

CITY OF BALTIMORE

SHEILA DIXON, Mayor



DEPARTMENT OF LAW

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

May 23, 2008

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 08-0096 – Public Parks, Squares, etc. – Closure  
Requirements

Dear Madame President and City Council Members:

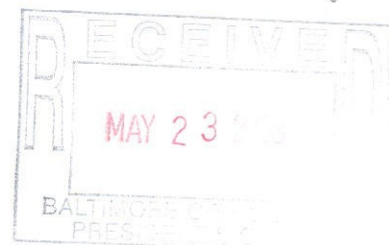
The Law Department has reviewed City Council Bill 08-0096 for form and legal sufficiency. The bill would prohibit any “park, square, or recreational facility operated by or under the auspices of the Department of Recreation and Parks ... [to] be closed, in whole or any substantial part, for more than 72 consecutive hours without the express prior approval of the City Council.”

Pursuant to the Baltimore City Charter, the Director of Recreation and Parks (the “Director”) must have the power to “establish, maintain, operate and control parks, zoos, squares, athletic and recreational facilities and activities for the people of Baltimore City, and to have charge and control of all such property and activities belonging to, or conducted by, the City”. *Baltimore City Charter*, Art. VII, § 67(a). Additionally, the Director also has the authority “to adopt and enforce rules and regulations for the management, use, government and preservation of order with respect to all land, property, and activities under the control of the Department.” *Baltimore City Charter*, Art. VII, § 67(f). Pursuant to these Charter provisions, the Director *must* have authority over and control of the operations and maintenance of City parks, squares, and recreational facilities. To transfer even the limited authority proposed by the bill from the Director to the City Council would be in conflict with the Charter.

Therefore, the Law Department cannot approve Council Bill 08-0096 for form and legal sufficiency.

Sincerely,

Deepa Bhattacharyya  
Assistant Solicitor



cc: The Honorable William Cole  
George Nilson, City Solicitor  
Angela C. Gibson, Mayor's Legislative Liaison  
Linda C. Barclay, Chief Solicitor  
Elena DiPietro, Assistant Solicitor  
Ashlea Brown, Assistant Solicitor  
Gennady Schwartz, Recreation and Parks  
Valerie Scott Oliver, Recreation and Parks