

---

CITY OF BALTIMORE

BRANDON M. SCOTT  
Mayor



DEPARTMENT OF LAW  
JAMES L. SHEA, CITY SOLICITOR  
100 N. HOLLIDAY STREET  
SUITE 101, CITY HALL  
BALTIMORE, MD 21202

---

August 23, 2021

The Honorable President and Members  
of the Baltimore City Council  
Attn: Executive Secretary  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202

Re: City Council Bill 21-0088 – Integrated Services Model

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 21-0088 for form and legal sufficiency. It would require a report from the Mayor’s Office of Children and Family Success concerning several topics.

Enacting a law to require the Mayor’s Office to report on a matter to the Council is outside of the City Council’s legislative scope. Article II of the City’s Charter, which is enacted by the General Assembly, contains all the topics over which the City has the ability to legislate. *Kimball-Tyler Co. v. Baltimore*, 214 Md. 86, 94 (1957) (General Assembly gives the City its express powers). Although Section (27) of Article II allows the City to exercise police power, which courts have defined as “regulations necessary to preserve the public order, health, safety, or morals,” the Charter is clear that this power is not absolute, but that it is subject to other provisions of the Charter. Charter, Art. III, §11; *Tighe v. Osborne*, 149 Md. 349, 131 A. 801, 803 (1925). Said another way, no ordinance can conflict with the Charter.

The operation of the Mayor’s office has been reserved to the Mayor under the Charter as the Mayor is the Chief Executive Officer. City Charter, Art. IV, § 4 (b). “Except as committed to the Board of Estimates, the executive power of the City is vested in the Mayor, the City Administrator, the departments, commissions and boards provided for in this article and the special officers, departments, commissions and boards that may be created by law.” Charter, Art. VII, §1(a). While Section 2(a) of Article VII of the Charter allows for ordinances to give additional duties to “a department, officer, commission, board or other municipal agency” there is no provision that would allow an ordinance to direct the operations of the Mayor’s Office. Charter, Art. VII, §2(a).

The inclusion of the Mayor in Section 1(a) of Article VII describing executive power but the exclusion of the Mayor in Section 2(a) of the same Article describing the entities subject to direction by ordinance expresses the intent that no ordinance may direct the Mayor in his or her duties. *Mayor & City Council v. Bunting*, 168 Md. App. 134, 141 (2006) (“Charters are subject to

the ‘same canons of statutory construction that apply to the interpretation of statutes.’”) (citations omitted); *Friedman v. Hannan*, 412 Md. 328, 337 (2010) (documents read “as a whole to ensure that no word, clause, sentence or phrase is rendered surplusage, superfluous, meaningless or nugatory”); accord *Hylton v. Mayor and City Council of Baltimore*, 268 Md. 266, 282 (1972).

Rather, most similar legislation seeking information from the Mayor’s Office is done as a Resolution asking the particular Mayoral Office or outside group to attend and report at a hearing. See, e.g., *Inlet Assocs. v. Assateague House Condominium*, 313 Md. 413, 428 (1988). If the bill were converted to a Resolution, the Law Department bill could approve it for form and legal sufficiency.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Hilary Ruley".

Hilary Ruley  
Chief Solicitor

cc: James L. Shea, City Solicitor  
Nina Themelis, Mayor’s Office of Government Relations  
Elena DiPietro, Chief Solicitor, General Counsel Division  
Victor Tervalá, Chief Solicitor  
Ashlea Brown, Assistant Solicitor