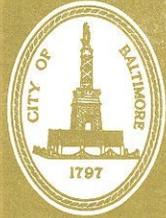


CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor
101 City Hall
Baltimore, Maryland 21202

May 5, 2011

The Honorable President and
Members of the Baltimore
City Council
c/o Karen Randle, Executive Secretary
409 City Hall
Baltimore, MD 21202

RE: City Council Bill 11-0685 – Water- Required Meter Reading

You have requested the advice of the Law Department regarding City Council Bill 11-0685. City Council Bill 685 proposes to require the Director of Public Works to actually read all accessible water meters four times each year. The bill also requires the Director to ensure that no residential water bill is based on an estimated reading of the meter.

Article II, Section 45 of the Baltimore City Charter provides that the Mayor and City Council shall have the power to establish, maintain, operate, regulate a system of water supply and to make charges for the consumption and use of such water. Water meters are a part of the system of water supply. Regulating those meters therefore is within the authority of the City Council. There, however, is one inconsistency in the bill. Section 1-2(b)(1) requires that the Director ensure that every consumer's accessible meter be actually read four times each but Section 1-2(b)(2) does not include the same limitation with regard to accessibility of the meter so Public Works only has to read accessible meters but must bas all residential water bill on actual meter readings even if the meter is not accessible. The Law Department recommends that the bill be amended to provide that no water bill based on an estimated reading shall be sent to a residential customer whose water meter is accessible.

City Council Bill 11-0685 is authorized by and consistent with the powers of the City Council under Article II, Sec.45. The Law Department, therefore, approves the City Council Bill 11-0685 for form and legal sufficiency.

Sincerely yours,

Elena R. DiPietro
Chief Solicitor

cc: Honorable Bernard C. Young
Angela Gibson, City Council Liaison
George A. Nilson, City Solicitor
Ashlea Brown, Assistant Solicitor
Hilary Ruley, Assistant Solicitor
Victor Tervalá, Assistant Solicitor

AMENDMENT CC BILL 11-0685

1. On page 1, line 22, after “consumer,” insert “whose water meter is accessible to Department of Public Works employees when they attempt to read the water meter.”