

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor
101 City Hall
Baltimore, Maryland 21202

July 18, 2016

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 16-0704 – Water, Sewer, and Stormwater Remediation Charges
— Billings and Collections

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 16-0704 for form and legal sufficiency. It would amend several sections in the Water, Sewers and Stormwater Fees Articles of the City Code in light of the new BaltiMeters and accompanying billing systems. Namely, it provides for monthly billing with a corresponding reduced penalty effective when the systems are fully in place in the City and in Baltimore County, respectively. In addition, it conforms lien language across the articles, removes antiquated unmetered charging language and makes other billing and collection adjustments.

The General Assembly has given the Mayor and City Council (hereinafter the “City”) the broad power to “establish, operate, maintain, regulate and control a system of water supply and make charges for the consumption or use of such water.” City Charter, Art. II, §(45). Additionally, the General Assembly has given the City similar power over the sewers. City Charter, Art. II, §(31). The General Assembly also recognizes the City’s power to “control and regulate within Baltimore City” the “storm and surface water drains, runs and natural storm and surface water drainage courses, public or private,” and authorizes a stormwater remediation fee. City Charter, Art. II, §(32); Md. Code, Environ., §4-202.1. These powers have been vested primarily in the City’s Department of Public Works. City Charter, Art. VII, §33; City Code, Art. 23, 24, 27.

The Law Department worked with the Department of Public Works on the necessary amendment to the effective date for Baltimore County and approves the amendment for form and legal sufficiency. As this bill is in accordance with the applicable legal authority, the Law Department approves the bill as amended for form and legal sufficiency.

Sincerely,

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

Hilary Ruley
Chief Solicitor



cc: George Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Victor Tervalá, Chief Solicitor
Jennifer Landis, Assistant Solicitor