understandably confused by this mixture of meaningful and symbolic activities. An agenda that gives prominence to proposed laws will make it easier for citizens to participate in the legislative process.

III.F New options for interactive remote access to City Council meetings should be explored.

The Commission endorses the councilmanic tradition of holding committee and subcommittee meetings in the community, and affirms the importance of the predictability of holding regular Council meetings at City Hall. The Commission encourages the exploration of electronic means (i.e. teleconferencing at libraries, schools, and other dispersed locations) for enhancing interactive access by citizens to meetings. Ideally, this would go beyond simply televising the Council sessions to allow those who cannot attend meetings at City Hall to participate in the deliberations.

IV. Budget, Staffing and Compensation

IV.A The Commission recommends that all of the funds currently appropriated for the salary and benefits of the four Council positions and one-half of the appropriation for the staff and support services of the positions be eliminated from future City budgets. The remaining one-half of the staff and support funds saved should be devoted to hardware and software improvements that enhance the capacity of the Council President's office to provide constituent services to Council members and citizens.

The most urgent issue the Commission considered pertains to the budget for the City Council for the Fiscal Year 2004-05, beginning July 1, 2004.

The change in the composition of the Council from a 19-member body to a 15-member body (including the President) will occur in December, following the November, 2004 general election. At that time the Council and the City Budget will have four fewer Council Members to support, and the Council will begin its transition from six 3-member districts plus an at-large President to 14 single-member districts plus an at-large President. The four Council Members whose positions will terminate beginning with the second half of the 2004/2005 fiscal year are now supported by a total budget allocation of approximately \$540,000 in City general funds over the full year. Of this total annual amount, \$240,000 is budgeted for Council Members' salary and benefits and \$300,000 for staff and other support services.

In its Interim Report, submitted before the Fiscal Year 2005 budget was finalized, the Commission recommended that all of the \$240,000 now appropriated for the four Council Members' total annual salary and benefits should be deleted from future City budgets, and that one-half of the \$300,000 per year now allocated for staff and other support services of the four Council Members, should be eliminated from the City Council budget in the future. The Commission recommended that the remaining one-half (\$150,000) of the \$300,000 annual allocation for staff and other support services could be retained in the City Council budget and dedicated to enhancing the capacity of the President's Office to provide constituent services for the Council and City citizens generally. The Commission further recommended that those retained funds should be dedicated by the President's Office to technological improvements (software and/or hardware) appropriate for delivery of constituent services—not to the creation of new positions or the retention or compensation of existing positions, with the possible exception of a fiscal analyst (see recommendation IV.B below).

On the foregoing basis, in the upcoming 2004/2005 *initial partial fiscal year*, \$120,000 which formerly would have been allocated for the four Council Members' salary and benefits in that partial fiscal year period will be eliminated from the proposed Council budget; \$75,000 of the \$150,000 which would otherwise have been budgeted in the initial partial fiscal year for the four Council Members' staff and other support services would be deleted from the proposed City Council budget; and the remaining \$75,000 of the \$150,000 which would have been budgeted for the four Council Members' staff and other support services in the partial fiscal year would be allocated to the President's Office to provide hardware and software to support constituent services required by individual Council Members and by the City's citizens, or other capacity-building services (see IV.B).

These recommendations will save \$120,000 in the first (partial) fiscal year and provide \$75,000 for better constituent services in that same period. The recommended use of savings is

based upon the Commission's determination that the loss of four Council Members may diminish to some extent the Council's resources to provide constituent services, and that continuing constituent needs can best be satisfied by improving the centralized hardware and software resources of the Council President's office to provide these services to Council Members and citizens.^b

IV.B The Council needs augmented fiscal staff support.

Discussion with current and previous Council Members revealed a strong desire to improve the capacity of the Council to deal with financial and legal issues. The highest priority is to improve fiscal staffing in a way that enables Council Members not only to evaluate the budgets submitted annually by the Administration, but also to monitor budget issues year-round, including review of management and fiscal audits and issues under consideration by the Board of Estimates. Given Administration initiatives to improve the responsiveness of City services, Council Members may have more time for fiscal oversight, and would benefit from the full-time services of an experienced budget analyst. The Council should consider the relative merits of using the "capacity-building" portion of the savings gained by reducing the size of the Council for this purpose.

***IV.C Salaries and benefits of City Council members should be determined on recommendation of an independent commission and approved by the Council at least 30 days before the primary election.**

City Council salaries have increased dramatically over the last several terms. The Council has effected these raises in ordinances adopted after primary elections but before the general elections, as required by the City Charter and the Maryland Constitution.

The Maryland General Assembly looks to an independent General Assembly Compensation Commission to make recommendations for salaries and benefits of its members. In the year before an election year, the Commission begins the process of considering and weighing evidence on these compensation issues. The Commission's recommendations are embodied in a resolution of the General Assembly the following January at the start of the legislative session and which becomes law if the resolution is not amended or superceded within 90 days. The Governor appoints one-third of the members of the Commission and the General Assembly's presiding officers select two-thirds.

The City Council Transition Commission recommends that the City adopt a similar approach to setting salaries, adjusting timelines as appropriate to match the City legislative and elections calendar. A City Commission's recommendations should be introduced at least 120 days before the primary elections and resolved at least 30 days before the primary elections in the fall. The Maryland Constitution provision creating the General Assembly Compensation Commission is attached as **Appendix G**. Amendment of the City Charter would be required to modify the existing Baltimore City Compensation Commission for Elected Officials to give it comparable powers. The City Code subtitle pertaining to the Compensation Commission is also attached in **Appendix G**.

^b Since the submission of the Commission's Interim Report, the FY 2005 adopted budget includes projected costs for six months of the existing Council membership, and a six month budget for the 14-member Council.

V. Baltimore City Code and Council Rules

With the support of the Baltimore City Department of Legislative Reference, the Commission reviewed provisions of the Council Rules and Baltimore City Code that need to be amended to reflect the transition to a 15-member Council. Recommendations are largely confined to making numerical changes to allow new voting requirements to match the percentages established under old Council Rules. More substantive recommendations are included in other sections of this report.

V.A Council Rules must be amended to reflect the change in the number of council members.

Proposed amendments to Council Rules are attached as **Appendix H**.

V.B The Baltimore City Code must be amended to reflect the change in the number of council members.

A proposed corrective ordinance to amend various provisions of the City Code is attached as **Appendix I**.

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Appendices

- A. City Council Resolution 03-1264
- B. Members of the City Council Transition Commission
- C. Proposed amendment to City Council Rule 5-11 regarding vacancies
- D. City Council Resolution 04-055 for City Charter amendment regarding vacancies
- E. Veto Override Survey
- F. Draft bill of City Charter amendment regarding veto override
- G. Maryland Constitution: General Assembly Compensation Commission and Baltimore City Code: Compensation Commission For Elected Officials
- H. Proposed amendments to Council Rules
- I. Proposed amendments to Baltimore City Code

**CITY OF BALTIMORE
COUNCIL BILL 03-1264
(Resolution)**

Introduced by: President Dixon, Councilmembers Young, Pugh, Curran, Mitchell, Welch, Garey, Rawlings Blake, Abayomi, Reisinger, Carter, Harris, Cain, Spector, Stukes, Branch
Introduced and adopted: December 8, 2003

**A COUNCIL RESOLUTION CONCERNING
Creation of the Baltimore City Council Transition Commission**

FOR the purpose of creating the Baltimore City Council Transition Commission in partnership with the Baltimore Efficiency and Economy Foundation (BEEF) to evaluate all aspects of the City Council and its operations to ensure a smooth transition from a body comprising 6 3-member districts to a body comprising 14 single-member districts and to facilitate a continuing satisfactory level of delivery of services to the citizens of Baltimore.

Recitals

The Baltimore Efficiency and Economy Foundation (BEEF) was founded in 1998, to sponsor and publish independent research in the areas of: (1) aspects of local government management, operations, fiscal and tax policy; (2) strategies to increase Baltimore City's tax base with new businesses and homeowners; and (3) strategies to improve regional cooperation between Baltimore City and the adjacent counties.

The President of Baltimore City Council, members of her staff, and BEEF personnel collaborated to design the Baltimore City Council Transition Commission, a Body specifically designed to examine aspects of the City Council and operations that may be affected by the reduction in size from 18 to 14 members and from 6, 3-member districts to 14 1-member districts, to review and lay out the optional courses of action with regard to each affected area, and to make recommendations as to which course(s) of action are preferable.

The Baltimore City Council Transition Commission will be made up of Board members of BEEF, and staff from the President of City Council's office, University officials, government policy experts, and members of the community at-large. From time to time, as appropriate, staff from the key local government agencies will be requested to assist the Commission in its work.

The Commission proposes to have preliminary recommendations available for the Council to consider and act on before the Baltimore City Budget for Fiscal Year 2004 is finalized. This report will include all matters that are likely to have fiscal ramifications. A final report, with approval of the President of the City Council, will be available in early September 2004, and will include further recommendations on matters of fiscal impact, amendments, if any, to the initial report, and recommendations on all other matters pertaining to the reconfiguration of the Baltimore City Council.

The Commission process for forwarding its mission will include monthly meetings with individuals key to the review process and conference calls or interim meetings as needed and the

Commission will provide periodic reports to keep the President and members of the City Council informed on its work.

Specific recommendations of the Baltimore City Council Transition Commission will include, but not be limited to, the following:

- § Creating a Body that will be accountable, accessible, and efficient in regards to legislative process and constituent service
- § Reducing the Baltimore City Council budget
- § Evaluating the Council Rules and adjusting them if necessary to address the new configuration of the Body
- § Reviewing the recommendations from the Commission on Council Restructuring to evaluate the Baltimore City Charter and the Baltimore City Code as these documents relate to the Council
- § Addressing current procedure and process that are impacted by the change in Council configuration.

Although the Baltimore City Council Transition Commission is specifically charged with overseeing the transition of the Council, the cooperation of all members, staff, and the public is needed to ensure that Baltimore City government continues to address the needs and concerns of the citizens of the great City of Baltimore.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, That the Baltimore City Council Transition Commission is created in partnership with the Baltimore Efficiency and Economy Foundation (BEEF) to evaluate all aspects of the City Council and its operations to ensure a smooth transition from a body comprising 6 3-member districts to a body comprising 14 single-member districts and to facilitate a continuing satisfactory level of delivery of services to the citizens of Baltimore.

AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Mayor, the Board of the Baltimore Efficiency and Economy Foundation, the Director of Finance, the Director of Planning, the Director of Councilmanic Services, the Director of the Department of Legislative Reference, and the Mayor's Legislative Liaison to the City Council.

APPENDIX B

MEMBERS OF THE BALTIMORE CITY COUNCIL TRANSITION COMMISSION

ZELIG ROBINSON, Esq., CHAIR

Partner, Gordon, Feinblatt, Rothman, Hoffman & Hollander LLC; past associate counsel and consultant to U.S. House of Representatives committees; past member of the Commission to Revise the Annotated Code of Maryland; Chairman, Maryland Public Broadcasting Commission, 1991 – 1995; President, Board of Directors, Everyman Theater. Board Member, Baltimore Efficiency & Economy Foundation

GEORGE A. NILSON, Esq. VICE-CHAIR

Partner, Piper Rudnick LLP; previously Deputy Attorney General of Maryland, 1976 - 1982; Chair, General Assembly's Compensation Commission, 1982 - 1994; President, Board of Directors, Midtown Academy, Inc.; President, Baltimore Efficiency & Economy Foundation.

ANTHONY AMBRIDGE

President, Lambda Development, LLC; Member, Baltimore City Council, 1983 – 1996 representing the Second District; Baltimore City Real Estate Officer, 1997 – 2002.

VICTOR BONAPARTE

Vice President, Programs and Advocacy, Center for Poverty Solutions, 2003-2004; Deputy Director, Maryland Food Bank, 2002-2003; Director of Capital Planning and Development Review, Maryland Department of Planning, 1997-2002; Deputy Director, Baltimore City Planning Department, 1991-1996.

KAREN FOOTNER

Secretary and Executive Director, Baltimore Efficiency & Economy Foundation; Principal, Karen M. Footner LLC.

VERA HALL

Member, Baltimore City Council, 1987-1995; Baltimore City Public School System from 1962-1975; Maryland Department of Education, 1975 – 1979; Assistant State Superintendent of Schools, 1979 – 1983; Legislative Liaison for Morgan State University, 1983 – 1992; Member, Baltimore City Council, 1987 – 1995.

JOSEPH T. “JODY” LANDERS III

Executive Vice President, Greater Baltimore Board of REALTORS®; Director of Fiscal Affairs in the Office of the City Council President, 1995-1997; Member, Baltimore City Council, 1983 – 1991.

KIM NUNNALLY

Principal and broker, Kim Nunnally Realty; Commissioner, Maryland Real Estate Commission

RONALD SCHULTZ

Head of financial operations, Engineering Research Center, School of Engineering, Johns Hopkins University; R. L. Schultz + Associates, governmental and NPO consulting 2001-2003;

Director, City Council Office of Council Service, 1984-2001; and, Financial Analyst Baltimore City Bureaus of Treasury Management and Budget and Management Research, 1974-1883.
Board Member, Baltimore Efficiency & Economy Foundation

MICHAEL V. SEIPP

Baltimore Director, AHC and President, Seipp & Associates; Executive Director, Historic East Baltimore Community Action Coalition, 1994-2000; Assistant Secretary Maryland Department of Housing and Community Development, 1992–1994; Deputy Commissioner, Baltimore City Department of Housing and Community Development, 1984-1990.

STUART O. SIMMS, Esq.

Partner, Brown, Goldstein & Levy LLP; Secretary, Maryland Department of Public Safety and Corrections; Secretary, 1997–2002; Maryland Department of Juvenile Justice, 1995- 1997; Baltimore City State’s Attorney, 1987-1995. Board Member, Baltimore Efficiency & Economy Foundation.

JOSEPH L. SMITH

Director of City Relations, Johns Hopkins Institutions; Director of External Affairs, Verizon Communications, 1991 - 2001; Office of Mayor Thomas D'Alesandro, III, 1968-1971; Baltimore City Department of Housing, 1963 –1968. President, Baltimore City School Board, 1988 – 1991.

OTHO M. THOMPSON, Esq.

Partner, Venable LLP; City Solicitor of Baltimore City, Baltimore City Law Department, 1996 - 2000; Deputy City Solicitor, 1992 – 1996; Head of Litigation Division, Baltimore City Law Department, 1979 – 1992.

STAFF:

Baltimore City Council

Beatrice Tripps, Chief of Staff

Carolyn Blakeney, Director of Fiscal Affairs

Tony Hayes, Legislative Director

Office of Councilmanic Services

Jennifer Coates, Director

Department of Legislative Reference

Avery Aisenstark, Director

Baltimore Efficiency and Economy Foundation

Marsha R. B. Schachtel, Senior Fellow, Johns Hopkins Institute for Policy Studies

PROPOSED
AMENDMENTS TO COUNCIL RULES

By: **{TBA}**

FOR the purpose of modifying the procedures for filling a vacancy in the Council.

BY amending
Rule(s) 5-11
Rules of the City Council
(**xxxx** - 20**xx** Council Session)

BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, That the Rules of the City Council read as follows:

Rule 5-11. Vacancy.

(a) *Scope[; definition].*

[(1)] This rule applies whenever a vacancy occurs in the Council.

[(2) In this rule, “remaining members” means the remaining Councilmembers from the Council District in which the vacancy occurs.]

(B) *NOMINATING COMMITTEE DESIGNATED; OPEN SESSIONS.*

(1) THERE IS A NOMINATING COMMITTEE, WHICH COMPRISES THE CHAIR OF EACH STANDING COMMITTEE OF THE COUNCIL.

(2) THE CHAIR OF THE NOMINATING COMMITTEE IS THE PRESIDENT OR, IN THE PRESIDENT’S ABSENCE, THE VICE-PRESIDENT.

(3) ALL INTERVIEWS, MEETINGS, DELIBERATIONS, DECISIONS, AND OTHER ACTIONS OF THE NOMINATING COMMITTEE MUST BE CONDUCTED IN SESSIONS OPEN TO THE PUBLIC, WITH REASONABLE ADVANCE PUBLIC NOTICE OF THOSE SESSIONS, AS PROVIDED IN THE STATE OPEN MEETINGS ACT.

(C) [(b) *District*] *PUBLIC hearing.*

(1) The [remaining members] NOMINATING COMMITTEE must hold a public hearing to interview applicants for the vacant seat.

(2) The [remaining members must:

- (i) publicly announce the hearing at least 7 days before it is held; and
- (ii) hold the] hearing MUST BE HELD within 30 days after the vacancy occurs.

(3) PUBLIC NOTICE OF THE HEARING MUST BE GIVEN AT LEAST 7 DAYS BEFORE IT IS HELD.

(D) [(c)] *Applicants.*

Applicants must:

- (1) possess the qualifications specified in Article III, § 1 of the City Charter; and
- (2) submit their resumes to the [remaining members] NOMINATING COMMITTEE before the day of the public hearing.

(E) [(d)] *Additional interviews.*

After the public hearing, the [remaining members] NOMINATING COMMITTEE may conduct additional interviews with any of the applicants who appeared at the public hearing.

(F) [(e)] *Report to Council.*

Within 30 days of the public hearing, the [remaining members] NOMINATING COMMITTEE must report [their recommendation] to the Council THE NAME OF THE INDIVIDUAL IT RECOMMENDS TO FILL THE VACANCY.

(G) *ACTION BY COUNCIL.*

- (1) THE VOTE OF THE COUNCIL ON THE COMMITTEE'S NOMINATION MUST BE TAKEN BY ROLL CALL.
- (2) IF THE COUNCIL REJECTS THE COMMITTEE'S NOMINATION, THE COMMITTEE MUST:
 - (I) PROMPTLY RECONVENE FOR FURTHER DELIBERATIONS; AND
 - (II) RETURN WITH A FURTHER RECOMMENDATION BY THE NEXT MEETING OF THE COUNCIL.

AND BE IT RESOLVED, That these Amendments take effect **{TBA}**.

**CITY OF BALTIMORE
RESOLUTION 04-055
Council Bill 04-1398**

Introduced by: President Dixon, Councilmembers Spector, Carter, Branch, Holton, Curran,
Harris, Pugh, Reisinger, Stukes
At the request of: Baltimore City Council Transition Commission
Introduced and read first time: May 24, 2004
Assigned to: Committee of the Whole
Committee Report: Favorable
Council action: Adopted
Read second time: July 12, 2004

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING
Charter Amendment – City Council – Vacancy**

FOR the purpose of proposing a charter amendment to delete an inoperative provision relating to the filling of vacancies in the Council; clarifying certain language; and submitting this amendment to the qualified voters of the City for adoption or rejection.

BY proposing an amendment to
Article III - City Council
Section(s) 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 III. City Council

§ 6. Individual vacancies.

Each vacancy in the City Council shall be filled without delay [from the council district in which the vacancy occurs by:]. [(a) after] AFTER public notice, [the election as an acting council member by] the City Council, by a majority vote of its REMAINING members, [of] SHALL ELECT a person possessing the qualifications prescribed in Section 1 OF THIS ARTICLE[]; and (b) the election by the voters at the primary and general elections next regularly scheduled after the vacancy occurs of a person possessing the qualifications prescribed in Section 1] to serve the remainder of the unexpired term of the former incumbent.

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.

Veto Over-ride Survey

Comparable Jurisdictions	2000 Population	Per Capita Representation	Size of Council	Yeas Required	%	Notes
Baltimore City						
	651,000	34,263	19	15	79%	3/4 is 14. <u>25</u> , rounded up to 15
Transition Issue:						
Charter, current provision:		43,400	15	12	80%	3/4 is 11. <u>25</u> , rounded up to 12
Proposed, amendment:		43,400	15	11	73%	eliminate rounding requirement
Comparable Cities						
Boston, MA	589,000	45,308	13	9	69%	
Cleveland, OH	478,000	22,762	21	14	67%	
Columbus, OH	711,000	101,571	7	5	71%	
Indianapolis, IN	782,000	31,280	25	18	72%	
Jacksonville, FL	736,000	38,737	19	13	68%	(of members present)
Memphis, TN	650,000	50,000	13	9	69%	
Milwaukee, WI	597,000	35,118	17	11	65%	
Nashville, TN	546,000	13,317	41	28	68%	
San Francisco,	777,000	70,636	11	8	73%	
WashingtonDC	572,000	44,000	13	9	69%	(of members present)
Median (10 cities)		623,500	15.0	10.0	67%	
Urban Md Counties						
Anne Arundel	470,000	67,143	7	5	71%	
Balto. Co	721,000	103,000	7	5	71%	
Harford	213,000	30,429	7	5	71%	
Howard	229,000	45,800	5	4	80%	
Montgomery	827,000	91,889	9	6	67%	
Prince Georges	771,000	85,667	9	6	67%	
Median (6 counties)		595,500	7.0	5.0	71%	
Also:						
Maryland General Assembly			288	3/5	60%	Both Houses
US Congress			535	2/3	67%	Both Houses

DRAFT

DRAFT

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL
(Charter Amendment)

Introduced by:

A RESOLUTION ENTITLED

A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

Charter Amendment – Veto Override

FOR the purpose of proposing a charter amendment to change the vote by which the City Council may override a veto; clarifying certain language; and submitting this amendment to the qualified voters of the City for adoption or rejection.

BY proposing an amendment to
Article IV - Mayor
Section(s) 5(b)
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 IV. Mayor

§ 5. Approval or veto of legislation.

(b) *Veto; return to Council.*

- (1) If the Mayor does not approve of an ordinance or resolution passed by the City Council, the Mayor shall return it with written objections to the City Council within [three] 3 actual regular meetings OF THE CITY COUNCIL, not more than [one] 1 of which [shall occur] OCCURS in any [one] 1 calendar week, [of the City Council] after the delivery of the ordinance or resolution to the Mayor.
- (2) [Upon] ON receipt, the Mayor's objections shall be read forthwith to the Council and entered on its Journal. After [five] 5 calendar days, and within [twenty] 20 calendar days after the ordinance or resolution [shall have] HAS been returned by the Mayor and received by the Council, the Council shall proceed to reconsider and vote [upon] ON it.
- (3) If, AFTER RECONSIDERATION, the ordinance or resolution[, after reconsideration, shall

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

be] IS again passed by the City Council by a vote of [three-fourths] ELEVEN of its members, it [shall become] BECOMES an ordinance or resolution of the City. [In such cases, after the reconsideration, the] THE votes on the question of the passage of the ordinance or resolution over the veto of the Mayor shall be determined by yeas and nays, and the names of the persons voting for and against passage [of the ordinance or resolution over the veto of the Mayor] shall be entered on the Journal of the 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.

AMENDMENTS TO COUNCIL RULES

By:

FOR the purpose of modifying the rule on veto overrides to conform to new charter provisions.

BY amending

Rule(s) 13-4(5)

Rules of the City Council

(1999 - 2004 Council Session)

BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, That the Rules of the City Council read as follows:

Rule 13-4. Veto override.

Pursuant to Article IV, § 5 of the City Charter, when a bill is vetoed by the Mayor and returned to the City Council:

...

(5) the affirmative vote of at least [$\frac{3}{4}$] ELEVEN of all Councilmembers [(15)] (11) is needed to pass the bill over the Mayor's veto.

Maryland Constitution: General Assembly Compensation Commission

Maryland Constitution

ARTICLE III, SEC. 15

(2) Any compensation and allowances paid to members of the General Assembly shall be as established by a commission known as the General Assembly Compensation Commission. The Commission shall consist of nine members, five of whom shall be appointed by the Governor, two of whom shall be appointed by the President of the Senate, and two of whom shall be appointed by the Speaker of the House of Delegates. Members of the General Assembly and officers and employees of the Government of the State of Maryland or of any county, city, or other governmental unit of the State shall not be eligible for appointment to the Commission. Members of the Commission shall be appointed for terms of four years commencing on June 1 of each gubernatorial election year. Members of the Commission are eligible for re-appointment. Any member of the Commission may be removed by the Governor prior to the expiration of his term for official misconduct, incompetence, or neglect of duty. The members shall serve without compensation but shall be reimbursed for expenses incurred in carrying out their responsibilities under this section. Decisions of the Commission must be concurred in by at least five members.

(3) Within 15 days after the beginning of the regular session of the General Assembly in 1974 and within 15 days after the beginning of the regular session in each fourth year thereafter, the Commission by formal resolution shall submit its determinations for compensation and allowances to the General Assembly. The General Assembly may reduce or reject, but shall not increase any item in the resolution. The resolution, with any reductions that shall have been concurred in by joint resolution of the General Assembly, shall take effect and have the force of law as of the beginning of the term of office of the next General Assembly. Rates of compensation and pensions shall be uniform for all members of the General Assembly, except that the officers of the Senate and the House of Delegates may receive higher compensation as determined by the General Assembly Compensation Commission. The provisions of the Compensation Commission resolution shall continue in force until superseded by any succeeding resolution.

(4) In no event shall the compensation and allowances be less than they were prior to the establishment of the Compensation Commission (*amended by Chapter 695, Acts of 1941, ratified Nov. 3, 1942; Chapter 497, Acts of 1947, ratified Nov. 2, 1948; Chapter 161, Acts of 1964, ratified Nov. 3, 1964; Chapter 576, Acts of 1970, ratified Nov. 3, 1970; Chapter 541, Acts of 1976, ratified Nov. 2, 1976; Chapter 681, Acts of 1977, ratified Nov. 7, 1978*).

Baltimore City Code

ARTICLE 1
MAYOR, CITY COUNCIL, AND MUNICIPAL AGENCIES
SUBTITLE 5

COMPENSATION COMMISSION FOR ELECTED OFFICIALS

§ 5-1. Definitions.

(a) *In general.*

As used in the subtitle, the following terms have the meanings indicated unless the context clearly requires a different meaning.

(b) *Commission.*

“Commission” means the Compensation Commission for Elected Officials.

(c) *Elected official.*

“Elected official” means the Mayor, the President of the City Council, City Councilmembers, and the Comptroller.

(*City Code, 1976/83, art. 1, §10A.*) (*Ord. 93-246.*)

§ 5-2. Commission established; composition; term; compensation.

(a) *Commission created.*

There is a Compensation Commission for Elected Officials.

(b) *Composition; Chair.*

(1) The Commission shall be composed of 5 members appointed by the Mayor in accordance with Article IV, § 6 of the Baltimore City Charter.

(2) The Commission consists of the Director of Finance and the Labor Commissioner, ex officio, and the following:

(i) 1 representative from the business community; and

(ii) 2 private citizens of Baltimore City having knowledge of government and government financing.

(3) The Mayor shall appoint the Chair from among the appointed members.

(c) *Term; vacancies.*

(1) 24 months after the Mayor, the President of the City Council, the Comptroller, and the City Council are sworn into office, the term of the Commission begins.

(2) The Commission shall expire 12 months after the date of its first meeting.

ART. 1, § 5-3 BALTIMORE CITY CODE

12/31/03 -12-

(3) An appointment to a vacancy to complete an unexpired term shall be for the remainder of that term.

(d) *Compensation; expenses.*

The members of the Commission shall receive no compensation as members of the Commission, but may be reimbursed for actual expenses incurred in the performance of their duties.

(*City Code, 1976/83, art. 1, §10B(a), (c), (d), (f).*) (*Ord. 93-246.*)

§ 5-3. Meetings.

(a) *Quorum.*

A majority of the members of the Commission constitutes a quorum.

(b) *Rules for meetings and operation.*

The Commission may adopt rules to govern its meetings and operation.

(c) *Compliance with Open Meetings Law.*

All meetings of the Commission shall comply with the State Open Meetings Law {*State*

Government Article, Title 10, Subtitle 5}.

(City Code, 1976/83, art. 1, §10B(e), (g), (h).) (Ord. 93-246.)

§ 5-4. Purpose of Commission.

The purpose of the Commission is to provide information, evaluation, and recommendations concerning compensation and pension benefits of elected officials to the Mayor and City Council.

(City Code, 1976/83, art. 1, §10B(b).) (Ord. 93-246.)

§ 5-5. Duties.

The Commission shall:

- (1) evaluate the compensation of elected officials including salaries, pension benefits, and other personnel costs;
- (2) make recommendations on the compensation to be received by elected officials commencing with their new terms of office on or before August 1 of the year of the formation of the Commission;
- (3) keep a record of its proceedings, which shall be filed with the Department of Legislative Reference; and
- (4) advise the Mayor and City Council on questions relating to compensation for elected officials.

(City Code, 1976/83, art. 1, §10B(i).) (Ord. 93-246.)

MAYOR, COUNCIL, AND AGENCIES ART. 1, § 6-1

**TRANSITION COMMISSION
PROPOSED
AMENDMENTS TO COUNCIL RULES**

By: {TBA}

FOR the purpose of conforming the rules of the Council to the Council’s new configuration; revising provisions relating to the establishment and appointment of committees; clarifying, correcting, and conforming certain language; and generally relating to the procedures and operations of the City Council.

BY amending

Rule(s) 1-1(c), 1-3(a), 1-4(3), 2-4, 2-5(3), 2-6, 3-7(b), 5-4(b), 5-8(a), 6-1 to 6-10, 8-8(b), 9-1(c), 9-6, 10-11(b)(2), 10-13(b), 11-6(a), 12-1, 12-3(b), 12-4, 13-3(a)(1), 13-4, 14-1(a), 14-2(b), 14-4(a), 15-10(b)(2), 17-7
Rules of the City Council

BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, That the Rules of the City Council read as follows:

Chapter 1

Definitions; General Provisions

Rule 1-1. Definitions.

(c) *Committee.*

“Committee” means any STANDING OR SELECT committee or subcommittee established under these Rules.

Rule 1-3. Suspension of Rules.

(a) *Vote required.*

A motion to suspend any rule of the City Council requires the affirmative vote of b of all Councilmembers [(13)] (10) for its adoption.

Rule 1-4. Change in Rules.

These Rules may not be amended unless the proposed amendment:

(3) is adopted by the affirmative vote of b of all Councilmembers [(13)] (10).

*Starred items echo specific Charter requirement for a vote of a “majority”, “two-thirds”, or “three fourths”, as the case may be. The underlying Charter provisions are found in Article III, §§ 3(b), 4, 6, 8, 9, 10(b), 10(d), and 14; Article IV, § 5(b), 6(a), 6(d), and 6(h); Article V, § 2; Article VI, §§ 7(a) and 8(b); and Article VII, § 74(c).

Chapter 2

Meetings; Quorum

Rule 2-4. Regular meetings – Suspension, recess, adjournment.

By the affirmative vote of a majority of all Councilmembers [(10)] (8), the Council may:

- (1) suspend a regular meeting; or
- (2) recess or adjourn a regular meeting to a specified time.

Rule 2-5. Special meetings.

Special meetings may be convened by:

(3) the City Council, on written request of b of all Councilmembers [(13)] (10)

Rule 2-6. Quorum – Number required.

A majority of all Councilmembers [(10)] (8) constitutes a quorum.

Chapter 3

Daily Business

Rule 3-7. Resolutions of City Council.

(b) *Advancement on same day.*

A Resolution of the City Council may not be advanced from first reading to second reading on the same day except by the affirmative vote, taken by roll call, of ¾ of all Councilmembers [(15)] (12).

Some discussion was had about the practices of the General Assembly. In fact, the Senate and House Rules *do* specify certain “Standing Committees”, the members of which are appointed by the presiding officer “at the beginning of each session of the General Assembly”. The Presiding Officers, however, still have broad powers to establish other committees from time to time.

Chapter 5

Councilmembers

Rule 5-4. Roll call.

(b) *How taken.*

- (1) Each roll call is to be taken by districts[, in alphabetical order within each district].
- (2) Except as specified in paragraph (3), the roll begins with the district that the President designates and then continues in numerical order.
- (3) In a matter of import to one particular district, the roll call begins with that district and then continues in numerical order.

Rule 5-8. City Solicitor’s opinions.

(a) *Initiating request.*

If a Councilmember needs an opinion from the City Solicitor on a legal question affecting City interests, the member may submit a written request for the opinion to the President or to the chair of any [standing] committee.

Rule 5-11. Vacancy.

{Proposed changes to this Rule accompany proposed Charter Amendment.}

Chapter 6

Committees

[Rule 6-1. Standing committees.

The standing committees of the Council are as follows, each to have the number of members indicated:

Standing Committee Members

Executive Appointments 5

Finance 5

Budget and Appropriations 7

Taxation 7

Judiciary and Legislative Investigations 7

Urban Affairs 7
Housing, Health, and Human Services 7
Land Use and Planning 7
Oversight As per City Code]

[Rule 6-2. Standing subcommittees.

The following committees contain the standing subcommittees indicated:

Committee Subcommittee

Judiciary and
Legislative Investigations Public Safety
Urban Affairs Recreation and Parks
Housing, Health, and
Human Services Aging
Education and Labor
Land Use and Planning Highways and Franchises
Transportation
Taxation Economic Development]

[Rule 6-3. Other committees.

The President may establish other committees as the President considers necessary.]

RULE 6-1. [Rule 6-4. Appointment.] SCOPE.

[Except] THIS CHAPTER APPLIES TO ALL COMMITTEES OF THE COUNCIL, EXCEPT as:

(1) otherwise specified by law OR THESE RULES, OR

²*Cf.*, e.g., Senate Rule 17.

³Note that, as drafted here, this requirement would not apply to ad hoc or “select” committees established under subsection (b). Should it?

⁴*Cf.* Senate Rule 19.

(2) OTHERWISE SPECIFICALLY DIRECTED BY THE COUNCIL²

RULE 6-2. ESTABLISHMENT AND APPOINTMENT.

(A) *ESTABLISHMENT – STANDING COMMITTEES.*

(1) AT THE START OF EACH 4-YEAR TERM OF THE COUNCIL, THE PRESIDENT SHALL ESTABLISH THE VARIOUS STANDING COMMITTEES THAT THE PRESIDENT FINDS NECESSARY OR APPROPRIATE TO ASSIST THE COUNCIL IN ITS OPERATIONS.

(2) EACH STANDING COMMITTEE MUST COMPRISE AT LEAST 5 MEMBERS, AS DETERMINED BY THE PRESIDENT.³

(B) *ESTABLISHMENT – SELECT COMMITTEES.*

FROM TIME TO TIME, THE PRESIDENT MAY ESTABLISH 1 OR MORE SELECT COMMITTEES THAT THE PRESIDENT FINDS NECESSARY OR APPROPRIATE.

(C) *APPOINTMENT.*

[the] THE chair, vice-chair, and members of all committees are appointed by the President.

(D) *ENTRY ON JOURNAL.*

ALL ACTIONS TAKEN AND APPOINTMENTS MADE UNDER THIS RULE MUST BE ENTERED ON THE JOURNAL.⁴

RULE 6-3. [Rule 6-5.] Committee of the Whole.

(a) *Convening Committee.*

On adoption of a motion specifying the subject matter for consideration, the City Council may resolve itself into a Committee of the Whole to consider that matter.

(b) *Chair.*

Unless the Council directs otherwise, when the Committee of the Whole is formed, the President may act as chair or appoint another member to act as chair.

RULE 6-4. [Rule 6-6.] Duties of committee chair.

(a) *In general.*

The chair of a committee:

- (1) presides at and conducts the hearings and other meetings of the committee; and
- (2) is responsible for reporting the recommendations of the committee to the Council.

(b) *Vice-chair.*

The vice-chair acts in the chair's place whenever the chair is absent.

RULE 6-5. [Rule 6-7.] Committee quorum.

A majority of the full membership of a committee constitutes a quorum of that committee.

RULE 6-6. [Rule 6-8.] Meeting times.

(a) *In general.*

(1) The chair of each committee sets the time and place for meeting.

(2) A meeting must also be convened on the call of a majority of the committee's members.

[(b) *Subcommittees.*

The chair of a subcommittee must schedule subcommittee meetings in consultation with the chair of the parent committee.]

(B) [(c)] *On Council meeting days.*

No committee may conduct or continue a meeting after 3 p.m. on a regular Council meeting day without the President's consent.

RULE 6-7. OPEN MEETINGS.

(A) *COMMITTEE AS "PUBLIC BODY".*

EACH COMMITTEE ESTABLISHED UNDER THESE RULES, UNDER ANY OTHER LAW, RULE, OR RESOLUTION, OR OTHERWISE IS A "PUBLIC BODY", AS THAT TERM IS USED AND DEFINED IN THE STATE OPEN MEETINGS ACT.

⁵The following language is patterned after that already approved for the Nominating Committee.

(B) *ACTIONS TO BE PUBLIC.*⁵

ALL MEETINGS, DELIBERATIONS, VOTES, DECISIONS, AND OTHER ACTIONS OF A COMMITTEE MUST BE CONDUCTED IN SESSIONS OPEN TO THE PUBLIC, WITH REASONABLE ADVANCE PUBLIC NOTICE OF THOSE SESSIONS, AS PROVIDED IN THE STATE OPEN MEETINGS ACT.

RULE 6-8. [Rule 6-9.] Order and decorum.

(a) *Chair to maintain.*

The committee chair must preserve order and decorum during all meetings of the committee.

(b) *Disturbances, etc.*

- (1) In case of any disturbance or disorderly conduct during a meeting, the chair must ask the person responsible to stop.
- (2) If the person persists, the chair may:
 - (i) order the person to be removed;
 - (ii) request police assistance to restore order; and
 - (iii) until order is restored:
 - (A) recess any meeting then in session; and
 - (B) order the meeting place cleared.

[Rule 6-10. Open meetings.

No committee meeting may be closed to the public except in conformity with the State Open Meetings Act.]

Chapter 8

Bill Format and Preparation

Rule 8-8. Copies.

(b) *Copies.*

[20] 15 additional copies of the bill, without backing, must be submitted with the original copy.

Chapter 9

Bill Introduction

Rule 9-1. “Hopper Rule”.

(c) *Late filing.*

A bill filed after the deadline for a meeting may not be introduced at that meeting unless a majority of all Councilmembers [(10)](8) consent to its introduction.

Rule 9-6. Committee and agency referrals.

On introduction of a bill, unless a majority of the Councilmembers present directs otherwise, the President must refer the bill to:

- (1) the committee [or subcommittee] the President considers appropriate;
- (2) all City agencies required by law to review and report on the bill; and
- (3) any other City agencies that the President selects to review and report on the bill.

Chapter 10

Hearings on Bills

Rule 10-11. Committee reports – “Hopper Rule”; signatures.

(b) *Late filing.*

(2) By the affirmative vote of a majority of all Councilmembers [(10)] (8), the Council may waive the reporting deadline for a specific report.

Rule 10-13. Petitioning bill from committee.

(b) *Number of petitioners.*

A petition under this rule may be made as follows:

- (1) by motion made on the floor of the Council and adopted by the affirmative vote of a majority of the Councilmembers present; or

(2) at any other time, on the written petition of [10] 8 Councilmembers.

Chapter 11

Amendments

Rule 11-6. Distribution of copies.

(a) *Number required.*

The committee reporting a bill with amendments or a Councilmember offering amendments from the floor must submit [30] 25 copies of the amendment.

Chapter 12

Second and Third Readings

Rule 12-1. Advancement on same day.

(a) *First reading to second reading.*

A bill may not be advanced from first reading to second reading on the same day except on the affirmative vote, taken by roll-call, of $\frac{3}{4}$ of all Councilmembers [(15)] (12).*

(b) *Second reading to third reading.*

A bill may not be advanced from second reading to third reading on the same day except on a separate affirmative vote, taken by roll-call, of $\frac{3}{4}$ of all Councilmembers [(15)] (12).*

Rule 12-3. Amendment on third reading.

(b) *Hold over.*

The reprinted bill must be held over to the next Council meeting unless it is advanced to final passage on the same day on the affirmative vote, taken by roll-call, of $\frac{3}{4}$ of all Councilmembers [(15)] (12).*

Rule 12-4. Yeas and Nays.

No bill may be finally passed except on the affirmative vote, taken by roll-call, of a majority of all Councilmembers [(10)] (8).*

Chapter 13

Presentment; Vetoes

Rule 13-3. Request for return.

(a) *Motion to reconsider passage.*

(1) On a motion to reconsider the vote by which a bill passed third reading, adopted by the affirmative vote of a majority of all Councilmembers [(10)] (8), the Council may request the Mayor to return the bill for further consideration.

Rule 13-4. Veto override.

Pursuant to Article IV, § 5 of the City Charter, when a bill is vetoed by the Mayor and returned to the City Council:

(5) the affirmative vote of at least $\frac{3}{4}$ of all Councilmembers [(15)] (12) is needed to pass the bill over the Mayor's veto.*

Chapter 14

Executive Appointments

Rule 14-1. Committee referral.

(a) *In general.*

When any nomination is made to the City Council, the nomination must be referred to the [Committee on Executive Appointments] APPROPRIATE COMMITTEE.

Rule 14-2. Confirmation.

(b) *Required vote.*

A confirmation must be by the affirmative vote of a majority of all Councilmembers [(10)] (8).*

Rule 14-4. Rejection without prejudice.

(a) *In general.*

If, for any reason unrelated to the merit of the nomination in question, the City Council is unwilling or unable to timely confirm a nomination, the Council may, by the affirmative vote of a majority of all Councilmembers [(10)] (8), reject the nomination “without prejudice”.*

Chapter 15

Motions

Rule 15-10. Motion to reconsider.

(b) *Who may make.*

(2) If a bill on final passage receives [10] 8 votes but fails for want of a Charter majority [(15)], a motion to reconsider may be made by any Councilmember.

Chapter 17

Officers and Employees; Records

Rule 17-7. Committee clerks.

Committee clerks:

- (1) attend meetings of the various committees [and subcommittees]; and
- (2) perform all other duties the committee chair or the President directs.

AND BE IT RESOLVED, That these Amendments take effect *{TBA}*.

DRAFT 12MAR04

DRAFT 12MAR04

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL

Introduced by: **E**

A BILL ENTITLED

AN ORDINANCE concerning

Boards and Commissions – Council Districts – Corrective

FOR the purpose of conforming board and commission memberships based on Council districts to the Council’s new configuration; correcting, clarifying, and conforming certain language; and generally relating to the composition of various boards and commissions.

BY repealing and reordaining, with amendments

Article 1 - Mayor, City Council, and Municipal Agencies

Section(s) 2-2(a), 7-6, 22-4(b), 22-7(a), 23-4(a) and (c), and 26-4(a), (b), and (d)

Baltimore City Code

(Edition 2000)

BY repealing and reordaining, with amendments

Article 2 - Consumer Protections

Section(s) 2-1(a) and (b)(1)

Baltimore City Code

(Edition 2000)

BY repealing and reordaining, with amendments

Article 31 - Transit and Traffic

Section(s) 10-6(b)(2)

Baltimore City Code

(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

dlr-E-E~intro/12Mar04
artE/E/E

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.

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 2. Office of Council Services

§ 2-2. Oversight Committee.

(a) *Establishment; composition.*

(1) The City Council shall establish an Oversight Committee, with the President serving as ITS Chair.

(2) The Committee shall [be comprised of] COMPRISE the [Chairpersons] CHAIRS of [its] THE COUNCIL’s standing committees and 2 additional [members] COUNCILMEMBERS appointed by the President[, provided that 1 member from each delegation shall serve on the Oversight Committee].

Subtitle 7. City Officers and Employees

§ 7-6. Presentation of City Flag.

(a) *To family of employee.*

The Mayor and City Council of Baltimore shall present a Baltimore municipal flag to the family of any City employee killed in the line of duty.

(b) *[Councilmembers] COUNCILMEMBER may make presentation.*

The flag may be presented to the family of the deceased by the [Councilmembers] COUNCILMEMBER of the [Councilmanic] COUNCIL district in which the deceased resided.

Subtitle 22. Children and Youth

§ 22-4. Commission – composition.

(b) *Public members.*

13 members shall be appointed from the following categories:

(1) [1 representative] 6 shall be appointed [from each of the 6 Councilmanic districts] TO REPRESENT DIFFERENT REGIONS OF THE CITY;

(2) 2 shall be representatives from the Executive Board of the Youth Council as provided for in this subtitle;

(3) 2 shall represent children and youth service organizations;

(4) 3 shall be at-large representatives who have demonstrated an interest in the well-being of children and youth.

§ 22-7. Youth Council.

(a) *Establishment and membership.*

(1) The Commission shall establish a “Youth Council”. The Council shall [be composed of] COMPRISE youth from throughout the City.

(2) An executive board shall be established. [which is composed of] THE BOARD SHALL COMPRISE [3 youths] 1 YOUTH from each of the [6 Councilmanic] 14 COUNCIL districts and [1] 5 at-large [representative] REPRESENTATIVES.

(3) 2 members of the executive board of the Youth Council shall be appointed by the Mayor, after consultation with the Council, to be members of the Commission.

Subtitle 23. Mayor's Commission on Disabilities

§ 23-4. Members; associates.

(a) *Members.*

The Commission [consists of] COMPRISES 23 members:

- (1) a Mayor's representative;
- (2) a representative of the City Council; and
- (3) 21 members appointed by the Mayor under Article IV, § 6 of the City Charter, as follows:

- (i) 9 persons with disabilities, not employed in the field of disabilities;
- (ii) 3 family members of persons with disabilities; and
- (iii) 9 representatives of business, industry, community organizations, non-profit organizations, and organizations representing persons with disabilities, not fewer than 3 of whom are persons with disabilities.

(c) *City Council district representatives.*

[Of] EACH OF the members appointed under subsection (a)(3)(i) and (ii)[, at least 1] OF THIS SECTION shall be [appointed] from [each of the 6 Councilmanic districts] A DIFFERENT COUNCIL DISTRICT.

**Subtitle 26. Mayor's Task Force on
Community Collaboration to Overcome Violence**

§ 26-4. Composition.

(a) *In general.*

The Task Force [shall consist of] COMPRISES 27 members.

(b) *Public members.*

16 members shall be appointed by the Mayor pursuant to Article IV, § 6 of the City Charter, AS FOLLOWS:

- (1) 3 members shall be non-profit or public community social workers;
- (2) 1 member shall be a representative of a community organization;
- (3) 1 member shall be a representative of the business community;
- (4) 1 member shall be a senior citizen;
- (5) 1 member shall be a community psychiatric nurse, nurse practitioner, or a physician;
- (6) 1 member shall be a public assistance client;
- (7) 1 member shall be a victim of violence;
- (8) 1 member shall be a family member of a victim of violent crime;
- (9) 1 member shall be an ex-offender;
- (10) 1 member shall be a community public school teacher;
- (11) 1 representative from the Interdenominational Ministerial Alliance; and
- (12) 3 other representatives from the Baltimore City religious community.

(d) *City Council Districts.*

Of the members appointed under subsection (b) OF THIS SECTION, [1] AT LEAST 6 shall be appointed [from each of the 6 Councilmanic districts] DIFFERENT REGIONS OF THE CITY.

Article 2. Consumer Protections

Subtitle 2. Cable Communications Advisory Commission

§ 2-1. Commission established.

(a) *Created.*

There is a Cable Communications Advisory Commission, which [shall consist of] COMPRISES 9 members appointed by the Mayor in accordance with Article IV, § 6 of the [Baltimore] City Charter [(1964 Revision, as amended)].

(b) *Composition and appointment.*

(1) [There shall be at least 1 member who is a resident and voter from each of the 6 Councilmanic districts.] AT LEAST 6 MEMBERS SHALL BE RESIDENTS OF DIFFERENT REGIONS OF THE CITY.

Article 31. Transit and Traffic

Subtitle 10. Residential Permit Parking Program

§ 10-6. Parking Management Plan - adoption.

(b) *Administrative extension.*

(2) If no written objection to the administrative regulation is made by [any 2 members of the City Council] THE COUNCILMEMBER representing the affected area and forwarded to the Director within the 15-day period, the regulation [shall cease] CEASES to be temporary and [become] BECOMES permanently effective at the end of the [aforementioned] 6-month period.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect **Ë**.