

Question E - [Resolution 26-03](#)

Text of Proposed Charter Amendments (additions in **BOLD SMALL CAPS**; deletions in strikethrough):

Article VI. Board of Estimates

§ 11. Procurement.

~~(h) Bid awards.~~

~~(1) — (i)~~

~~(h) Bid awards.~~

~~(1) (i) All bids made to the City in response to the formal advertising procedures contained in this section, for materials, supplies, equipment, services, or public works, or for any other purpose, unless otherwise provided in the Charter, shall be opened by the Board of Estimates.~~

~~(ii) After opening the bids, the Board of Estimates shall award the contract, as an entirety to the lowest responsive and responsible bidder or by items to the respective lowest responsive and responsible bidders, or in the case of Requests for Proposals to the highest scoring responsive and responsible bidder, or shall reject all bids. However, whenever alternative bids are invited for two or more different things, then, after all bids have been opened, the Board may select the particular item that will be procured, and shall award the contract to the lowest responsive and responsible bidder or in the case of Requests for Proposals to the highest scoring responsive and responsible bidder for that particular item.~~

~~(iii) In the event of tie bids, the using agency, with written notice to the Department of Finance, shall make a written recommendation and report to the Board of Estimates setting forth all pertinent considerations and the reasons for its recommendation. The Board, after also considering the recommendation of the Department of Finance, may then award the contract in its discretion, as long as the total cost to the City does not exceed the amount of the tie bid.~~

~~(iv) Once filed, bids are irrevocable.~~

~~(v) Any recommendation that is made by any municipal agency to the Board of Estimates as to the appropriate award to be made by the Board is advisory only and not binding on the Board.~~

~~(vi) Notwithstanding the competitive bid provisions of this Charter, the Board of Estimates may adopt rules and regulations that establish uniform procedures for providing, on a neighborhood service, neighborhood public work, or neighborhood public improvement contract, limited bid preferences to responsive and responsible~~

bidders who are residents of, or have their principal places of business in, that neighborhood.

(2) (i) All bids for construction contracts let for the Department of Public Works, the Department of General Services, and the Department of Transportation and any other contracts for public works shall be accompanied by a check or bid bond. For all other contracts, the Director of Finance shall implement policies and procedures to determine whether a bid bond is required for a contract, the term and face value of the bond, and the manner in which the bond shall be provided and refunded.

(ii) Except as otherwise provided in this paragraph (2), the check shall be a certified check of the bidder, a bank cashier's check, or a bank treasurer's check, drawn on a clearing house bank. The check shall be in an amount provided by ordinance, by the bid specifications, or by an order or regulation of the using agency. In the case of bid checks of \$5,000 or less, the check may be of any type drawn on any banking institution of the United States.

(iii) The bid bond shall be in the form and amount provided by the rules and regulations of the Board of Estimates, and shall be filed by the bidder with the Department of Finance.

(3)(i) The successful bidder promptly shall execute a formal contract, to be approved as to its form, terms, and conditions by the City Solicitor.

(ii) For all construction contracts let for the Department of Public Works, the Department of General Services, and the Department of Transportation and any other contracts for public works, the bidder shall execute and deliver to the Mayor a good and sufficient performance bond, irrevocable letter of credit, or certification that the successful bidder meets the requirements under the City's self insurance program for performance coverage. For all other contracts, the Director of Finance shall implement policies and procedures to determine whether a performance bond is required for a contract, the term and face value of the bond, and the manner in which the bond shall be provided.

(iii) The bond, letter of credit, or certification shall be:

1. in an amount equal to the full contract price; or

2. for each year in a multi-year contract (other than a construction contract), in an amount equal to the estimated contract price for that year, as determined by the Director of Finance.

(iv) Any successful bidder who fails to execute promptly and properly the required contract, performance bond, irrevocable letter of credit, or certification, as applicable, shall forfeit the amount deposited, or an equivalent amount under the bid bond. This amount shall be taken and considered as liquidated damages and not as penalty for the bidder's failure.

(4) When the successful bidder executes the contract and, if required, the

~~performance bond, the bid checks shall be returned to all bidders or the equivalent amounts charged against their bid bond shall be released. If the City has deposited bid checks, the City shall reimburse these bidders in the amounts of the bid checks.~~

~~(5) If a bidder is not required to file a bid bond under the policies and procedures adopted by the Director of Finance and the bidder fails to execute and perform any contract awarded to that bidder, the exempted bidder shall forfeit the right to bid on any future City contract for a period of time determined by the Board of Estimates, and shall be liable for any costs incurred by the City as a result of the default.~~

Question F - [Resolution 26-04](#)

Text of Proposed Charter Amendments (additions in **BOLD SMALL CAPS**; deletions in strikethrough):

Article III. City Council

§ 15. General counsel.

(e) *Compensation; Expenses.*

(1) The General Counsel's compensation shall be at least equal to that of a full-time Chief of the Law Department's General Counsel Division.

(2) The ~~Board of Estimates~~**MAYOR** shall annually include in the Ordinance of Estimates submitted to the City Council an amount sufficient to fund the General Counsel's compensation and necessary expenses.

(3) The amount appropriated for the General Counsel's compensation and expenses shall be in addition to and may not supplant, be deducted from, or serve as a basis for reducing any part of the operating budget of the City Council.

Article IV. Mayor

§ 5. Approval or veto of legislation.

(a) *Delivery to Mayor; Approval.*

All ordinances or resolutions duly passed by the City Council, after being properly certified by the President of the City Council as having been so passed, shall be delivered by the Clerk of the Council to the Mayor for approval. The date of delivery shall be noted on the ordinances or resolutions and, when approved by the Mayor, they shall become ordinances or resolutions of the City.

(b) *Veto; Return to Council.*

(1) *IN GENERAL.*

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 actual regular~~ **2** meetings, not more than one of which shall occur in any one calendar week, of the City Council after the delivery of the ordinance or resolution to the Mayor.

UNDER NO CIRCUMSTANCE SHALL THE MAYOR HAVE FEWER THAN 14 CALENDAR DAYS TO RETURN AN ORDINANCE OR RESOLUTION TO THE CITY COUNCIL.

(2) *EXCEPTION FOR ITEMS OF APPROPRIATION.*

NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, FOLLOWING APPROVAL BY THE CITY COUNCIL, IF THE MAYOR DOES NOT APPROVE THE ORDINANCE OF ESTIMATES OR AN ITEM OF APPROPRIATION CONTAINED THEREIN, THE MAYOR SHALL RETURN IT WITH WRITTEN OBJECTIONS TO THE CITY COUNCIL WITHIN 4 CALENDAR DAYS AFTER THE DELIVERY OF THE ORDINANCE OF ESTIMATES TO THE MAYOR.

~~(3)(2)~~ *RECONSIDERATION BY COUNCIL.*

On receipt, the Mayor's objections shall be read promptly to the Council and entered on its Journal. The Council may proceed to reconsider and vote on the ordinance or ~~resolution~~: **RESOLUTION AT ANY TIME WITHIN 2 CITY COUNCIL MEETINGS AFTER RECEIPT OF THE MAYOR'S OBJECTIONS.**

~~i) after 5 calendar days from when the Mayor's objections have been read to the Council; and~~

~~ii) either:~~

~~A) within 20 calendar days from when the Mayor's objections have been read to the Council; or~~

~~B) if no regular meeting is held during that 20-day period, at the first regular meeting that is scheduled after that 20-day period.~~

UNDER NO CIRCUMSTANCE SHALL THE CITY COUNCIL HAVE FEWER THAN 14 CALENDAR DAYS TO RECONSIDER AN ORDINANCE OR RESOLUTION RETURNED TO THE CITY COUNCIL BY THE MAYOR.

~~(4)(3)~~ *NEW COUNCIL TERM.*

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

~~(5)(4)~~ *PASS ON RECONSIDERATION.*

If the ordinance or resolution, after reconsideration, is again passed by the City Council by a vote of two-thirds of its members, it becomes an ordinance or resolution of the City. In these cases, after the reconsideration, 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.

(c) No action by Mayor.

If an ordinance or resolution duly passed by the City Council shall not be returned by the Mayor to the City Council within ~~three actual regular~~ two meetings, no more than one of which shall occur in any one calendar week, after it shall have been delivered to the Mayor, it shall become an ordinance or resolution of the City in the same manner as if the Mayor had approved it, unless the City Council by an adjournment sine die, or for a period exceeding one month, shall prevent its return, in which case it shall not be law.

(d) Items of appropriation.

If an ordinance or resolution duly passed by the City Council shall embrace different items of appropriation, the Mayor may approve the provisions thereof relating to one or more items of appropriation and disapprove the others, and in such case those the Mayor shall approve shall become effective and those which the Mayor shall not approve shall be reconsidered by the City Council, and shall become effective if again passed over the veto of the Mayor by the vote as above prescribed for the passage over the veto of the ~~Mayor of entire ordinances or resolutions. The procedures governing the Mayor's veto of an item of appropriation and the Council's reconsideration of that item shall be the same as those in this section that govern the passage, veto, reconsideration and override of ordinances and resolutions.~~ MAYOR.

Article VI. BUDGET AND Board of Estimates

PART I. BUDGET

§ 1. ~~3.~~ Fiscal year; Budget schedule.

(a) Fiscal year.

The fiscal, budget, and accounting year of the City shall begin on the first day of July and end on the thirtieth day of June in every year unless otherwise provided by law.

~~(b) Notice and hearing.~~

~~At least thirty days prior to the adoption by the Board of Estimates of a proposed Ordinance of Estimates the Board shall make public the Director of Finance's recommended operating budget, the Planning Commission's recommended~~

~~capital budget and long-range capital improvement program, and the reports of the Director of Finance and Planning Commission on these documents.~~

~~Thereafter, the Board shall hold public hearings at which members of the City Council, heads of municipal agencies, and citizens shall have the opportunity to appear before the Board to speak for or against the inclusion of any appropriation in the proposed Ordinance of Estimates.~~

~~(b)(c)~~ *Submission to Council.*

~~The Board of Estimates~~**MAYOR** shall submit to the City Council the proposed Ordinance of Estimates for the next fiscal year at least ~~forty five days before the beginning of that fiscal year.~~**IN THE MANNER REQUIRED BY § 3 {“ADOPTION OF PROPOSED ORDINANCE OF ESTIMATES”} OF THIS ARTICLE VI NO LATER THAN APRIL 30 EACH YEAR.**

~~(c)(d)~~ *Adoption by Council.*

~~The City Council shall have at least forty days after receipt of the Board's proposed Ordinance of Estimates to enact an Ordinance of Estimates.~~

The City Council shall adopt an Ordinance of Estimates at least ~~five~~ 8 days prior to the beginning of the fiscal year to which it is applicable ~~if the Board of Estimates submits its proposed Ordinance of Estimates within the period prescribed by Section 3(c).~~**APPLICABLE.**

~~(d)~~ **VETO AND OVERRIDE.**

(1) NOTWITHSTANDING THE PROCESS FOR VETO AND RECONSIDERATION OF LEGISLATION ESTABLISHED IN ARTICLE IV, § 5 OF THIS CHARTER, THE MAYOR AND CITY COUNCIL SHALL ADOPT THE ORDINANCE OF ESTIMATES PRIOR TO THE BEGINNING OF THE FISCAL YEAR TO WHICH IT IS APPLICABLE.

(2) THE CITY COUNCIL MAY NOT RECONSIDER AN ITEM OF APPROPRIATION CONTAINED IN THE ORDINANCE OF ESTIMATES AND VETOED BY THE MAYOR AFTER THE START OF THE FISCAL YEAR TO WHICH THE ORDINANCE OF ESTIMATES IS APPLICABLE.

~~§ 2. Powers and duties.~~

~~The Board of Estimates shall formulate and execute the fiscal policy of the City to the extent, and in the manner provided for, in the Charter. To exercise its powers and perform its duties, the Board may promulgate rules and regulations and summon before it the heads of departments, bureaus or divisions, municipal officers, and members of commissions and boards.~~

~~§ 4. Assistance from Finance Director and Planning Commission.~~

~~To assist the Board of Estimates in the preparation of the proposed Ordinance of Estimates:~~

~~(a) Recommendations on agency estimates.~~

~~The Director of Finance shall submit for the consideration of the Board a recommended operating budget, which shall include the estimates submitted by the municipal agencies for the next fiscal year, the recommendations of the Director of Finance thereon, and all other estimates for appropriations to be made in the next fiscal year, other than for capital improvements; provided, however, the estimates for the Fire Department shall include such amounts, if any, as may be determined by a final decision of a board of arbitration convened to arbitrate unresolved negotiations between the City and the certified employee organizations representing the fire fighters and fire officers, as prescribed by existing Section 53 of Article VII.~~

~~(b) Recommendations on capital budget, etc.~~

~~The Planning Commission shall submit for the consideration of the Board a recommended capital budget, a recommended long-range capital improvement program, and a report on both. The Director and Board of Finance shall review the recommended capital budget and program, and make a report and recommendations about both to the Board of Estimates.~~

§ 2.5: Preparation of proposed Ordinance of Estimates.

(a) Contents.

After receiving the recommendations of the Department of Finance and the Planning Commission, the ~~Board~~**MAYOR** shall prepare ~~its~~**THE** proposed Ordinance of Estimates, which shall consist of:

(1) an operating budget: estimates for the next fiscal year of the appropriations needed for the operation of each municipal agency and for all other purposes, other than for capital improvements. These estimates shall state the amounts needed by every municipal agency for each particular program, purpose, activity, or project and the source of funds, if other than general funds, for each.

(2) a capital budget: estimates of the amounts to be appropriated to each municipal agency for capital improvements in the next fiscal year. The capital budget proposed by the ~~Board~~**MAYOR** also shall include the projects that the ~~Board~~**PLANNING COMMISSION** includes in the first year of its long-range capital improvement program and the source of funds for all capital improvements.

However, no capital project shall be included in the capital budget portion of the proposed Ordinance of Estimates submitted by the ~~Board of Estimates~~**MAYOR** to the City Council unless the ~~Board~~**MAYOR** has received and considered the reports and recommendations of the Planning Commission, the Director of Finance, and the Board of Finance with regard to such capital project. ~~The Board of Estimates may establish additional procedures for the development of a long-range capital improvement program and a capital budget.~~

(b) Contingent fund.

The ~~Board~~**MAYOR** may include annually in the proposed Ordinance of Estimates a ~~sum up to one million dollars (\$1,000,000.00)~~**PORTION** of the General Fund appropriations to be used during the next fiscal year as a contingent fund in case of an emergency or necessity for the expenditure of money in excess of or other than the appropriations regularly passed for any municipal agency.

~~At least one week before it approves a contingent fund expenditure, the Board shall report to the City Council the reasons for the expenditure.~~

(c) *RECOMMENDATIONS AFTER INTRODUCTION.*

THE DIRECTOR OF FINANCE OR THE PLANNING COMMISSION MAY SUBMIT ADDITIONAL RECOMMENDATIONS TO THE CITY COUNCIL AFTER THE DATE THE ORDINANCE OF ESTIMATES IS INTRODUCED BY THE COUNCIL PRESIDENT, BUT BEFORE THE PASSAGE OF THE ORDINANCE OF ESTIMATES, FOR THE PURPOSE OF PROVIDING NEW INFORMATION REGARDING THE AVAILABILITY OF CERTAIN FUNDS FOR APPROPRIATION.

§ 3.6: Adoption of proposed Ordinance of Estimates.

(a) *Adoption, submission, and publication.*

~~After the public notice and hearings prescribed by Section 3(b), the Board shall adopt a proposed Ordinance of Estimates by a majority vote of all the members.~~

The ~~Board~~**MAYOR** shall deliver the proposed Ordinance of Estimates to the President of the City Council and contemporaneously ~~publish a copy of the proposed ordinance in two daily newspapers in Baltimore City.~~**MAKE PUBLIC A COPY OF THE PROPOSED ORDINANCE OF ESTIMATES IN A MANNER ACCESSIBLE TO ALL CITY RESIDENTS.**

(b) *Accompanying materials.*

The proposed Ordinance of Estimates that the ~~Board~~**MAYOR** submits to the City Council shall be accompanied by the following materials:

(1) a breakdown of the amounts stated for each program, purpose, activity, or project of each municipal agency in the proposed operating budget by standard categories of expenditure, for

- (i) ~~(a)~~ personal services,
- (ii) ~~(b)~~ materials, supplies, and equipment,
- (iii) ~~(c)~~ debt service, and
- (iv) ~~(d)~~ such other categories as the ~~Board of Estimates~~**MAYOR** may deem advisable.

The personal services category shall include the compensation of every officer and salaried employee of the City; provided, however, that the salaries for employees in the same classification who have a uniform salary or salary range may be combined into a single entry,

which shall indicate the number of such employees, their aggregate salaries, and the name or title of the classification.

(2) a comparison by standard categories of expenditures of the appropriations contained in the proposed operating budget with

(i) ~~(a)~~ the amounts requested by the municipal agencies in their budget submissions

(ii) ~~(b)~~ the amounts appropriated for the current fiscal year and

(iii) ~~(c)~~ the amounts expended in the prior fiscal year;

(3) detailed information about the sources of funds to meet the aggregate total of the appropriations contained in the proposed Ordinance of Estimates;

(4) the long-range capital improvement program adopted by the Board and for each capital project included in the capital budget, the following:

(i) a brief description and location,

(ii) the total estimated cost,

(iii) the appropriations authorized to date,

(iv) the appropriations proposed for the next fiscal year,

(v) the appropriations required thereafter to complete the project, and

(vi) the estimated additional annual maintenance and operation cost;

(5) a statement setting out:

(i) ~~(a)~~ the revenues which the City can reasonably expect to receive in the next

fiscal year from all existing sources of revenue at existing rates other than the full rate property tax but including amounts believed to be collectible from taxes for prior years and including an estimate of the surplus expected at the end of the current fiscal year;

(ii) ~~(b)~~ the difference between the revenues expected under ~~(a)~~(i) above and

the total amount of appropriations provided in the proposed Ordinance of Estimates;

(iii) ~~(c)~~ the estimated taxable basis for the next ensuing fiscal year for the levy of

full rate property taxes;

(iv) ~~(d)~~ the rate for the levy of full rate property taxes which, given the revenues expected under ~~(a)~~(i) above, the total appropriations in the proposed Ordinance of Estimates, and the taxable basis, will be

necessary to raise sufficient total revenues to cover total anticipated expenditures;

(v)(e) new sources of revenue or new rates on existing sources of revenue, and the amounts which can reasonably be expected from each of them, which the ~~Board of Estimates~~**MAYOR** believes should be adopted for the next fiscal year; also the rate for the levy of full rate property taxes which, in view of such new sources of revenue or new rates on existing sources of revenue, will be necessary to bring total expected revenues for the next fiscal year into balance with total anticipated expenditures for the year;

(6) a message from the Mayor explaining the major emphasis and objectives of the City's budget for the next fiscal year;

(7) such other information as the ~~Board of Estimates~~**MAYOR** may deem advisable.

§ 4.7. Enactment of Ordinance of Estimates.

(a) Introduction; authorized cuts.

(1) On receipt of the proposed Ordinance of Estimates and the accompanying materials, the President of the City Council shall promptly cause it to be introduced in the City Council, and the Council shall hold public hearings on the proposed Ordinance of Estimates.

(2) By a majority vote of its members, the City Council may reduce or eliminate any of the amounts in the proposed Ordinance of Estimates, except:

(i) amounts fixed by state or federal law;

(ii) amounts for the Fire Department established by a board of arbitration and included in the proposed Ordinance of Estimates; and

(iii) amounts for the payment of the interest and principal of the municipal debt.

(b) Increases and additions.

(1) Except as provided in this subsection, the City Council does not have the power to increase the amounts ~~fixed by the Board~~**SET BY THE MAYOR** or to add any amount for any new purpose in the proposed Ordinance of Estimates.

(2) (i) By a majority vote of its members, the City Council may increase items of appropriation within the general fund or add items within the general fund for new purposes provided that:

(A) the aggregate amount of the increase does not exceed the aggregate amount by which the City Council has reduced or eliminated from the Ordinance of Estimates under subsection (a) of this section;

- (B) the increases authorized by this subsection do not derive from the reduction or elimination of revenue, which by law, contract, or regulation must be used to support appropriations for specific purposes; and
- (C) an item added for a new purpose is or will be authorized by legislation separate and apart from the Ordinance of Estimates.

(ii) In no event, however, may:

- (A) the total amount of the Operating Budget or the Capital Budget, as amended by the City Council, exceed the total amount of the Operating Budget or Capital Budget, respectively, as proposed by the ~~Board of Estimates~~; **MAYOR**; or
- (B) any increase or addition be made to or for any item described in subsection (a)(2)(i), (ii), or (iii) of this section.

(3) NOTWITHSTANDING SUBSECTION (B)(2)(ii)(A) OF THIS SECTION, BY A MAJORITY VOTE OF ITS MEMBERS, THE CITY COUNCIL MAY INCREASE ITEMS OF APPROPRIATION OR ADD ANY AMOUNT FOR ANY NEW PURPOSE IN THE PROPOSED ORDINANCE OF ESTIMATES AS MAY BE RECOMMENDED BY THE DIRECTOR OF FINANCE OR THE PLANNING COMMISSION UNDER § 2(c) OF THIS ARTICLE.

(4)(3) If the carrying out of a particular program, purpose, activity, or project depends on action by a body other than the City, the City Council may insert a specific provision in the proposed Ordinance of Estimates making the appropriation for the particular program, purpose, activity, or project contingent on that action.

(c) *Revenue ordinances.*

(1) COUNCIL TO ENACT.

~~(i) As soon as practicable after the passage of the Ordinance of Estimates, the~~ **THE** City Council shall enact such revenue ordinances as are necessary to produce sufficient expected revenues, as estimated by the ~~Board of Estimates~~, **MAYOR**, to cover the total anticipated expenditures ~~authorized by~~ **IN** the Ordinance of Estimates.

(ii) The Council may adopt revenue sources or revenue rates other than those proposed by the ~~Board~~ **MAYOR** and in each such instance the estimate of the revenue to be yielded by such a source or rate shall be made by the ~~Board of Estimates~~. **DEPARTMENT OF FINANCE.**

(2) PROPERTY TAX.

(i) The ~~Board of Estimates~~ **DEPARTMENT OF FINANCE** shall, taking into account any reductions and eliminations made by the City Council in the anticipated expenditures contained in the proposed Ordinance of

Estimates and the revenues to be derived from all existing sources and from any new sources or new rates enacted by the City Council, certify to the Council the difference between the anticipated expenditures for the next fiscal year contained in the Ordinance of Estimates and all expected revenues other than from the full rate property ~~tax~~-TAXES.

(ii) The ~~Board~~DEPARTMENT OF FINANCE shall then state ~~a rate~~ALL RATES for the levy of full rate property taxes sufficient to realize the amount required to meet the said difference and the ordinance making the annual levy of full rate property taxes shall fix ~~a rate~~ALL RATES not less than that stated by the ~~Board~~DEPARTMENT OF FINANCE so that it shall not be necessary at any time for the City to create a floating debt to meet any deficiency, and it shall not be lawful for the City to create a floating debt for any such purpose.

§ 5.8: Deficiencies; Supplementary appropriations.

(a) Deficiencies.

No temporary loan shall be authorized or made to pay any deficiency arising from a failure to realize sufficient income from all sources to meet the amounts provided in the Ordinance of Estimates, but the City may temporarily borrow money for its use in anticipation of the receipts of taxes levied for any year. In case of any such deficiency the Board of Estimates shall effect reductions (which need not be pro rata) in appropriations other than those for the payment of the principal and interest of the City debt and such amounts as are fixed by law and contained in the Ordinance of Estimates, except to the extent that the City Council shall, upon the recommendation of the Board of Estimates, enact an ordinance which shall supply revenues to meet all or any part of such deficiency. No emergency loan shall be made except in accordance with the provisions of Article XI of the Constitution of Maryland.

(b) Supplementary appropriations — when authorized.

(1) Except as provided herein, the Ordinance of Estimates shall include all the moneys to be appropriated by the City for all purposes for the fiscal year for which the ordinance is applicable.

(2) Additional appropriations are permitted during the fiscal year only in the following circumstances and under the following conditions:

(i) Excess revenues.

Revenues from any source other than the full rate property tax and other taxes imposed under the authority of Article II, in excess of or in addition to those relied on by the ~~Board of Estimates~~DEPARTMENT OF FINANCE in determining the tax levy required to balance the budget, may be made available for expenditure by the municipal agency responsible for the production of those revenues by a supplementary appropriation ordinance recommended to the City Council by the ~~Board of Estimates~~DIRECTOR OF FINANCE OR THE PLANNING COMMISSION, duly passed by the City Council by a majority vote of its members and approved by the Mayor.

(ii) *Unanticipated grants.*

Grants from private or governmental sources that could not be expected with reasonable certainty at the time of the formulation of the proposed Ordinance of Estimates may be made available to the appropriate municipal agency for expenditure by a supplementary appropriation ordinance recommended to the City Council by the ~~Board of Estimates~~, **DIRECTOR OF FINANCE OR THE PLANNING COMMISSION**, duly passed by the City Council by a majority vote of its members and approved by the Mayor.

(iii) *Material changes; new programs.*

Further appropriations for programs included in the proposed Ordinance of Estimates made necessary by a material change in circumstances, or additional appropriations for new programs that could not reasonably be anticipated at the time of the formulation of the proposed Ordinance of Estimates may be made available to the appropriate municipal agency for expenditure by a supplementary appropriation ordinance recommended to the City Council by the ~~Board of Estimates~~, **DIRECTOR OF FINANCE OR THE PLANNING COMMISSION**, duly passed by the City Council by a vote of three-fourths of its members and approved by the Mayor.

(c) *Supplementary appropriations – Requisites of ordinance.*

Every such further or additional appropriation shall be embodied in a separate ordinance limited to a single program, purpose, activity or project therein stated, and each such supplementary appropriation ordinance shall also, anything contained in the Charter to the contrary notwithstanding, provide the revenue necessary to pay the appropriation by a source, other than the full rate property tax, imposed under the authority of Article II. The revenue shall be levied and collected as directed in the ordinance. The estimate of the revenues to be derived from any source proposed in a supplementary appropriation ordinance shall be made by the ~~Board of Estimates~~, **DIRECTOR OF FINANCE**.

§ 6.-9. Uses of appropriations.

(a) *In general.*

Following the passage of the Ordinance of Estimates and the enactment of the revenue measures necessary to achieve a balance between expected revenues and anticipated expenditures for the next fiscal year the sums contained in the Ordinance of Estimates shall, after the beginning of the fiscal year to which it is applicable, be and become appropriated for the purposes therein named.

No appropriation provided for in the Ordinance of Estimates shall be used for any purpose other than that named in that ordinance, except:

- (1) the Board of Estimates may increase the amount for a particular program, purpose, activity, or project or introduce an amount for a new

program, purpose, activity or project by transferring thereto amounts already appropriated to that agency; and

(2) upon the recommendation of the Board of Estimates, the City Council by ordinance may authorize the transfer of an appropriation contained in the Ordinance of Estimates from one municipal agency to another municipal agency;

provided, however, that new or different amounts for capital projects from those stated in the capital budget portion of the Ordinance of Estimates shall not be authorized unless the Board of Estimates has received and considered the reports and recommendations thereon of the Planning Commission and the Director of Finance.

(b) *Expenditure schedule.*

Upon the authorization of the Board of Estimates and under procedures established by the Board, the Director of Finance shall establish an expenditure schedule, applicable to any or all municipal agencies whenever, in the opinion of the Board, financial conditions warrant such budgetary allotments.

(c) *Carry-overs; Lapses.*

(1) Appropriations contained in the Ordinance of Estimates for a particular program, purpose, activity, or project may, upon the recommendation of the head of the municipal agency concerned and the Director of Finance, and with the approval of the Board of Estimates, be carried over to fiscal years subsequent to the one for which the appropriation is initially made if necessary to accomplish that program, purpose, activity, or project.

(2) Funds encumbered for contracts, projects or other actual commitments and funds dedicated by any act of Congress or by State law or by the terms of any private grant to some specific purpose shall be carried over to the next fiscal year.

(3) All appropriations not so carried over shall lapse at the end of the fiscal year from which made, except as provided in paragraph (4) of this subsection.

(4) Any balance remaining in the fund of the water, sanitary wastewater, or stormwater utility (under Section 489 of this article) at the end of the fiscal year shall remain to the credit of that utility ~~and an estimate of that balance shall be included in that utility's budget for the next year as an estimated receipt.~~ **FUND.**

(d) *Surpluses.*

(1) In case of any surplus arising in any fiscal year by reason of an excess of revenue over the expenditures (including any appropriation carried over) for that year, the surplus shall become a part of the general revenue of the City and shall be available for the general expenditures of the City for the next fiscal year, in accordance with the Ordinance of Estimates for that year. An

estimate of the surplus shall be made by the ~~Board of Estimates~~ **DIRECTOR OF FINANCE** and included in expected revenues for the next year.

(2) However, any surplus or retained earnings of the water, sanitary wastewater, or stormwater utility fund (under § ~~489~~ of this article) at the end of the fiscal year shall remain to the credit of that utility and the estimate of that balance shall be included in that utility's budget for the next year as an estimated receipt.

§ 7.40. Salaries.

(a) In-term increases or decreases — in general.

(1) In preparing the Ordinance of Estimates, the ~~Board of Estimates~~ **MAYOR** may increase or decrease the salaries of all municipal officers, except:

(i) the elected officials subject to Article VII, §§ 117 through 125 of this Charter; and

(ii) the appointed municipal officers who serve as members of the Board of Estimates,

(2) If the salary of an appointed municipal officer is so increased or decreased, it may not again be increased or decreased, as the case may be, during that officer's term.

(b) In-term increases or decreases — Board members.

(1) The Mayor and City Council may, by ordinance, increase or decrease the salaries of the appointed municipal officers who serve as members of the Board of Estimates.

(2) If the salary of an appointed municipal officer on the Board is so increased or decreased, it may not again be increased or decreased, as the case may be, during that officer's term.

(c) Employment contingent on appropriation.

No person shall be appointed or employed as a paid municipal officer or employee unless an appropriation to cover that person's compensation is included in the Ordinance of Estimates; provided, however, that this provision shall not apply to:

(1) appointments or employments approved by resolution of the Board of Estimates, where funds are available for payment of the designated compensation; and

(2) persons whose appointment or employment is to be made and whose compensation is to be fixed by the Board of School Commissioners as provided in Section 63 of Article VII.

(d) *Increases beyond Ordinance of Estimates.*

Except in cases of promotion, the salary or compensation of no officer or employee of the City shall be increased beyond that set forth in the materials accompanying the proposed Ordinance of Estimates unless the increase be approved by the Board of Estimates upon the recommendation of the head of the agency concerned, and funds therefor are available in the appropriation allotted in the Ordinance of Estimates to the agency in question;

provided, however, that the Board of Estimates may adopt rules and regulations governing increments to be granted to employees whose classifications call for an annual increment until the maximum of such classification is reached;

provided, further, that nothing in this provision shall affect the power conferred by Section 63 of Article VII upon the Board of School Commissioners.

(e) *Payment intervals.*

The salaries of all municipal officers and employees, whether or not fixed by the Charter, shall be paid at such intervals, but not less frequently than semi-monthly, as the Board of Estimates may determine from time to time.

§ 8.-11. Procurement.

~~(a) Board of Estimates responsible:~~

~~The Board of Estimates shall be responsible for awarding contracts and supervising all purchasing by the City as provided in this section and elsewhere in the Charter.~~

~~(A)(b) Authority of City Council.~~

~~(1) By ordinance passed by two-thirds of the City Council members, the Mayor and City Council shall set the dollar thresholds for:~~

~~(1)(i) contracts that must be formally advertised; and~~

~~(2)(ii) contracts that must be approved by the Board of Estimates.~~

~~(B)(2) EFFECTIVE DATE OF THRESHOLD AMOUNTS.~~

~~Pending enactment of an Ordinance under this subsection, the Board of Estimates shall set initial threshold amounts. Those initial existing threshold amounts shall remain in effect until different amounts have been set by Ordinance under this subsection.~~

THRESHOLD AMOUNTS SET BY ORDINANCE SHALL REMAIN IN EFFECT UNTIL DIFFERENT AMOUNTS HAVE BEEN SET BY ORDINANCE UNDER THIS SECTION.

~~(c) Formal advertisement.~~

~~In contracting for any public work, or the purchase of any supplies (unless otherwise provided by ordinance for foodstuffs and related perishables); materials, equipment, or services other than professional services, for the City or by any municipal agency, involving an expenditure of greater than the threshold set under subsection (b) of this section, advertisements for proposals shall first be published at least twice in two or more newspapers of general circulation published in Baltimore City, and published electronically to the public, unless otherwise provided by the Charter. The first publication shall be made not less than 10 nor more than 90 days prior to the day set for opening the bids.~~

~~(d) Professional services:~~

~~All professional services contracted for by the City shall be engaged in the manner prescribed by resolution of the Board of Estimates.~~

~~(e) Emergencies, etc:~~

~~i) When any supplies, materials, equipment, services, or public works are of such a nature that no advantage will result in seeking, or it is not practicable to obtain, competitive bids, or when the need for supplies, materials, equipment, services, or public works is of an emergency nature and the using agency certifies this in writing to the Board of Estimates, with written notice to the Department of Finance, the provisions of subsection (c) of this section may be dispensed with. However, the purchase may not be made, nor may the City incur any obligation for it, until approved by the Board of Estimates after considering the recommendation of the Department of Finance. When practicable, the City's intent to make a purchase under this exception shall be posted electronically to the public for comment prior to the approval of the purchase by the Board of Estimates.~~

~~ii) In the event of an emergency of such a nature that the public welfare would be adversely affected by awaiting the approval of the Board of Estimates, the Department of Finance, upon application by the head of the municipal agency involved, may proceed to obtain the supplies, materials, equipment, services, or public works required without reference to the provisions of subsection (c) of this section. A full report of any this action shall be promptly submitted to the Board of Estimates.~~

~~(f) Contracts subject to Board of Estimates approval:~~

~~All purchases of services other than professional services, of property other than real estate or interests therein (except as may be otherwise provided by ordinance for foodstuffs and related perishables), and all other contracts involving an expenditure greater than an amount set under subsection (b) of this section, except those awarded by the Board of Estimates pursuant to the provisions of subsection (h) of this section, made by any municipal agency, in addition to compliance with other applicable provisions of the Charter, shall be submitted to the Board of Estimates for its approval and shall be binding upon the City only when so approved.~~

~~The Board of Estimates may adopt rules and regulations governing the procedures and requirements to be followed by any municipal agency in making~~

~~purchases or other contracts involving an expenditure that does not require formal advertising under subsection (c) of this section.~~

~~(g) Prequalification of bidders.~~

~~In contracting for any public work or the purchase of any supplies, materials, equipment, or services for the City or by any municipal agency, the Board of Estimates may establish, maintain, and modify rules, regulations, and standards for the prequalification of bidders.~~

~~(c)(h) Bid awards.~~

~~(1)(i) All bids made to the City in response to the formal advertising procedures contained in this section, for materials, supplies, equipment, services, or public works, or for any other purpose, unless otherwise provided in the Charter, shall be opened by the Board of Estimates.~~

~~(ii) After opening the bids, the Board of Estimates shall award the contract, as an entirety to the lowest responsive and responsible bidder or by items to the respective lowest responsive and responsible bidders, or in the case of Requests for Proposals to the highest scoring responsive and responsible bidder, or shall reject all bids. However, whenever alternative bids are invited for two or more different things, then, after all bids have been opened, the Board may select the particular item that will be procured, and shall award the contract to the lowest responsive and responsible bidder or in the case of Requests for Proposals to the highest scoring responsive and responsible bidder for that particular item.~~

~~(iii) In the event of tie bids, the using agency, with written notice to the Department of Finance, shall make a written recommendation and report to the Board of Estimates setting forth all pertinent considerations and the reasons for its recommendation. The Board, after also considering the recommendation of the Department of Finance, may then award the contract in its discretion, as long as the total cost to the City does not exceed the amount of the tie bid.~~

~~(iv) Once filed, bids are irrevocable.~~

~~(v) Any recommendation that is made by any municipal agency to the Board of Estimates as to the appropriate award to be made by the Board is advisory only and not binding on the Board.~~

~~(vi) Notwithstanding the competitive bid provisions of this Charter, the Board of Estimates may adopt rules and regulations that establish uniform procedures for providing, on a neighborhood service, neighborhood public work, or neighborhood public improvement contract, limited bid preferences to responsive and responsible bidders who are residents of, or have their principal places of business in, that neighborhood.~~

~~(2)(i) All bids for construction contracts let for the Department of Public Works, the Department of General Services, and the Department of Transportation and any other contracts for public works shall be~~

~~accompanied by a check or bid bond. For all other contracts, the Director of Finance shall implement policies and procedures to determine whether a bid bond is required for a contract, the term and face value of the bond, and the manner in which the bond shall be provided and refunded.~~

~~(ii) Except as otherwise provided in this paragraph (2), the check shall be a certified check of the bidder, a bank cashier's check, or a bank treasurer's check, drawn on a clearing house bank. The check shall be in an amount provided by ordinance, by the bid specifications, or by an order or regulation of the using agency. In the case of bid checks of \$5,000 or less, the check may be of any type drawn on any banking institution of the United States.~~

~~(iii) The bid bond shall be in the form and amount provided by the rules and regulations of the Board of Estimates, and shall be filed by the bidder with the Department of Finance.~~

~~(3)(i) The successful bidder promptly shall execute a formal contract, to be approved as to its form, terms, and conditions by the City Solicitor.~~

~~(ii) For all construction contracts let for the Department of Public Works, the Department of General Services, and the Department of Transportation and any other contracts for public works, the bidder shall execute and deliver to the Mayor a good and sufficient performance bond, irrevocable letter of credit, or certification that the successful bidder meets the requirements under the City's self insurance program for performance coverage. For all other contracts, the Director of Finance shall implement policies and procedures to determine whether a performance bond is required for a contract, the term and face value of the bond, and the manner in which the bond shall be provided.~~

~~(iii) The bond, letter of credit, or certification shall be:~~

~~1. in an amount equal to the full contract price; or~~

~~2. for each year in a multi year contract (other than a construction contract), in an amount equal to the estimated contract price for that year, as determined by the Director of Finance.~~

~~(iv) Any successful bidder who fails to execute promptly and properly the required contract, performance bond, irrevocable letter of credit, or certification, as applicable, shall forfeit the amount deposited, or an equivalent amount under the bid bond. This amount shall be taken and considered as liquidated damages and not as penalty for the bidder's failure.~~

~~(4) When the successful bidder executes the contract and, if required, the performance bond, the bid checks shall be returned to all bidders or the equivalent amounts charged against their bid bond shall be released. If the City has deposited bid checks, the City shall reimburse these bidders in the amounts of the bid checks.~~

- ~~(5) If a bidder is not required to file a bid bond under the policies and procedures adopted by the Director of Finance and the bidder fails to execute and perform any contract awarded to that bidder, the exempted bidder shall forfeit the right to bid on any future City contract for a period of time determined by the Board of Estimates, and shall be liable for any costs incurred by the City as a result of the default.~~

~~(i) Local, small, and disadvantaged business enterprise programs:~~

~~The Mayor and City Council may, by ordinance, establish programs that grant purchasing preferences to local, small, or disadvantaged businesses and, for that purpose, waive or modify the application of this section (with the exception of subsection (a)) to certain transactions.~~

~~§ 12. Salary and wage scales; Work conditions:~~

~~(a) In general:~~

- ~~(1) The Board shall fix the salary or wage scales for the several classifications of the City employee in the Classified Civil Service, and such scales, so far as practicable, shall be uniform for all like classifications except that where a final decision of a board of arbitration convened to arbitrate unresolved negotiations between the City and the certified employee organization representing the fire fighters and fire officers has been rendered in any year, the amounts as determined shall be adopted by the Board of Estimates as the salary and wage scales for employees of the Fire Department.~~
- ~~(2) The Board shall also adopt such rules and regulations as it may deem appropriate to insure, so far as practicable, like working conditions for the employees in the several municipal agencies, including vacation and sick leave.~~

~~(b) Multi-year collective bargaining agreements:~~

- ~~(1) The Board of Estimates may approve a collective bargaining agreement between the City and one or more of the Baltimore Fire Fighters, IAFF Local 734, the Baltimore Fire Officers, IAFF Local 964, the American Federation of State, County and Municipal Employees, AFL-CIO, Council 67 (AFSCME Locals 44, 558, and 2202), the City Union of Baltimore, and the Baltimore City Lodge No. 3, Fraternal Order of Police, Inc., Units I and II, for a term of not less than 1 fiscal year and not more than 3 consecutive fiscal years, so long as the term of the collective bargaining agreement does not extend beyond the fiscal year in which the current Mayor's term of office ends.~~
- ~~(2) The Board shall annually include in the Ordinance of Estimates submitted to the City Council an amount sufficient to fund the salaries provided for in any collective bargaining agreement between the City and the local unions listed in paragraph (1) of this subsection.~~

~~§ 13. Command appearance of municipal officers:~~

~~The Board shall have power at any time to summon before it the heads of departments and their respective bureaus or divisions, all municipal officers, and members of commissions, and boards.~~

~~§ 14. Bonds of municipal officers.~~

~~Except as otherwise provided by State law, the Board of Estimates shall determine which officials of the City shall be bonded for the faithful performance of their duties and the form and amount of such bonds. All premiums on official bonds shall be paid by the City. All bonds executed in favor of the City shall be approved by the Mayor.~~

~~§ 15. Claims against or by City.~~

~~No private claims against the City shall be paid nor shall any claims held by the City be compromised or released except in accordance with procedures established by the Board of Estimates. Nothing contained in this section shall be held to apply to claims against the City or held by the City in any case where, by the express terms of any contract, an engineer, architect or other agent or representative of the City is authorized to decide as to such claims.~~

~~§ 16. Salaries of State's Attorney's Office.~~

~~The Board of Estimates is hereby authorized and empowered to fix the salaries of the State's Attorney, the Deputy State's Attorney, and Assistant State's Attorneys of Baltimore City, in amounts not less than those prescribed by the Constitution of Maryland.~~

~~§ 17. Expenditures for new improvements.~~

~~Except as provided in Section 61 of Article VII, no expenditure for any new improvement shall be made out of any appropriation in the Ordinance of Estimates unless the plans for such improvement are first submitted to and approved by the Board of Estimates.~~

§ 9. § 18. Water, sanitary wastewater, and stormwater utilities.

(a) To be separate enterprises.

(1) Water, sanitary wastewater, and stormwater utilities each shall be conducted as a separate enterprise.

(2) Each of the utilities shall be financially self-sustaining and shall be operated without profit or loss to the other funds or programs of the City.

(b) Utility budgets; Agency budget estimates.

(1) Separate budgets, which shall include estimates of revenue and expense for the ensuing fiscal year, shall be prepared annually for the water, sanitary wastewater, and stormwater utilities. The actions of the Board of Estimates and the City Council on the utilities' budgets are subject to this section.

(2) The budget estimates of each agency of the City shall include items for the use of services provided by the water, sanitary wastewater, and stormwater utilities, as applicable.

(c) *Interfund and other borrowing.*

Nothing in this section prevents the following, if otherwise in accordance with law:

(1) interfund cash borrowings between the water, sanitary wastewater, and stormwater utilities to meet temporary cash requirements; or

(2) borrowings by these utilities from the General Fund or any other fund of the City.

(d) *Transfer of employees.*

Nothing in this section prevents:

(1) the transfer or assignment of employees from one utility to another utility or to any department, board, commission, or agency of the City; or

(2) the division of employees' time among the utilities or between a utility and any department, board, commission, or agency of the City.

(e) *Supplemental legislation.*

The Mayor and City Council may enact, from time to time, ordinances not inconsistent with this Charter, as necessary or desirable to implement the provisions of this section.

PART II. BOARD OF ESTIMATES

§ 10.4- ESTABLISHMENT AND ORGANIZATION.

(a) *In general.*

There shall be a Board of Estimates composed of the Mayor, President of the City Council, Comptroller, City Solicitor, and Director of Public Works, none of whom shall receive any additional salary as members of the Board.

The President of the City Council shall be President of the Board, and one of the members shall act as Secretary.

The Board may employ such employees as may be necessary to discharge its duties; their number and compensation shall be fixed in the Ordinance of Estimates.

(b) *Meetings.*

The first meeting of the Board in every year shall be called by notice from the Mayor or President of the City Council personally served upon members of the Board. Subsequent meetings shall be called as the Board may direct.

(c) *Representatives.*

If a member is unable to attend a Board meeting, that member's representative, as designated in the Charter, may attend and exercise the powers of the member. The Mayor may designate a municipal officer or member of the Mayor's personal staff to represent the Mayor and exercise the Mayor's power at Board meetings in the Mayor's absence.

§ 11. POWERS AND DUTIES.

(A) *IN GENERAL.*

THE BOARD OF ESTIMATES SHALL:

- (1) AWARD CONTRACTS AND SUPERVISE ALL PURCHASING BY THE CITY; AND
- (2) PERFORM DUTIES AND EXERCISE POWERS AS MAY BE DIRECTED BY ORDINANCE.

(B) *TO EXERCISE.*

THE BOARD SHALL, TO EXERCISE ITS POWERS AND PERFORM ITS DUTIES:

- (1) SUMMON BEFORE IT THE HEADS OF DEPARTMENTS, BUREAUS, OR DIVISIONS, MUNICIPAL OFFICERS, AND MEMBERS OF COMMISSIONS AND BOARDS; AND
- (2) PROMULGATE RULES AND REGULATIONS NOT INCONSISTENT WITH THE PROVISIONS OF ANY ORDINANCE.

Article VII. Executive Departments

Department of Finance

§ 8. Department of Finance: Budget preparation.

~~In accordance with rules established by the Board of Estimates, the~~ THE Department shall prepare the preliminary operating budget for the consideration of the ~~Board of Estimates;~~ MAYOR, shall make reports and recommendations on the capital budget and capital improvement program, and shall otherwise participate in the making of the proposed Ordinance of Estimates.

§ 9. Department of Finance: Budget administration.

~~Under the direction of the Board of Estimates, the~~ THE Director shall implement the Ordinance of Estimates. In the interest of economy and efficiency, the Director shall survey the administration and organization of municipal agencies to support the Director's recommendations to the ~~Board of Estimates~~ MAYOR on the budget requests

of the agencies and the Director's reports to the Mayor on measures which might be taken to improve the organization and administration of City government.

Fire Department

§ 53. Fire Department Arbitration for fire fighters and officers.

(g) Decision – Implementation.

The decision of the majority of the board of arbitration thus established shall be final and binding upon the Mayor and City Council of Baltimore and upon the certified employee organizations involved in the proceedings. No appeal therefrom shall be allowed. Such decision shall constitute a mandate to the Mayor of Baltimore City in respect to such matters which can be remedied administratively by him, and as a mandate to the Board of Estimates and the City Council with respect to matters which require legislative action necessary to implement the decision of the Board of Arbitration.

With respect to matters which require legislative action for implementation, such legislation shall be enacted within forty-five days following the date of the arbitration decision.

With respect to salaries and wage scales, the amounts determined by the final decision of the Board of Arbitration shall be included in the proposed Ordinance of Estimates in accordance with Article VI, Section ~~4(a);2(A)~~, shall not be reduced by the City Council in accordance with Article VI, Section ~~7(a);4(A)~~, and shall be adopted by the Board of Estimates as the salary and wage scales for employees of the Fire Department in accordance with Section 12 of Article VI. ~~DEPARTMENT.~~

Department of Planning

§ 72. Department of Planning: Commission – Powers and duties.

The Planning Commission:

(j) shall submit for the consideration of the ~~Board of Estimates~~ **MAYOR** a recommended capital budget for inclusion in the Ordinance of Estimates, a recommended long-range capital improvement program, and a report explaining both, all of which shall be made public.

Article X. Office of the Inspector General

§ 5. Office of the Inspector General: Budget.

(c) Submission.

(1) The budget approved by the advisory board pursuant to subsection (b) of this section shall be the Office budget the advisory board recommends to the ~~Board of Estimates.~~**MAYOR.**

(2) The advisory board, on behalf of the Office of the Inspector General, shall submit the recommended budget to the ~~Board of Estimates in a timely manner in order for the recommended budget to be considered for inclusion in the Ordinance of Estimates.~~**FOR THE MAYOR'S CONSIDERATION IN ASSEMBLING THE ORDINANCE OF ESTIMATES.**

Question G - [Resolution 26-05](#)

Text of Proposed Charter Amendments (additions in **BOLD SMALL CAPS**; deletions in strikethrough):

Article VIII. Franchises

§ 1. Authority to grant.

(A) ~~TITLE IS INALIENABLE.~~

The title of the City in and to its waterfront, wharf property, land under water, public landings, wharves and docks, streets, lanes, and parks, its sewer system and water-supply system, as described in Article VII, §§ 33 and 34 of this Charter, ~~ITS STORMWATER SYSTEM,~~ and its underground conduit system for cables, wires, and similar facilities is hereby declared to be inalienable.

(B) **GRANT OF FRANCHISES.**

(1) ~~With the exception of the City's sewer system, water supply system, and underground conduit system for cables, wires, and similar facilities;~~ **SEWER, WATER-SUPPLY, AND STORMWATER SYSTEMS,** the City may grant for a limited time and subject to the limitations and conditions contained in the Charter, specific franchises or rights in or relating to any of the public property or places mentioned in ~~the preceding sentence;~~ **SUBSECTION (A) OF THIS SECTION;** provided that such grant is in compliance with the requirements of the Charter, and that the terms and conditions of the grant shall have first been authorized and set forth in an ordinance duly adopted.

(2) **THE CITY MAY NOT, BY GRANT OR ORDINANCE, DIVEST ITSELF OF THE RIGHT OR POWER TO REGULATE THE EXERCISE OF A FRANCHISE OR A RIGHT.**

(C) **REQUIRED PROVISIONS.**

~~Every such grant shall specifically set forth and define the nature, extent and duration of the franchise or right thereby granted, and no franchise or right shall pass by implication under any such grant; and, notwithstanding any such grant the City shall at all times have and retain the power and right to reasonably regulate in the public interest the exercise of the franchise or right so granted;~~

~~and the City shall not have the power by grant or ordinance to divest itself of the right or power so to regulate the exercise of such franchise or right.~~

EACH FRANCHISE AGREEMENT OR GRANT SHALL:

- (1) SPECIFY THE NATURE, SCOPE, AND DURATION OF THE FRANCHISE OR RIGHT BEING GRANTED;**
- (2) NOT TRANSFER ANY FRANCHISE OR RIGHT BY IMPLICATION; AND**
- (3) PRESERVE THE CITY'S CONTINUING AUTHORITY TO REASONABLY REGULATE THE EXERCISE OF THE GRANTED FRANCHISE OR RIGHT IN THE PUBLIC INTEREST.**

§ 2. ~~Procedures; Compensation; Minor privileges.~~ PROCEDURE; COMPENSATION.

Whenever an ordinance is introduced into the City Council pursuant to the provisions of Section 1 of this Article VIII, which ordinance shall contain all the terms and conditions of the proposed grant, including a provision as to the rates, fares and charges, if the grant provides for the charging of rates, fares or charges, and a provision that the franchise or right shall be executed and enjoyed within six months after the grant, it shall, after the first reading, be referred forthwith to the Board of Estimates. The said Board shall make diligent inquiry as to the money value of said franchise or right proposed to be granted and the adequacy of the proposed compensation to be paid therefor to the City as offered in said ordinance, and the propriety of the terms and conditions of said ordinance, and said board is empowered to increase the compensation to be paid therefor to the City and to alter the terms and conditions of said ordinance, including the space in or over which the franchise or right is proposed to be granted and the person to whom the franchise or right shall be granted, provided such alterations are not inconsistent with the requirements and provisions of the Charter, and it shall be the duty of said Board to fix in said ordinance the said compensation at the largest amount it may be able to obtain, by advertising or otherwise, for said franchise or right, and no grant thereof by the City Council shall be made except for the compensation and on the terms approved by vote or resolution of the said Board, entered in the minutes or records of said Board and attached to said ordinance with the signature of a majority of said Board signed thereto, and in the absence of such vote or resolution of said Board said proposed ordinance may not be passed but shall lapse and be void.

§ 3. MINOR PRIVILEGES.

(A) DEFINITIONS.

(1) IN GENERAL.

IN THIS ARTICLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(2) MINOR PRIVILEGE.

"MINOR PRIVILEGE" MEANS A RIGHT GRANTED BY THE CITY TO A PERSON TO USE A PORTION OF PUBLIC PROPERTY FOR PRIVATE PURPOSES AS IDENTIFIED AND DEFINED BY ORDINANCE.

(3) *PERMANENT MINOR PRIVILEGE.*

“PERMANENT MINOR PRIVILEGE” MEANS A MINOR PRIVILEGE THAT CANNOT BE REMOVED WITHOUT MATERIALLY ALTERING THE PUBLIC PROPERTY WHERE IT IS LOCATED.

(4) *TEMPORARY MINOR PRIVILEGE.*

“TEMPORARY MINOR PRIVILEGE” MEANS A MINOR PRIVILEGE THAT CAN BE REMOVED WITHOUT MATERIALLY ALTERING THE PUBLIC PROPERTY WHERE IT IS LOCATED.

(B) *TEMPORARY AND PERMANENT MINOR PRIVILEGES*

~~Provided, that the~~ The right to use the streets, or other public property, by any person for steps, porticoes, bay windows, bow windows, show windows, signs, columns, piers, or other projections or structural ornaments of any character except so far as the same may be prohibited by law, and covered vaults, covered areaways, drains, drainpipes, A TEMPORARY OR PERMANENT MINOR PRIVILEGE or any other private purpose not prohibited by law or ordinance and not being a franchise or right requiring a formal grant by ordinance, may be granted by the Board of Estimates for such an amount of money and upon such terms as the said Board may consider right and proper without the necessity of an ordinance or advertising. AN EXECUTIVE AGENCY UNDER A PROCESS ESTABLISHED BY ORDINANCE.

~~The applicant for any such right shall make written application therefor to the Board of Estimates, stating therein the use desired and the amount he proposes to pay therefor. Before filing the application with the Board of Estimates, the applicant shall serve copies thereof on the owners of the adjoining properties. The use applied for shall be enjoyed only on the payment of the consideration fixed by said Board and on the terms and conditions prescribed by it in writing, which terms and conditions, including the consideration charged therefor, may be changed from time to time by the Board — but with respect to “permanent” minor privileges, as defined in Section 9 of this Article VIII of the Charter, only after reasonable notice to the holder of the privilege and opportunity to him to be heard before the Board or its designated representative — and provided further, that all grants of minor privileges shall also be subject to the provisions of said Section 9 of this Article VIII.~~

~~The Board of Estimates may delegate to any department or other municipal agency, and such department or other municipal agency shall exercise, any administrative powers and duties relating to minor privileges.~~

§ 4. 3. ~~Duration; TERM; RENEWAL; TRANSFER ON TERMINATION.~~

No franchise or right in relation to any street, either on, above or below the surface of the same, or franchise or right with respect to any other public property, shall be granted by the City to any person for a longer period than twenty-five years, but such grant may, at the option of the City, provide for giving to the grantee the right (on fair revaluation, including in such revaluation the value derived from the said franchise or right) to renewals not exceeding in the aggregate twenty-five years.

Regardless of the number of previous grants of a given franchise to its holder, or the number of years such holder may have held the same, the City may renew the same

to him on the same or different terms from that theretofore granted, including an increase or decrease of the consideration or charge therefor, provided always, no grant by the City of a franchise or right in, over or under any part of its public property, whether an original grant or a renewal thereof, shall (save for a possible provision for renewals in accordance with the first sentence of this section) create a term therefor or a right to obtain a renewal of said term extending more than twenty-five years from the date of the ordinance granting or renewing the same, as the case may be.

Any grant of a franchise may provide that upon the termination of the said franchise or right granted by the City, the plant, as well as the property of the grantee situated in, above or under the streets or other public property aforesaid with its appurtenances, shall thereupon be and become the property of the City, without further or other compensation to the grantee; or such grant may provide that upon such determination, there shall be a fair valuation of the plant and property, which shall be and become the property of the City at its election, on paying the grantee said valuation. If, by virtue of the grant, the plant and property are to become the property of the City without money payment therefor, the City shall have the option either to take and operate the said property on its own account, or to renew the said grant for not exceeding twenty-five years on a revaluation or sell the same to the highest bidder at public sale. If the original grant shall prescribe that the City shall at its election make payment for such plant and property, such payment shall be at a fair valuation of the same as property, excluding any value derived from the franchise or right and if the City shall make payment for such plant and property, it may, in that event, operate the plant and property on its own account for five years, after which it may determine either to continue such operation on its own account or to lease the said plant and property and the said franchise or right to use the streets, or other public property in connection therewith, for limited periods, not to exceed twenty-five years from the date of the grant, under such rules and regulations as it may prescribe, or to sell the plant and property to the highest bidder at public sale.

Every grant of any such franchise or right shall make provision, by way of forfeiture or otherwise, for the purpose of compelling compliance with the terms of the grant, and to secure efficiency of public service at reasonable rates, and the maintenance of the property in good condition, throughout the full term of the grant. The grant shall also specify the mode of determining the valuations and revaluations which may be provided for therein.

SECTIONS 1, 2, AND 4 OF THIS ARTICLE VIII SHALL APPLY TO ANY RENEWAL OR EXTENSION OF A FRANCHISE, WHETHER TO THE SAME GRANTEE OR TO OTHERS.

~~§ 4. Street railways.~~

~~The Board of Estimates, subject to ratification and approval by ordinance, is empowered to agree with any street railway company for the surrender of any of its franchises, easements or rights of way, and in substitution for the franchise, easement or right of way so surrendered to grant a new franchise, easement or right of way on any street, and which may be for the same duration as the franchise, easement or right of way surrendered; and to provide, in appropriate cases, for a graduated park tax, as prescribed by Chapter 566 of the Acts of the General Assembly of 1906.~~

~~§ 5. Trackless trolleys.~~

~~The City may, by ordinance, permit any street railway company to operate under its existing franchises vehicles propelled by electricity furnished by overhead wires but not operated upon rails, and any such grant heretofore made is hereby ratified and confirmed.~~

~~§ 6. Advertising.~~

~~Before any grant of the franchises or right to use any street, or other public property, either on, above or below the surface of the same shall be made, the proposed specific grant, except as provided in the second paragraph of Section 2 of this Article VIII, embodied in the form of a brief advertisement, prepared by the Board of Estimates, at the expense of the applicant, shall be published by the Comptroller for at least three days in one daily newspaper published in Baltimore City to be designated by the Board of Estimates, and all the provisions of the first paragraph of Section 2 of this Article VIII shall be complied with.~~

~~§ 7. Reservation of rights.~~

~~When the grant of a franchise or right is made in compliance with the foregoing sections, the City shall not part with, but shall expressly reserve the right and duty at all times to exercise in the interest of the public full municipal superintendence, regulation and control in respect to all matters connected with said grant and not inconsistent with the terms thereof.~~

~~§ 8. Renewals.~~

~~Sections 1, 2, 3, 6, and 7 of this Article VIII shall apply to any renewal or extension of a franchise, whether to the same grantee or to others.~~

~~§ 9. Minor privileges.~~

~~(a) Temporary minor privilege charges.~~

~~Beginning with the year 1935, the amount of the lien of the City for charges for temporary minor privileges, as hereinafter defined, shall be limited to the amount of the charge therefor for the last calendar year for which made. The person to whom such temporary minor privilege is granted shall be personally liable to the City for the amount of such charges. If any such charge is not paid by April 1st of the year succeeding that in respect of which the charge was made, the Department of Finance shall record the lien for such previous year's charge in the tax lien record, where it shall continue to be a lien, until paid, upon the property on which such minor privilege is located. The Department of Finance may proceed to enforce the liability above provided for or to sell the property in satisfaction of such lien under the provisions of Article 81 of the Code of Public General Laws of Maryland.~~

~~(b) "Temporary" and "permanent" defined; Procedures.~~

~~Temporary minor privileges are those in the nature of awnings, barber poles, signs, skids, clothes racks, sidewalk displays and vending machines and the like,~~

~~which can be removed without a material alteration of the property where the said privilege is located.~~

~~Permanent minor privileges are those in the nature of steps, porticoes, bay windows, bow windows, show windows, columns, tiers, covered vaults, covered areaways, drains or drainpipes, and the like which cannot be removed without a material alteration of the property where the said privilege is located.~~

~~The procedure for granting minor privileges is set forth in Section 2 of this Article VIII.~~

~~(c) Savings clause.~~

~~Nothing contained in this section shall affect the payment or collection of any minor privilege charges, temporary, or permanent, accruing before the year 1935 or the payment or collection of charges for permanent minor privileges during and after the year 1935. As to any of such charges which are not paid when due, the Department of Finance may institute suit against the holder of the privilege and the owner of the property at the time the charge arose, and shall record them in the tax lien record, and they shall remain a lien until paid and may sell the property at which the privilege is located under the provisions of said Article 81.~~

~~(d) Designation by Board of Estimates.~~

~~In issuing minor privileges the Board of Estimates shall designate the same as being "temporary" or "permanent" as defined in this section.~~

Question H - [Resolution 26-07](#)

Text of Proposed Charter Amendments (additions in **BOLD SMALL CAPS**; deletions in strikethrough):

Article VII. Executive Departments

§ 3. General provisions: Bureaus and divisions.

(a) Establishment or abolishment.

~~(1) With the approval of the Board of Estimates, the City Administrator may establish and abolish bureaus and divisions within that department, commission, or board.~~ **ANY MUNICIPAL AGENCY.**

~~(2) Bureaus in the Department of Public Works shall be established or abolished from time to time by an ordinance which shall have been recommended to the City Council by the Board of Estimates and shall have been duly passed by the City Council by a majority vote of its members and shall have been approved by the Mayor.~~

(b) Allocation of powers and duties.

Subject to the authority of the Board of Estimates, the City Administrator or the head of any ~~department, commission, or board~~ MUNICIPAL AGENCY may assign among the bureaus or divisions in that ~~department, commission, or board~~ MUNICIPAL AGENCY, duties and powers of that ~~department, commission, or board~~ MUNICIPAL AGENCY. A board or commission may act under this subsection only by the majority vote of its membership.

§ 27. Department of Public Works: Established.

There is a Department of Public Works, the head of which shall be the Director of Public Works.

§ 28. Department of Public Works: Director.

(a) Head of Department; Qualifications.

The Director of Public Works shall supervise and direct the Department.

The Director shall have had substantial administrative experience in the construction and maintenance of public works, public improvements and the delivery of related public services or ten years experience as an engineer.

(b) Appointment; Term.

The Director shall be appointed, must be confirmed, and shall serve, pursuant to Article IV, Section 6.

(c) Salary.

The Director's salary shall be set in the Ordinance of Estimates.

§ 29. Department of Public Works: Staff.

(a) Deputy; Other employees.

The Director shall appoint a Deputy Director pursuant to this section and such employees as provided in the Ordinance of ~~Estimates, provided, however, that bureau heads in the Department of Public Works shall be appointed by the Mayor in the manner prescribed in Section 6 of Article IV and shall hold their offices as therein provided.~~ ESTIMATES.

(b) Deputy as Acting Director.

Whenever a vacancy shall occur in the office of Director or whenever the Director shall be incapacitated or otherwise unavailable for duty for any cause, the Deputy Director shall be the Acting Director, until the Director is again available for duty or the vacancy is filled.

§ 30. Department of Public Works: Supervision of public works.

The Director shall supervise all public works in Baltimore City or elsewhere, made by or for the City or any municipal agency, that relate to the Department's powers under

this Charter. All plans and specifications for these public works, including those involving engineering questions, shall be submitted to the Director for approval.

§ 31. Department of Public Works: Construction, maintenance, and repair.

Unless otherwise provided by this Charter, the Department has charge of the construction, demolition, alteration, operation and maintenance of all public works that relate to the Department's powers under this Charter.

~~§ 33. Department of Public Works: Water supply.~~

~~The Department shall have charge of the water supply of the City and of all the properties, reservoirs, streams, pumping and filtration stations, pipes, apparatus and equipment appurtenant thereto and shall exercise all the powers and perform all the duties connected with the operation thereof and the supplying of water to the City.~~

~~§ 34. Department of Public Works: Sewage.~~

~~The Department shall have charge of the construction, operation and maintenance of all drains, sewers, and sewage disposal facilities, of the inspection or supervision of sewer or drain construction and repair work, and of waste disposal.~~

§ 32. 35. Department of Public Works: ~~Street cleaning.~~ RESOURCE MANAGEMENT.

The Department shall be responsible for cleaning the streets and for the collection, disposal and recycling of garbage, ashes, refuse, trash, and other waste matter, except as otherwise provided by law.

§ 33. 37. Department of Public Works: Testing.

At the request of a municipal agency, the Department shall test materials and supplies purchased or used by the agency.

§ 34. 41. Department of Public Works: Correcting physical obstruction.

(a) Correction required.

Any person who has, in, over, or under a public street in Baltimore City, any building, structure, conduit, drain, main, pipe, track, work, or other physical obstruction that blocks or impedes the work of the Department shall, on reasonable notice from the Department, promptly shift, adjust, or remove it, at that person's expense, to fully meet the exigencies described in the notice.

(b) Condemnation.

The City is empowered, when the exigencies of the Department's work require, to secure the condemnation of the physical obstruction as provided in Article II of this Charter.

§ 35. 42. Department of Public Works: Assistance to other agencies.

On the request of the head of a municipal agency, the Director shall:

(1) supply estimates of the cost of work proposed to be done for that agency during the next fiscal year; and

(2) perform services for the municipal agency of the same general character as those carried on by the Department, the cost of which shall be charged to the agency requesting the services and shall be paid out of the funds appropriated to it.

§ 36. to 46. {Reserved}

§ 148. DEPARTMENT OF WATER AND WASTEWATER: ESTABLISHED.

THERE IS A DEPARTMENT OF WATER AND WASTEWATER, THE HEAD OF WHICH SHALL BE THE DIRECTOR OF WATER AND WASTEWATER.

§ 149. DIRECTOR OF WATER AND WASTEWATER.

(A) DUTIES; QUALIFICATIONS.

(1) THE DIRECTOR SHALL SUPERVISE AND DIRECT THE DEPARTMENT.

(2) THE DIRECTOR SHALL HAVE SUBSTANTIAL ADMINISTRATIVE EXPERIENCE IN THE CONSTRUCTION AND MAINTENANCE OF PUBLIC UTILITIES AND IN THE DELIVERY OF RELATED PUBLIC SERVICES.

(B) APPOINTMENT; TERM.

THE DIRECTOR SHALL BE APPOINTED, MUST BE CONFIRMED, AND SHALL SERVE, PURSUANT TO ARTICLE IV, SECTION 6.

(C) SALARY.

THE DIRECTOR'S SALARY SHALL BE SET IN THE ORDINANCE OF ESTIMATES.

(D) EMPLOYEES.

THE DIRECTOR MAY APPOINT THE EMPLOYEES PROVIDED FOR IN THE ORDINANCE OF ESTIMATES.

§ 150. POWERS AND DUTIES OF DEPARTMENT.

(A) IN GENERAL.

NOTWITHSTANDING ANYTHING TO THE CONTRARY IN THIS CHARTER, THE DEPARTMENT HAS THE POWERS AND DUTIES CONTAINED IN THIS SUBSECTION.

(B) WATER SUPPLY.

THE DEPARTMENT SHALL HAVE CHARGE OF THE WATER SUPPLY OF THE CITY AND OF ALL THE PROPERTIES, RESERVOIRS, STREAMS, PUMPING AND FILTRATION STATIONS, PIPES, APPARATUS AND EQUIPMENT APPURTENANT THERETO AND PERFORM ALL THE DUTIES CONNECTED WITH THE

CONSTRUCTION, OPERATION, AND MAINTENANCE THEREOF AND THE SUPPLYING OF WATER TO THE CITY.

(c) WASTEWATER.

THE DEPARTMENT SHALL HAVE CHARGE OF THE CONSTRUCTION, OPERATION AND MAINTENANCE OF ALL DRAINS, SEWERS, AND SEWAGE DISPOSAL FACILITIES, OF THE INSPECTION OR SUPERVISION OF SEWER CONSTRUCTION AND REPAIR WORK, AND OF WASTE DISPOSAL.

(d) CONSUMPTION AND USE CHARGES.

THE DEPARTMENT SHALL OPERATE, MAINTAIN, AND CONTROL A SYSTEM TO MAKE CHARGES FOR:

(1) THE CONSUMPTION OR USE OF THE CITY'S WATER SUPPLY; AND

(2) THE USE OF THE CITY'S SEWERS AND WASTEWATER TREATMENT FACILITIES.

(e) ENFORCEMENT.

(1) PROTECTION OF THE CITY'S WATER SUPPLY.

THE POLICE COMMISSIONER MAY APPOINT POLICE OFFICERS FOR THE PROTECTION OF THE CITY'S WATER SUPPLY WITHIN OR WITHOUT THE CITY LIMITS.

(2) NON-PAYMENT.

THE DIRECTOR MAY TAKE CERTAIN ACTIONS BECAUSE OF THE NONPAYMENT OF ANY FEE OR CHARGE FOR WATER SUPPLIED OR FOR WORK DONE IN CONNECTION WITH THE FURNISHING OF SUCH WATER OR THE DISPOSAL OF WASTEWATER UNTIL SUCH UNPAID FEE OR CHARGE IS FULLY PAID, INCLUDING:

(i) TURNING OFF AND DISCONTINUING THE SUPPLY OF WATER FURNISHED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE TO ANY PERSON OR PROPERTY LOCATED IN OR OUTSIDE THE CITY OF BALTIMORE; AND

(ii) ESTABLISHING MEANS AND METHODS FOR ALTERNATIVE PAYMENTS.

(f) ADDITIONAL POWERS AND DUTIES.

THE DEPARTMENT HAS THE ADDITIONAL POWERS AND DUTIES AS ARE PRESCRIBED BY LAW.

§ 151. CONSTRUCTION, MAINTENANCE, AND REPAIR.

(1) THE DIRECTOR SHALL SUPERVISE ALL PUBLIC WORKS IN BALTIMORE CITY OR ELSEWHERE, MADE BY OR FOR THE CITY OR ANY MUNICIPAL AGENCY, THAT RELATE TO THE DEPARTMENT'S POWERS AND DUTIES UNDER THIS CHARTER.

(2) UNLESS OTHERWISE PROVIDED BY THIS CHARTER, THE DEPARTMENT HAS CHARGE OF THE CONSTRUCTION, DEMOLITION, ALTERATION, OPERATION, AND MAINTENANCE OF ALL PUBLIC WORKS THAT RELATE TO THE DEPARTMENT'S POWERS UNDER THIS CHARTER.

(3) ALL PLANS AND SPECIFICATIONS FOR THESE PUBLIC WORKS, INCLUDING THOSE INVOLVING ENGINEERING QUESTIONS, SHALL BE SUBMITTED TO THE DIRECTOR FOR APPROVAL

§ 152. CORRECTING PHYSICAL OBSTRUCTION.

(A) CORRECTION REQUIRED.

ANY PERSON WHO HAS IN, OVER, OR UNDER A PUBLIC STREET IN BALTIMORE CITY, ANY BUILDING, STRUCTURE, CONDUIT, DRAIN, MAIN, PIPE, TRACK, WORK, OR OTHER PHYSICAL OBSTRUCTION THAT BLOCKS OR IMPEDES THE WORK OF THE DEPARTMENT SHALL, ON REASONABLE NOTICE FROM THE DEPARTMENT, PROMPTLY SHIFT, ADJUST, OR REMOVE IT, AT THAT PERSON'S EXPENSE, TO FULLY MEET THE EXIGENCIES DESCRIBED IN THE NOTICE.

(B) CONDEMNATION.

THE CITY IS EMPOWERED, WHEN THE EXIGENCIES OF THE DEPARTMENT'S WORK REQUIRE, TO SECURE THE CONDEMNATION OF THE PHYSICAL OBSTRUCTION AS PROVIDED IN ARTICLE II OF THIS CHARTER.