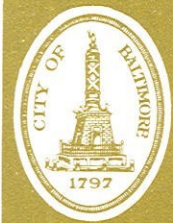


FROM	NAME & TITLE	Sandra E. Baker, Esq., Executive Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	ENVIRONMENTAL CONTROL BOARD 417 East Fayette Street, Room 634		
	SUBJECT	City Council Bill 09-0416 Environmental & Civil Citations – Notice Requirements		

TO

The Honorable Bernard C. Young
 President,
 City Council of Baltimore
 400 City Hall

DATE:
 April 15, 2010

The Environmental Control Board opposes the above bill whose purpose is to change the existing law under the Baltimore City Code, which states that "Prior notice is not required" for issuance of an environmental citation. By removing this provision, it implies that prior notice is a mandate before an individual receives a citation.

Citations are perceived by the enforcement agencies as a means of communicating with the citizens of an immediate need to correct a violation which affects others members of society in a negative way or endanger another living organism. Historically; a mere warning has not been effective. There are often health implications associated with citations heard before the ECB. An order in the form of a citation coupled with a fine generally receives immediate attention.

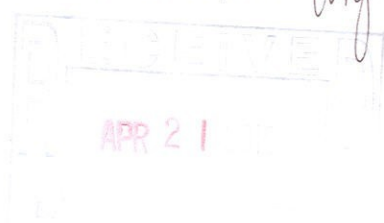
Even though "warning are not required", many of the inspectors and officers actually give verbal warnings, with no action taken by the Respondents. It is not until a citation with an abatement date and fine attached is action taken. Warnings do not modify behavior. It is imperative that the city has a quick resolution to many of the violations that are addressed by environmental citations.

The practical implications of this bill would delay any expeditious resolutions to the problems addressed by the violations. The citizens calling in complaints desire a quick turnaround time to resolve the issues. Administratively the inspectors/officers would have to send a written warning by certified mail and regular mail. Then after the warning period send another set of correspondence in the form of a citation by certified and regular mail. The mailing cost of issuance has doubled. The hours of inspection to a single address has also doubled.

In a time when the city is facing a deficit, if one does a cost benefit analysis, the cost of enforcement has doubled without additional funding. This would also probably reduce the numbers of citations issued per years and in turn reduced the fines generated from the collections. In essence we are increasing our output but decreasing the accounts receivables.

ECB finds that a large percentage of citations are issued to repeat offenders. Warnings would only have a delayed affect in that the violations are not readily abated, which in itself causes blight to the City. Most offenders visually see these effects; however do not respond, unless they receive a citation with a fine amount associated.

Infar.



Please note over the last nine years there has been a gradual increase in the number of citations written.

Fiscal Year	Citations	Accounts Receivables
2002	34,945	1,939,285.00
2003	37,477	2,292,810.00
2004	40,591	2,451,630.00
2005	40,225	2,465,015.00
2006	50,926	3,165,315.00
2007	51,054	3,212,510.00
2008	39,176	3,093,785.00
2009	45,995	4,532,765.00
2010 - YTD	58,645	4,949,140.00
FIN:	399,034	8, 102,255.00

The overall effect of this bill would be a decrease in the number of citations written, additional work for the code inspectors with limited resources, and decreased revenue for the City during a time when the City is facing major budget deficits.

APR 21 2010