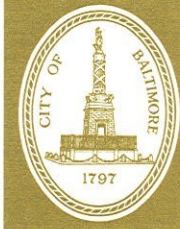


CITY OF BALTIMORE

SHEILA DIXON, Mayor



DEPARTMENT OF LAW

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

April 25, 2008

The Honorable President and
Members of the Baltimore
City Council
c/o Karen Randle, Executive Secretary
409 City Hall
Baltimore, MD 21202

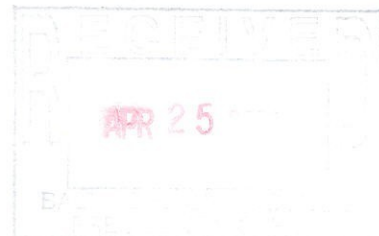
RE: City Council Bill 08-0068 – Water and Sewer Charges –Payment Schedule

Dear President and Members

You have requested the advice of the Law Department regarding City Council Bill 08-0068. City Council Bill 68 authorizes the creation of payment agreements, acceptable to the Director of Finance, for payment of delinquent water bills and the tolling of penalties and the restoration of water service when a payment agreement is in place.

Article II, Section 45 of the Baltimore City Charter grants to the Mayor and City Council the authority “establish, operate, maintain, regulate and control a system of water supply and to make charges for the consumption or use of such water...” Section 45 also grants to the Mayor and City Council the power to turn off and discontinue the supply of water furnished because of nonpayment of any fee or charge for water supplied. Under Article VII, Section 12 of the Charter, the Director of Finance shall receive, collect, and account for all moneys due the City. It is therefore, necessary, as provided for in the bill, that the Director of Finance approve of the payment agreement.

Several amendments have been proposed to the bill by the Department of Public Works. One amendment proposes that if a payment is missed and the payment agreement is declared to be breached, the suspended penalty shall be reinstated and all subsequent penalties shall continue to accrue. Under Article VII, Section 13 of the Charter, The Director of Finance shall keep a record of all municipal charges and assessments and shall provide for the issuance of a lien certificate regarding charges against a property. All charges and assessments against a property shall be liens until paid against the property. Regardless of the existence of a payment agreement, therefore, water charges and any accrued penalties will still be liens against the property. It is, therefore, appropriate to provide that if the agreement is breached the suspended penalties will be reinstated.



F/A

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The second amendment offered concerns the effective date of the ordinance. The amendment provides for the law to be effective immediately upon passage. This is an appropriate action for City the City Council to take.

Subject to the inclusion of the amendments proposed by the Department of Public Works, the Law Department approves City Council Bill 08-0068 for form and legal sufficiency.

Sincerely yours,



Elena R. DiPietro
Assistant Solicitor

cc: Honorable Bernard "Jack" Young
Angela Gibson, City Council Liaison
George A. Nilson, City Solicitor
Linda C. Barclay, Chief Solicitor
Deepa Bhattacharyya, Assistant Solicitor
Ashlea H. Brown, Assistant Solicitor