##

February 24, 2022

The Honorable President

Members of the City Council

c/o Natawna Austin, Executive Secretary

409 City Hall

Baltimore, MD 21202

RE: City Council Bill 21-0074 – Office of Emergency Management –

 Independent Agency

Dear President and Members:

 You have requested the advice of the Law Department regarding City Council Bill 21-0074. City Council Bill 21-0074 repeals Article 1, Subtitle 18 {“Disaster Control and Civil Defense”} because it is obsolete and establishes in its place an Office of Emergency Management as an independent agency. The bill gives the Mayor authority to appoint an Executive Director of the Office and sets forth the duties of the Executive Director. The bill requiring the Office to provide specific Emergency Support Functions in the Emergency Operations Plan. The Office will coordinate with other agencies in writing the Emergency Operations Plan which must be updated requiring quadrennially.

The Md. Ann. Code, Public Safety Art., Sec. 14-102 sets forth the legislative policy which is the basis of the Emergency Management Title. It is the policy of the State that the initial governmental authority and responsibility for emergency management activities and operations be placed at the local level. With respect to local governments that policy provides that they are authorized to establish **local** organizations for emergency management, that they may exercise the emergency powers provided in State law and may provide for the rendering of mutual aid among the political subdivisions and with other states in carrying out emergency management functions.

Sec. 14-109 requires each political subdivision to establish a local organization for emergency management in accordance with the State emergency management plan and program. This law requires that on the recommendation of the Mayor, the governor shall appoint a director of emergency management. The director is responsible for the organization, administration and operation of the local organization. See Sec. 14-0109(b). The director will, however, be subject to the direction and control of the Mayor under the general power of the Governor.

The bill is mostly consistent with the requirements of the State law. There is one aspect of the Bill that should be clarified. The reference to “independent” to describe the Office should be

stricken. Under the State law, the Office is not independent but is subject to the direction and control of the Mayor.

Subject to the inclusion of the recommended amendment, the Law Department approves Council Bill 21-0074 for form and legal sufficiency.

 Sincerely yours,

 

 Elena R. DiPietro

 Chief Solicitor

cc: James L. Shea, City Solicitor

 Ebony Thompson, Deputy Solicitor

 Stephen Salsbury, Chief of Staff

 Matthew Stegman, Presidents’ Office

 Nikki Thompson, President’s Office

 Natasha Mehu, MOGR

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