
CITY OF BALTIMORE

BRANDON M. SCOTT,
Mayor



DEPARTMENT OF LAW
EBONY M. THOMPSON,
ACTING CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

December 12, 2023

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 23-0416 – Baltimore City Office of Returning Citizens

Dear President and Members

You have requested the advice of the Law Department regarding City Council Bill 23-0416. City Council Bill 23-0416 would create the Baltimore City Office of Returning Citizens, define certain terms, provide for the appointment of the Director of the Office, establish the duties of the Office, provide for the staff and budget of the Office, establish the Re-Entry Action Council, provide for the appointment, structure and governance of the Council, require the Director, Council members and staff of the Office to file financial disclosure statements under the Ethics Code and require the Office to submit an annual report to the Mayor and City Council (“MCCB”).

Baltimore City Charter § 1(a) of Article VII, provides that “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). Section 2(a) of Article VII allows for ordinances to give additional duties to “a department, officer, commission, board or other municipal agency” so long as those duties are “consistent with the Charter and subject to the supervision of a superior municipal officer or agency.” Clearly and by ordinance, these Charter provisions give the City Council the power to create a department or office.

Pursuant to Baltimore City Charter Article IV, § 4 the Mayor is the “chief executive officer of the City and shall see that ordinances and resolutions are duly and faithfully executed” and “subject to more specific provisions of the Charter, the Mayor shall have general responsibility for the economic development of the City.” This gives the Mayor’s office the ability to provide for certain programs subject to the Charter’s grant of power to departments, commissions, and/or boards. With respect to the legislative authority of the City Council, the Md. Constitution, Art. XI, §3 provides that “from and after the adoption of a charter by the City of Baltimore, or any County of this State, as hereinbefore provided, the Mayor of Baltimore and City Council of the City of

Baltimore or the County Council of said County, subject to the Constitution and Public General Laws of this State, shall have full power to enact local laws of said City or County including the power to repeal or amend local laws of said City or County enacted by the General Assembly, upon all matters covered by the express powers granted”

From the above-referenced provisions, it can be gleaned that a department, board or commission may be created by laws other than the Charter but in order for the City Council to do this by ordinance, the power to provide for the purpose of the office must also be within the express powers of the MCCB; powers which have been granted to it by the General Assembly or granted by Public Local law. There is no specific authority in the City’s Express Powers i.e., Art. II of the Charter or in Public Local law to provide for the purpose of the Office which is to advise the MCCB on issues relating to returning citizens and to advocate for returning citizens.

However, the Charter does grant the MCCB the power to have and exercise within the limits of Baltimore City all the power commonly known as the Police Power to the same extent as the State has or could exercise that power within the limits of Baltimore City. Hence, “the power to pass any ordinance not inconsistent with the provisions of the Charter or the laws of the State, which it may deem proper in the exercise of any of the powers, either express or implied, enumerated in this Charter, as well as any ordinance as it may deem proper in maintaining the peace, good government, health and welfare of Baltimore City...” See Charter Article II §47. Providing for an office to act as a liaison between the City government and members of the community commonly referred to as “Returning Citizens”, is within the scope of these powers.

The Law department notes the following technical amendment to the bill:
-Page 2, Line 3. Subtitle 58 should be Subtitle 59.

With the required technical amendment and based on the foregoing analysis, this bill is consistent with the Charter authority of the City Council. As such, the Law Department can approve the bill for form and legal sufficiency.

Very truly yours,



Teresa Epps Cummings

cc: Ebony M. Thompson, Acting City Solicitor
Stephen Salsbury, Deputy City Solicitor
Matthew Bradford, Chief of Staff
Elena R. DiPietro, Practice Group Chief
Natawna B. Austin, Baltimore City Council
Nina Themelis, Mayor’s Office of Government Relations
Tiffany A. Maclin, Deputy Director, Legislative