

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

House Bill 31 (Delegate Fulton)
Environmental Matters

Baltimore City - City Manager

This bill proposes a constitutional amendment to establish the position of city manager for Baltimore City. The city manager would be appointed by the city council and would be responsible for all administrative matters and daily operations of the city government. The city manager may only be removed for just cause by a three-quarters majority vote of the city council. The bill also specifies the powers and duties of the city manager.

Fiscal Summary

State Effect: None.

Local Effect: If approved by the General Assembly, this constitutional amendment will be submitted to the voters at the 2004 general election. It is expected that the amendment's requirements could be handled using existing resources within the local boards of election. (If the constitutional amendment is approved by the voters of Maryland, there would be a potential indeterminate effect in Baltimore City expenditures.)

Small Business Effect: None.

Analysis

Current Law: The Maryland Constitution does not provide for the position of city manager for Baltimore City.

The proposed amendment would be submitted to the voters of the State of Maryland at the next general election in November 2004. As the proposed amendment affects

Baltimore City, ratification requires a majority vote throughout the State as well as the city.

Background: City governments operate under two basic forms of government: council-manager and mayor-council. The council-manager form of government is used in 48.5% of local governments and the mayor-council form of government is used in 43.1%. More than 88.7 million individuals live in cities and towns operating under the council-manager form of government. Out of the 237 cities with more than 100,000 residents, 141 use the council-manager form of government. Large cities operating under the council-manager form of government include: Cincinnati, Dallas, Kansas City (MO), Phoenix, San Antonio, San Diego, and San Jose. Most local governments in Virginia operate under the council-manager form of government, including Richmond, Norfolk, Virginia Beach, and Fairfax County.

In Maryland, Baltimore City operates under a mayor-council form of government. In addition, of the State's nine charter counties, six (Anne Arundel, Baltimore, Harford, Howard, Montgomery, and Prince George's) operate under a mayor (executive)-council form of government; and three (Dorchester, Talbot, and Wicomico) operate under a council-manager form of government.

Council-Manager Form of Government

In the council-manager form of government, the council is the governing body of the city elected by the public, and the city manager is hired by the council to administer the policies it establishes. The council provides legislative direction while the city manager is responsible for the day-to-day administrative operation of the city based on the council's recommendations. The mayor and council as a collegial body are responsible for setting policy, approving the budget, and determining the tax rate. The city manager serves as the council's chief advisor. City managers serve at the pleasure of the council and are responsible for preparing the budget, directing day-to-day operations, and hiring and firing personnel. Typically, the mayor is recognized as the political head of the municipality, but is a member of the legislative body and does not have the power to veto legislative actions.

Mayor-Council Form of Government

In the mayor-council form of government, there is an elected legislature (city council) and a separately elected executive (mayor). The mayor is typically responsible for hiring and firing department heads, preparing the city's budget, and administering the day-to-day operations of the city. In addition, the mayor usually retains veto power over acts of the city council. The city council's role includes adopting the budget, auditing the

performance of the city government, adopting general policy positions, and passing resolutions.

Local Fiscal Effect: Should the voters approve the amendment at the November 2004 general election, there would be a potential indeterminate effect on Baltimore City expenditures. Baltimore City advises that the actual impact would depend upon the compensation level set by the mayor and city council and whether the city manager would be a new position or a reorganization of the current position of chief of staff. The mayor's chief of staff currently performs, on the mayor's behalf, the functions usually assumed by a city manager.

If approved by the General Assembly, this constitutional amendment would be submitted to qualified voters in Maryland at the 2004 general election. The Maryland Constitution requires that proposed amendments to the constitution be publicized either: (1) in at least two newspapers in each county, if available, and in at least three newspapers in Baltimore City once a week for four weeks immediately preceding a general election; or (2) by order of the Governor in a manner provided by law. State law requires local boards of elections to publicize proposed amendments to the constitution either in newspapers or on specimen ballots; local boards of elections are responsible for the costs associated with these requirements. It is anticipated that the fiscal 2005 budgets of local election boards will contain funding for notifying qualified voters about proposed constitutional amendments for the 2004 general election in newspapers or on specimen ballots.

Additional Information

Prior Introductions: A similar bill was introduced at the 1999 session as HB 248. The bill received an unfavorable report by the House Commerce and Government Matters Committee.

Cross File: None.

Information Source(s): Maryland State Board of Elections, Baltimore City, Maryland Association of Counties, International City/County Management Association, Department of Legislative Services

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lc/hlb

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