

FROM

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AGENCY NAME & ADDRESS	Department of Public Works 600 Abel Wolman Municipal Building
SUBJECT	CITY COUNCIL BILL 08-0108

CITY of
BALTIMORE
MEMO



DATE: May 28, 2008

TO

The Honorable President and Members
of the Baltimore City Council
c/o Karen Randle
Room 400 - City Hall

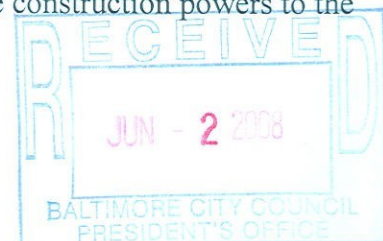
I am herein reporting on City Council Bill 08-0108 introduced by Council President Rawlings Blake on behalf of the Administration (Department of Public Works).

The purpose of the Bill is to establish a Department of General Services among the Executive Departments; provide for the powers and duties of the Department of General Services; transfer certain powers and duties from the Department of Public Works to the Department of General Services; repeal certain obsolete provisions; require obstructions to the work of the Department of Transportation or the Department of General Services to be removed; conform, correct, and clarify related provisions; and submitting this amendment to the qualified voters of the City for adoption or rejection.

In 2000 the Greater Baltimore Committee and the President's Roundtable submitted a report to then Mayor O'Malley titled "Managing for Success". The report was a compilation of recommendations to create a more efficient City government with quality service delivery. A majority of the recommendations were adopted, some were rejected outright, and some received additional study. One recommendation that warranted further study was the removal of the functions of the Bureau of General Services from the Department of Public Works and creating a separate department to perform the General Services functions. With the election of Mayor Dixon in 2007, the creation of a Department of General Services was reexamined. After careful consideration, Mayor Dixon announced her intention to create this new Department to address interagency services more efficiently and to stress greater importance of City buildings and fleet through a cabinet-level position. Making this adjustment requires changes to the Baltimore City Charter and to the Code. City Council Bill 08-0108, if approved, would allow qualified City voters to consider adopting or rejecting the creation of a Department of General Services.

The attached chart delineates the proposed reassignment of functions from Public Works to a newly created Department of General Services. These functions include care and management of the City's buildings, fleet, and equipment; identification of real property, street naming, street numbers, maintaining the official plats and records; ordinances for opening and closing rights-of-way; and issuance or denial of certain permits. Other sections of the Charter are adjusted to reflect the transfer of certain private construction powers to the

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Department of Housing and Community Development (under a previous Charter change and subsequent Ordinance 68-152) and certain transportation, traffic, and lighting powers to the Department of Transportation (2004 Charter change). The Departments of Public Works, Transportation, and General Services would each have the power to correct physical obstructions interfering with the work of the Departments. Upon request, both Public Works and General Services could provide assistance to other agencies in estimating the cost of work proposed to be done.

In reviewing the legislation, amendments are necessary to clarify older language related to the City's fleet, and to correctly transfer certain assessment of benefits and damages powers related to alley and street paving activities to the Department of Transportation. The recommended amendments are attached to this memorandum.

Based on these findings, the Department of Public Works supports passage of City Council Bill 08-0108 as proposed to be amended.



DAVID E. SCOTT
DIRECTOR

DES/MMC:pat

Attachments

ATTACHMENT

AMENDMENTS TO CITY COUNCIL BILL 08-0108
(Charter Amendment – Department of General Services)

Amendment No. 1

Beginning on line 23 of page 12, delete the following:

“(2) THIS SUBSECTION DOES NOT APPLY TO MOTOR VEHICLES AND RELATED EQUIPMENT OF THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM, ~~THE FIRE DEPARTMENT, OR THE POLICE DEPARTMENT,~~ EXCEPT TO THE EXTENT REQUESTED BY THAT DEPARTMENT AND AGREED TO BY THE DEPARTMENT OF GENERAL SERVICES.”

Amendment No. 2

Beginning on page 14, delete § 134 through § 137, and re-number § 138 to § 134 (on page 16).

Amendment No. 3

Using similar language deleted through the above Amendment No. 2, insert the following under § 116(b) after line 29 of page 9; then re-letter existing (c) through (e) to (G) through (I):

(C) STREETS – ASSESSMENT OF BENEFITS AND DAMAGES.

(1) AN ORDINANCE TO OPEN, EXTEND, WIDEN, STRAIGHTEN, CLOSE, OR GRADE ANY STREET IN BALTIMORE CITY MAY PROVIDE THAT THE BENEFITS ASSESSED MAY BE PAID IN NOT MORE THAN 5 ANNUAL INSTALLMENTS, WITH INTEREST AT A RATE DETERMINED JUST AND PROPER BY THE DIRECTOR OF TRANSPORTATION, WITH THE CONCURRENCE OF THE BOARD OF ESTIMATES, ON ALL DEFERRED INSTALLMENTS, ACCOUNTING FROM THE DATE THAT, UNDER § 116(D) OF THIS CHARTER, THE FIRST ANNUAL INSTALLMENT WOULD BECOME IN ARREARS IF UNPAID.

(2) WHEN THE PHYSICAL WORK REQUIRED BY THE ORDINANCE IS COMPLETED:

(I) THE DEPARTMENT OF TRANSPORTATION SHALL NOTIFY THE DIRECTOR OF FINANCE THAT THE WORK HAS BEEN COMPLETED;
AND

(II) THE DEPARTMENT OF FINANCE SHALL GIVE WRITTEN NOTICE TO THE PROPERTY OWNER:

- (A) THAT THE WORK HAS BEEN COMPLETED;
- (B) THAT THE BENEFITS ASSESSED FOR THE WORK ARE DUE; AND
- (C) HOW THE OWNER MAY OBTAIN A HEARING ON THE ASSESSMENT.

(3) IF THE ORDINANCE DOES NOT PROVIDE OTHERWISE, ALL BENEFITS ASSESSED SHALL BE PAYABLE, AT THE OPTION OF THE PROPERTY OWNER, EITHER AT ONCE OR IN 5 EQUAL ANNUAL INSTALLMENTS.

(4) WHEN THE PHYSICAL WORK REQUIRED BY THE ORDINANCE IS COMPLETED AND IT RESULTS IN DAMAGES BEING AWARDED:

(I) IF, IN ANY PROCEEDINGS, THE SAME PERSON IS ASSESSED FOR BENEFITS AND ALSO AWARDED DAMAGES, THE DAMAGES SHALL BE DEDUCTED FROM THE BENEFITS, AND THE PROVISIONS OF THIS SECTION AS TO PAYMENT OF BENEFITS APPLY ONLY TO THE EXCESS OF THE BENEFITS OVER THE DAMAGES.

(II) THE DAMAGES AWARDED TO ANY PERSON IN CONNECTION WITH THE PROJECT SHALL BE PAYABLE AT THE TIME OR TIMES PROVIDED IN THE ORDINANCE.

(III) NO PART OF ANY STREET MAY BE PHYSICALLY OPENED, EXTENDED, WIDENED, OR STRAIGHTENED ON OR OVER THE GROUND OF ANY PERSON DETERMINED BY THE DEPARTMENT OF TRANSPORTATION TO BE ENTITLED TO DAMAGES FOR THE ALTERATION WITHOUT THE WRITTEN CONSENT OF THAT PERSON, UNLESS THE DAMAGES HAVE BEEN PAID TO THAT PERSON OR PAID INTO A SPECIAL ACCOUNT TO THE CREDIT OF THAT PERSON.

(D) STREETS – LIEN FOR BENEFITS; ARREARAGE.

(1) AN ASSESSMENT BY THE DEPARTMENT OF TRANSPORTATION ON BENEFITTED PROPERTY IS A LIEN ON THAT PROPERTY, IN THE FULL AMOUNT OF THE ASSESSMENT, FROM THE DATE THE DEPARTMENT OF TRANSPORTATION NOTIFIES THE DIRECTOR OF FINANCE THAT THE PHYSICAL WORK REQUIRED HAS BEEN COMPLETED UNTIL THE ASSESSMENT IS PAID TO THE DIRECTOR OF FINANCE.

(2) BENEFITS ASSESSED OR, IF PAYABLE IN INSTALLMENTS, THE FIRST INSTALLMENT, ARE DUE AND PAYABLE ON THE DATE WHEN THE DIRECTOR OF FINANCE NOTIFIES THE PROPERTY OWNER OF THE ASSESSMENT, AND ARE IN ARREARS 6 MONTHS FROM THAT DATE.

(E) STREETS – SALE TO ENFORCE LIEN.

(1) IF THE ASSESSMENT ON A PROPERTY IS IN ARREARS, THE DIRECTOR OF FINANCE SHALL PROCEED TO SELL THAT PROPERTY IN ACCORDANCE WITH AND SUBJECT TO THE SAME CONDITIONS IMPOSED BY THE LAWS GOVERNING THE SALE OF REAL ESTATE CHARGED WITH THE PAYMENT OF CITY TAXES.

(2) IF THE TAX-SALE PURCHASER FAILS TO COMPLY WITH THE TERMS OF THE SALE, THE DIRECTOR OF FINANCE SHALL RESELL THE PROPERTY AT THE RISK OF THE FORMER PURCHASER.

(F) STREETS – REFUNDS OF ASSESSMENT.

IF AN ORDINANCE PROVIDING FOR THE OPENING, EXTENDING, WIDENING, GRADING, OR CLOSING OF A STREET IS INVALIDATED BY A COURT OF COMPETENT JURISDICTION OR IS REPEALED, THE DIRECTOR OF FINANCE SHALL PROMPLY:

(1) REFUND ALL ASSESSMENTS PAID UNDER THE INVALIDATED ORDINANCE; AND

(2) PAY ALL EXPENSES INCURRED AND FOR WHICH THE CITY IS LIABLE IN CARRYING OUT THE ORDINANCE.

City Council Bill 08-0108
Charter Amendment – Department of General Services

Charter	Public Works (DPW)	General Services (DGS)	Transportation (DOT)
§ 30. Supervision of public improvements	Modify to refer to proposed DPW Charter powers	See § 132(b)	
§ 31. Construction, maintenance & repair	Modify to refer to proposed DPW Charter powers; deletes repair of City machinery & equipment (to transfer to DGS)	See § 132(c), (g)	
§ 32. Private construction	Deleted; responsibilities transferred to DHCD (Ord. 68-152)		See § 116(c)(d)
§ 36. Lighting	Deleted; responsibilities transferred to DOT under previous Charter change (2004)		
§ 37. Testing	Modify to reflect current practice		See § 116(e)
§ 38(a) General transportation & traffic duties	Deleted; responsibilities transferred to DOT under previous Charter change		
§ 38(b) City vehicles	Delete; to transfer to DGS	See § 132(g); delete mention of Fire & Police in (2)	See § 116(b); modified to change reference to permits from DPW to DGS
§ 39. Street paving	Deleted; transferred to DOT under previous Charter change		
§ 40. Identification of real property	Delete; to transfer to DGS	See § 132(d), (e), (f); See § 133; See § 78	
§ 41. Physical obstruction	Modify to apply only to proposed DPW Charter powers	Similar wording in § 138	Similar wording in § 116A
§ 42. Assistance to other agencies	To remain a responsibility of DPW	Similar wording in § 132(h)	
§ 43. Assessment of benefits & damages	Delete; to transfer to DGS	See § 134	Should be transferred to DOT; See § 116(b)(6) and changes to § 85(a)
§ 44. Lien for benefits	Delete; to transfer to DGS	See § 135	Should be transferred to DOT
§ 45. Sale to enforce lien	Delete; to transfer to DGS	See § 136	Should be transferred to DOT
§ 46. Refunds of assessment	Delete; to transfer to DGS	See § 137	Should be transferred to DOT