



# City of Annapolis

160 Duke Of Gloucester  
Street  
Annapolis, MD 21401

## Signature Copy

Ordinance: O-10-14

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File Number: O-10-14

**Legal Counsel to Board of Supervisors of Elections** - For the purpose of authorizing the Board of Supervisors of Elections to engage outside legal counsel during specified periods of time in the municipal election cycle.

**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance 10-14-Amended**

**Introduced by: Mayor Pantelides and Alderman Arnett**

**Referred to  
Finance Committee  
Rules and City Government Committee**

A **ORDINANCE** concerning

**Legal Counsel to Board of Supervisors of Elections**

**FOR** the purpose of authorizing the Board of Supervisors of Elections to engage outside legal counsel during specified periods of time in the municipal election cycle.

**BY** repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2013 Edition  
Section 4.08.040.

**WHEREAS,** the City Attorney is classified as a position in the exempt service with the responsibility to serve as legal counsel to the Mayor, City Council, Department Heads, and the City's boards/commissions/committees; and

**WHEREAS,** the client relationship between the City Attorney and the Mayor and City Council may create the appearance of a conflict of interest when the City Attorney serves as counsel to the Board of Supervisors of Elections from the filing deadline for declaring candidacy in a municipal election until the municipal election results are certified.

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

**CHAPTER 4.08 - BOARD OF SUPERVISORS OF ELECTIONS**

**4.08.040 Employees.**

A. The board shall be provided with employees necessary for the efficient performance of its duties under this title. However, during any part of the employee's tenure in office or employment, an employee may not hold any public or party office or be a candidate for any public or party office; use the employee's official authority or influence for the purpose of interfering with or affecting the result of an election; or take an active part in political management or in political campaigns.

B. The City Attorney or his or her designee shall serve as legal advisor and representative of the board as Counsel to the Annapolis Board of Supervisors of Elections. THE BOARD OF SUPERVISORS OF ELECTIONS SHALL BE ENTITLED TO engage OUTSIDE LEGAL COUNSEL from the filing deadline for declaring candidacy in a municipal election until the MUNICIPAL election results are certified. any such retainer agreement between the board of supervisors of elections and the board's selected outside legal counsel shall be subject to review by the city attorney for legal sufficiency and the finance director for financial sufficiency.

C. The City Clerk shall act as clerk to the board. The City Clerk shall serve as or appoint another City civil service employee to serve as the Election Administrator.

4.08.120 - TRANSFERS TO/FROM RESTRICTED FUND BALANCE FOR MUNICIPAL ELECTIONS.

ANNUALLY, OR FROM TIME TO TIME AS REQUIRED, THE FINANCE DIRECTOR UNDER CONSULTATION WITH THE CITY COUNCIL AND MAYOR SHALL PREPARE A TRANSFER REQUEST TO RESTRICTED FUND BALANCE FOR MUNICIPAL ELECTIONS. THE FUNDING SOURCE FOR THIS REQUEST CAN BE FROM AVAILABLE FUNDS WITHIN THE THEN CURRENT YEAR'S OPERATING BUDGET, UNRESTRICTED FUND BALANCE, OR FROM OTHER AVAILABLE FUNDS AS IDENTIFIED BY THE FINANCE DIRECTOR. IN ORDER TO MAKE SAID TRANSFER, THE REQUEST MUST BE APPROVED BY A MAJORITY VOTE OF THE CITY COUNCIL. FURTHERMORE, IN ORDER TO MAKE EXPENDITURES FROM THIS RESTRICTED FUND BALANCE ACCOUNT, THE CITY COUNCIL SHALL APPROPRIATE SAID FUNDS AND APPROVE A BUDGET TRANSFER PREPARED BY THE FINANCE DIRECTOR MADE BETWEEN RESTRICTED FUND BALANCE FOR MUNICIPAL ELECTIONS AND THE ANNUAL OPERATING BUDGET CATEGORIZED UNDER ELECTIONS. THE AMOUNT TO BE TRANSFERRED TO RESTRICTED FUND BALANCE FOR MUNICIPAL ELECTIONS SHALL BE AN ESTIMATE NECESSARY TO PAY FOR FUTURE ELECTIONS, INCLUDING ASSOCIATED LEGAL EXPENDITURES.

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

**EXPLANATION**

CAPITAL LETTERS indicate matter added to existing law.

[brackets] indicate matter stricken from existing law.

Underlining indicates amendments.



**Aye:** 2 Alderman Pfeiffer and Alderman Arnett

**Nay:** 1 Alderman Paone

THE ANNAPOLIS CITY  
COUNCIL



Michael J. Pantelides

Date 12/31/14

ATTEST



Regina C. Watkins-Eldridge, MMC

Date 12/31/14