



## Legislation Details (With Text)

**File #:** O-09-16      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Adopted

**File created:** 12/31/2015      **In control:** City Council

**On agenda:** 7/11/2016      **Final action:** 7/11/2016

**Title:** Removing Members of Boards and Commissions - For the purpose of providing a formal process for the removal of appointed members of City boards and commissions for cause.

**Sponsors:** Joe Budge, Ross Arnett

**Indexes:** Rules and City Government Committee

**Code sections:**

**Attachments:** 1. O-9-16 Removing Members of Boards and Commissions.pdf, 2. O-9-16 Staff Report.pdf, 3. O-9-16 Fiscal Impact.pdf, 4. O-9-16 MAB Recommendation.pdf, 5. O-9-16 Rules Proposed Amendments.pdf, 6. O-9-16 Budge Arnett Proposed Amendments.pdf, 7. O-9-16 Littmann Proposed Amendments.pdf, 8. O-9-16 SIGNED.pdf

Date	Ver.	Action By	Action	Result
7/11/2016	1	City Council	adopt on second reader	Pass
7/11/2016	1	City Council	amendment(s) approved	Pass
7/11/2016	1	City Council	amendment(s) approved	Pass
7/11/2016	1	City Council	amendment(s) approved	Pass
7/11/2016	1	City Council	amended	Pass
7/11/2016	1	City Council	adopt on third reader	Pass
6/20/2016	1	Rules and City Government Committee	recommend favorably	Pass
6/20/2016	1	Rules and City Government Committee	recommend unfavorably	Pass
3/21/2016	1	City Council	postpone	Pass
3/1/2016	1	Rules and City Government Committee	recommend favorably	Pass
3/1/2016	1	Rules and City Government Committee	recommend with amendments	Pass
2/9/2016	1	Rules and City Government Committee	postpone	Pass
2/8/2016	1	City Council	declare the public hearing closed	
1/11/2016	1	City Council	adopt on first reader	Pass
1/11/2016	1	City Council	refer to Annapolis Education Commission	

**Removing Members of Boards and Commissions** - For the purpose of providing a formal process for the removal of appointed members of City boards and commissions for cause.

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

**Ordinance 9-16 Amended**

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

**Referred to  
Rules Committee**

**AN ORDINANCE** concerning

**Removing Members of Boards and Commissions**

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

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

Section 2.04.050

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

Section 2.04.060

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

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

**SECTION 1: 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 2.04 - GENERAL ADMINISTRATIVE REGULATIONS.**

**2.04.050 Attendance at meetings.**

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

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

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

1. CAUSE IS HEREBY DEFINED TO MEAN:

- a. CONCEALING OR FALSIFYING MATERIAL INFORMATION PERTAINING TO THE MEMBER'S APPOINTMENT TO A COMMITTEE, COMMISSION, BOARD OR AUTHORITY.
- b. FAILING TO ATTEND MEETINGS AS SET FORTH IN CHAPTER 2.04.050 OF THIS CODE
- c. INATTENTION TO CHAPTERS 2.04.070, 2.04.080, AND 2.04.090 OF THE ANNAPOLIS CITY CODE.
- d. VIOLATION OF THE LAWFULLY ADOPTED BYLAWS OR RULES OF A COMMITTEE, COMMISSION, BOARD OR AUTHORITY.
- e. CHANGING OR MOVING ONE'S PRINCIPAL PLACE OF RESIDENCE OUTSIDE GEOGRAPHIC LIMITS ESTABLISHED BY LAW FOR MEMBERS OF A COMMITTEE, COMMISSION, BOARD OR AUTHORITY, OR THAT THE MEMBER WAS APPOINTED TO REPRESENT.
- f. HOLDING MORE POSITIONS THAN ARE PERMITTED BY SECTION 2.04.040 OF THE ANNAPOLIS CITY CODE.
- g. ~~RECOMMENDATION OF SUSPENSION OR REMOVAL BY THE ETHICS COMMISSION PURSUANT TO SECTION 2.08.100 OF THE ANNAPOLIS CITY CODE;~~
- g. SUBJECT OF A COURT-ORDERED ACTION UNDER §3-401 OF THE MARYLAND OPEN MEETINGS ACT (TITLE 3 OF THE GENERAL PROVISIONS ARTICLE OF THE MARYLAND STATE CODE);
- h. CONVICTION OF A CRIME OR PLEADING NOLO CONTENDERE TO A CRIME CONSISTENT WITH §8-502 OF THE STATE GOVERNMENT ARTICLE OF THE MARYLAND STATE CODE.
- i. A CONTINUING MENTAL OR PHYSICAL DISABILITY OF SUCH A NATURE AS TO PREVENT ADEQUATE PERFORMANCE OF DUTIES (SUBJECT TO APPLICABLE FEDERAL OR STATE LAWS PROHIBITING DISCRIMINATION AGAINST DISABLED INDIVIDUALS);
- j. MALFEASANCE, ~~MISCONDUCT~~, OR ABUSE OF OFFICE.

2. THE MAYOR SHALL NOTIFY SUCH MEMBER TO SHOW CAUSE WITHIN TEN (10) DAYS AS TO WHY HE OR SHE SHOULD NOT BE SUSPENDED OR REMOVED FROM OFFICE.

3. THE MAYOR SHALL PROVIDE TO THE MEMBER A WRITTEN STATEMENT INDICATING THE GROUNDS FOR SUSPENSION OR REMOVAL AND ALSO STATING THAT THE PERSON HAS AN OPPORTUNITY TO APPEAL THE DECISION AND STATING

BY WHEN AND TO WHOM TO DO SO. IN THE CASE OF A SUSPENSION, THE WRITTEN STATEMENT SHALL INCLUDE THE TERM OF THE SUSPENSION OR THE CONDITIONS NECESSARY FOR REINSTATEMENT.

4. THE MAYOR SHALL PROVIDE THE CITY COUNCIL A COPY OF THE WRITTEN STATEMENT GIVEN TO THE MEMBER DESCRIBING THE SUSPENSION OR REMOVAL AND COPIES OF ANY STATEMENTS BY THE MEMBER REGARDING THE ACTION.
5. THE CITY COUNCIL MAY REINSTATE THE MEMBER UPON APPEAL IF IT DETERMINES THE ACTION APPROPRIATE. THE MEMBER MUST APPEAL TO THE COUNCIL WITHIN 30 DAYS.
6. THE MAYOR SHALL REPORT QUARTERLY TO THE CITY COUNCIL ON MEMBERS OF COMMITTEES, COMMISSIONS, BOARDS AND AUTHORITIES WHOM THE MAYOR IS AWARE ARE ELIGIBLE TO BE SUSPENDED OR REMOVED FOR CAUSE AND WHOM THE MAYOR HAS ELECTED NOT TO SUSPEND OR REMOVE. THE REPORT SHALL IDENTIFY THE MEMBERS, THE CAUSE OR CAUSES FOR SUSPENSION OR REMOVAL, AND THE MAYOR'S REASON FOR NOT SUSPENDING OR REMOVING THE MEMBER.

B. APPOINTED MEMBERS OF COMMITTEES, COMMISSIONS, BOARDS AND AUTHORITIES MAY BE SUSPENDED OR REMOVED BY THE CITY COUNCIL FOR CAUSE AS "CAUSE" IS DEFINED IN PARAGRAPH A.1 OF THIS SECTION IF THE MAYOR FAILS TO ACT. PRIOR TO SUSPENDING OR REMOVING A MEMBER, THE CITY COUNCIL SHALL PROVIDE TO THE PERSON A WRITTEN STATEMENT INDICATING THE GROUNDS FOR THE PROPOSED SUSPENSION OR REMOVAL AND STATING THAT THE PERSON HAS AN OPPORTUNITY FOR A HEARING BEFORE THE CITY COUNCIL. IN THE CASE OF A SUSPENSION, THE WRITTEN STATEMENT SHALL INCLUDE THE TERM OF THE SUSPENSION OR THE CONDITIONS NECESSARY FOR REINSTATEMENT.

C. A MEMBER OF A COMMITTEE, COMMISSION, BOARD OR AUTHORITY WHO HAS BEEN SUSPENDED OR REMOVED UNDER THIS SECTION PARAGRAPH B MAY DISPUTE THE REMOVAL OR SUSPENSION THROUGH BINDING ARBITRATION IN ANNE ARUNDEL COUNTY.

1. THE MEMBER MUST PROVIDE WRITTEN NOTICE TO THE CITY WITHIN 30 DAYS OF THE REMOVAL OR SUSPENSION.
2. ANY DECISION AS A RESULT OF ANY SUCH ARBITRATION PROCEEDING SHALL BE IN WRITING AND SHALL PROVIDE AN EXPLANATION FOR ALL CONCLUSIONS OF LAW AND FACT AND SHALL INCLUDE THE ASSESSMENT OF COSTS, EXPENSES, AND REASONABLE ATTORNEYS' FEES.

3. ~~IF THE ARBITRATION UPHOLDS THE REMOVAL OR SUSPENSION, THE MEMBER SHALL PAY THE ARBITRATION COSTS. IF THE ARBITRATION REVERSES THE REMOVAL OR SUSPENSION, THE CITY SHALL PAY THE ARBITRATION COSTS.~~

B. THIS CHAPTER DOES NOT APPLY TO APPOINTED MEMBERS OF COMMITTEES, COMMISSIONS, BOARDS OR AUTHORITIES WHEN REMOVAL OR SUSPENSION OF THOSE MEMBERS IS SPECIFIED BY OTHER STATE OR MUNICIPAL LAW.

**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.

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

Underlining indicates amendments.