

MEMORANDUM TO: Mayor and City Council

FROM: N. Lynn Board, City Attorney

CC: Tony Tomasello, City Manager  
Doris Stokes, Municipal Clerk

DATE: February 11, 2016

SUBJECT: Proposed Charter Amendments

In 2015 the Mayor and Council adopted a number of revisions to the City Charter, which were focused on cleaning up language and correcting statutory citations. The next phase in updating the City Charter is intended to look at more substantive changes to the Charter, which fall into three broad categories: (1) Elections; (2) Mayor and Council authority; and (3) Borrowing by the City. Below is a summary of the Charter changes for each of these categories. Attached are draft amendments to the Charter for discussion and documents from the Maryland Municipal League that address how some of these issues are handled in other Maryland Municipalities.

1. Elections.

The first election related issue is in Section 4 and relates to the residency requirement for council members. The Charter currently requires a one-year residency for the Mayor prior to the election, but for Council only that they be domiciled in the city immediately preceding the election. Under the current requirement someone could move into the city the day prior to the election and be eligible for election. This could create issues for the Petition for Candidacy certification process, among other issues. The Board of Supervisors of Elections discussed this issue at their January 6, 2016 meeting and recommended a one-year residency requirement for council members. One of the attached Charts from the Maryland Municipal League shows residency requirements for candidates in other Maryland municipalities.

Second, Section 24 of the Charter addresses the process for removal of members of the Board of Supervisors of Elections and requires a public hearing prior to removal. While Staff has no concerns with process established in Section 24, Staff does not believe that the hearing should be public. Removal of a Board member is akin to a personnel action and should be conducted with respect to the individual's privacy rights. Staff is recommending the elimination of "public" from the hearing procedures established in Section 24.

Lastly, Sections 4, 30 and 31 include options for allowing for elections of council members by Districts. This was a revision suggested by former Council Member Cathy Drzyzgula before she left office. As drafted, two council members would run at large and three council members would run by district. This is but one option for changing the City Elections

from an entirely at large system to a district system and is intended to start discussion on the issue. Included in the information from the Maryland Municipal League is a Chart showing which Maryland municipalities use at large or district systems.

## 2. Mayor and Council Authority

Section 8 of the Charter includes optional amendments allowing the Mayor to vote in the case of a tie vote by the Council. Currently the Mayor has no voting authority. As shown in the attachments from the Maryland Municipal League, many municipalities grant the authority to the Mayor to vote in the event of a tie.

Current Section 19 of the Charter includes a long laundry list of express powers of the Council that originated with a Model Charter put forth by the State in the 1950s. Staff is looking to streamline the express powers section to a more generalized statement of powers consistent with the provisions in the Local Government Article of the Annotated Code of Maryland.

## 3. Borrowing Authority

Amendments to Sections 54 and 55 are being proposed, which address the City's authority to borrow money, incur indebtedness and to issue bonds. Based on a recommendation of the Director of Finance, some of the detailed requirements for the issuance of notes and bonds is deleted from these sections to give the Council the leeway if or when Council would chose to issue debt to include relevant terms and provisions in the ordinance authorizing the note or bond to meet the City's needs. With regard to bonds, Section 55 also adds a requirement that the issuance of any bond be in accordance with the City's debt policy.

Staff is looking for guidance from the Mayor and Council as to whether these Charter amendments should be pursued for introduction.