
CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
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August 25, 2021

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

Re: City Council Bill 21-0104 – Workgroup on Women in Public Safety

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 21-0104 for form and legal sufficiency. The bill would create a temporary workgroup on women in public safety and provide for the composition, chair and staffing of the workgroup, require it to study certain matters and make certain recommendations, require the workgroup to report to the Mayor and City Council on or before a certain date, provide for a special effective date and termination date.

The City Council has an inherent power to investigate “in furtherance of its legislative function.” 4 McQuillin Mun. Corp. § 13:7. The 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.” City Charter, Art. II, §§ (27), (47) (emphasis added).

The City Council is therefore authorized to establish a workgroup concerning women in public safety, but it cannot include within its legislation any directives to state entities over which it has no legislative authority; in this case, the Police Department, the Sheriffs and the Baltimore City School Police. *See, e.g., Revell v. Mayor, etc., of Annapolis*, 81 Md. 1, 31 A. 69, 696 (1895) (a local government “is but a subordinate part of the State government, incorporated for public purposes, and clothed with special and limited powers of legislation in regard to its own local affairs.”); City Charter, PLL § 16-2 (a) (“The Police Department of Baltimore City is hereby constituted and established as an agency and instrumentality of the State of Maryland”); *see e.g., McBriety v. City of Baltimore*, 219 Md. 223, 238-239 (1959) (“With respect to the alleged delegation of power to the police commissioner, who, anomalously, is an official of the State, not the City, it is clear that the ordinance does not require him to perform any duties whatsoever.”); Md. Constitution, Art. IV, § 44 (Sheriff is a state office); *PG County v. Aluisi*, 352 Md. 422, 434 (1999) (“Sheriffs and deputy sheriffs are state officials, not local government officials, and their

duties are determined by state law, not locally enacted ordinances.”)(citations omitted); Md. Code, Educ., § 4-318 (Baltimore City School Police are employees of state created Baltimore City Board of School Commissioners); *accord* Neal v. Baltimore City Board of School Commissioners, 467 Md. 399, 408-09 (2020)(Baltimore City School Police are state employees). The requisite amendment to remove these state entities from this local bill is attached to this report.

These state entities are free to attend workgroup meetings, which will be open to the public pursuant to the Maryland Open Meetings Act’s requirement that any group created by an ordinance be subject to that Act. Md. Code, Gen. Prov., § 3-101(h)(1)(ii)(5). However, since the workgroup is temporary and not a board or commission appointed pursuant to Section 6 of Article IV of the City Charter, its members are not subject to the laws regarding boards and commissions.

Subject to the required amendment, the Law Department can approve the bill for form and legal sufficiency.

Very truly yours,



Hilary Ruley
Chief Solicitor

cc: James L. Shea, City Solicitor
Nina Themelis, Mayor’s Office of Government Relations
Elena DiPietro, Chief Solicitor, General Counsel Division
Victor Tervalo, Chief Solicitor
Ashlea Brown, Assistant Solicitor

AMENDMENTS TO COUNCIL BILL 21-0104
(1st Reader Copy)

Proposed by: Law Dep't

Amendment

On page 2 delete lines 20, 21, 27, 28, 29.