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| FROM | NAME & TITLE | Sandra E. Baker, Esq., Executive Director | CITY OF BALTIMORE MEMO |  |
| | AGENCY NAME & ADDRESS | Environmental Control Board 200 E. Lexington Street, Suite 100 | | |
| | SUBJECT | CITY COUNCIL BILL NO. 14-0303 | | |

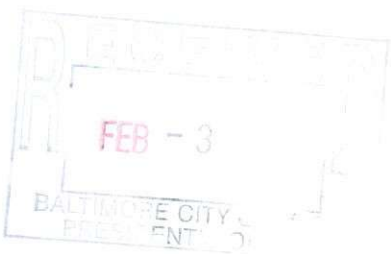
TO The Honorable Bernard C. Young
 President
 City Council of Baltimore
 400 City Hall

DATE: February 3, 2014

The Environmental Control Board (ECB) does not oppose the bill proposed for the purpose of modifying the City laws governing floodplain management to meet or exceed requirements for eligibility in the National Flood Insurance Program.

The section of the bill that affects ECB is the amendment that establishes Article 1 § 40-14(e)(.5a). This amendment establishes that citations written under article 7 can be enforced with an administrative proceeding under the authority of ECB. The amendment appears to be establishing a dual administrative process whereby the consistuent is faced with an administrative decision from the Planning department in addition to an administrative decision from ECB, both which can be reviewed by the Circuit Court on appeal of an administrative decision. It appears that the fine amount of \$500 can be determined viable in the Planning Administrative enforcement mechanism without a need for a second administrative hearing. In order to establish that the fine is appropriate, ECB must determine that the underlying violation is proven. Planning is the definitive authority for the evidence to prove the violation, and it would tie their personnel up in ECB's hearing process, while the entire process could be in Planning's department.

ECB's suggestion would be to remove the provision for the cases to be heard before the ECB.



*Does not oppose
amend*