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CHARTER AMENDMENTS - MARYLAND

Mayor and City Council of Hagerstown v. International Ass'n of Firefighters, Local 1605

Court of Special Appeals of Maryland - March 21, 2016 - Not Reported in A.3d - 2016 WL 1098755

“Propelled apparently by the efforts of the leaders and membership of the International Association of Firefighters (IAFF), Local 1605, a sufficient number of verified signatures of registered voters in the City of Hagerstown were garnered in 2014 on a petition to amend the City Charter (and requiring the Mayor and City Council (hereinafter “the City”)) to enact implementation provisions to install collective bargaining and binding arbitration as to non-management employees of the City’s police and fire departments.”

“The proposed Charter amendment was to have been adopted by the City or placed on the ballot of the next general City election for a thumbs-up or down vote by the registered voters; however, the City declined to adopt the proposed amendment or a resolution setting a date for a referendum vote by the City electorate. The City justified this inaction on the basis that the proposed amendment was not appropriate charter material and/or was an impermissible delegation of the local legislature’s powers. To no one’s surprise, litigation ensued.”

“Local 16051 filed a complaint in the Circuit Court for Washington County seeking injunctive, mandamus, and declaratory relief to compel the City to adopt the proposed Charter amendment or set a date for a referendum vote of the municipal electorate. The City responded with a counter-complaint asking for a declaration that the binding arbitration language in the proposed Charter amendment was not proper charter material; an impermissible delegation of the Mayor and Council’s legislative authority; and, illegal otherwise.”

The Circuit Court granted Local 1605’s motion for summary judgment, concluding that the proposed charter amendment constituted proper charter material and was not an unlawful delegation of the legislative power of the City Council. City appealed and Court of Special Appeals affirmed.

“The proposed charter amendment remains completely within appropriate charter mandates. It leaves the City sufficient legislative leeway and authority. Under the operation of the charter, the proposed amendment is not considered legislative in nature and should be put to the referendum process for action by the voters, if the City hasn’t the political will to adopt it. The conclusion by the Court of Appeals in Atkinson makes clear that a charter amendment which allows for the local legislative body to retain its lawmaking power is proper charter material and an appropriate delegation.”