


<b>FROM</b>	NAME & TITLE	Robert Cename, Budget Director <i>Robert Cename</i>	CITY of <b>BALTIMORE</b> <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432, City Hall (410) 396-4774		
	SUBJECT	City Council Bill 21-0155 – Administrative Procedure Act - Revisions		

DATE:

**TO**

The Honorable President and  
Members of the City Council  
City Hall, Room 400

September 24, 2021

**Position: Does not Oppose**

The Department of Finance is herein reporting on City Council Bill 21-0155 – Administrative Procedure Act - Revisions, the purpose of which is to clarify that an agency may, subject to certain requirements, incorporate certain documents into a regulation by reference; clarify certain provisions regarding the notice and comment period; clarify when a regulation is effective; amend the date that relevant and current regulations must be submitted in digital form to the Director of Legislative Reference for codification into the Code of Baltimore Regulations Annotated; allow for an initial adoption of certain existing regulations and the later revision of those regulations to meet style and formatting requirements; and providing for a special effective date.

**Background**

Ordinance 20-431, Baltimore City Administrative Procedure Act (APA), was enacted on November 16, 2020. This established a standard definition of what is considered a regulation and required that all regulations be approved for form and legal sufficiency by the Law Department, submitted to and reviewed by the Department of Legislative Reference (DLR), and posted online in the Code of Baltimore Regulations Annotated (COBRA) in accordance with an adopted style manual. The legislation required that all agencies submit their APA compliant regulations to the Department of Legislative Services by November 16, 2021 for posting to COBRA.

This legislation makes modifications to the previously passed Ordinance by extending the date of agency and department submission through January 15, 2022 and lifting the requirement on regulations having to meet style and formatting requirements before being submitted to COBRA; however, regulations submitted to DLR must be current and effective as of January 1, 2021. For any regulations submitted to DLR by January 15, 2022 in a non-COBRA conforming format, DLR will revise each regulation in accordance with the adopted style manual and recodify the revised regulation in a format consistent with the remaining sections of COBRA.

**Fiscal Impact**

There will be a fiscal impact from this legislation to support additional resources at DLR to manage the added scope of work this legislation proposes. DLR will need to determine the final scope of work and resources required once an accounting of all regulations requiring revision and recodification is done. Additional resources will be needed after January 1, 2022, and discussions between DLR and the Law Department have determined that obtaining a contractual agreement with an outside vendor is in the best interest of the City due to available resources and the temporary nature of the scope of work, with which the Department of Finance agrees.

DLR currently has one part-time contractual position budgeted in Fiscal Year 2022 for \$37,530 to cover work under the previously enacted APA Ordinance. DLR expects to take on significant additional one-time contract cost to cover the added scope of work from this legislation and any additional cost may need to be funded through supplemental appropriations. The Department of Finance, in our experience, estimated that a consultant for the department would require 550 hours at a rate of \$45 per hour, or a total cost of \$24,750, to review and revise the department's 73 regulations to a format that meets style and formatting requirements.

### **Conclusion**

The Department of Finance does not object to the passage of City Council Bill 21-0155 – Administrative Procedure Act – Revisions. However, we expect this will increase workload and require additional one-time personnel, dependent on the number of regulations submitted, to effectively complete the scope of work this legislation requires.

**For the reasons stated above, the Department of Finance does not oppose City Council Bill 21-0155.**

cc: Henry Raymond  
Matthew Stegman  
Nina Themelis