



**City Of Annapolis**

**Charter Revision Commission**

**Report to the Mayor and City Council**

**November 28, 2011**

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## **PROCESS**

On March 23, 2011 a diverse group, consisting of seven Annapolis citizens appointed by the Mayor and Council to serve on the Charter Review Commission, met to begin discussions as to how they should approach the task of reviewing the existing Charter. The Commission met twice a month. Hilary Raftovich served as staff support.

The Commission wanted to be thorough, fair, un-biased, inclusive, and open to the ideas and thoughts of City officials and staff, noted experts, and citizens. Initially the Commission began a systematic approach by reviewing each Charter Article in turn. Commission members read the Charter, conveyed an evaluation, and opened discussions on their concerns.

We discussed recommendations by the previous commissions that were not implemented into the Charter by the City Council. This Commission sought to examine reasons why various recommendations from the 2001 Charter Revision Commission were not implemented and why others were. The intent for this exercise was to examine why these recommendations were believed to improve the Charter and hence City government.

After the Commission completed its review of the Charter and previous reports, we met with Mr. James P. Peck, Director of Research & Information Management at the Maryland Municipal League. Mr. Peck is considered an expert in municipal government and its policies, legislation etc. The Charter Commissioners next met with Mayor Cohen to hear his thoughts on the Charter and the status of the city, where he feels it is going. Commission members also heard from Alderman Arnett and Alderman Israel. Alderman Israel tried to attend some of the meetings but due to health issues he was not able to do so. He did, however, submit a draft ordinance on restructuring City Council (see Decision I and Appendix A). City staff were invited to come to express their thoughts on the effectiveness of the Charter. City Manager Michael Mallinoff came to speak with the Commission not only regarding the City of Annapolis but also how certain policies and governmental practices were implemented in Newport, Rhode Island where he had worked under a city manager form of government. In light of past community interest in the Council-Manager form of government the Commission spent several meetings discussing the pros and cons of such a system. Through extensive discussions it was felt that the current city government lets the voters decide who will be accountable for governing and in meeting the needs of the citizens while adding professionalism to its administration. No motion was made for change.

The Commission heard testimony from M. Kathleen Sulick, a former City financial official and now a Personal Financial Specialist at HeimLantz. She spoke forcefully in favor of a robust City cash reserve (see Decision IV). Also, Jessica Cowles, Legislative and Policy Analyst at the City's Office of Law, reviewed for the Commission the legislative process and her role in drafting any legislation the Commission would recommend.

The Commission, recognizing the important public service of ombudsman, as already provided pursuant to Sect. 2.12.0020 of the city code, has also informally suggested to the Mayor that the availability of this service, qualifications for the position and procedures for receiving and resolving complaints be more widely publicized for the public's information.

## DECISIONS

### I. Elections

- a. The committee discussed the City adopting non-partisan elections in place of partisan. The debate, backed by data from Mr. Peck, from the previous experiences of Commission members, and from extensive studies by political analysts, continued over many meetings. See Appendix A for the rationales of the Commission's vote, majority and minority.

- i. *The vote: Nonpartisan elections passed 5 votes to 2*

- b. The Committee discussed changing the City elections to coincide with either the national or state elections or to keep them off-year as currently scheduled. Again, data supplied by Mr. Peck, various political scientists, and from the City Administrator of Chesapeake Beach (the only Maryland city with elections coinciding with the presidential), enriched the debate. See Appendix B for the rationales of the Commission's vote, majority and minority.

- i. *The vote: City elections to coincide with the state elections passed 6 votes to 1*

## II. Finances

The question of including the mandating of a cash reserve fund in the Charter was raised by a member and strongly supported by Ms. Sulick. The following motion was introduced:

### Article VII FINANCES, [new] Section 12: Requirements

- i. The City Council shall provide an unrestricted fund balance at a rate in accordance with best practices standard for municipal authorities as part of the annual budget process with reference to credit agencies for a triple A rating.
- ii. The City Council shall establish an Audit Committee consisting of the mayor, city manager, finance director, alderpersons, and citizens with responsibility for arranging the annual audit.
- iii. The finance director shall report to City Council by December 31 the Comprehensive Annual Financial Report.

*b. The vote: This motion passed 7 votes to 0*

## III. Legislation

The committee reviewed three Charter Revisions and one Resolution that were referred to them by the City Council.

**CA-01-10 Deputy Department Directors** - The Committee ruled favorably with the following amendment: on page 2, line 7 between “service” and “as acting” add “, after two consecutive weeks”

**CA-3-11 The Oath of Office** – The Committee ruled favorably

**CA-08-10 Structure and Procedures of City Government** – The committee ruled unfavorably

*Comment: While some features are seen favorably, the Commission, in particular, did not believe the proposal would be appropriate for a city of Annapolis’ relatively small size.*

**R-48-11 Charter Amendment Adoption Procedure** – The Committee ruled favorably

See Appendix C for copies of the proposed legislation and committee reports.

## **CONCLUSION**

We are grateful for the cooperation of all city officials, for the experts who testified, for the suggestions of citizens, and for the diligence of our City Staff, Hilary Raftovich and for Jessica Cowles for drafting legislation.

Respectfully submitted,

**Michael Fox, Chair**

**Nicholas Berry, Vice Chair**

**Faye Currie**

**Robert Slawson**

**Sarah Wilkerson**

**Rhonda Pindell-Charles**

**Gilbert Renaut**

## **Appendix A Non-Partisan Elections**

### **Majority Report**

The time has come for Annapolis to move from a partisan to a non-partisan election system under which party affiliation would play no official role in the selection or election of candidates for city offices. This would open the election process to more Annapolis residents than does our current system, and would be much more equitable, with the potential of attracting a greater number of well-qualified candidates. For one example, it could include resident federal employees who are currently prohibited from running for any political offices because of the federal Hatch Act. Retirement ends the prohibition, but most retirements are effective at the end of the fiscal year, September 30, which is after the City primary.

Political parties would still exist, of course, and could support any candidates they wished, but they would not play an official role in selecting candidates. Political parties, which play a distinctive role nationally and in state governments, and have grown exceedingly polarized, have very little, if any, relevance to the management and governing of local municipalities like Annapolis. Most cities in Maryland, excluding only Frederick, Baltimore and Annapolis, now have non-partisan elections.

It has been argued that non-partisan elections might result in fewer voters' exercising their right to vote because of apathy or lack of information about the candidates, and the belief that parties provide information and "get out the vote" momentum. However, the existing strong and growing tradition of citizen action and involvement in the Annapolis's diverse communities, with widespread information sharing through the internet and local newsletters and papers, should substantially offset those concerns. Another argument in favor of non-partisan elections, but perhaps more provocative to party leaders, is the tendency when one party dominates the voter rolls, for the primary, despite its generally lower voter turnout, to decide the outcome of the general election. This would not be the case in a non-partisan election system because primaries would not exist. Instead, voters could directly support any candidate they chose, without being limited by party affiliation.

Both the 1996 and 2002 Annapolis Charter Review Commissions recommended non-partisan elections, and it has become increasingly apparent that it would be beneficial for Annapolis to adopt this system.

## Minority Report

There are a number of disadvantages to non-partisan elections. They diffuse responsible government. Without parties organizing government into responsible governors, who is to blame if things go awry? A government of individuals is amorphous. Or it becomes like a one party government, where to get change the electorate will often clean house; out go the good with the bad. Without political parties organizing the electorate and getting out the vote, voter turnout, as studies show, usually suffers, because voter turnout must rely on individual candidates who do not have well-structured, experienced organizations. Low voter turnout breeds apathy among the electorate, which occurs even in partisan elections (although less frequently). The mechanics of non-partisan elections create some problems. Typically, they bring out a lot of candidates for any office in a primary. Say there are five candidates for an office; it is possible that the top two for the general election to have garnered barely 50 percent of the vote, leaving a huge block of voters without their favorite candidate on the general ballot. If there is no primary, just one election among the five, the winner could have as little as 30 percent of the vote. Furthermore, in non-partisan elections there is a high probability that the winners will come from and represent the major interest groups in the city, typically a coalition of realtors, developers, and businesses. Studies also show, therefore, that minorities and the less affluent are under-represented in government. Non-partisan elections typically produce conservative governments that have a tendency to operate behind closed doors.

## **APPENDIX B City Election Date**

### **Majority Report**

City elections should be moved to coincide with state elections. There are two primary reasons for doing this. First, it saves the City money by piggyback on the state elections. Second, it will almost certainly improve voter turnout, which now is embarrassingly low in City elections.

### **Minority Report**

Some cities, unlike Annapolis, have local elections that coincide with national or state elections. There are, as with any system, advantages and disadvantages to on-year and off-year elections. Shifting the city election to that of the state election, as the majority recommends, has a number of problems. The ballot would list the candidates for governor, state offices, the U.S. Senate and House, the Maryland Senate, three for District 30 for the Maryland House of Delegates, and the County Council. It also may have referenda ballot questions for the state. This is a very long ballot. Adding city candidates for mayor and council would make it even longer. There is the likelihood that some voters, even if a small number, would cease voting for candidates after a while. Although the turnout would overall increase (state elections have a higher turnout than do city) it would inject into local races the state wave, giving an advantage to those city candidates of the party on the state wave. For example, a city election in 2010 where Martin O'Malley and the Democrats made the big wave, city candidates of that party would likely have prospered. As a result, city issues would diminish in importance in determining the election outcome. Furthermore, establishing the new date would require shortening the terms of city officials from four to one year or lengthening it to five years for one election in order to harmonize the dates to get on schedule with the state. For instance, the 2013 city election terms would run either one year until the 2014 state election or five years to the next state election in 2018. Finally, there is tradition. Annapolis as far back as anyone knows or remembers has had its elections on off years from both the national and state elections. Yes, having stand-alone city elections puts the financial cost of that election solely on the city, but even that only comes to about .2 percent of the annual city budget.

**APPENDIX C Legislation Reviewed by the Commisison**

1 **CITY COUNCIL OF THE CITY OF ANNAPOLIS**

2  
3 **CHARTER AMENDMENT NO. CA-01-10**

4  
5 **Introduced by Alderman Israel**

LEGISLATIVE HISTORY			
First Reading:	Public Hearing:	Fiscal Impact Note:	120 Day Rule:
01/11/10			05/11/10
Referred to:	Meeting Date:	Action Taken:	
Civil Service Board Rules and City Gov't			

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8  
9 **A RESOLUTION concerning**

10  
11 **Deputy Department Directors**

12  
13 **FOR** the purpose of requiring department directors, subject to mayoral approval, to  
14 designate a full-time employee as deputy director.

15  
16 \* \* \* \* \*

17 **BY** repealing and re-enacting with amendments the following portion of the City  
18 Charter:  
19 Article VI, Section 2

20  
21 \* \* \* \* \*

22  
23 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**  
24 **COUNCIL** that the Charter of the City of Annapolis shall be amended as follows:

25  
26 **Article VI OPERATIONS**

27  
28 **Sec. 2. - Department directors—Duties generally, appointment; removal;**  
29 **compensation.**

30  
31 A. Each department shall be administered by a director who shall be the appointing  
32 authority for that department, shall be responsible for the execution of the duties and  
33 responsibilities of the department and shall perform such other functions as are  
34 delegated from time to time by this Charter, by ordinance, or by the mayor. Each  
35 director shall be confirmed by the city council. In referring a nominee for confirmation,  
36 the mayor shall describe the manner in which the nominee fulfills the qualification for the  
37 position as enumerated in this article and as may be established by ordinance not

1 inconsistent therewith. A director may be removed from office by the mayor. The  
2 compensation of each director shall be fixed by the mayor according to the provisions of  
3 an executive pay plan adopted by ordinance.  
4

5 B. Each department director shall, with the approval of the mayor, designate a full-time  
6 employee as deputy director. In the event of a temporary absence or disability of the  
7 director, the deputy director shall serve as acting director. During time of service as  
8 acting director, the deputy director shall receive the same compensation paid to the  
9 director.

10  
11 ~~B.~~ C. Upon the occurrence of a vacancy in the directorship of a department, the Mayor  
12 shall promptly designate a qualified person to serve as acting director. An acting  
13 director may exercise all the powers of the director and enjoy the immunity accorded to  
14 the director. An acting director shall receive such compensation as determined by the  
15 Mayor. However, if a directorship remains vacant for six months, no compensation may  
16 be paid to an acting director without the express consent of the Council. If a directorship  
17 remains vacant for an additional period of six months or more, further compensation for  
18 an acting director must be approved by the Council at every six month interval.  
19

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

31  
32 **SECTION III: AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY**  
33 **COUNCIL** that the Mayor is hereby specifically commanded to carry out the provisions  
34 of Section II hereof, and, as evidence of such compliance, the Mayor shall cause to be  
35 maintained appropriate certificates of publication of the newspaper or newspapers in  
36 which the title of the Resolution shall have been published and if a favorable  
37 referendum is held on the Charter change, shall declare the Charter change hereby  
38 enacted to be effective on \_\_\_\_\_, by affixing his signature hereto in the  
39 space provided on the effective date of change.  
40

41 **SECTION IV: AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY**  
42 **COUNCIL** that as soon as the Charter Amendment hereby enacted shall become  
43 effective, either as provided herein or following a referendum, the Mayor shall send to

1 the Maryland Department of Legislative Services a copy of this Resolution showing the  
2 number of Aldermen voting for and against it and a report on the votes cast for or  
3 against the amendment hereby enacted at any referendum thereon and the date of  
4 such referendum.

5  
6 The above Charter Amendment was enacted by the foregoing Resolution which  
7 was passed at a \_\_\_\_\_ meeting of the Annapolis City Council on \_\_\_\_\_, 2010;  
8 \_\_\_\_\_ voting in the affirmative, \_\_\_\_\_ voting in the negative, \_\_\_\_\_ abstaining and \_\_\_\_\_  
9 absent and the said Resolution becomes effective in accordance with law on the  
10 \_\_\_\_\_ day of \_\_\_\_\_.

11  
12  
13 **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

14  
15  
16 **ATTEST:**

**THE ANNAPOLIS CITY COUNCIL**

17  
18  
19 \_\_\_\_\_  
20 **Regina C. Watkins-Eldridge, MMC**  
21 **City Clerk**  
22

**BY:** \_\_\_\_\_  
**JOSHUA J. COHEN, MAYOR**

**EXPLANATION:**

Highlighting indicates matter added to existing law.  
~~Strikeout indicates matter deleted from existing law.~~  
Underlining indicates amendments.

## **Policy Report**

### **CA-01-10, Deputy Department Directors**

As provided by Art. VI, § 2B of the Annapolis Charter, the Mayor appoints acting department directors in the event of a vacancy. This individual enjoys all the powers and immunities of a director, and his or her compensation is determined by the Mayor. See ANNAPOLIS, MD., CHARTER Art. VI, § 2 (2010). Short-term absences and disabilities, however, are not provided for, and are currently addressed on an ad hoc basis by each department.

The proposed charter amendment would require each department director, subject to mayoral approval, to designate a full-time employee as deputy director. This designee would serve as director during short-term absences and disabilities and, during service, would receive the same compensation paid to the director.

Prepared by Seth B. Zirkle, City of Annapolis Office of Law, (410) 263-1184



City of Annapolis  
Charter Revision Commission  
Referral Action Report

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Date: 10/6/11

To: Jessica Cowles,  
City of Annapolis Office of Law,  
Legislative and Policy Analyst

The Charter Revision Commission has reviewed **CA-01-11** and has taken the following action:

Favorable

Favorable with amendments *on page 2, line 7 between "service" and "as acting" add ", after two consecutive weeks"*

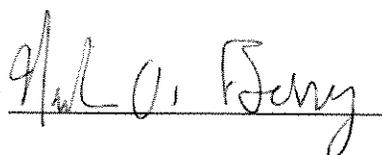
Unfavorable

No Action

Other

Comments:

Meeting Date 10/20/11

Signature of Chair 

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**CITY COUNCIL OF THE  
City of Annapolis**

**Charter Amendment No. CA-3-11**

**Introduced by: Alderman Arnett**

**Co-Sponsored by: Mayor Cohen**

LEGISLATIVE HISTORY			
First Reading	Public Hearing	Fiscal Impact Note	120 Day Rule
4/11/11			8/9/11
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	4/11/11		

10  
11 **A CHARTER AMENDMENT** concerning

12 **The Oath of Office**

13 **FOR** the purpose of establishing that each alderman, each other officer and each member of  
14 a commission, board or committee shall also uphold the Charter and Code of the City of  
15 Annapolis in addition to the Constitution of the United States and the Constitution of the  
16 State of Maryland.

17 **BY** amending the following portions of the City Charter:  
18 Article IX, Section 1.  
19

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

22 **Article IX, MISCELLANEOUS PROVISIONS**

23  
24 **Section 1 - Oath of office.**

25 The mayor shall qualify by taking and subscribing to the oath of office prescribed by the  
26 Constitution of the State of Maryland before the clerk of the circuit court for Anne Arundel  
27 County. Each alderman, each other officer and each member of a commission, board or  
28 committee, before entering upon the duties of the respective office, shall take and subscribe  
29 before the mayor the following oath or affirmation:  
30

31 "I, \_\_\_\_\_, do swear (or affirm, as the case may be), that I will support the Constitution  
32 of the United States; and that I will be faithful and bear true allegiance to the State of Maryland,  
33 and support the Constitution and laws thereof; and that I will, to the best of my skill and  
34 judgment, diligently and faithfully, without partiality or prejudice, execute the office of  
35 \_\_\_\_\_, according to the Constitution and Laws of this State and the Charter and Code  
36 of the City of Annapolis."  
37

1           **SECTION II: AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY**  
2 **COUNCIL** that the date of adoption of this Resolution is \_\_\_\_\_, 2011, and the amendments of  
3 the Charter of the City of Annapolis, hereby enacted shall become effective on \_\_\_\_\_, 2011,  
4 unless a proper petition for referendum hereon shall be filed as permitted by law within 40 days  
5 of adoption, provided a complete and exact copy of this Resolution shall be continuously posted  
6 on the bulletin board in the City Hall until \_\_\_\_\_, 2011, and provided further that a copy of the  
7 title of this Resolution shall be published in "The Capital", a newspaper of general circulation in  
8 the City of Annapolis, or in any other newspaper of such general circulation, once in each of the  
9 weeks on, \_\_\_\_\_, 2011, \_\_\_\_\_, 2011, \_\_\_\_\_, 2011, and \_\_\_\_\_, 2011.

10  
11           **SECTION III: AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY**  
12 **COUNCIL** that the Mayor is hereby specifically commanded to carry out the provisions of  
13 Section II hereof, and, as evidence of such compliance, the Mayor shall cause to be maintained  
14 appropriate certificates of publication of the newspaper or newspapers in which the title of the  
15 Resolution shall have been published and if a favorable referendum is held on the Charter  
16 change, shall declare the Charter change hereby enacted to be effective on \_\_\_\_\_, 2011, by  
17 affixing his signature hereto in the space provided on the effective date of change.

18  
19           **SECTION IV: AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY**  
20 **COUNCIL** that as soon as the Charter Amendment hereby enacted shall become effective,  
21 either as provided herein or following a referendum, the Mayor shall send to the Maryland  
22 Department of Legislative Services a copy of this Resolution showing the number of Aldermen  
23 and Alderwomen voting for and against it and a report on the votes cast for or against the  
24 amendment hereby enacted at any referendum thereon and the date of such referendum.

25  
26           The above Charter Amendment was enacted by the foregoing Resolution which was  
27 passed at a Meeting of the Annapolis City Council on \_\_\_\_\_, 2011; \_\_\_\_\_ voting in the  
28 affirmative, \_\_\_\_\_ voting in the negative, \_\_\_\_\_ abstaining and \_\_\_\_\_ absent and the said  
29 Resolution becomes effective in accordance with law on the \_\_ day of \_\_\_\_\_ 2011.

30  
31           **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

32  
33  
ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

\_\_\_\_\_  
Regina C. Watkins-Eldridge, MMC, City Clerk

\_\_\_\_\_  
Joshua J. Cohen, Mayor

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37  
38           **EXPLANATION:**

39           Highlighting indicates matter added to existing law.

40           Strikeout indicates matter deleted from existing law.

41           Underlining indicates amendments.  
42



City of Annapolis  
Charter Revision Commission  
Referral Action Report

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Date: 10/6/11

To: Jessica Cowles,  
City of Annapolis Office of Law,  
Legislative and Policy Analyst

The Charter Revision Commission has reviewed **CA-03-11** and has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

Meeting Date 10/20/11

Signature of Chair

*Neil O. Berry*

**CITY COUNCIL OF THE CITY OF ANNAPOLIS**

**CHARTER AMENDMENT NO. CA-08-10**

**Introduced by Alderman Israel**

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LEGISLATIVE HISTORY			
First Reading:	Public Hearing:	Fiscal Impact Note:	120 Day Rule:
11/8/10			1/23/11
Referred to:	Referral Date:	Meeting Date:	Action Taken:
Rules & City Gov Committee Charter Revision Comm			

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**A RESOLUTION** concerning

**Structure and Procedures of City Government**

**FOR** the purpose of increasing the number of wards in the City of Annapolis from eight to nine for the purpose of conducting the 2013 primary and general election and all primary and general elections thereafter, and for removing the Mayor as a member of the City Council, and providing for a presiding officer of the City Council to be selected by a majority vote of the City Council from the aldermen and alderwomen representing each of the nine wards, to serve for no more than a term of one year consecutively, and providing for the Mayor to have veto power over proposed ordinances and resolutions and line item veto power with respect to the City’s annual operating budget, and providing for the City Council to have the power to override a veto of the Mayor by a two thirds vote of those present and constituting a quorum and voting.

\* \* \* \* \*

**WHEREAS**, Article II, Section 1, of the City Charter divides the City of Annapolis into eight wards of approximately equal population and provides that additional wards may be established by ordinance if additional territory is annexed to the City of Annapolis;

**WHEREAS**, Article IV, Section 1, of the City Charter provides that the City Council shall be composed of the Mayor and Aldermen;

**WHEREAS**, Article IV, Section 2, of the City Charter provides for the general powers and duties of the city council;

1  
2 **WHEREAS**, Article IV, Section 3, of the City Charter provides that the Mayor shall act  
3 as the Chairman of the City Council and preside at all meetings;  
4

5 **WHEREAS**, Article IV, Section 4, of the City Charter provides that the Mayor may  
6 convene special meetings of the City Council;  
7

8 **WHEREAS**, Article V, Section 2, of the City Charter provides for the powers and duties  
9 of the Mayor.  
10

11 **SECTION I: BE IT ESTABLISHED AND RESOLVED BY THE ANNAPOLIS**  
12 **CITY COUNCIL** that the above referenced sections of the Charter of the City of  
13 Annapolis shall be amended to read as follows:  
14

15 **Article II, Sec. 1. - Wards.**

16 For purposes of the regular primary and general elections of 2013 and all  
17 subsequent elections, whether regular or special, the City shall be divided by  
18 ordinance into ~~eight (8)~~ nine (9) wards of approximately equal population. One (1)  
19 or more additional wards of the city may be established by ordinance if additional  
20 territory is annexed to the city as provided in Article III, Section 4 of this Charter.

21 **Article IV, Sec. 1. - Composition.**  
22

23 Beginning the first Monday of December of 2013, the city council shall be  
24 composed of the mayor and the aldermen of the nine wards of the City.

25 **Article IV, Sec. 2. - General Powers and duties.**

26 (a) The city council shall be the legislative body of the City of Annapolis vested  
27 with the power to enact laws. The city council shall have the authority to enact all  
28 laws necessary or convenient for the exercise of the powers granted to the City  
29 of Annapolis for the proper functioning of the government of the City and for  
30 enforcement of these laws. Beginning on the first Monday of December of 2013,  
31 the city council shall have the power to override a veto of the Mayor of any  
32 ordinance, resolution, except a resolution proposing a Charter Amendment, or  
33 veto of any item of expenditure in the City's annual operating budget that has  
34 been added or increased by the city council, by a two thirds vote of those present  
35 and constituting a quorum and voting. Except as otherwise provided by the city  
36 council, all laws adopted by the council shall take effect upon the date of  
37 adoption.

38 (b) The powers and duties of the city council include the power and duty to  
39 conduct oversight of the expenditure of public money and the delivery of  
40 municipal services.

1 (c) The city council shall sit as the planning and zoning authority of the city,  
2 except for those functions delegated to the board of appeals, the planning  
3 commission or to the planning and zoning director.

4 (d) The city council shall perform such other functions as specified in this  
5 Charter or by ordinance, or as conferred upon local governing bodies by the laws  
6 of the State of Maryland.

7  
8 **Article IV, Sec. 3. - ~~Chairman.~~ Presiding Officer.**

9 Beginning on the first Monday of December of 2013, the ~~mayor shall be the~~  
10 ~~chairman of the city council~~ presiding officer of the City Council shall be known  
11 as the president of the Council and shall be selected by a majority vote of the  
12 City Council from the aldermen and alderwomen representing each of the nine  
13 wards, to serve for no more than a term of one year consecutively.

14 **Article IV, Sec. 4. - Meetings.**

15 (a) The city council shall meet regularly on the second Monday of each month  
16 except during the month of August and during the month of November in the year  
17 of a municipal general election.

18 (b) The ~~mayor~~ president of the Council may convene special meetings of the  
19 city council at such times as he believes that the interests of the City so require.

20 (c) Upon the written request of five (5) aldermen that the city council be called  
21 into emergency session, the ~~mayor~~ president of the Council shall summon them  
22 to convene. At the emergency session the city council shall consider only such  
23 action as is specified in the request for the emergency session.

24 (d) A majority of the city council shall constitute a quorum to conduct business,  
25 but a smaller number may adjourn from day to day.

26  
27 **Article V, Section 2 - Powers and duties.**

28 The mayor may take the acknowledgment of any deed or instrument; beginning  
29 with the first Monday of December of 2013, shall have veto power over proposed  
30 ordinances and resolutions, except for a resolution proposing a Charter  
31 Amendment, and veto power over any item of expenditure in the City's annual  
32 operating budget that was added or increased by the Council; shall sign all  
33 ordinances, charter amendments, resolutions and instruments; shall cause to be  
34 prepared annually an audited statement of the finances of the city as of the end  
35 of the preceding fiscal year; may call upon any officer of the city entrusted with  
36 the receipt and expenditure of public money for a statement of officer's account;  
37 shall advocate plans that address demands for municipal services, enhance the  
38 quality of life, and strengthen the economic vitality of the city; shall be the  
39 principal representative of the city in official and ceremonial matters; shall

1 develop and maintain intergovernmental relationships so as to ensure that the  
2 interests, goals and objectives of the city are fulfilled; shall supervise the city  
3 administrator; shall report to the city council annually on the state of the city, its  
4 finances and administrative activities; shall see that the actions of the city council  
5 are duly and faithfully executed; and shall perform such other executive duties as  
6 may be prescribed by this Charter or required by the ordinances and resolutions  
7 of the city council not inconsistent with this Charter or as may be necessarily  
8 implied from the powers and duties herein specified.

9 **SECTION II: AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY**  
10 **COUNCIL** that the date of adoption of this Resolution is \_\_\_\_\_, and the  
11 amendments of the Charter of the City of Annapolis, hereby enacted shall become  
12 effective on \_\_\_\_\_, unless a proper petition for referendum hereon  
13 shall be filed as permitted by law within 40 days of adoption, provided a complete and  
14 exact copy of this Resolution shall be continuously posted on the bulletin board in the  
15 City Hall until \_\_\_\_\_, and provided further that a copy of the title of this  
16 Resolution shall be published in "The Capital", a newspaper of general circulation in the  
17 City of Annapolis, or in any other newspaper of such general circulation, once in each of  
18 the weeks on October 25, 2010, November 1, 2010, November 8, 2010 and November  
19 15, 2010.

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

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

37  
38 The above Charter Amendment was enacted by the foregoing Resolution which was  
39 passed at a regular meeting of the Annapolis City Council on \_\_\_\_\_;  
40 voting in the affirmative, \_\_\_\_\_ voting in the negative, \_\_\_\_\_ abstaining and \_\_\_\_\_  
41 absent and the said Resolution becomes effective in accordance with law on  
42 \_\_\_\_\_.

43  
44 **SECTION II: AND BE IT FURTHER ESTABLISHED AND RESOLVED BY THE**  
45 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect on \_\_\_\_\_.

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**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2010.

**ATTEST:**

**THE ANNAPOLIS CITY COUNCIL**

\_\_\_\_\_  
**Regina C. Watkins-Eldridge, MMC**  
City Clerk

**BY:** \_\_\_\_\_  
**JOSHUA J. COHEN, MAYOR**

**EXPLANATION:**

Highlighting indicates matter added to existing law.  
~~Strikeout indicates matter deleted from existing law.~~  
Underlining indicates amendments.



City of Annapolis  
Charter Revision Commission  
Referral Action Report

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Date: 10/6/11

To: Jessica Cowles,  
City of Annapolis Office of Law,  
Legislative and Policy Analyst

The Charter Revision Commission has reviewed **CA-08-11** and has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

Meeting Date 10/20/11

Signature of Chair

Neil G. Berg

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**CITY COUNCIL OF THE  
City of Annapolis**

**Resolution No. R-48-11**

**Introduced by: Mayor Cohen, Alderman Israel and Alderwoman Hoyle**

LEGISLATIVE HISTORY			
First Reading	Public Hearing	Fiscal Impact Note	120 Day Rule
7/25/11			11/22/11
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	7/25/11		

8  
9 **A RESOLUTION** concerning

10 **Charter Amendment Adoption Procedure**

11 **FOR** the purpose of requesting that the Maryland General Assembly change the procedure by  
12 which the City of Annapolis can amend its Charter from a simple majority to requiring a  
13 2/3 majority of the number of the persons elected to City Council.

14 **WHEREAS,** Article XI-E §4 of the Maryland Constitution and Article 23A, §§ 11-18 of the  
15 Code of Maryland establish the procedure by which a municipal corporation  
16 may amend its Charter; and

17  
18 **WHEREAS,** the Maryland Court of Appeals has held that a municipal Charter is its de facto  
19 Constitution; and

20  
21 **WHEREAS,** it is inconsistent with the Court of Appeals view that a municipal charter can be  
22 amended by "a resolution passed as in the usual course of considering  
23 resolutions," that is by "a majority of all the persons elected to the legislative  
24 body," Article 23A §13(a); and

25  
26 **WHEREAS,** the fact that the City of Annapolis' Charter can be amended by a simple  
27 majority of a quorum present is inconsistent with the Charter's foundational  
28 importance; and

29  
30 **WHEREAS,** the procedure for amending the Charter can only be changed by the General  
31 Assembly.

32  
33 **NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the City  
34 Council of the City of Annapolis respectfully requests that the General Assembly amend the  
35 procure by which the City of Annapolis may amend its Charter from a simple majority to  
36 requiring a 2/3 majority of the number of all the persons elected to City Council.

37

1 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that a copy of this  
2 resolution be sent to the Governor, the Speaker of the House of Delegates, the President of the  
3 Senate and the Maryland Municipal League.  
4

5  
6 **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
7

8

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

\_\_\_\_\_  
Regina C. Watkins-Eldridge, MMC, City Clerk

\_\_\_\_\_  
Joshua J. Cohen, Mayor

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**EXPLANATION:**

Highlighting indicates matter added to existing law.  
~~Strikeout indicates matter deleted from existing law.~~  
Underlining indicates amendments.



City of Annapolis  
Charter Revision Commission  
Referral Action Report

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Date: 10/6/11

To: Jessica Cowles,  
City of Annapolis Office of Law,  
Legislative and Policy Analyst

The Charter Revision Commission has reviewed **R-48-11** and has taken the following action:

- Favorable  
 Favorable with amendments  
 Unfavorable  
 No Action  
 Other  
 Comments:

Meeting Date 10/20/11

Signature of Chair