

CITY OF BALTIMORE

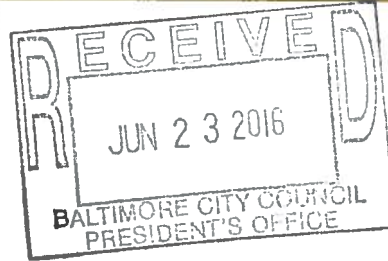
STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

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

June 23, 2016



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

Re: City Council Bill 16-0626 – City Contractors – Worksite Posting and Reporting Requirements

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 16-0626 for form and legal sufficiency. The bill would require City contractors subject to the prevailing wage law to post certain employee and subcontractor information at worksites. The bill also reduces the time available for City contractors subject to the prevailing wage and living wage laws to make certain required reports. It sets and increases certain penalties, and clarifies and conforms related provisions.

Under the Baltimore City Charter, Article II, Sections 27 and 47, the Mayor and 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.” Council Bill 16-0626 is consistent with the authority of the City Council and the Law Department approves it for form and legal sufficiency.

The Law Department notes, however, that some clarification to proposed Section 25-9(c) would be helpful. That section addresses the posting of: (1) the names of subcontractors; and (2) the names and designation of each laborer, mechanic, or apprentice authorized to work at the site. It requires the contractor to post the names “at the **site of the work**, in a prominent place where it can be easily seen and read without entering the **worksite**.” It is unclear how “site of the work” is different than “worksite,” but it appears from the language that they are separate locations. “Site of the work” may refer to the general area of the project, such as where the office or trailer is located and where the job-site permits are posted, while “worksite” may refer to the location where construction is actually taking place. One suggestion would be to add “with the required permits” on page 2, line 11, after “work,” and to substitute “construction area” for “worksite” on page 2, line 12.

*Defers to
office of civil rights
and wage*

The Law Department defers to the drafters and to the Office of Civil Rights and Wage Enforcement as to what language would most accurately convey the intent of this section.

Sincerely, *ecm*
Jennifer Landis

Jennifer Landis
Assistant Solicitor

cc: George Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Victor Tervalva, Chief Solicitor
Hilary Ruley, Chief Solicitor
Avery Aisenstark, Director, Legislative Reference