

1 **..Title**  
2 **Removing Members of Boards and Commissions** – For the purpose of providing a  
3 formal process for the removal of appointed members of City boards and commissions  
4 for cause.

5 **..Body**

6 **CITY COUNCIL OF THE**  
7 **City of Annapolis**

8  
9 **Ordinance 9-16**

10  
11 **Introduced by: Alderman Budge, Alderman Arnett**

12  
13 **Referred to**  
14 **Rules Committee**

15  
16 **AN ORDINANCE** concerning

17  
18 **Removing Members of Boards and Commissions**

19  
20 **FOR** the purpose of providing a formal process for the removal of appointed members  
21 of City boards and commissions for cause.

22  
23 **BY** repealing and re-enacting with amendments the following portion of the Code of  
24 the City of Annapolis, 2015 Edition

25  
26 Section 2.04.050

27  
28 **BY** adding the following portion to the Code of the City of Annapolis, 2015 Edition

29  
30 Section 2.04.060

31  
32 **WHEREAS,** Members of City boards and commissions are commonly appointed by the  
33 Mayor and confirmed by the City Council as specified in the enabling law  
34 for each board or commission; and

35  
36 **WHEREAS,** There is no formal process established in law for removing members of  
37 boards or commissions for cause.

38  
39 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE**  
40 **ANNAPOLIS CITY COUNCIL** that the Code of the City of Annapolis shall be  
41 amended to read as follows:

42  
43 **CHAPTER 2.04 – GENERAL ADMINISTRATIVE REGULATIONS.**

44  
45 **2.04.050 Attendance at meetings.**

- 1 A. All appointed members of committees, commissions, boards and authorities shall  
2 attend their respective meetings on a regular basis. If any member who is entitled  
3 to vote is absent for three consecutive meetings or is absent for more than four  
4 meetings within one calendar year, ~~the member shall be removed from the~~  
5 ~~committee, commission, board or authority. The City Council may reinstate the~~  
6 ~~member upon appeal if it determines the action appropriate~~ THE CHAIR SHALL  
7 NOTIFY THE MAYOR AND CITY COUNCIL IN WRITING WITHIN TEN  
8 (10) DAYS.  
9

10 **2.04.060 ~~Reserved~~ SUSPENSION OR REMOVAL.**

- 11  
12 A. APPOINTED MEMBERS OF COMMITTEES, COMMISSIONS, BOARDS  
13 AND AUTHORITIES, OTHER THAN MEMBERS OF THE CITY COUNCIL,  
14 MAY BE SUSPENDED OR REMOVED BY THE MAYOR FOR CAUSE.  
15

16 1. CAUSE IS HEREBY DEFINED TO MEAN:

- 17 a. CONCEALING OR FALSIFYING MATERIAL INFORMATION  
18 PERTAINING TO THE MEMBER'S APPOINTMENT TO A  
19 COMMITTEE, COMMISSION, BOARD OR AUTHORITY.  
20 b. FAILING TO ATTEND MEETINGS AS SET FORTH IN CHAPTER  
21 2.04.050 OF THIS CODE  
22 c. INATTENTION TO CHAPTERS 2.04.070, 2.04.080, AND 2.04.090 OF  
23 THE ANNAPOLIS CITY CODE.  
24 d. VIOLATION OF THE LAWFULLY ADOPTED BYLAWS OR RULES  
25 OF A COMMITTEE, COMMISSION, BOARD OR AUTHORITY.  
26 e. CHANGING OR MOVING ONE'S PRINCIPAL PLACE OF  
27 RESIDENCE OUTSIDE GEOGRAPHIC LIMITS ESTABLISHED BY  
28 LAW FOR MEMBERS OF A COMMITTEE, COMMISSION, BOARD  
29 OR AUTHORITY, OR THAT THE MEMBER WAS APPOINTED TO  
30 REPRESENT.  
31 f. RECOMMENDATION OF SUSPENSION OR REMOVAL BY THE  
32 ETHICS COMMISSION PURSUANT TO SECTION 2.08.100 OF THE  
33 ANNAPOLIS CITY CODE;  
34 g. SUBJECT OF A COURT-ORDERED ACTION UNDER §3-401 OF THE  
35 MARYLAND OPEN MEETINGS ACT (TITLE 3 OF THE GENERAL  
36 PROVISIONS ARTICLE OF THE MARYLAND STATE CODE);  
37 h. CONVICTION OF A CRIME OR PLEADING NOLO CONTENDERE  
38 TO A CRIME CONSISTENT WITH §8-502 OF THE STATE  
39 GOVERNMENT ARTICLE OF THE MARYLAND STATE CODE.  
40 i. A CONTINUING MENTAL OR PHYSICAL DISABILITY OF SUCH A  
41 NATURE AS TO PREVENT ADEQUATE PERFORMANCE OF  
42 DUTIES (SUBJECT TO APPLICABLE FEDERAL OR STATE LAWS  
43 PROHIBITING DISCRIMINATION AGAINST DISABLED  
44 INDIVIDUALS);  
45 j. MALFEASANCE, MISCONDUCT, OR ABUSE OF OFFICE.  
46

- 1           2. THE MAYOR SHALL NOTIFY SUCH MEMBER TO SHOW CAUSE  
2           WITHIN TEN (10) DAYS AS TO WHY HE OR SHE SHOULD NOT BE  
3           SUSPENDED OR REMOVED FROM OFFICE.  
4
- 5           3. THE MAYOR SHALL PROVIDE TO THE MEMBER A WRITTEN  
6           STATEMENT INDICATING THE GROUNDS FOR SUSPENSION OR  
7           REMOVAL AND ALSO STATING THAT THE PERSON HAS AN  
8           OPPORTUNITY TO APPEAL THE DECISION. IN THE CASE OF A  
9           SUSPENSION, THE WRITTEN STATEMENT SHALL INCLUDE THE  
10          TERM OF THE SUSPENSION OR THE CONDITIONS NECESSARY FOR  
11          REINSTATEMENT.  
12
- 13          4. THE MAYOR SHALL PROVIDE THE CITY COUNCIL A COPY OF THE  
14          WRITTEN STATEMENT GIVEN TO THE MEMBER DESCRIBING THE  
15          SUSPENSION OR REMOVAL AND COPIES OF ANY STATEMENTS BY  
16          THE MEMBER REGARDING THE ACTION.  
17
- 18          B. APPOINTED MEMBERS OF COMMITTEES, COMMISSIONS, BOARDS  
19          AND AUTHORITIES MAY BE SUSPENDED OR REMOVED BY THE CITY  
20          COUNCIL FOR CAUSE AS "CAUSE" IS DEFINED IN PARAGRAPH A.1 OF  
21          THIS SECTION IF THE MAYOR FAILS TO ACT. PRIOR TO SUSPENDING  
22          OR REMOVING A MEMBER, THE CITY COUNCIL SHALL PROVIDE TO  
23          THE PERSON A WRITTEN STATEMENT INDICATING THE GROUNDS  
24          FOR THE PROPOSED SUSPENSION OR REMOVAL AND STATING THAT  
25          THE PERSON HAS AN OPPORTUNITY FOR A HEARING BEFORE THE  
26          CITY COUNCIL. IN THE CASE OF A SUSPENSION, THE WRITTEN  
27          STATEMENT SHALL INCLUDE THE TERM OF THE SUSPENSION OR  
28          THE CONDITIONS NECESSARY FOR REINSTATEMENT.  
29
- 30          C. A MEMBER OF A COMMITTEE, COMMISSION, BOARD OR AUTHORITY  
31          WHO HAS BEEN SUSPENDED OR REMOVED UNDER THIS SECTION  
32          MAY DISPUTE THE REMOVAL OR SUSPENSION THROUGH BINDING  
33          ARBITRATION IN ANNE ARUNDEL COUNTY.  
34
- 35                  1. THE MEMBER MUST PROVIDE WRITTEN NOTICE TO THE CITY  
36                  WITHIN 30 DAYS OF THE REMOVAL OR SUSPENSION.  
37
- 38                  2. ANY DECISION AS A RESULT OF ANY SUCH ARBITRATION  
39                  PROCEEDING SHALL BE IN WRITING AND SHALL PROVIDE AN  
40                  EXPLANATION FOR ALL CONCLUSIONS OF LAW AND FACT AND  
41                  SHALL INCLUDE THE ASSESSMENT OF COSTS, EXPENSES, AND  
42                  REASONABLE ATTORNEYS' FEES.  
43
- 44                  3. IF THE ARBITRATION UPHOLDS THE REMOVAL OR SUSPENSION,  
45                  THE MEMBER SHALL PAY THE ARBITRATION COSTS. IF THE

1 ARBITRATION REVERSES THE REMOVAL OR SUSPENSION, THE  
2 CITY SHALL PAY THE ARBITRATION COSTS.  
3

4 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED**  
5 **BY THE ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the  
6 date of its passage.  
7

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9  
10 **EXPLANATION**

11 CAPITAL LETTERS indicate matter added to existing law.

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

13 Underlining indicates amendments.