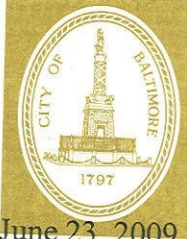


CITY OF BALTIMORE

SHEILA DIXON, Mayor



DEPARTMENT OF LAW

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

June 23, 2009

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

Re: City Council Bill 09-0342– Speed Monitoring Systems – Establishment

Dear Madame President and City Council Members:

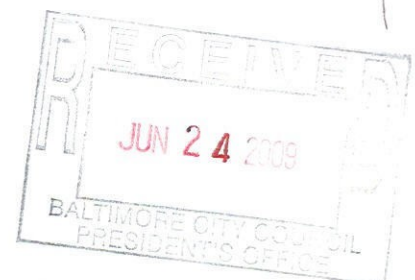
The Law Department has reviewed City Council Bill 09-0342 for form and legal sufficiency. The bill would allow the City to exercise the authority recently granted by the General Assembly to establish speed monitoring cameras in work and school zones. State Senate Bill 277, codified in Chapter 500 of the 2009 Laws of Maryland, amends the Transportation Article of the State Code to allow jurisdictions, such as the City, to utilize speed monitoring cameras in certain defined areas, but only if “its use is authorized by the governing body of the local jurisdiction by local law enacted after reasonable notice and a public hearing.” Md. Code, Transport. §21-809(b)(1)(i). This is the bill for the requisite ordinance.

The Law Department suggests deleting the words, “with the approval of the Board of Estimates,” from line 25 on page 2. The Board of Estimates approval is not required for rules or regulations adopted under this law. Although the Board of Estimates would need to be involved in the bidding process for the City to acquire any speed camera devices or operators, it need not approve any regulations put forth by the Department of Transportation or the Police Department, both of which have the power to adopt rules and regulations concerning traffic, if they do not impact on the procurement process. *See* City Code, Art. 31, §28-1 (Police Department can regulate traffic) and Art. 31, §2-2(a)(2) (power to make regulations concerning regulation of traffic, originally given to the Department of Public Works, was transferred by Ordinance 03-501 to the Department of Transportation). Requiring Board of Estimates approval will unnecessarily encumber the regulation process and would mean that any amendments to the regulations, no matter how technical, would need subsequent Board of Estimates approval.

As this bill meets with all requirements of the General Assembly’s recent enactment, the Law Department approves it for form and legal sufficiency, but does suggest removal of the superfluous language.

Very truly yours,

Hilary Ruley  
Assistant Solicitor



cc: George Nilson, City Solicitor  
Angela C. Gibson, Mayor's Legislative Liaison  
Elena DiPietro, Chief Solicitor  
Deepa Bhattacharyya, Assistant Solicitor  
Ashlea Brown, Special Assistant Solicitor  
Avery Aisenstark, Legislative Reference