

FILE NO. 105369

January 16, 1962

Mr. O. G. Barnard, Deputy Director
Civil Defense Organization
Plans and Operations Division
419 City Hall
Baltimore 2, Maryland

Dear Mr. Barnard:

In your letter of December 13, 1961, you asked this office for a report relevant to any provisions which have been made for the legal succession to the Executive Offices of the City in the event the heads of such offices become casualties during a national emergency.

Upon examination it is found that the Charter and Public Local Laws of Baltimore City (1949 Edition) provides as follows:

Section 8. "Mayor - Vacancy or Absence. In case of vacancy in the office of Mayor by death, resignation or permanent disqualification, the President of the City Council shall be Mayor for the residue of the term for which the said Mayor was elected.

"In case of sickness or necessary absence of the Mayor, the President of the City Council shall be ex officio Mayor of the City during the continuance of said sickness or necessary absence."

Section 18. "City Council - Vacancy in Presidency. In case it becomes necessary for the President of the City Council to fill the unexpired term of the Mayor, or in the case of the death, resignation, removal or other disqualification of the President, the City Council shall thereupon elect a new President for the unexpired term, but it shall not elect as such President any person who, at the time of such election, is a member of the City Council."

Section 18A. "City Council - Emergency Vacancies. If, by reason of any natural or man-made catastrophe or calamity, a majority of the members elected to the City Council are killed, or are sick, incapacitated, missing or otherwise unavailable for either a temporary or an indefinite period so that for a temporary or indefinite period, there are not eleven members of the City Council present and available to permit that body to function, the Governor of Maryland, or other person acting in that capacity, is authorized to appoint for a temporary or indefinite period persons to fill the vacancies thus existing. Insofar as possible, each of the appointees shall have the qualifications required of members of the City Council. During their tenure, all such appointive members of the City Council possess and may exercise the powers and prerogatives of regularly elected members