


FROM	NAME & TITLE	COMMISSION STAFF	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	CHARTER REVIEW COMMISSION — 2023-2024		
	SUBJECT	DECEMBER 6, 2023 – MEETING AGENDA		

DATE:

TO: COMMISSION MEMBERS

DECEMBER 6, 2023

AGENDA:

1. Call to Order; Attendance – 6:00 PM
2. Review and Approval of Meeting Minutes – November 7, 2023 – *Circulated prior to meeting*
3. Subcommittee Assignments
4. Schedule of Meetings
5. Public Involvement and Public Hearings
6. Proposed Charter Amendments – to Date
7. Guiding Principles – *See Tab 2 of Introduction Materials Binder*
8. Article 1 – General Provisions
9. Adjournment

VIRTUAL MEETING – WAYS TO JOIN:

Join from the webinar link

<https://bmore.webex.com/bmore/j.php?MTID=m52b2d347e592d5e69374a2d073039177>

Join by the webinar number

Webinar number (access code): 2340 429 7708

Webinar password: Xg7amb3XP6B (94726239 from phones and video systems)

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Tap to join from a mobile device (attendees only)

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Some mobile devices may ask attendees to enter a numeric password.

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[Global call-in numbers](#)

Item 3: Subcommittee Assignments.

Executive and Administrative Functions

Article IV. Mayor

Article VII. Executive Departments

Legislative and Oversight

Article III. City Council

Article X. Office of the Inspector General

Article XI. Charter Review Commission

Board of Estimates, Finance and Procurement

Article V. Comptroller

Article VI. Board of Estimates

Article VIII. Franchises

Subcommittee of the Whole

Article I. General Provisions

Article IX. Transition Provisions

Charter Review Commission
December 6, 2023

Subcommittee Membership

Executive & Administrative Functions

Kobi Little - Chair
Arielle Harry-Bess
Nicholas Blendy
Andy Ellis
Monica Faulkner
David Fink
Ernest Le

Board of Estimates, Finance, Procurement

Terrell Boston- Smith - Chair
Joshua Harris
Benjamin Orr
Erin S. O'Keefe
Julianne Tarver
Doris Minor Terrell

Legislative & Oversight Committee

Victor Tervalá - Chair
Kathy Christian
Roger Hartley
Dayvon Love
Julianne Montes de Oca
Matt Stegman

Charter Review Commission
December 6, 2023

Item 4: Schedule of Meetings.

Item 5: Public Involvement and Public Hearings.

SAMPLE SCHEDULE:

Tuesday, November 7, 2023	Full Commission Meeting City Hall, Curran Room 6:00 PM
December 6, 2023	Full Commission Meeting Virtual – via WebEx 6:00 PM
December __, 2023	1 st Committee Meeting
January __, 2024	2 nd Committee Meeting
January __, 2024	3 rd Committee Meeting
February __, 2024	4 th Committee Meeting
February __, 2024	5 th Committee Meeting
March __, 2024	6 th Committee Meeting
Tuesday, March 26, 2024	Full Commission Meeting City Hall, Curran Room 6:00 PM
April __, 2024	Public Hearing Location: War Memorial (Tentative) Time:
April __, 2024	7 th Committee Meeting
May __, 2024	Full Commission Meeting City Hall, Curran Room 6:00 PM
Friday, May 31, 2024	Deadline to submit Commission’s work to Mayor and City Council

Charter Review Commission
December 6, 2023

Item 6: Proposed Charter Amendments – to Date.

File #	Status	Introduced	Short Title
23-0456	Introduced In Council	4-Dec-2023	<u>Sustainability Fund - Acceptance of Fees.</u> For the purpose of authorizing the Sustainability Fund to include proceeds from certain revenues dedicated to the Fund by ordinance.
23-0450	Introduced In Council	6-Nov-2023	<u>Approval or Veto of Legislation.</u> For the purpose of amending the period during which the Mayor shall return an ordinance or resolution to the Council if the Mayor does not approve or the ordinance or resolution; permitting the City Council to override a Mayoral veto at a regular or special meeting of the City Council.
23-0445	In Committee	30-Oct-2023	<u>Baltimore City Police Department.</u> For the purpose of establishing the objectives, powers, and duties of the Baltimore City Police Department; defining certain terms; creating the role of the Police Commissioner and establishing the Commissioner as the head of the Department; providing for the appointment and confirmation of the Commissioner; establishing the powers and duties of the Commissioner; establishing the powers and duties of police officers; providing for police officers' enjoyment of certain immunities and defenses.
23-0444	In Committee	30-Oct-2023	<u>Inner Harbor Park.</u> For the purpose of amending the provision dedicating for public park uses the portion of the City that lies along the north west and south shores of the Inner Harbor, south of Pratt Street to the water's edge, east of Light Street to the water's edge, and north of Key Highway to the water's edge, from the World Trade Center around the shoreline of the Inner Harbor and including Rash Field to permit multifamily residential development and off-street parking within the dedicated boundaries of Inner Harbor Park.
23-0380	In Committee	1-May-2023	<u>Community Reinvestment and Reparations Fund.</u> For the purpose of establishing a continuing, non-lapsing Community Reinvestment and Reparations Fund, to be used exclusively to support the work of the Community Reinvestment and Reparations Commission; authorizing the Mayor and City Council, by ordinance, to provide for the oversight, governance, and administration of this Fund.
22-0326	Introduced In Council	8-Dec-2022	<u>Repeal - Term Limits.</u> For the purpose of repealing term limits for Baltimore City elected officials, including the Mayor, Comptroller, City Council President, and City Council members.

Charter Review Commission
December 6, 2023

File #	Status	Introduced	Short Title
22-0243	Introduced In Council	13-Jun-2022	<u>Department of Real Estate.</u> For the purpose of establishing the Director of the Department of Real Estate as the head of Department of Real Estate; specifying that the Director shall be appointed by the Comptroller; making certain revisions.
22-0224	Introduced In Council	25-Apr-2022	<u>Sporting Tournament Scholarship Fund.</u> For the purpose of establishing a continuing, nonlapsing Sporting Tournament Scholarship Fund, to be used exclusively to fund and administer a scholarship program for certain youth and young adults; providing for certain modes of appropriation to the Fund; authorizing the Mayor and City Council, by Ordinance, to provide for the oversight, governance, and administration of the Fund.
21-0092	Introduced In Council	8-Jun-2021	<u>Homegrown Heroes Fund.</u> For the purpose of authorizing the establishment of a continuing, nonlapsing Homegrown Heroes Fund, to be used exclusively to administer a Public Safety Apprenticeship Program for youth and young adults who are Baltimore City residents and between the ages of 11 through 21 years old; requiring that the annual Ordinance of Estimates include a specified appropriation for the Homegrown Heroes Fund.

**CITY OF BALTIMORE
COUNCIL BILL 21-0092
(First Reader)**

Introduced by: Councilmembers Burnett, Cohen, Dorsey, Bullock

Introduced and read first time: June 8, 2021

Assigned to: Ways and Means Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance

A RESOLUTION ENTITLED

1 A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

2 **Charter Amendment – Homegrown Heroes Fund**

3 FOR the purpose of authorizing the establishment of a continuing, nonlapsing Homegrown
4 Heroes Fund, to be used exclusively to administer a Public Safety Apprenticeship Program
5 for youth and young adults who are Baltimore City residents and between the ages of 11
6 through 21 years old; requiring that the annual Ordinance of Estimates include a specified
7 appropriation for the Homegrown Heroes Fund; and submitting this amendment to the
8 qualified voters of the City for adoption or rejection.

9 BY proposing to add

10 Article I - General Provisions
11 Section(s) 17
12 Baltimore City Charter
13 (1996 Edition)

14 **SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That the
15 City Charter is proposed to be amended to read as follows:

16 **Baltimore City Charter**

17 **Article I. General Provisions**

18 **§ 17. SPECIAL FUND FOR HOMEGROWN HEROES.**

19 (A) *AUTHORIZATION.*

20 (1) BY ORDINANCE, THE MAYOR AND CITY COUNCIL OF BALTIMORE MAY ESTABLISH A
21 CONTINUING, NONLAPSING FUND FOR PURPOSES OF PROMOTING CAREERS IN LAW
22 ENFORCEMENT, FIRE SUPPRESSION, EMERGENCY MEDICAL SERVICES, AND EMERGENCY
23 MANAGEMENT TO YOUTH AND YOUNG ADULTS IN BALTIMORE CITY.

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

Council Bill 21-0092

1 (2) THESE PURPOSES INCLUDE:

- 2 (I) PROVIDING DIRECT FUNDING FOR THE ESTABLISHMENT OF A CITYWIDE “PUBLIC
3 SAFETY EXPLORERS PROGRAM” FOR YOUTH WHO ARE AT LEAST 11 BUT NO
4 MORE THAN 18 YEARS OLD;
- 5 (II) PROVIDING DIRECT FUNDING FOR YOUTH WHO ARE AT LEAST 14 BUT NO MORE
6 THAN 18 YEARS OLD AND WHO ARE IN THE PUBLIC SAFETY EXPLORERS
7 PROGRAM TO WORK PAID SUMMER INTERNSHIPS IN A BALTIMORE CITY PUBLIC
8 SAFETY AGENCY;
- 9 (III) PROVIDING DIRECT FUNDING FOR THE ESTABLISHMENT OF 100 PUBLIC SAFETY
10 CADET POSITIONS FOR YOUNG ADULTS WHO ARE AT LEAST 18 BUT NO MORE
11 THAN 21 YEARS OLD;
- 12 (IV) PROVIDING DIRECT FUNDING FOR THE STAFFING OF 25 UNIFORM PERSONNEL TO
13 PARTICIPATE IN A 2-YEAR “EMERGENCY MEDICAL TECHNICIAN-FIREFIGHTER
14 APPRENTICE” PROGRAM THAT SHALL RUN CONSECUTIVELY WITH A
15 CANDIDATE’S COMPLETION OF THE FIRE DEPARTMENT’S CAREER TRACK OF
16 THE “PUBLIC SAFETY CADET” PROGRAM;
- 17 (V) PROVIDING FUNDING TO PUBLICIZE THE “PUBLIC SAFETY APPRENTICESHIP”
18 PROGRAM; AND
- 19 (VI) PROVIDING FUNDING FOR AN APPROPRIATE NUMBER OF DEDICATED
20 PERSONNEL FROM BALTIMORE CITY PUBLIC SAFETY AGENCIES TO MANAGE ALL
21 ASPECTS OF THE “PUBLIC SAFETY APPRENTICESHIP” PROGRAM.

22 (B) *REVENUE SOURCES.*

23 THE FUND ESTABLISHED UNDER THIS SECTION SHALL CONSIST OF:

- 24 (1) A MANDATORY ANNUAL APPROPRIATION IN THE ORDINANCE OF ESTIMATES OF AN
25 AMOUNT EQUAL TO AT LEAST 1.5% OF THE AMOUNT APPROPRIATED FOR THE
26 BALTIMORE CITY POLICE DEPARTMENT; AND
- 27 (2) A MANDATORY ANNUAL APPROPRIATION IN THE ORDINANCE OF ESTIMATES OF AN
28 AMOUNT EQUAL TO AT LEAST 1.5% OF THE AMOUNT APPROPRIATED FOR THE
29 BALTIMORE CITY FIRE DEPARTMENT.

30 (C) *CONTINUING NATURE OF FUND.*

31 NOTWITHSTANDING ANY OTHER PROVISION OF THE CHARTER, UNSPENT PORTIONS OF THE
32 FUND ESTABLISHED UNDER THIS SECTION:

- 33 (1) REMAIN IN THE FUND, TO BE USED EXCLUSIVELY FOR THEIR ORDAINED PURPOSES;
- 34 (2) DO NOT REVERT TO THE GENERAL REVENUES OF THE CITY; AND
- 35 (3) THEIR APPROPRIATIONS DO NOT LAPSE.

Council Bill 21-0092

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

**CITY OF BALTIMORE
COUNCIL BILL 22-0224
(First Reader)**

Introduced by: President Mosby

Introduced and read first time: April 25, 2022

Assigned to: Rules and Legislative Oversight Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance

A RESOLUTION ENTITLED

1 A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

2 **Charter Amendment – Sporting Tournament Scholarship Fund**

3 FOR the purpose of establishing a continuing, nonlapsing Sporting Tournament Scholarship
4 Fund, to be used exclusively to fund and administer a scholarship program for certain youth
5 and young adults; providing for certain modes of appropriation to the Fund; authorizing the
6 Mayor and City Council, by Ordinance, to provide for the oversight, governance, and
7 administration of the Fund; and submitting this amendment to the qualified voters of the City
8 for adoption or rejection.

9 BY proposing to add

10 Article I - General Provisions
11 Section 17
12 Baltimore City Charter
13 (1996 Edition)

14 **SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That the
15 City Charter is proposed to be amended to read as follows:

16 **Baltimore City Charter**

17 **Article 1. General Provisions**

18 **§ 17. SPORTING TOURNAMENT SCHOLARSHIP FUND.**

19 (A) *FUND ESTABLISHED; SCOPE.*

20 THERE IS A CONTINUING, NONLAPSING SPORTING TOURNAMENT SCHOLARSHIP FUND, TO
21 BE USED EXCLUSIVELY FOR PURPOSES OF:

22 (1) PROVIDING EDUCATIONAL SCHOLARSHIPS TO BALTIMORE CITY YOUTH AND YOUNG
23 ADULTS ATTENDING A POSTSECONDARY INSTITUTION, TO BE USE D FOR TUITION
24 AND FEES;

25 (2) ADMINISTERING THE FUND;

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

Council Bill 22-0224

1 (3) PUBLICIZING THE AVAILABILITY OF SCHOLARSHIPS THROUGH THE FUND; AND

2 (4) HIRING AND RETAINING APPROPRIATE STAFF TO ADMINISTER THE FUND.

3 (B) *ANNUAL APPROPRIATION.*

4 THE FUND SHALL CONSIST OF A MANDATORY ANNUAL APPROPRIATION IN THE ORDINANCE
5 OF ESTIMATES EQUAL TO AT LEAST 3% OF THE TAX REVENUE RECEIVED FROM SPORTING
6 TOURNAMENTS HELD IN BALTIMORE CITY, INCLUDING HOTEL TAX REVENUE, IN THE
7 PREVIOUS FISCAL YEAR.

8 (C) *ADDITIONAL REVENUE SOURCES.*

9 IN ADDITION TO THE ANNUAL APPROPRIATION REQUIRED BY SUBSECTION (B) OF THIS
10 SECTION, THE FUND MAY CONSIST OF:

11 (1) GRANTS OR DONATIONS MADE TO THE FUND; AND

12 (2) PROCEEDS FROM FINES, FEES, SURCHARGES, OR OTHER REVENUES DEDICATED TO
13 THE FUND BY ORDINANCE.

14 (D) *CONTINUING NATURE OF FUND.*

15 NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHARTER, UNSPENT PORTIONS OF THE
16 FUND ESTABLISHED UNDER THIS SECTION:

17 (1) REMAIN IN THE FUND, TO BE USED EXCLUSIVELY FOR THEIR ORDAINED PURPOSES;

18 (2) DO NOT REVERT TO THE GENERAL REVENUES OF THE CITY; AND

19 (3) THEIR APPROPRIATIONS DO NOT LAPSE.

20 (E) *IMPLEMENTATION.*

21 BY ORDINANCE, THE MAYOR AND CITY COUNCIL MAY PROVIDE FOR THE OVERSIGHT,
22 GOVERNANCE, AND ADMINISTRATION OF THE FUND DESCRIBED IN THIS SECTION.

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

**CITY OF BALTIMORE
COUNCIL BILL 22-0243
(First Reader)**

Introduced by: The Council President

At the request of: The Comptroller

Introduced and read first time: June 13, 2022

Assigned to: Rules and Legislative Oversight Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Real Estate, Comptroller,
Department of Finance

A RESOLUTION ENTITLED

1 A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

2 **Charter Amendment – Department of Real Estate**

3 FOR the purpose of establishing the Director of the Department of Real Estate as the head of
4 Department of Real Estate; specifying that the Director shall be appointed by the
5 Comptroller; making certain revisions; and submitting this amendment to the qualified voters
6 of the City for adoption or rejection.

7 BY proposing to amend

8 Article V - Comptroller

9 Section 4

10 Baltimore City Charter

11 (1996 Edition)

12 **SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
13 City Charter is proposed to be amended to read as follows:

14 **Baltimore City Charter**

15 **Article V. Comptroller**

16 **§ 4. Department of Real Estate – Established.**


17 There shall be a Department of Real Estate, the head of which shall be the [Comptroller]
18 DIRECTOR OF THE DEPARTMENT OF REAL ESTATE, WHO SHALL BE APPOINTED BY THE
19 COMPTROLLER.

20 For the conduct of the Department, the [Comptroller] DIRECTOR shall appoint [a Real Estate
21 Officer] REAL ESTATE AGENTS [and such assistants] and SUCH employees as may be provided
22 for in the Ordinance of Estimates.

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

Council Bill 22-0243

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

FROM	NAME & TITLE	David A. Randall, Executive Director <i>David A. Randall</i>	 CITY OF BALTIMORE MEMO
	AGENCY NAME & ADDRESS	Employees', Elected Officials', Retirement Savings Plan Systems – 7 E. Redwood Street, 12 th floor	
	SUBJECT	City Council Bill 22-0326 Charter Amendment - Term Limits	

DATE: December 13, 2022

TO

The Honorable President and Members of the City Council
 Attn: Natawna B. Austin, Executive Secretary
 Room 409, City Hall
 100 N. Holliday Street

Dear Mr. President and City Council Members:

City Council Bill 22-0326 was referred to the Employees' Retirement System for comment. The bill's stated purpose is for repealing term limits for Baltimore City elected officials, including the Mayor, Comptroller, City Council President and City Council members; and submitting this amendment to the qualified voters of the City for adoption or rejection.

The Employees' Retirement System takes no position on Bill 22-0326.

DAR/dsb
 CC: Deborah Moore-Carter, Board Chair
 Nichelle Lashley, Deputy Director
 Nikki Thompson
 Nina Themelis

**CITY OF BALTIMORE
COUNCIL BILL 22-0326
(First Reader)**

Introduced by: Councilmember Dorsey, Ramos, McCray, Burnett

Introduced and read first time: December 8, 2022

Assigned to: Rules and Legislative Oversight Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Employees' Retirement System, Office of the Comptroller, Office of the Mayor

A RESOLUTION ENTITLED

1 A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

2 **Charter Amendment – Repeal – Term Limits**

3 FOR the purpose of repealing term limits for Baltimore City elected officials, including the
4 Mayor, Comptroller, City Council President, and City Council members; and submitting this
5 amendment to the qualified voters of the City for adoption or rejection.

6 BY proposing to repeal

7 Article III - City Council
8 Sections 2(e) and 3(c)
9 Baltimore City Charter
10 (1996 Edition)

11 BY proposing to repeal

12 Article IV - Mayor
13 Section 1(d)
14 Baltimore City Charter
15 (1996 Edition)

16 BY proposing to repeal

17 Article V - Comptroller
18 Section 1(a)(5)
19 Baltimore City Charter
20 (1996 Edition)

21 **SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
22 City Charter is proposed to be amended to read as follows:

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

Council Bill 22-0326

Baltimore City Charter

Article III. City Council

§ 2. Members.

[(e) *Term Limit.*]

[A member of the City Council shall not hold office for more than 2 consecutive full terms of office and in no event shall hold the office for more than 8 years during any 12 year period. This provision shall not preclude an elected member from seeking other elected offices within Baltimore City after two consecutive terms as member. In the event that an elected member takes office as a result of a removal or vacancy as described in §§ 2 or 6 of this Article, that elected member shall only be eligible to hold that office for the remainder of the predecessor's unexpired term and 1 consecutive full term thereafter.]

§ 3. President.

[(c) *Term limit.*]

[The President of the City Council shall not hold office for more than 2 consecutive full terms of office and in no event shall hold the office for more than 8 years during any 12 year period. This provision shall not preclude an elected President from seeking other elected offices within Baltimore City after two consecutive terms as President. In the event that an elected President takes office as a result of a removal or vacancy described in §§ 3 or 4 of this Article, that elected President shall only be eligible to hold that office for the remainder of the predecessor's unexpired term and 1 consecutive full term thereafter.]

Article III. City Council

§ 1. Election, term, etc.

[(d) *Term limit.*]

[A Mayor shall not hold office for more than 2 consecutive full terms of office and in no event shall hold the office for more than 8 years during any 12 year period. This provision shall not preclude an elected Mayor from seeking other elected offices within Baltimore City after two consecutive terms as Mayor. In the event that an elected Mayor takes office as a result of a removal, vacancy or absence described in § 2 of this Article, that elected Mayor shall only be eligible to hold that office for the remainder of the predecessor's unexpired term and 1 consecutive full term thereafter.]

Council Bill 22-0326

Article V. Comptroller

§ 1. Election, term, etc.; Deputy Comptroller; Staff.

(a) *Election and qualifications; Term; Salary[: Term limit].*

[(5) A Comptroller shall not hold office for more than 2 consecutive full terms of office and in no event shall hold the office for more than 8 years during any 12 year period. This provision shall not preclude an elected Comptroller from seeking other elected offices within Baltimore City after two consecutive terms as Comptroller. In the event that an elected Comptroller takes office as a result of a removal or vacancy described in § 2 of this Article, that elected Comptroller shall only be eligible to hold that office for the remainder of the predecessor's unexpired term and 1 consecutive full term thereafter.]

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.

**CITY OF BALTIMORE
COUNCIL BILL 23-0380
(First Reader)**

Introduced by: President Mosby

Introduced and read first time: May 1, 2023

Assigned to: Economic and Community Development Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Office of Equity and Civil Rights

A RESOLUTION ENTITLED

1 A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

2 **Charter Amendment - Community Reinvestment and Reparations Fund**

3 FOR the purpose of establishing a continuing, non-lapsing Community Reinvestment and
4 Reparations Fund, to be used exclusively to support the work of the Community
5 Reinvestment and Reparations Commission; authorizing the Mayor and City Council, by
6 ordinance, to provide for the oversight, governance, and administration of this Fund; and
7 submitting this amendment to the qualified voters of the City for adoption or rejection.

8 BY proposing to add
9 Article I - General Provisions
10 Section 20
11 Baltimore City Charter
12 (1996 Edition)

13 **SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That the
14 City Charter is proposed to be amended to read as follows:

15 **Baltimore City Charter**

16 **Article I. General Provisions**

17 **§ 20. Community Reinvestment and Reparations Fund.**

18 (A) *DEFINITIONS.*

19 (1) *IN GENERAL.*

20 IN THIS SECTION, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

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

Council Bill 23-0380

1 (B) *AUTHORIZATION.*

2 BY ORDINANCE, THE MAYOR AND CITY COUNCIL OF BALTIMORE MAY ESTABLISH A
3 CONTINUING, NONLAPSING FUND FOR PURPOSES OF SUPPORTING THE WORK OF THE
4 COMMUNITY REINVESTMENT AND REPARATIONS COMMISSION WHICH IS TO PROVIDE
5 SUPPLEMENTAL FUNDING TO COMMUNITY-BASED INITIATIVES INTENDED TO BENEFIT
6 LOW-INCOME COMMUNITIES DISPROPORTIONATELY HARMED BY GOVERNMENT DRUG
7 PROHIBITION AND ENFORCEMENT POLICIES.

8 (C) *REVENUE SOURCES.*

9 THE FUND ESTABLISHED UNDER THIS SECTION SHALL COMPRISE:

10 (1) DISBURSEMENTS FROM THE STATE COMPTROLLER FROM THE STATE COMMUNITY
11 REINVESTMENT AND REPAIR FUND; AND

12 (2) FUTURE APPROPRIATIONS FROM THE FEDERAL, STATE, OR LOCAL GOVERNMENT.

13 (D) *CONTINUING NATURE OF FUND.*

14 NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHARTER, UNSPENT PORTIONS OF THE
15 FUND ESTABLISHED UNDER THIS SECTION:

16 (1) REMAIN IN THE FUND, TO BE USED EXCLUSIVELY FOR THEIR ORDAINED PURPOSES;

17 (2) DO NOT REVERT TO THE GENERAL REVENUES OF THE CITY; AND

18 (3) THEIR APPROPRIATIONS DO NOT LAPSE.

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

CITY OF BALTIMORE

BRANDON M. SCOTT,
Mayor



DEPARTMENT OF LAW
EBONY M. THOMPSON,
ACTING CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

October 2, 2023

Honorable President
Members of the City Council
c/o Natawna Austin, Executive Secretary
409 City Hall
Baltimore, MD 21202

Re: City Council Bill 23-380 – Charter Amendment – Community
Reinvestment and Reparations Fund

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 23-0380 for form and legal sufficiency. The bill provides for establishing a continuing, non-lapsing Community Reinvestment and Reparations Fund, to be used exclusively to support the work of the Community Reinvestment and Reparations Commission and authorizing the Mayor and City Council, by ordinance, to provide for the oversight, governance, and administration of this Fund. The bill also mandates that disbursements by the State Comptroller from the State Community Reinvestment and Repair Fund be allocated to this fund.

The first issue with the bill is on Page 1, lines 18-20. Sec. 20(A). Sec. 20(A) (1) states that in this section, the following terms have the meanings indicated. There are, however, no definitions set forth in that section. The Law Department recommends that lines 18 through 20 be deleted.

Pursuant to Section 1-322 of the Alcoholic Beverage and Cannabis Article of the Maryland Code, local governments may receive funding from the State Community Reinvestment and Repair Fund:

Based on the percentage allocable to each county determined by the Office of Social Equity and reported by the Office to the Comptroller on or before July 31 each year, the Comptroller shall distribute funds from the Fund to each county in an amount that, for the period from July 1, 2002, to January 1, 2023, both inclusive, is proportionate to the total number of cannabis possession charges in the county compared to the total number of cannabis possession charges in the State. Subject to the limitations under subsection (a)(6) of this Section, each county shall adopt a law establishing the purpose for which money received from the Fund may be used.

Subsection (a)(6) limits uses of the Fund to only:

1. funding community-based initiatives intended to benefit low-income communities;
2. funding community-based initiatives that serve disproportionately impacted areas, as defined in § 36-101 of this article; and
3. any related administrative expenses.

In addition, the use of the funds must be consistent with Section 1-322 (a)(2) which limits the use of funds to “community-based organizations that serve communities determined by the Office of Social Equity, in consultation with the Office of the Attorney General, to have been the most impacted by disproportionate enforcement of the cannabis prohibition before July 1, 2022.” Md. Code, Alc. Bev., § 1-322(a)(2).

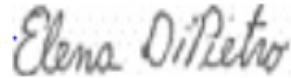
City Council Bill 23-0380 seeks to amend the City Charter by granting authority to the City Council to establish by ordinance a continuing non-lapsing fund to support the work of the Community Investment and Reparations Commission established in earlier legislation. E see Baltimore City Code, Article 1, Subtitle 59. That work is described as providing supplemental funding to community-based initiatives intended to benefit low-income communities disproportionately harmed by government drug prohibition and enforcement policies. This potentially broadens the scope of the uses allowed under the State legislation. “Disproportionately harmed by government drug prohibition and enforcement policies” does not appear anywhere in the State enabling law. Rather, the uses described in Section 1-322(a)(6) of the enabling law are narrower and refer to community initiatives in low-income communities and community initiatives that serve disproportionately impacted areas, defined as a geographic area identified by the Office of Social Equity that has had above 150% of the State’s 10-year average for cannabis possession charges. Md. Code, Alc. Bev., §§ 1-322(a)(6); 36-101(r).

To remedy this problem, the following amendment is recommended: On page 2, in line 4 strike beginning with “which” through the end of line 7. Insert in place of that language “to the extent that the work of the Commission is within the scope of the use limitations in the Section 1-322 of the Alcoholic Beverage and Cannabis Article”.

In addition to the problems above, the non-lapsing fund established by the bill is not necessary. considering the source of the funds. When the funds are received from the State, they must be appropriated as provided for in the statutory grant. They cannot be used for any other purpose, and they do not lapse or return to the general fund at the end of the fiscal year, but remain available for that purpose. City Charter, Art. IV, §9 (c)(2). Non-lapsing funds contained in Article I of the City Charter exist to insure that funds donated or appropriated by the Ordinance of Estimates or a Supplemental Appropriation for that purpose remain dedicated to that purpose and cannot revert to the general fund at the end of the fiscal year. That does not happen with federal or state funds that must, by law, be utilized for a particular purpose. Rather, with these types of funds, the BOE will accept the funds for the purposes allowed under State law. City Charter, Art. IV, §§ 6(b)(3); 7(a)(2)(i); 8(b)(2)(i). The funding will then be available to be spent in accordance with the terms of the state law and the Department of Finance will segregate the money into an account for that purpose, as it does with all other money received by state or federal government or grant.

Based on the foregoing, the Law Department can approve the bill for form and legal sufficiency if amended, noting, however, that this Charter Amendment is not necessary to ensure that the funding is used for the State mandated uses.

Sincerely yours,

A handwritten signature in blue ink that reads "Elena DiPietro".

Elena R. DiPietro
Chief Solicitor

cc: Ebony Thompson, Acting City Solicitor
Stephen Salsbury, Deputy Solicitor
Matthew Bradford, Chief of Staff
Nina Themelis, MOGR
Tiffani Maclin
Hilary Ruley
Jeff Hochstetler
Ashlea Brown
Michele Toth
Teresa Cummings
Ahleah Knapp

AMENDMENTS TO COUNCIL BILL 23-0380
(1st Reader Copy)

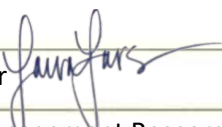

Proposed by: Law Dep't

Amendment No. 1: Remove Extraneous Definitions Language

On page 1, delete lines 18-20.

Amendment No. 2: Conform to Scope of State Enabling Law

On page 2, in line 4, after "COMMISSION" insert "TO THE EXTENT THAT THE WORK OF THE COMMISSION IS WITHIN THE SCOPE OF THE USE LIMITATIONS IN THE SECTION 1-322 OF THE ALCOHOLIC BEVERAGE AND CANNABIS ARTICLE"; and on that same page delete "WHICH IS TO PROVIDE" in line 4 through "POLICIES" in line 7.

FROM	NAME & TITLE	Laura Larsen, Budget Director 	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432, City Hall		
	SUBJECT	City Council Bill 23-0380: Charter Amendment-Community Reinvestment and Reparations Fund		

DATE:

TO

The Honorable President and
Members of the City Council
City Hall, Room 400

October 2, 2023

Position: Oppose

The Department of Finance is herein reporting on City Council Bill 23-0380, Charter Amendment-Community Reinvestment and Reparations Fund.

City Council Bill 23-0380 seeks to pursue a charter amendment that would establish a segregated non-lapsing fund to allocate funds received by the City through the State Community Reinvestment and Repair Fund. Based on State legislation, the Fund can only be used for community-based initiatives for specific communities, as well as related administrative expenses. Funds cannot be used for law enforcement agencies or activities and can only be used as additional funding for programs, rather than replacing funding provided by the local jurisdictions.

Based on preliminary estimates, the Department of Finance projects there will be \$21.3 million allocated from the Community Reinvestment and Repair Fund in Fiscal 2024. That number is projected to increase to \$40.0 million by Fiscal 2028. Actual statewide allocations of this funding will be based on cannabis possession charges in each jurisdiction compared to the overall number of cannabis possession cases statewide.

Finance is opposed to legislation that restricts the City's ability to allocate or direct funding, especially considering the current fiscal environment. Due to increased funding requirements from the State for education and the impending expiration of federal ARPA funds, the City will be required to carefully consider funding decisions. Given the City's resource constraints and the revenue projected through this fund it will be critically important these funds are allocated with the overall context of the City's budget in order to maximize their impact. Finance is supportive of the intent of this legislation but believes the restrictions being offered here will limit the impact of the funding.

For the reasons stated above, the Department of Finance opposes City Council Bill 23-0380.

cc: Michael Moiseyev
Nina Themelis

Office of Equity and Civil Rights
Dana Petersen Moore
Director, Office of Equity and Civil Rights
Baltimore City Chief Equity Officer

Bill Report
Bill Version: First Reader

Council Bill 23-0380
Economic and Community Development

Charter Amendment - Community Reinvestment and Reparations Fund

Recommendation

The Office of Equity and Civil Rights (OECR) has reviewed Council Bill 23-0380 and **urges an unfavorable committee report.**

Bill Synopsis

Council Bill 23-0380, introduced on May 1, 2023, seeks to create the Community Reinvestment and Reparations Fund; establishes a continuing, non-lapsing Community Reinvestment and Reparations Fund, to be used exclusively to support the work of the Community Reinvestment and Reparations Commission; authorizes the Mayor and City Council, by ordinance, to provide for the oversight, governance, and administration of this Fund; and submits this amendment to the qualified voters of the City for adoption or rejection.

Position

It is the belief of the OECR that City Council Bill 23-0380 is an inappropriate use of Baltimore City's charter amendment process. Accordingly, we **oppose City Council Bill 23-0380.**

Background

The basic function of the City Charter is to provide for the operation of the City of Baltimore. The Charter accomplishes this by distributing power amongst the various agencies of City government, as well as between City government and the voters of Baltimore City. Together, with various provisions of Maryland State law, the City Charter guides the perpetual existence of the City of Baltimore. Due to its function and stature as the supreme governing document of the City of Baltimore, the City Charter is analogous to the Constitution of a state or nation and should be treated as such.

Perpetuity is understood to be the most basic tenet of any viable government enterprise. That is, if it wishes to remain a viable domicile for its residents and constituents, it must continuously provide basic services and functions. This is evidenced by Article VII of the City Charter, which calls for the perpetual existence of some of the most crucial City agencies – the Fire Department; Department of Public Works; Department of Health; Department of Transportation; Department of Recreation and Parks; Department of Housing and Community Development; and other city agencies, boards, and commissions that are crucial to the perpetual existence of the City of Baltimore.

In essence, the report highlights that the City Charter should serve two main purposes: first, to ensure the perpetual existence of the City of Baltimore, and second, to establish a framework for the City's operations that are under the control of its government.

Rationale

City Council Bill 23-0380 seeks to add the Community Reinvestment and Reparations Fund to the City Charter. However, it should be noted that the City of Baltimore has no control over the flow of state monies into this fund. The viability of this fund is dependent on the State Community Reinvestment and Repair Fund, which is not intended to exist in perpetuity. Indeed, per the enabling state legislation, the Community Reinvestment and Repair Fund is only to be funded for “FISCAL YEARS 2024 THROUGH 2033.”¹ Therefore, without an extension by the Maryland General Assembly, the fund will cease to exist in ten years. This poses a significant challenge as it will leave the City Charter with an unfunded mandate, which is the antithesis of the perpetual nature of the City Charter.

Additionally, if the goal is to create the Community Reinvestment and Reparations Fund before the state distributes funds to Baltimore City from the Community Reinvestment and Repair Fund, a charter amendment may not be the most efficient approach to achieve this objective. There is a risk that the proposed charter amendment may not be approved by the voters of Baltimore City, which could leave the City unprepared to receive funds from the Community Reinvestment and Repair Fund. This could result in a chaotic situation where there is uncertainty about where to deposit the funds, which would not be beneficial for anyone. Considering the substantial amount of money that may come into the City through this fund, it may not be suitable to subject this decision to a popular vote. Therefore, the City Council should use its recently granted budgetary authority to make a well-informed decision on the most appropriate course of action.

Alternatives

The City of Baltimore received \$641 million from the American Rescue Plan Act (ARPA) through the State and Local Fiscal Recovery Fund to address the adverse economic impacts of the COVID-19 pandemic.² As of March 30, 2023, the City has committed \$563,333,095 and spent \$90,097,228 of that amount.³ Despite the absence of a specific fund in the City Charter to manage the federal funds, the City has successfully managed and allocated the funds in accordance with the explicit uses and prohibited uses outlined by the federal government. Similarly, the state Community Reinvestment and Repair Fund should be treated no differently, as it also has clear guidelines regarding its allocation. The City has demonstrated its ability to adhere to such guidelines and ensure that funds are used for their intended purpose.⁴

One immediately available alternative is the Equity Assistance Fund. The Equity Assistance Fund was created to fund programs that are designed to provide equity in housing; provide equitable access to education; efforts to redress past inequities in City Capital budget spending; and eliminate structural and institutional racism and other forms of discrimination based on immutable characteristics.

The Community Reinvestment and Repair Fund's purpose is to provide financial support to community-based organizations that serve communities identified by the Maryland Office of the Attorney General as

¹ <https://mgaleg.maryland.gov/2023RS/bills/hb/hb0556E.pdf>

² <https://arp.baltimorecity.gov/about-3>

³ <https://arp.baltimorecity.gov/sites/default/files/April%202023%20Council%20Report.pdf>

⁴ <https://baltopi.shinyapps.io/ARPA-dashboard/>

having been most impacted by the disproportionate enforcement of marijuana prohibition prior to July 1, 2002.

The State's Community Reinvestment and Repair Fund and the City's Equity Assistance Fund share a common purpose, making the City's Equity Fund a suitable fund for housing the allocated funds meant to address the negative impacts resulting from the prohibition of marijuana within the City. By aligning these two funds, the City can effectively utilize the resources to rectify the damages caused by the prohibition and promote equity within the community. This approach ensures that the allocated monies are efficiently utilized and maximizes the potential for positive outcomes in redressing the harms associated with the marijuana ban.

Rather than establishing new funds unnecessarily, it is more prudent to utilize existing unfunded funds. Doing so reflects responsible fiscal stewardship.

Conclusion

We acknowledge the purpose of this legislation, which seeks to ensure that funds earmarked for restoring underprivileged communities are utilized solely for their intended purpose and not misused or mixed with other funds. Nevertheless, we should not proceed with a lack of confidence in our city's capacity to manage state funds effectively. Along with promoting equity and civil rights, we must also promote responsible governance, and therefore, we do not believe this is the most efficient approach.

Report by: The Office of Equity and Civil Rights
Dana P. Moore, Director and Chief Equity Officer
Ty'lor Schnella, OECR Legislative Liaison

Direct Inquiries to: Tylor.schnella@baltimorecity.gov

**CITY OF BALTIMORE
COUNCIL BILL 23-0444
(First Reader)**

Introduced by: Councilmember Costello and President Mosby

At the request of: MCB HP Baltimore, LLC

Address: c/o Caroline Hecker, Esq.

Rosenberg Martin Greenberg, LLP

25 South Charles St., Suite 21st Fl, Baltimore, Maryland 21201

Telephone: (410) 727-6600

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance Baltimore Development Corporation, Department of Transportation, Department of Recreation and Parks, Department of Housing and Community Development, Planning Commission, Board of Municipal and Zoning Appeals, Office of Equity and Civil Rights

A RESOLUTION ENTITLED

1 A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

2 **Charter Amendment – Inner Harbor Park**

3
4 FOR the purpose of amending the provision dedicating for public park uses the portion of the City
5 that lies along the north west and south shores of the Inner Harbor, south of Pratt Street to the
6 water’s edge, east of Light Street to the water’s edge, and north of Key Highway to the
7 water’s edge, from the World Trade Center around the shoreline of the Inner Harbor and
8 including Rash Field to permit multifamily residential development and off-street parking
9 within the dedicated boundaries of Inner Harbor Park; and submitting this amendment to the
10 qualified voters of the City for adoption or rejection.

11 BY proposing to repeal and re-ordain, with amendments

12 Article I - General Provisions

13 Section 9

14 Baltimore City Charter

15 (1996 Edition)

16 **SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
17 Charter of Baltimore City is proposed to be amended to read as follows:

18 **Charter of Baltimore City**

19 **Article I. General Provisions**

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

Council Bill 23-0444

§ 9. Inner Harbor Park.

There is hereby dedicated to public park uses for the benefit of this and future generations of the City of Baltimore and the State of Maryland the portion of the City that lies along the north, west and south shores of the Inner Harbor, south of Pratt Street to the water's edge, east of Light Street to the water's edge and north of Key Highway to the water's edge, from the World Trade Center around the shoreline of the Inner Harbor to and including Rash Field, except that, [in order] to provide eating places, [and] other commercial uses, MULTI-FAMILY DWELLINGS, AND OFF-STREET PARKING, areas totaling not more than [3.2] 4.5 acres plus access thereto, within the dedicated space and north of an easterly extension of the south side of Conway Street shall be set aside for such purposes; and except that in order to provide outdoor eating places for the areas known as West Shore Park and Rash Field, areas totaling not more than 0.5 acres within the dedicated space and south of an easterly extension of the south side of Conway Street shall be set aside for such purposes; and except that an area of not more than 3.4 acres shall be set aside for use by the Maryland Science Center, plus access thereto.

SECTION 2. AND BE IT FURTHER RESOLVED, That this proposed amendment to the Charter of Baltimore City 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

CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
EBONY M. THOMPSON, ACTING SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

November 28, 2023

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: Mayor and City Council Resolution 23-0444 – Charter Amendment – Inner Harbor Park

Dear President and City Council Members:

The Law Department has reviewed Mayor and City Council Resolution 23-0444 for form and legal sufficiency. Under Article XI-A, Section 5 of the Maryland Constitution, a resolution, such as Mayor and City Council Resolution 23-0444, is an appropriate method of initiating an amendment to the Baltimore City Charter. If enacted, the Resolution would be placed on the ballot at the City's next election and would take effect thirty days after being approved by the voters. Md. Const., Art. XI-A, § 5.

The Resolution seeks to modify Section 9 of Article I of the City's Charter that dedicates Inner Harbor Park area as a public park. Currently, that Section permits eating places and commercial uses in not more than 3.2 acres of the Inner Harbor Park area. This amendment would include multi-family dwellings and off-street parking to the eating and commercial uses and increase the area in which they are permitted from 3.2 to 4.5 acres.

However, neither multi-family dwellings nor off-street parking are recreational uses that are available to the public. *See, e.g., Green v. Garrett*, 192 Md. 52, 62-63 (1949). The state's highest court recognized that professional baseball games that can be attended by the public are a "use for the benefit of the public." *Id. (citing Cleary v. Philadelphia*, 166 A. 237, 238 (1933) (held that because a public hall could be rented it did not deprive the public of all use of the building)). Like a professional baseball use, which is available to the public for a fee, businesses and eateries are also generally open to the public. Thus, those uses can be part of an area dedicated to all and generally used for recreation. In contrast, the multi-family dwellings and attached parking will never be open to the public. Thus, they cannot be characterized as park land or dedicated to public purposes.

Moreover, municipal land in Maryland dedicated for park purposes is characterized differently for purposes of tort law and governmental immunity. *See, e.g., Mayor and City Council of Baltimore City v. Blueford*, 173 Md. 267, 272 (1937). Characterizing land that is used for exclusive private purposes as park land would run contrary to the long-standing principles in

Maryland that “the maintenance of a public park is a governmental function.” *Id.* In analyzing whether a public pool with an entry fee could be part of park property, the court in *Blueford* held that when “the act in question is sanctioned by legislative authority, is solely for the public benefit, with no profit or emolument inuring to the municipality, and tends to benefit the public health and promote the welfare of the whole public, and has in it no element of private interest, it is governmental in its nature.” *Id.* at 275-76. The Court reasoned that a pool was still a “public convenience” and the same rules for tort liability in public parks carry to public pools. *Id.* at 274. The same reasoning could not be applied to a park that also has exclusive private uses that are not for public convenience. Characterizing land with both private and public uses as dedicated for a governmental park purpose could jeopardize the characterization of the entire park area. *See also, Rios v. Montgomery County*, 386 Md. 104, 128 (2005) and cases cited therein.

Therefore, this Mayor and City Council Resolution should be amended to excise from the dedicated park land that part of the area that will be used for non-public purposes; namely the multi-family dwellings and parking. A suggested amendment to effectuate this change is attached to this report.

Subject to the required amendment, the Law Department can approve the Resolution for form and legal sufficiency.

Very truly yours,



Hilary Ruley
Chief Solicitor

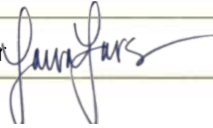

cc: Ebony M. Thompson, Acting City Solicitor
Nina Themelis, Mayor’s Office of Government Relations
Elena DiPietro, Chief Solicitor, General Counsel Division
Ashlea Brown, Chief Solicitor
Jeffery Hochstetler, Chief Solicitor
Teresa Cummings, Assistant Solicitor
Michelle Toth, Assistant Solicitor

AMENDMENTS TO COUNCIL BILL 23-0379
(1st Reader Copy)

Proposed by: Law Dep't

Amendment No. 1: Remove areas that will not be dedicated to the public

On page 2, in line 6, after "Field" insert, "BUT NOT INCLUDE THOSE AREAS USED AS MULTI-FAMILY DWELLINGS AND OFF-STREET PARKING;"; and on that same page in lines 7 and 8, delete all the brackets; and in lines 7 and 8 delete "MULTI-FAMILY DWELLINGS, AND OFF-STREET PARKING" and delete "4.5"; and on the same page in line 8, substitute the correct amount of acreage less than 3.2 acres that removes the areas dedicated for the multi-family dwellings and off-street parking area for "3.2".

FROM	NAME & TITLE	Laura Larson, Budget Director 	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Finance Room 454, City Hall		
	SUBJECT	City Council Bill 23-0444 – Charter Amendment – Inner Harbor Park		

DATE:

TO

The Honorable President and
Members of the City Council
City Hall, Room 400

November 28, 2023

Position: Does Not Oppose

The Department of Finance is herein reporting on City Council Bill 23-0444, Charter Amendment- Inner Harbor Park, the purpose of which is to amend the portion of the Charter that defines the Inner Harbor Park’s allowed uses. This would enable the development of multi-family dwellings and off-street parking, alongside existing uses of restaurants and other commercial uses.

Background

The area that is now known as Harborplace has been an active port from Baltimore’s beginnings. In the 1940’s and 1950’s the port facilities were relocated from the Inner Harbor or “The Basin” to where they presently reside. When the plans for the downtown and waterfront highway system that would connect I-70, I-95, and I-83 fell through, something needed to take its place. The first plans for the renewed Inner Harbor were unveiled in 1964 and in 1976 voters approved a referendum to allow for the construction of the Harborplace pavilions. Construction on Harborplace began in 1979, construction was completed in 1980.

The 1976 referendum was the earliest iteration of the current language, it was most recently amendment by charter amendment in 2016 enabling the construction and operation of concession near Rash Field as well as West Shore Park.

Fiscal Impact Analysis

The Finance Department anticipates that while the legislation itself does not have a direct fiscal impact, the development that it enables has the potential to both have impacts on revenues and expenditures. The development has the potential to positively impact various revenue streams not limited to, Real and Personal Property Taxes, Transfer and Recordation Taxes, payments to the Water and Wastewater Utilities, fees from Parking Meters and Permits, and Income Taxes from a net increase in City jobs. These taxes and fees are split between one-time revenues, such as fees for permits, and annualized revenues from taxes and parking meters. The plans are at an early and conceptual stage, making firm forecasts difficult to provide. Project renderings and concepts were released publicly in early November. Based on early estimates the development will require \$400-500 million in public investment.

The Finance Department anticipates that the new development will also have an impact on expenditures. More formal cost estimates will be developed as the City learns more about the development.

Conclusion

The Finance Department does not oppose City Council Bill 23-0444. While there are no immediate fiscal impacts from this legislation. It enables the redevelopment of the Inner Harbor, allowing for apartments and parking. Changing the nature of Inner Harbor will bring both revenues and expenditures. When more formal plans are developed, the Finance Department will be able to develop more formal cost estimates.

For the reasons stated above, the Department of Finance does not oppose City Council Bill 23-0444.

cc: Nina Themelis
Michael Moiseyev

CITY OF BALTIMORE

Brandon M. Scott, Mayor



BOARD OF MUNICIPAL AND
ZONING APPEALS

Rebecca Lundberg Witt, *Acting Executive
Director*

11/7/2023

The Honorable President and
Members of the City Council
City Hall
100 N. Holliday Street
Baltimore, MD 21202

Re: CC Bill #23-0444 Charter Amendment- Inner Harbor Park

Ladies and Gentlemen:

City Council Bill No. 23-0444 has been referred by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.

Pursuant to Article 32, Section 5-507 (b) the BMZA shall provide reports on legislation submitted to the City Council Section per Section 5-501 (2) which includes the following: (i) a variance; (ii) a conditional use; (iii) a map amendment; (iv) an educational campus master plan; (v) a hospital general development plan; (vi) an area of special sign control; and (vii) a planned unit development. The BMZA, as a quasi-judicial agency, will not be providing a report or comment.

Sincerely,

A handwritten signature in cursive script that reads "Rebecca R Witt".

Rebecca Lundberg Witt
Acting Executive Director

CC: Mayor's Office of Council Relations
City Council President
Legislative Reference

**CITY OF BALTIMORE
COUNCIL BILL 23-0445
(First Reader)**

Introduced by: Councilmember Conway and President Mosby

At the request of: The Administration (Office of the Mayor)

Introduced and read first time: October 30, 2023

Assigned to: Committee of the Whole

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Office of Equity and Civil Rights, Baltimore Police Department

A RESOLUTION ENTITLED

1 A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

2 **Charter Amendment – Baltimore City Police Department**

3 FOR the purpose of establishing the objectives, powers, and duties of the Baltimore City Police
4 Department; defining certain terms; creating the role of the Police Commissioner and
5 establishing the Commissioner as the head of the Department; providing for the appointment
6 and confirmation of the Commissioner; establishing the powers and duties of the
7 Commissioner; establishing the powers and duties of police officers; providing for police
8 officers’ enjoyment of certain immunities and defenses; and submitting this amendment to
9 the qualified voters of the City for adoption or rejection.

10 BY proposing to amend

11 Article IV - Mayor
12 Section 6(b)
13 Baltimore City Charter
14 (1996 Edition)

15 BY proposing to add

16 Article VII - Executive Departments
17 Sections 142 to 146
18 Baltimore City Charter
19 (1996 Edition)
20

21 **SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
22 City Charter is proposed to be amended to read as follows:

23 **Baltimore City Charter**

24 **Article IV. Mayor**

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

Council Bill 23-0445

§ 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, THE POLICE COMMISSIONER, and some members of the Board of School Commissioners, the Civil Service Commission, the Planning Commission, the Board of Municipal and Zoning Appeals, the advisory board established by Article X, Section 2 of this Charter, and those boards and commissions governed by State or federal law. The terms of the City Administrator, THE POLICE COMMISSIONER, and the members of these boards and commissions are prescribed elsewhere in the Charter or by other law.

Article VII. Executive Departments

Baltimore City Police Department

§ 141. Department established.

There is a Baltimore City Police Department, the head of which is the Police Commissioner.

§ 142. DEFINITIONS.

(A) IN GENERAL.

FOR §§ 141 THROUGH 146 OF THIS ARTICLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) COMMISSIONER.

“COMMISSIONER” MEANS THE POLICE COMMISSIONER OF BALTIMORE CITY.

(C) DEPARTMENT.

“DEPARTMENT” MEANS THE BALTIMORE CITY POLICE DEPARTMENT.

(D) DEPARTMENT STAFF.

“DEPARTMENT STAFF” MEANS AN INDIVIDUAL EMPLOYED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE ASSIGNED TO WORK FOR THE DEPARTMENT, WHETHER A CIVILIAN OR A POLICE OFFICER.

(E) POLICE OFFICER.

“POLICE OFFICER” MEANS A PERSON WHO IS:

- (1) LEGALLY AUTHORIZED TO ENFORCE THE GENERAL CRIMINAL LAWS OF THE STATE;

Council Bill 23-0445

1 (2) LEGALLY AUTHORIZED TO ENFORCE THE CRIMINAL AND CIVIL LAWS OF THE CITY;
2 AND

3 (3) AN EMPLOYEE OF THE MAYOR AND CITY COUNCIL OF BALTIMORE.

4 **§ 143. COMMISSIONER.**

5 (A) *HEAD OF DEPARTMENT; QUALIFICATIONS.*

6 THE POLICE COMMISSIONER SHALL:

7 (1) BE AT LEAST 30 YEARS OF AGE; AND

8 (2) HAVE AT LEAST 5 YEARS OF EXPERIENCE IN LAW ENFORCEMENT.

9 (B) *APPOINTMENT; TERM.*

10 THE COMMISSIONER SHALL BE APPOINTED, MUST BE CONFIRMED, AND SHALL SERVE
11 PURSUANT TO CITY CHARTER ARTICLE IV, § 6 {"APPOINTMENTS OF MUNICIPAL
12 OFFICERS"}.

13 (C) *SALARY.*

14 THE COMMISSIONER SHALL BE PAID A SALARY AS PROVIDED FOR IN THE ORDINANCE OF
15 ESTIMATES.

16 (D) *STAFF.*

17 THE COMMISSIONER MAY APPOINT SUCH EMPLOYEES AS PROVIDED IN THE ORDINANCE OF
18 ESTIMATES.

19 **§ 144. COMMISSIONER: POWERS.**

20 THE COMMISSIONER SHALL:

21 (1) DETERMINE AND ESTABLISH THE FORM AND ORGANIZATION OF THE DEPARTMENT;

22 (2) APPOINT INDIVIDUALS ABOVE THE RANK OF LIEUTENANT;

23 (3) AS NECESSARY TO BEST SERVE THE INTERESTS OF THE CITY:

24 (I) ASSIGN, REASSIGN, ALLOCATE, AND REALLOCATE DUTIES TO DEPARTMENT
25 STAFF; AND

26 (II) ASSIGN, REASSIGN, ALLOCATE, AND REALLOCATE DEPARTMENT STAFF TO
27 ORGANIZATIONAL SUBDIVISIONS OF THE DEPARTMENT;

28 (4) DETERMINE AND ESTABLISH:

29 (I) THE CLASSIFICATION OF RANKS, GRADES, AND POSITIONS;

Council Bill 23-0445

1 (II) UNIFORM INSIGNIA;

2 (III) THE POWERS, DUTIES, RIGHTS, AND PRIVILEGES FOR DEPARTMENT STAFF; AND

3 (IV) THE ORDER OF SUCCESSION FOR POSITIONS OF COMMAND;

4 (5) WITH THE CONSENT OF THE DEPARTMENT OF HUMAN RESOURCES, DETERMINE AND
5 ESTABLISH POSITIONS WITHIN THE DEPARTMENT FOR CIVILIAN EMPLOYEES;

6 (6) APPOINT, PROMOTE, REDUCE IN RANK, GRADE, OR POSITION, REASSIGN, RECLASSIFY,
7 RETIRE, AND DISCHARGE DEPARTMENT STAFF IN THE MANNER PRESCRIBED BY LAW;

8 (7) INSTITUTE A SYSTEM OF:

9 (I) PERIODIC PERFORMANCE EVALUATION FOR DEPARTMENT STAFF; AND

10 (II) REGULAR PHYSICAL EXAMINATION OF DEPARTMENT STAFF, AS NECESSARY FOR
11 THE EMPLOYEE TO EFFECTIVELY PERFORM ASSIGNED DUTIES;

12 (8) MAKE AND EXECUTE CONTRACTS AND OTHER INSTRUMENTS AS MAY BE AUTHORIZED
13 IN THE EXERCISE AND PERFORMANCE OF THE POWERS OF THE COMMISSIONER AND THE
14 DEPARTMENT;

15 (9) ESTABLISH, MAINTAIN, AND MODIFY SYSTEMS FOR THE RECEPTION, PROCESSING, AND
16 MAINTENANCE OF:

17 (I) REPORTS AND RECORDS OF OCCURRENCES OR ALLEGED OCCURRENCES OF
18 CRIME WITHIN THE CITY; AND

19 (II) REPORTS AND RECORDS OF THE ADMINISTRATION, MANAGEMENT, AND
20 OPERATION OF THE DEPARTMENT; AND

21 (10) ADOPT RULES AND REGULATIONS TO EFFECTIVELY DISCHARGE THE POWERS AND
22 DUTIES OF THE COMMISSIONER AND DEPARTMENT.

23 **§ 145. DEPARTMENT: POWERS AND DUTIES.**

24 (A) *PURPOSE.*

25 THE PURPOSE OF THE DEPARTMENT IS TO:

26 (1) SAFEGUARD THE LIVES AND SAFETY OF ALL INDIVIDUALS WITHIN THE CITY;

27 (2) PROTECT PROPERTY WITHIN THE CITY; AND

28 (3) ASSIST IN SECURING TO ALL INDIVIDUALS THE EQUAL PROTECTION OF THE LAW.

Council Bill 23-0445

1 (B) *DUTIES.*

2 THE DEPARTMENT SHALL HAVE, WITHIN THE BOUNDARIES OF THE CITY, THE SPECIFIC
3 DUTY AND RESPONSIBILITY TO:

4 (1) PRESERVE THE PUBLIC PEACE;

5 (2) DETECT AND PREVENT THE COMMISSION OF CRIME;

6 (3) ENFORCE THE LAWS OF:

7 (I) THE STATE; AND

8 (II) THE MAYOR AND CITY COUNCIL OF BALTIMORE;

9 (4) APPREHEND AND ARREST INDIVIDUALS WHO VIOLATE OR ARE LAWFULLY ACCUSED
10 OF VIOLATING THE LAW;

11 (5) PRESERVE ORDER AT PUBLIC PLACES;

12 (6) MAINTAIN THE ORDERLY FLOW OF TRAFFIC IN THE PUBLIC RIGHT OF WAY;

13 (7) ASSIST LAW ENFORCEMENT AGENCIES OF:

14 (I) THE STATE; AND

15 (II) ANY OFFICIAL UNIT OF FEDERAL, TRIBAL, STATE, OR LOCAL GOVERNMENT
16 WITHIN THE UNITED STATES; AND

17 (8) DISCHARGE ITS DUTIES AND RESPONSIBILITIES WITH DIGNITY AND IN A MANNER
18 THAT WILL INSPIRE PUBLIC CONFIDENCE AND RESPECT.

19 (C) *DUTIES: OUTSIDE THE CITY.*

20 (1) *IN GENERAL.*

21 THE DEPARTMENT SHALL PERFORM THE DUTIES SET FORTH IN SUBSECTION (B) OF THIS
22 SECTION WITHIN THOSE AREAS OUTSIDE THE CORPORATE LIMITS OF THE CITY WHICH
23 ARE, FROM TIME TO TIME, OWNED, CONTROLLED, OPERATED, OR LEASED BY THE
24 MAYOR AND CITY COUNCIL OF BALTIMORE OR ANY UNIT OF CITY GOVERNMENT.

Council Bill 23-0445

1 (2) *CONCURRENT JURISDICTION.*

2 IN THOSE AREAS DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION:

3 (I) THE AUTHORITY AND DUTIES OF THE DEPARTMENT SHALL BE CONCURRENT
4 WITH THAT OF ANY POLICE DEPARTMENT OR POLICE AGENCY IN THE
5 JURISDICTION IN WHICH SUCH AREAS ARE LOCATED; AND

6 (II) NOTHING CONTAINED HEREIN SHALL LIMIT OR ADVERSELY AFFECT THE
7 JURISDICTION AND AUTHORITY OF ANY POLICE DEPARTMENT OR POLICE
8 AGENCY IN THE JURISDICTION IN WHICH SUCH AREAS ARE LOCATED.

9 **§ 146. POLICE OFFICERS.**

10 (A) *POWERS AND DUTIES.*

11 ALL POLICE OFFICERS OF THE DEPARTMENT, INCLUDING SUCH OTHER DEPARTMENT STAFF
12 WHO MAY BE DESIGNATED BY THE COMMISSIONER FROM TIME TO TIME TO EXERCISE THE
13 POWERS AND DUTIES OF POLICE OFFICERS, SHALL HAVE THE AUTHORITY CONFERRED
14 UNDER TITLE 2 {"LAW ENFORCEMENT PROCEDURES; ARREST PROCESS"} OF THE
15 CRIMINAL PROCEDURE ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

16 (B) *IMMUNITIES AND DEFENSES.*

17 A POLICE OFFICERS OF THE DEPARTMENT SHALL HAVE AND ENJOY ALL THE IMMUNITIES
18 AND MATTERS OF DEFENSE NOW AVAILABLE, OR SUCH AS HEREAFTER MAY BE MADE
19 AVAILABLE, TO SHERIFFS, CONSTABLES, POLICE, AND PEACE OFFICERS IN ANY SUIT, CIVIL
20 OR CRIMINAL, BROUGHT AGAINST A POLICE OFFICER IN CONSEQUENCE OF ACTS DONE IN
21 THE COURSE OF THE POLICE OFFICER’S OFFICIAL DUTIES.

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

CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
EBONY M. THOMPSON
ACTING CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

November 28, 2023

The Honorable President
Members of the City Council
c/o Natawna Austin, Executive Secretary
409 City Hall
Baltimore, MD 21202

RE: City Council Bill 23-0445 – Charter Amendment – Baltimore City Police
Department

Dear President and Members:

You have requested the advice of the Law Department regarding City Council Bill 23-0445. City Council Bill 23-0445 is for the purpose of establishing the objectives, powers, and duties of the Baltimore City Police Department. The bill creates the role of the Police Commissioner and establishes the Commissioner as the head of the Department who is appointed and confirmed pursuant to Art. IV, Sec. 6. The bill amends Art. IV, Sec. 6 to provide for a term for the Commissioner. The bill also establishes the powers and duties of the Commissioner and police officers. Finally, the bill grants certain immunities and defenses to police officers. As required by the Md. Constitution, Art. XI-A Sec. 5, an ordinance to amend the Charter must be approved by the voters. If Bill 23-0445 is approved by the Mayor and City Council, it will be on the ballot for the 2024 general election.

Upon review of the bill, the Law Department has one concern. Sec. 143 refers to the appointment and confirmation of the Police Commissioner. The term of the Commissioner is referenced in the amendment to Art. IV, Sec. 6 as being prescribed elsewhere in the Charter or by other law. That language is fine but there is no corresponding law in the Charter or the proposed City Code provisions that establishes the Commissioner's term. This bill or 23-0449 should be amended to provide for the term of the Commissioner.

Provided the bill is amended as described in this report, the Law Department can approve Council Bill 23-0445 for form and legal sufficiency. In addition, it is consistent with the requirements for approval of a proposed Charter amendment.

Sincerely yours,

Elena R. DiPietro
Chief Solicitor

cc: Ebony Thompson, City Solicitor
Stephen Salsbury
Matthew Bradford
Nikki Thompson, President's Office
Nina Themelis, MOGR
Hilary Ruley
Jeff Hochstetler,
Ashlea Brown
Michele Toth
Teresa Cummings
Ahleah Knapp



BALTIMORE POLICE DEPARTMENT



Brandon M. Scott
Mayor

Richard Worley
Police Commissioner

November 29, 2023

Honorable President and Members of the Baltimore City Council
Room 400, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

RE: City Council Bill #23-0445
Charter Amendment- Baltimore City Police Department

Dear Council President Mosby and Members of the City Council:

The Baltimore Police Department has reviewed Mayor and City Council Resolution #23-0445, for the purpose of establishing the objectives, powers, and duties of the Baltimore City Police Department; defining certain terms; creating the role of the Police Commissioner and establishing the Commissioner as the head of the Department; providing for the appointment and confirmation of the Commissioner; establishing the powers and duties of the Commissioner; establishing the powers and duties of police officers; providing for police officers' enjoyment of certain immunities and defenses; and submitting this amendment to the qualified voters of the City for adoption or rejection.

The BPD has participated as a member of the Local Control Advisory Board (LCAB) since its creation by the General Assembly. The Charter Amendment as introduced is largely consistent with the work of the LCAB and the current public local law. Therefore, the BPD has no objection to Mayor and City Council Resolution #23-0445 as written. However, we respectfully request adequate time to review and comment on any future amendments put forward by the City Council or any other entity as this legislation proceeds through the process, so that we may provide our best analysis of any impact that any proposed changes may have on the Department.

Thank you for allowing us to comment on this important piece of legislation.

Sincerely,

Sincerely,

A handwritten signature in cursive script that reads "Erin L. Murphy".

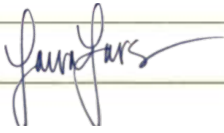

Erin Murphy, Esq.
Director of Government Affairs

cc: Natwana Austin, Executive Secretary of the Baltimore City Council
Nina Themelis, Director, Mayor's Office of Government
Andrew Smullian, BPD Deputy Chief of Staff

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FROM	NAME & TITLE	Laura Larsen, Budget Director 	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Finance Room 454, City Hall		
	SUBJECT	23-0445 Charter Amendment - Baltimore City Police Department		

DATE:

TO

The Honorable President and
Members of the City Council
City Hall, Room 400

November 29, 2023

Position: Does Not Oppose

Background

The Baltimore Police Department (BPD) was established in 1853, but due to political riots and disputes, the State took over authority in 1860. Baltimore City is the only jurisdiction in Maryland that does not have direct authority over its police department; instead, the authority is split between the Mayor, the Police Commissioner, and the Maryland General Assembly. In 2021, the Maryland General Assembly passed Senate Bill 786, Maryland Police Accountability Act of 2021-Baltimore City-Control of the Police Department of Baltimore City, which established a process for transferring control of BPD from the State of Maryland to the City of Baltimore. In 2022, Baltimore City voters approved the first milestone on the path to local control when they approved Charter Amendment - Baltimore City Police Department - Local Control – Establishment. This charter amendment organized the Baltimore Police Department as one of the executive departments in Art. VII of the Charter.

This legislation is the next step in establishing the Baltimore Police Department as an executive department under the City charter. If approved by voters this charter amendment would establish the objectives, powers, and duties of BPD.

Fiscal Impact

The Department of Finance does not anticipate a major fiscal impact for the City from this legislation. The proposed Charter language does not impact how BPD participates in the City’s budget process or how the Department is funded. This change also will not impact how BPD interacts with other elements of the Finance Department including procurement, payroll, and accounting.

Conclusion

This legislation will enable City voters to adopt or reject an amendment to the establishing the objectives, powers, and duties of the Baltimore City Police Department. Based on analysis this action is expected to have minimal fiscal impact for the City.

For the reasons stated above, the Department of Finance does not oppose City Council Bill 23-0445.

cc: Nina Themelis
Michael Moiseyev



CITY COUNCIL BILL: 23-0445

BILL REPORT

CHARTER AMENDMENT – BALTIMORE CITY POLICE DEPARTMENT

TO: The Honorable Nick Mosby, President, Baltimore City Council
FROM: Dana Petersen Moore, Director, Office of Equity and Civil Rights
THRU: Nina Themelis, Director, Mayor's Office of Government Relations
ANALYST: Ty'lor Schnella, Leg. Liaison & Policy Analyst, Office of Equity and Civil Rights
DATE: 11/29/2023
POSITION: **Favorable**

INTRODUCTION

The Office of Equity and Civil Rights (OECR) has reviewed and is herein reporting on City Council Bill 23-0445 – Charter Amendment – Baltimore City Police Department. The bill creates the role of the Police Commissioner and establishes the Commissioner as the head of the Department who is appointed and confirmed pursuant to Art. IV, Sec. 6. The bill amends Art. IV, Sec. 6 to provide for a term for the Commissioner. The bill also establishes the powers and duties of the Commissioner and police officers. Finally, the bill grants certain immunities and defenses to police officers. As required by the Md. Constitution, Art. XI-A Sec. 5, an ordinance to amend the Charter must be approved by the voters.

BACKGROUND

By 1860, the Know-Nothing Party had taken complete political control of Baltimore City and was abusing its power. The Maryland General Assembly reached the conclusion that the Mayor and City Council had proven themselves incapable of maintaining order in Baltimore and accordingly enacted Public Local Laws making the Baltimore Police Department a State Agency.

These Public Local Laws required that the Baltimore Police Department be managed by a board of four Police Commissioners appointed by the General Assembly. The authority to appoint and remove the Commissioners was turned over to the Governor in 1900. In 1966, when the City moved to having a single Police Commissioner, the power to appoint and remove the Commissioner remained with the Governor. In 1976, the General Assembly transferred the appointment and removal powers to the Mayor. However, the Maryland General Assembly left intact the State Agency status of the Police Department. This means the General Assembly rather than the City Council was the legislative body responsible for any legislative enactments governing the Baltimore Police Department.

Despite serving as a state agency for 158 years, the Baltimore Police Department relied on funding primarily provided by the City of Baltimore. The Mayor holds the authority to appoint and remove the Police Commissioner and exercises control over the Department's financial resources via the budget. Additionally, the City Council plays a role in both the appointment and budgetary processes.



CITY COUNCIL BILL: 23-0445

BILL REPORT

**CHARTER AMENDMENT – BALTIMORE CITY
POLICE DEPARTMENT**

ANALYSIS

The City Charter provides for the basic function of the City of Baltimore and its agencies. It is appropriate and necessary that the Baltimore Police Department and the basic structure of the Department is enshrined within the City Charter. This will ensure that no drastic changes can be made to the Departments basic operations without the consent of Baltimore City voters.

CONCLUSION

The Office of Equity and Civil Rights supports a **favorable** committee report on City Council Bill 23-0445.

**CITY OF BALTIMORE
COUNCIL BILL 23-0450
(First Reader)**

Introduced by: President Mosby and Councilmembers Middleton, Costello, Conway, Glover, and Stokes

Introduced and read first time: November 6, 2023

Assigned to: Rules and Legislative Oversight Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department Finance, Office of the Mayor, Office of Equity and Civil Rights

A RESOLUTION ENTITLED

1 A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

2 **Charter Amendment – Approval or Veto of Legislation**

3 FOR the purpose of amending the period during which the Mayor shall return an ordinance or
4 resolution to the Council if the Mayor does not approve or the ordinance or resolution;
5 permitting the City Council to override a Mayoral veto at a regular or special meeting of the
6 City Council; and submitting this amendment to the qualified voters of the City for adoption
7 or rejection.

8 BY proposing to amend

9 Article IV - Mayor
10 Section 5(b)
11 Baltimore City Charter
12 (1996 Edition)

13 **SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
14 City Charter is proposed to be amended to read as follows:

15 **Baltimore City Charter**

16 **Article IV. Mayor**

17 **§ 5. Approval or veto of legislation.**

18 (b) *Veto; Return to Council.*

19 (1) If the Mayor does not approve of an ordinance or resolution passed by the City
20 Council, the Mayor shall return it with written objections to the City Council within
21 [three] TWO actual regular meetings, not more than one of which shall occur in any
22 one calendar week, of the City Council after the delivery of the ordinance or
23 resolution to the Mayor.

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

Council Bill 23-0450

1 (2) On receipt, the Mayor’s objections shall be read promptly to the Council AT A
2 REGULAR OR SPECIAL MEETING and entered on its Journal. [The Council may proceed
3 to reconsider and vote on the ordinance or resolution:]

4 [(i) after 5 calendar days from when the Mayor’s objections have been read to the
5 Council; and]

6 [(ii) either:]

7 [(A) within 20 calendar days from when the Mayor's objections have been
8 read to the Council; or]

9 [(B) if no regular meeting is held during that 20-day period, at the first
10 regular meeting that is scheduled after that 20-day period.]

11 (3) THE COUNCIL MAY RECONSIDER AND VOTE ON THE ORDINANCE OR RESOLUTION AT A
12 REGULAR OR SPECIAL MEETING:

13 (I) AT LEAST 5 CALENDAR DAYS AFTER THE MAYOR’S OBJECTIONS HAVE BEEN
14 READ TO THE COUNCIL; AND

15 (II) NO MORE THAN 20 CALENDAR DAYS FROM WHEN THE MAYOR’S OBJECTIONS
16 HAVE BEEN READ TO THE COUNCIL.

17 (4) [(3)] Notwithstanding paragraph (2) of this subsection, no vetoed ordinance or
18 resolution may be reconsidered by a City Council that has been newly-elected and
19 sworn since the passage of the vetoed ordinance or resolution.

20 (5)[(4)] If the ordinance or resolution, after reconsideration, is again passed by the City
21 Council by a vote of two-thirds of its members, it becomes an ordinance or resolution
22 of the City. In these cases, after the reconsideration, the votes on the question of the
23 passage of the ordinance or resolution over the veto of the Mayor shall be determined
24 by yeas and nays, and the names of the persons voting for and against passage of the
25 ordinance or resolution over the veto of the Mayor shall be entered on the Journal of
26 the City Council.

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

**CITY OF BALTIMORE
COUNCIL BILL 23-0456
(First Reader)**

Introduced by: Councilmember Conway

Assigned to: Rules and Legislative Oversight Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Office of Equity and Civil Rights

A RESOLUTION ENTITLED

1 A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

2 **Charter Amendment – Sustainability Fund – Acceptance of Fees**

3 FOR the purpose of authorizing the Sustainability Fund to include proceeds from certain revenues
4 dedicated to the Fund by ordinance; and submitting this amendment to the qualified voters of
5 the City for adoption or rejection.

6 BY proposing to amend

7 Article I - General Provisions

8 Section 11(b)

9 Baltimore City Charter

10 (1996 Edition)

11 **SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That the
12 City Charter is proposed to be amended to read as follows:

13 **Baltimore City Charter**

14 **Article I. General Provisions**

15 **§ 11. Sustainability and related funds.**

16 (b) Revenue sources.

17 A fund established under this section may comprise:

18 (1) money appropriated to the fund in the annual Ordinances of Estimates; [and]

19 (2) grants or donations made to the [fund.] FUND; AND

20 (3) PROCEEDS FROM FINES, FEES, SURCHARGES, OR OTHER REVENUES DEDICATED TO
21 THE FUND BY ORDINANCE.

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

Council Bill 23-0456

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

Council Bill 23-0456

1 City Solicitor.

Charter Review Commission
December 6, 2023

PROPOSED AMENDMENTS:

Andy Ellis, a Commission member, submitted 7 proposed Charter amendments for consideration by the Commission. Discussion of the proposals will occur initially in the subcommittees best aligned with the topic at issue. If a subcommittee ultimately approves of an amendment, it will be referred to the Commission as a whole to decide whether to move forward with it.

Attached is a brief outline of Mr. Ellis's proposed amendments and the subcommittees to which they are assigned. Mr. Ellis will explain each in more detail when they are discussed in the various subcommittees. The Department of Legislative Reference can draft appropriate language when it is needed.

Proposals to Amend the City Charter

Proposed by Andy Ellis, Member of the Charter Review Commission

December 5, 2023

Executive & Administrative Functions Subcommittee

Proposal: Night Mayor/Office of Night Life

Add an executive department, Office of Nightlife, with a director colloquially known as the Night Mayor. New York City and Washington DC have similar departments.

Board of Estimates, Finance, Procurement Subcommittee

Proposal: Conditional Budget Power for the City Council

Give the City Council the ability to make budget allocations conditional for city agencies. The City Charter currently allows the City Council to establish conditions on budgetary amounts allocated to contractors and semi-public entities like BOPA, but not city agencies.

Proposal: Regulation of Employee Benefit Package by the City Council

Give the City Council, rather than the Board of Estimates, the ability to regulate employee benefits and pre-employment screening programs administered by the Department of Human Resources.

Legislative & Oversight Subcommittee

Proposal: Referendum of Certain Approved-But Not-Yet-Enacted Ordinances

Give City voters the power to refer certain ordinances to the voters to approve or disapprove, as provided in the charters of Baltimore and Howard Counties.

Proposal: Proportional Representation on the Charter Commission

Allow each political party recognized by the State to appoint one person to the charter commission.

Proposal: Reconstitute the Board of the Department of Legislative Reference

Create a larger and more permanent Board not controlled by City-wide offices.

Proposal: Power to Remove the Director of the Department of Legislative Reference

Eliminate the ability of the Mayor and Council President to remove the Director solely by the affirmative vote of each.

***Prepared by the staff to the 2023-2024 Charter Review Commission.*