

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

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

December 28, 2012

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 12-0148 – Baltimore City Senior Commission – Establishment

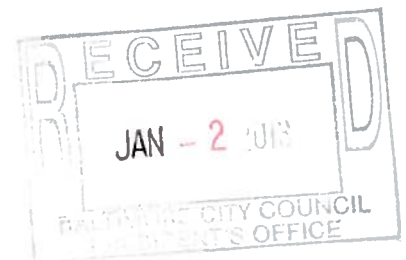
Dear President and City Council Members:

The Law Department has reviewed City Council Bill 12-0148 for form and legal sufficiency. The bill would create the Baltimore City Senior Commission (the “Commission”) to study and make recommendations on areas of concern to seniors, which the bill describes as those over 60 years of age. The Commission would be comprised of 17 seniors sitting as voting members appointed by the Mayor and 8 non-voting members from selected City entities. The Commission may adopt rules and regulations and must submit an annual report to the Mayor and City Council. Finally, the bill requires “all City officials and agencies” to extend assistance and resources to the Commission at its request, provided that it is in accord with the official or agency’s budget.

The City Council has the power to create this Commission and to restrict voting members to those over 60 years of age. City Charter, Art. II, §(47); *see, e.g., Baltimore Gas and Elec. Co. v. Heintz*, 760 F.2d 1408, 1417 (4th Cir. 1985)(citing *Western & Southern L.I. Co. v. Board of Equalization*, 451 U.S. 648, 668, (1981)(classifications must reasonably promote the government’s legitimate purpose to survive an Equal Protection challenge)); *see also Manson v. Edwards*, 482 F.2d 1076, 1077 (6th Cir. 1973)(“Differentiations based upon classification by age are not viewed as suspect.”). The requirement that other agencies and officials supply resources on demand must be read so as not to conflict with the Mayor’s power in the Charter to be the Chief Operating Officer of the City. City Charter, Art. IV, §4(b); *see also* City Charter, Art. III, §11 (The City Council may not by legislation modify the power created by Charter.). Although agency resources and facilities could be utilized in numerous ways to assist the Commission, in order to avoid any potential conflict with this Charter language, the Law Department recommends that the word “must” be changed to “may” on line 2 of page 5.

The Law Department can approve the bill for form and legal sufficiency.

*Rec. w/
Amend*



Very truly yours,



Hilary Ruley
Assistant Solicitor

cc: George Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor
Ashlea Brown, Assistant Solicitor
Victor Tervalo, Assistant Solicitor