

February 5, 2021

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 21-0003 Baltimore City Workgroup on Nuisance Parking and  
Auto Businesses

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 21-0003 for form and legal sufficiency. The bill would create a Baltimore City Workgroup on nuisance parking and auto businesses and provide for the composition, chair and staffing of the workgroup, require it to study certain matters related to the illegal storage of motor vehicles in public rights-of-way by motor vehicle repair establishments and dealerships and make certain recommendations, require the workgroup to report its findings and recommendations to the Mayor and City Council on or before a certain date, provide for a special effective date and termination date.

The City Council has an inherent power to investigate “in furtherance of its legislative function.” 4 McQuillin Mun. Corp. § 13:7. The City Council may “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,” and may “pass any ordinance, not inconsistent with the provisions of this 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.” City Charter, Art. II, §§ (27), (47).

The City Council is therefore authorized to establish this workgroup to investigate nuisance parking and motor vehicle storage.

Since the workgroup is temporary and not a board or commission appointed pursuant to Article IV, Section 6 of the Charter, its members are not subject to the laws regarding boards and commissions and its recommendations are purely advisory.

It should be noted it should be noted that the City cannot compel the Police Commissioner or his designee to be in the workgroup. PLL § 16-2 (a) (“The Police Department of Baltimore City is hereby constituted and established as an agency and instrumentality of the State of Maryland”). As such, lines 25 and 26 of the bill should be amended to better reflect the relationship between the City and the Police Department.

Finally, the directive language with regard to the Mayor on page 2, line 27 (“The Mayor shall designate”) should be revised, as it poses a potential charter violation. City Charter, Art. VII, §§ 1(a), 2(a) (while City Council is authorized to give additional duties to “a department, officer, commission, board or other municipal agency” subject to the supervision of a superior municipal officer and consistent with the charter, this power to add duties cannot extend to the Mayor, as he is vested with the executive power of the City). The word “shall” could be replaced with “may” to alleviate this problem.

Subject to the above, the Law Department approves it for form and legal sufficiency.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ashlea Brown', with a stylized flourish at the end.

Ashlea Brown  
Assistant Solicitor

cc:

Nina Themelis, Mayor’s Office of Government Affairs  
Nikki A. Thompson, Director of Legislative Affairs  
Elena DiPietro, Chief Solicitor, General Counsel Division  
Hilary Ruley, Chief Solicitor  
Victor Tervalo, Chief Solicitor