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Title: Offices of Law and City Clerk - For the purpose of establishing an Office of Law and an Office of City Clerk and clarifying operational lines of report.

Sponsors: Joe Budge, Ross Arnett, Sheila Finlayson, Kenny Kirby, Ian Pfeiffer, Jared Littmann, Rhonda Pindell Charles

Indexes: Finance Committee, Financial Advisory Commission, Public Safety Committee, Rules and City Government Committee

Code sections:

Attachments: 1. CA-2-17 Offices of Law and City Clerk.pdf, 2. CA-2-17 FAC Findings.pdf, 3. CA-2-17 Fiscal Impact.pdf

Date	Ver.	Action By	Action	Result
10/9/2017	1	City Council	withdrawn without objection	
9/25/2017	1	City Council	declare the public hearing left open	
9/14/2017	1	City Council	adopt on first reader	Pass
9/14/2017	1	City Council	refer	
9/14/2017	1	City Council	refer	
9/14/2017	1	City Council	refer	
9/14/2017	1	City Council	refer	

Offices of Law and City Clerk - For the purpose of establishing an Office of Law and an Office of City Clerk and clarifying operational lines of report.

CITY COUNCIL OF THE City of Annapolis

Charter Amendment 2-17

Introduced by: Alderman Budge, Alderman Arnett, Alderwoman Finlayson, Alderman Kirby, Alderman Pfeiffer, Alderman Littmann
and Alderwoman Pindell Charles

Referred to
Rules and City Government Committee

A CHARTER AMENDMENT concerning

Offices of Law and City Clerk

FOR the purpose of establishing an Office of Law and an Office of City Clerk and clarifying operational lines

of report.

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

Article V, Section 4

Article V, Section 5

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

Article VI, Section 2B

BY enacting the following portions of the Annapolis City Charter:

Article VI, Section 5

Article VI, Section 6

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

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

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

WHEREAS, the Office of the City Clerk, which includes the deputy City Clerk, is unmentioned in the City Charter; and

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

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

ARTICLE VI - OPERATIONS

Sec. 2B - City manager.

- (a) There shall be a city manager in the office of the mayor who shall be the chief administrative officer of the city. The city manager shall be the direct subordinate of the mayor and shall have supervisory authority over the department directors as provided for by the City's organizational chart that is prepared by the mayor and accepted by the City Council.
- (b) The city manager shall be appointed by the mayor and confirmed by the city council based solely on his or her experience and credentials as a city manager. The city manager may be removed from office by the mayor or by the City Council. The city manager shall have had, prior to appointment, an advanced degree in business or public administration from an accredited college or university and at least eight (8) years' experience in local government management. The city manager shall be thoroughly familiar with contemporary budgeting and accounting practices.

- (c) The city manager shall devote full time to the duties of the office.
- (d) The compensation of the city manager shall be fixed by the mayor according to the provisions of an executive pay plan formulated by the Council Compensation Commission and adopted by ordinance. If the city manager is hired during an interim year, the mayor and council shall determine the compensation based upon the recommendations from the Finance Committee.
- (e) The city manager shall have the following additional powers and duties:
 - (1) To administer the day-to-day operations of the municipal government and oversee the delivery of municipal services;
 - (2) To exercise supervisory authority over the department directors, as provided for by the City's organizational chart that is prepared by the mayor and accepted by the City Council;
 - (3) To direct the operations of the city government;
 - (4) To supervise the preparation of the city budget;
 - (5) To advise the mayor in the formation of policy and the implementation of plans to address demands for municipal services, enhance the quality of life and strengthen the economic vitality of the city;
 - (6) To perform such duties not inconsistent with this Charter as may be delegated by the mayor from time to time;
 - (7) To adjust parking rates in City-owned parking garages and parking lots to the extent permitted, pursuant to 12.04.040 A.6. of the Code of the City of Annapolis. The City Manager may appoint a designee to determine any such adjustments to parking rates in City-owned parking garages and parking lots;
 - (8) To supervise the daily operations of the office of management information technology;
 - (9) To supervise the daily operations of the office of environmental policy; ~~and~~
 - (10) To administer the human resources affairs of the city, including, but not limited to:
 - (i) Administering a civil service system;
 - (ii) Conducting investigations and examinations for appointment or promotion in the civil service; and
 - (iii) Administering certain other activities related to the payment, benefits, training, discipline and retirement of city officials and employees- ; AND
 - (11) TO SUPERVISE THE DAILY OPERATIONS OF THE CITY PUBLIC INFORMATION OFFICER.
- (f) In the event of a vacancy in the position of city manager, the mayor shall promptly appoint a qualified person to serve as acting city manager. The acting city manager may exercise all the powers of the city manager and enjoys the same immunity accorded the city manager. The acting city manager shall receive such compensation as determined by the mayor that is consistent with the executive pay plan. However, if the position of city manager remains vacant for more than six (6) months, no compensation may be paid to an acting city manager without the approval of the Council at every six-month interval.

SEC. 5 - OFFICE OF LAW

- (A) THE OFFICE OF LAW SHALL BE ADMINISTERED BY THE CITY ATTORNEY. THE CITY ATTORNEY SHALL BE APPOINTED ON THE BASIS OF HIS/HER KNOWLEDGE OF MUNICIPAL LAW AND ADMINISTRATION, SHALL BE A MEMBER IN GOOD STANDING OF THE BAR OF MARYLAND, SHALL HAVE BEEN ACTIVELY ENGAGED IN THE PRACTICE OF LAW IN THE STATE OF MARYLAND FOR AT LEAST FIVE (5) YEARS, AND SHALL NOT MAINTAIN A PRIVATE PRACTICE EXCEPT TO THE EXTENT AUTHORIZED BY THE CITY COUNCIL.
- (B) THE OFFICE OF LAW SHALL HAVE THE FOLLOWING POWERS AND DUTIES:
 - (1) TO PERFORM LEGAL SERVICES FOR THE CITY;
 - (2) TO PERFORM ADVISORY, DOCUMENTARY AND DRAFTING SERVICES FOR THE CITY;

- (3) TO ISSUE OPINIONS UPON QUESTIONS AFFECTING THE INTEREST OF THE CITY;
- (4) TO REVIEW AND APPROVE AS TO FORM AND LEGAL SUFFICIENCY EACH INSTRUMENT TO BE EXECUTED ON BEHALF OF THE CITY;
- (5) TO PREPARE AND APPROVE THE TITLE PAPERS WHENEVER THE CITY PURCHASES ANY REAL ESTATE AND NO CONTRACT SHALL BE MADE OR MONEY PAID ON ACCOUNT OF THE PURCHASE OF REAL PROPERTY UNTIL THE CITY ATTORNEY CERTIFIES TO THE TITLE OF THE PROPERTY AND LEGAL SUFFICIENCY OF THE DEEDS OR OTHER INSTRUMENTS INTENDED TO CONVEY THE PROPERTY TO THE CITY;
- (6) TO ADVISE AND ASSIST THE MAYOR, ALDERMEN AND CITY CLERK IN THE PREPARATION OF LEGISLATION.

SEC. 6 - OFFICE OF THE CITY CLERK

- (A) THE OFFICE OF THE CITY CLERK SHALL BE ADMINISTERED BY THE CITY CLERK. THE CITY CLERK SHALL BE APPOINTED ON THE BASIS OF HIS/HER COMBINATION OF EDUCATION AND EXPERIENCE THAT HAS PROVIDED THE KNOWLEDGE, SKILLS, AND ABILITIES NECESSARY FOR A CITY CLERK.
- (B) THE CITY MANAGER SHALL APPOINT A PERSON TO SERVE AS DEPUTY CITY CLERK.
- (C) THE OFFICE OF THE CITY CLERK SHALL HAVE THE FOLLOWING POWERS AND DUTIES:
 - (1) TO CERTIFY AND ATTEST TO THE ACTIONS OF THE CITY AND ITS OFFICIALS.
 - (2) TO KEEP PERMANENT RECORDS OF THE PROCEEDINGS OF THE CITY COUNCIL AS WELL AS OF ALL THE LAWS, ORDINANCES, RESOLUTIONS AND ORDERS OF THE CITY COUNCIL.
 - (3) TO ADVERTISE ALL ELECTIONS WHICH ARE TO BE HELD UNDER THE CHARTER, AND MAKE RETURN OF THE SAME IN THE MANNER NOW PROVIDED FOR BY THE LAWS REGULATING ELECTIONS.
 - (4) TO PREPARE LEGISLATION AT THE REQUEST OF THE MAYOR OR ANY OF THE ALDERMEN, FOR CONSIDERATION BY THE CITY COUNCIL.
 - (5) TO BE THE CUSTODIAN OF THE SEAL AND OF THE PERMANENT RECORDS AND INSTRUMENTS OF THE CITY.
- (D) THE DEPUTY CITY CLERK SHALL HAVE THE SAME POWERS AND OBLIGATIONS AND SHALL PERFORM THE DUTIES PERFORMED BY THE CITY CLERK, IN THE ABSENCE OF THE CLERK, AS AUTHORIZED BY LAW.

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

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

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

The above Charter Amendment was enacted by the foregoing Resolution which was passed at a Meeting of the Annapolis City Council on _____, 2017; _____ voting in the affirmative, _____ voting in the negative, _____ abstaining and _____ absent and the said Resolution becomes effective in accordance with law on the ____ day of _____ 2017.

EXPLANATION

CAPITAL LETTERS indicate matter added to existing law.

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

Underlining indicates amendments.