

CITY OF BALTIMORE

SHEILA DIXON, Mayor

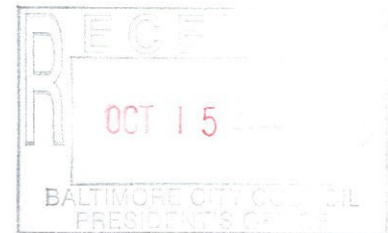


DEPARTMENT OF LAW

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

October 15, 2008

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 08-0202 – City Streets – Renaming Woodall Street  
Whetstone Way

Dear Madame President and City Council Members:

The Law Department has reviewed City Council Bill 08-0202 for form and legal sufficiency. The bill would rename the part of Woodall Street between Clemm Street and East Fort Avenue to Whetstone Way.

Section 7-3(c) of Article 26 of the Baltimore City Code sets forth guidelines that “shall be observed” when a street is named or its name is changed. Section 7-3(c)(4) requires that when a street name is changed, “the proposed name shall be given to the entire length of the street, avenue or thoroughfare.” This ordinance seeks to rename only the part of Woodall Street from Clemm Street to East Fort Avenue. The plain meaning of these guidelines prohibit this renaming because Woodall Street does not end at East Fort Avenue but continues over it to Key Highway.

Although the plain meaning of these guidelines governs their interpretation, “in the interest of completeness,” the purpose behind a law can be examined, including its context and “archival legislative history of relevant enactments.” *See, e.g., Stubbs v. State*, WL 4133942 (Md. Sept. 9, 2008)(citations omitted); *Hudson v. Housing Authority of Baltimore City*, 402 Md. 18, 34 (2007)(“lens of legislative history serves to affirm our plain meaning reading.”). The legislative history behind these guidelines reveals that they were enacted as part of Ordinance 76-140 because the Department of Public Works (“DPW”) had noticed a sharp increase in street names being changed. Notes in the bill file document DPW’s testimony that to rename a street, the “procedure should be tougher – e.g. criteria for change.” To this end, DPW requested that the bill be held “pending possible amendments *re* criteria for changing street names.” Thereafter, an amendment to set guidelines for renaming a street, which had not been part of the original bill, was introduced and passed. The guidelines found today in Section 7-3 of Article 26 of the Baltimore City Code are identical to those proposed by DPW in 1976 and the language has remained unchanged for over thirty years. Since DPW originally proposed the amendment to the bill to create these guidelines, it is the authority on the intent of the language requiring renaming the “entire length of the street.” *See, e.g., Maryland Com’n on Human Relations v. Bethlehem Steel Corp.*, 295 Md. 586, 593(1983)(agency is best able to interpret its own legislative intent).

*unfair comment*



Because DPW wanted to create strict criteria for renaming streets, it most likely intended the phrase "entire length of the street" to prohibit exactly the type of partial street renaming that is sought by City Council Bill 08-0202. Therefore, the Law Department cannot approve the bill as written. If the bill were amended to rename the entirety of Woodall Street from Clemm Street all the way to Key Highway, the Law Department could approve it for form and legal sufficiency. However, it appears that residences are located on the part of Woodall Street between East Fort Avenue and Key Highway.

Very truly yours,



Hilary Ruley  
Assistant Solicitor

cc: George Nilson, City Solicitor  
Angela C. Gibson, Mayor's Legislative Liaison  
Edward Reisinger, Councilmember, 10<sup>th</sup> District  
Elena DiPietro, Senior Solicitor  
Deepa Bhattacharyya, Assistant Solicitor  
Ashlea Brown, Assistant Solicitor