

1 **..Title**  
2 **Offices of Law and City Clerk** – For the purpose of establishing an Office of Law and  
3 an Office of City Clerk and clarifying operational lines of report.

4 **..Body**

5 **CITY COUNCIL OF THE**

6 *City of Annapolis*

7  
8 **Charter Amendment 2-17**

9  
10 **Introduced by: Alderman Budge, Alderman Arnett, Alderwoman Finlayson,**  
11 **Alderman Kirby, Alderman Pfeiffer, Alderman Littmann**  
12 **and Alderwoman Pindell Charles**

13  
14 **Referred to**  
15 **Rules and City Government Committee**

16  
17 **A CHARTER AMENDMENT** concerning

18  
19 **Offices of Law and City Clerk**

20  
21 **FOR** the purpose of establishing an Office of Law and an Office of City Clerk and  
22 clarifying operational lines of report.

23  
24 **BY** repealing in their entirety the following portions of the Annapolis City Charter:

25  
26 Article V, Section 4  
27 Article V, Section 5

28  
29 **BY** repealing and reenacting the following portions of the Annapolis City Charter:

30  
31 Article VI, Section 2B

32  
33 **BY** enacting the following portions of the Annapolis City Charter:

34  
35 Article VI, Section 5  
36 Article VI, Section 6

37  
38 **WHEREAS,** Article V, Section 4 of the Charter of the City of Annapolis describes the  
39 City Attorney as an individual, not an office with staff; and

40  
41 **WHEREAS,** the Office of Law, which includes the City Attorney, several Assistant  
42 City Attorneys and support staff, is unmentioned in the City Charter; and

43  
44 **WHEREAS,** Article V, Section 5 of the Charter of the City of Annapolis describes the  
45 City Clerk as an individual, not an office with staff; and

1  
2 **WHEREAS**, the Office of the City Clerk, which includes the deputy City Clerk, is  
3 unmentioned in the City Charter; and  
4

5  
6 **WHEREAS**, Article VI, Section 2B(e)(1) grants the City Manager the power and duty  
7 to administer the day-to-day operations of the municipal government.  
8

9 **SECTION I: BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the  
10 Charter of the City of Annapolis shall be amended to read as follows:  
11

## 12 **ARTICLE VI – OPERATIONS**

### 13 **Sec. 2B – City manager.**

- 14  
15
- 16 (a) There shall be a city manager in the office of the mayor who shall be the chief  
17 administrative officer of the city. The city manager shall be the direct subordinate of  
18 the mayor and shall have supervisory authority over the department directors as  
19 provided for by the City's organizational chart that is prepared by the mayor and  
20 accepted by the City Council.
  - 21 (b) The city manager shall be appointed by the mayor and confirmed by the city council  
22 based solely on his or her experience and credentials as a city manager. The city  
23 manager may be removed from office by the mayor or by the City Council. The city  
24 manager shall have had, prior to appointment, an advanced degree in business or  
25 public administration from an accredited college or university and at least eight (8)  
26 years' experience in local government management. The city manager shall be  
27 thoroughly familiar with contemporary budgeting and accounting practices.
  - 28 (c) The city manager shall devote full time to the duties of the office.
  - 29 (d) The compensation of the city manager shall be fixed by the mayor according to the  
30 provisions of an executive pay plan formulated by the Council Compensation  
31 Commission and adopted by ordinance. If the city manager is hired during an interim  
32 year, the mayor and council shall determine the compensation based upon the  
33 recommendations from the Finance Committee.
  - 34 (e) The city manager shall have the following additional powers and duties:
    - 35 (1) To administer the day-to-day operations of the municipal government and  
36 oversee the delivery of municipal services;
    - 37 (2) To exercise supervisory authority over the department directors, as provided for  
38 by the City's organizational chart that is prepared by the mayor and accepted by  
39 the City Council;
    - 40 (3) To direct the operations of the city government;
    - 41 (4) To supervise the preparation of the city budget;
    - 42 (5) To advise the mayor in the formation of policy and the implementation of plans  
43 to address demands for municipal services, enhance the quality of life and  
44 strengthen the economic vitality of the city;
    - 45 (6) To perform such duties not inconsistent with this Charter as may be delegated  
46 by the mayor from time to time;

- 1 (7) To adjust parking rates in City-owned parking garages and parking lots to the  
2 extent permitted, pursuant to 12.04.040 A.6. of the Code of the City of  
3 Annapolis. The City Manager may appoint a designee to determine any such  
4 adjustments to parking rates in City-owned parking garages and parking lots;  
5 (8) To supervise the daily operations of the office of management information  
6 technology;  
7 (9) To supervise the daily operations of the office of environmental policy; ~~and~~  
8 (10) To administer the human resources affairs of the city, including, but not limited  
9 to:  
10 (i) Administering a civil service system;  
11 (ii) Conducting investigations and examinations for appointment or promotion in  
12 the civil service; and  
13 (iii) Administering certain other activities related to the payment, benefits,  
14 training, discipline and retirement of city officials and employees-; AND  
15 (11) TO SUPERVISE THE DAILY OPERATIONS OF THE CITY PUBLIC  
16 INFORMATION OFFICER.  
17 (f) In the event of a vacancy in the position of city manager, the mayor shall promptly  
18 appoint a qualified person to serve as acting city manager. The acting city manager  
19 may exercise all the powers of the city manager and enjoys the same immunity  
20 accorded the city manager. The acting city manager shall receive such compensation  
21 as determined by the mayor that is consistent with the executive pay plan. However,  
22 if the position of city manager remains vacant for more than six (6) months, no  
23 compensation may be paid to an acting city manager without the approval of the  
24 Council at every six-month interval.

25  
26 **SEC. 5 – OFFICE OF LAW**

- 27  
28 (A) THE OFFICE OF LAW SHALL BE ADMINISTERED BY THE CITY  
29 ATTORNEY. THE CITY ATTORNEY SHALL BE APPOINTED ON THE BASIS  
30 OF HIS/HER KNOWLEDGE OF MUNICIPAL LAW AND ADMINISTRATION,  
31 SHALL BE A MEMBER IN GOOD STANDING OF THE BAR OF MARYLAND,  
32 SHALL HAVE BEEN ACTIVELY ENGAGED IN THE PRACTICE OF LAW IN  
33 THE STATE OF MARYLAND FOR AT LEAST FIVE (5) YEARS, AND SHALL  
34 NOT MAINTAIN A PRIVATE PRACTICE EXCEPT TO THE EXTENT  
35 AUTHORIZED BY THE CITY COUNCIL.  
36  
37 (B) THE OFFICE OF LAW SHALL HAVE THE FOLLOWING POWERS AND  
38 DUTIES:  
39  
40 (1) TO PERFORM LEGAL SERVICES FOR THE CITY;  
41 (2) TO PERFORM ADVISORY, DOCUMENTARY AND DRAFTING SERVICES  
42 FOR THE CITY;  
43 (3) TO ISSUE OPINIONS UPON QUESTIONS AFFECTING THE INTEREST OF  
44 THE CITY;  
45 (4) TO REVIEW AND APPROVE AS TO FORM AND LEGAL SUFFICIENCY  
46 EACH INSTRUMENT TO BE EXECUTED ON BEHALF OF THE CITY;

- 1 (5) TO PREPARE AND APPROVE THE TITLE PAPERS WHENEVER THE  
2 CITY PURCHASES ANY REAL ESTATE AND NO CONTRACT SHALL BE  
3 MADE OR MONEY PAID ON ACCOUNT OF THE PURCHASE OF REAL  
4 PROPERTY UNTIL THE CITY ATTORNEY CERTIFIES TO THE TITLE OF  
5 THE PROPERTY AND LEGAL SUFFICIENCY OF THE DEEDS OR OTHER  
6 INSTRUMENTS INTENDED TO CONVEY THE PROPERTY TO THE  
7 CITY;
- 8 (6) TO ADVISE AND ASSIST THE MAYOR, ALDERMEN AND CITY CLERK  
9 IN THE PREPARATION OF LEGISLATION.

10  
11 **SEC. 6 – OFFICE OF THE CITY CLERK**

- 12 (A) THE OFFICE OF THE CITY CLERK SHALL BE ADMINISTERED BY THE  
13 CITY CLERK. THE CITY CLERK SHALL BE APPOINTED ON THE BASIS  
14 OF HIS/HER COMBINATION OF EDUCATION AND EXPERIENCE THAT  
15 HAS PROVIDED THE KNOWLEDGE, SKILLS, AND ABILITIES  
16 NECESSARY FOR A CITY CLERK.
- 17  
18 (B) THE CITY MANAGER SHALL APPOINT A PERSON TO SERVE AS  
19 DEPUTY CITY CLERK.
- 20  
21 (C) THE OFFICE OF THE CITY CLERK SHALL HAVE THE FOLLOWING  
22 POWERS AND DUTIES:
- 23  
24 (1) TO CERTIFY AND ATTEST TO THE ACTIONS OF THE CITY AND ITS  
25 OFFICIALS.
- 26 (2) TO KEEP PERMANENT RECORDS OF THE PROCEEDINGS OF THE  
27 CITY COUNCIL AS WELL AS OF ALL THE LAWS, ORDINANCES,  
28 RESOLUTIONS AND ORDERS OF THE CITY COUNCIL.
- 29 (3) TO ADVERTISE ALL ELECTIONS WHICH ARE TO BE HELD UNDER  
30 THE CHARTER, AND MAKE RETURN OF THE SAME IN THE  
31 MANNER NOW PROVIDED FOR BY THE LAWS REGULATING  
32 ELECTIONS.
- 33 (4) TO PREPARE LEGISLATION AT THE REQUEST OF THE MAYOR OR  
34 ANY OF THE ALDERMEN, FOR CONSIDERATION BY THE CITY  
35 COUNCIL.
- 36 (5) TO BE THE CUSTODIAN OF THE SEAL AND OF THE PERMANENT  
37 RECORDS AND INSTRUMENTS OF THE CITY.
- 38  
39 (D) THE DEPUTY CITY CLERK SHALL HAVE THE SAME POWERS AND  
40 OBLIGATIONS AND SHALL PERFORM THE DUTIES PERFORMED BY  
41 THE CITY CLERK, IN THE ABSENCE OF THE CLERK, AS AUTHORIZED  
42 BY LAW.
- 43  
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45

1 **SECTION II: AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY**  
 2 **COUNCIL** that the date of adoption of this Resolution is \_\_\_\_\_, 2017, and  
 3 the amendments of the Charter of the City of Annapolis, hereby enacted shall become  
 4 effective on \_\_\_\_\_, 2017, unless a proper petition for referendum hereon  
 5 shall be filed as permitted by law within 40 days of adoption, provided a complete and  
 6 exact copy of this Resolution shall be continuously posted on the bulletin board in the  
 7 City Hall until \_\_\_\_\_, 2017, and provided further that a copy of the title of  
 8 this Resolution shall be published in "The Capital," a newspaper of general circulation in  
 9 the City of Annapolis, or in any other newspaper of such general circulation, once in each  
 10 of the weeks on, \_\_\_\_\_, 2017, \_\_\_\_\_, 2017, \_\_\_\_\_, 2017,  
 11 and \_\_\_\_\_, 2017.

12  
 13  
 14 **SECTION III: AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY**  
 15 **COUNCIL** that the Mayor is hereby specifically commanded to carry out the provisions  
 16 of Section II hereof, and, as evidence of such compliance, the Mayor shall cause to be  
 17 maintained appropriate certificates of publication of the newspaper or newspapers in  
 18 which the title of the Resolution shall have been published and if a favorable referendum  
 19 is held on the Charter change, shall declare the Charter change hereby enacted to be  
 20 effective on \_\_\_\_\_, 2017, by affixing his signature hereto in the space  
 21 provided on the effective date of change.

22  
 23  
 24 **SECTION IV: AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY**  
 25 **COUNCIL** that as soon as the Charter Amendment hereby enacted shall become  
 26 effective, either as provided herein or following a referendum, the Mayor shall send to  
 27 the Maryland Department of Legislative Services a copy of this Resolution showing the  
 28 number of Aldermen and Alderwomen voting for and against it and a report on the votes  
 29 cast for or against the amendment hereby enacted at any referendum thereon and the date  
 30 of such referendum.

31  
 32 The above Charter Amendment was enacted by the foregoing Resolution which was  
 33 passed at a Meeting of the Annapolis City Council on \_\_\_\_\_, 2017; \_\_\_\_\_  
 34 voting in the affirmative, \_\_\_\_\_ voting in the negative, \_\_\_\_\_ abstaining and \_\_\_\_\_ absent  
 35 and the said Resolution becomes effective in accordance with law on the \_\_\_ day of  
 36 \_\_\_\_\_ 2017.

#### EXPLANATION

CAPITAL LETTERS indicate matter added to existing law.

~~Strikethrough~~ indicates matter stricken from existing law.

Underlining indicates amendments.