

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LEGISLATIVE REFERENCE

AVERY AISENSTARK, Director  
626 City Hall  
Baltimore, Maryland 21202

September 17, 2013

The Honorable President and Members  
of the Baltimore City Council  
Fourth Floor, City Hall  
Baltimore, Maryland 21202  
c/o: Karen Randle, Executive Secretary

**Re: Bill 13-222 {"Corrective Bill 2013"}**

Bill 13-222, as its title indicates, is a periodic corrective bill intended to "correc[t] ... technical errors and omissions in the City Code; repea[l] ... obsolete or otherwise unnecessary provisions; [and] correc[t], clarif[y], and confor[m related] language".

For each correction made, a "COMMENT" is appended to explain the reason for that correction. In all cases, care has been taken to assure that the change is technical in nature only and does not implicate policy decisions of the Mayor and City Council.

Since the Bill's introduction, a few additional provisions in need of correction have come to light. Attached to this letter, therefore, are proposed amendments to Bill 13-222 that would effectuate these additional corrections. Again, "COMMENTS" are appended to explain each amendment.

The Department of Legislative Reference recommends the passage of Bill 13-222, with the attached proposed amendments.

Very truly yours,



Avery Aisenstark

xc: The Honorable James B. Kraft  
Ms. Angela Gibson  
Enclosure

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F/A

AMENDMENTS TO COUNCIL BILL 13-222  
(1<sup>st</sup> Reader Copy)

Proposed by: Department of Legislative Reference  
{To be offered to the Judiciary and Legislative Investigations Committee}

**Amendment No. 1**

On page 1, after line 20, insert:

“BY repealing and reordaining, with amendments  
Article 1 - Mayor, City Council, and Municipal Agencies  
Section(s) 6-2  
Baltimore City Code  
(Edition 2000)”;

and, on page 6, after line 17, insert:

**“Article 1. Mayor, City Council, and Municipal Agencies**

**Subtitle 6. Meetings of Boards and Commissions**

**§ 6-2. Failure of member to attend meetings.**

**(a) In general.**

Any member of [any] A City board or commission WHO IS appointed by the  
Mayor[, ] AND who, DURING ANY PERIOD OF 12 CONSECUTIVE MONTHS, fails to  
attend [at least] 50% OR MORE of the meetings of the board or commission [of  
which he is a member during any period of 12 consecutive months shall be] IS  
considered to have resigned.

**(b) Procedure.**

[(1)] The chairman of [said] THE board or commission shall forward [or cause his  
name to be forwarded] THE MEMBER’S NAME to the Mayor[, not later than January  
15 of the year] AS SOON AS PRACTICABLE following [such] A 12-MONTH PERIOD OF  
[non-attendance] DEFICIENT ATTENDANCE, TOGETHER with [the] A statement of  
[such] THE FREQUENCY AND EXTENT OF THE non-attendance.

(C) ACTION BY MAYOR.

- (1) [(2) The] EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE Mayor shall [thereupon] appoint [his] A successor for the remainder of the term.

[(c) Exception.]

- (2) If the reasons for a member's [non-attendance at] FAILURE TO ATTEND meetings [as required by this section] are satisfactory to the Mayor and are made public, the Mayor may waive [such] THE resignation.

COMMENT: Current § 6-2(a) and (b)(1) are inconsistent and in need of reconciliation. In current subsection (a), non-compliance is computed on the basis of "any period of 12 consecutive months" – that is, it presumes a "floating" 12-month period rather than, say, a calendar(January 1 through December 31) year . Yet, in current subsection (b)(1), the deadline for reporting a delinquency to the Mayor – "no later than January 15 of the year following such non-attendance" – suggests the anticipated use of a calendar year ending December 31. (Say, for example, the delinquency occurred during a 12-month period that ran from May 1 through April 30, no plausible reason would exist for postponing the required report (and subsequent appointment of a successor) until the ensuing January 15.) Assuming the intent was, indeed, to adopt the more flexible standard, as identified at the outset in subsection (a) – "any period of 12 consecutive months" – this amendment conforms subsection (b) to that standard."

**Amendment No. 2**

On page 2, in line 8 and line 13, in each instance, strike "Subtitle" and substitute "Section(s)".

COMMENT: Corrects a nomenclature error in two Function Paragraphs of Bill 13-222.

**Amendment No. 3**

On page 2, after line 10, insert:

"BY repealing and reordaining,with amendments  
Article 27 - Stormwater Remediation Fees  
Section(s) 2-1  
Baltimore City Code  
(As enacted by Ordinance 13-143)";

and, on page 9, after line 11, insert:



**“Article 27. Stormwater Remediation Fees**

**§ 2-1. Purpose of fund.**

The WATERSHED PROTECTION AND RESTORATION Fund is established pursuant to the Enabling Law for the purpose of [the watershed protection and restoration fund is to finance] FINANCING the costs of improving the City stormwater management system, including its watershed protection and restoration program.

COMMENT: Corrects a garbled sentence created by an errant amendment that added a new first clause (“The Fund is established ... for [the purpose of]”) but failed to conform the ensuing, now ungrammatical (and redundant) clause “[the purpose of] the ...Fund is to ...”).”

**Amendment No. 4**

On page 2, after line 20, insert:

“BY repealing and reordaining, with amendments Ordinance 13-136 Section(s) 2”;

and, on page 11, after line 26, insert:

**“Uncodified Ordinances**

**Ordinance 13-136**

**Planned Unit Development - Designation - Harbor Point**

SECTION 2. AND BE IT FURTHER ORDAINED, That the Mayor and City Council approves the application of Harbor Point Development LLC, acting with the authorization of Honeywell International, Inc., for the property bounded generally by the Baltimore Harbor to the south and west, the Living Classrooms’ site to the north, and Caroline Street to the east, consisting of approximately 27.6 acres, as outlined on the accompanying Development Plan entitled “Harbor Point PUD”, [dated January 28, 2013,] to designate the property a Business Planned Unit Development under Title 9, Subtitles 1 and 4 of the Baltimore City Zoning Code.

COMMENT: Deletes an erroneous and, in any event, unnecessary reference date. The correct date (April 10, 2013) appears in Section 3 of Ordinance 13-136.”