
CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
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June 28, 2023

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 23-0387 – Minority and Women’s Business Program –
Reauthorization

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 23-0387 for form and legal sufficiency. The bill would reauthorize and continue the City’s Minority and Women’s Business Program in response to the most recent disparity study that supports the program. It does so by changing the date of the most recent study in 28-3(a)(1)(iv) and (2) of Article 5 of the City Code and altering the date listed in Section 28-5 of that same Article.

In general, the City must undertake periodic disparity studies to provide current evidence that its Minority and Women’s Business program meets constitutional requirements. *See, e.g., Associated Utility Contractors of Maryland, Inc. v. Mayor and City Council of Baltimore*, 83 F.Supp.2d 613, 619, 620 (D. Md. 2000) (Court looks to the “evidence which the City actually considered before enacting the numerical goals” and must have a “strong basis in evidence for its conclusion that [race-conscious] remedial action was necessary.”). Such a study is necessary for Baltimore “City’s Minority and Business Women’s Opportunity Office (the “MWBOO”) to set, on a contract-by-contract basis, Minority and Women’s Business Enterprise (“M/WBE”) contract participation goals that are ‘flexible and rationally related to the disparity identified in the City’s contracting markets.’” *Associated Util. Contractors of Maryland, Inc. v. Mayor & City Council of Baltimore*, 218 F. Supp. 2d 749, 751 (D. Md. 2002).

As there are no legal impediments to this bill, the Law Department approves it for form and legal sufficiency.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Hilary Ruley".

Hilary Ruley
Chief Solicitor

cc: Ebony M. Thompson, Acting City Solicitor
Nina Themelis, Mayor's Office of Government Relations
Elena DiPietro, Chief Solicitor, General Counsel Division
Ashlea Brown, Chief Solicitor
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