


FROM	NAME & TITLE	Rudolph S. Chow, P.E., Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Public Works 600 Abel Wolman Municipal Building		
	SUBJECT	City Council Bill 18-0264		

DATE: June 14, 2018

TO

The Honorable President and Members
of the Baltimore City Council
c/o Natawna Austin
Room 400 – City Hall

I am herein reporting on City Council Bill 18-0264 introduced by the Council President on behalf of the Administration (Mayor’s Charter Review Commission).

The purpose of the Bill is to, among other things, repeal certain obsolete provisions of the Charter; remove redundant provisions as well as language more appropriate for ordinances or regulations; remove provisions that simply restate applicable State law; conform certain provisions with State law; provide certain legislative and administrative flexibility; allow certain agencies to be designated by law to approve withdrawal of City monies from depositories; remove certain formal lien requirements; replace the Board of Legislative Reference with an ad hoc board that would make recommendations regarding the hiring of a Director of Legislative Reference; transfer certain powers belonging to the Civil Service Commission to the Department of Human Services; establish a procedure to regularly appoint a Charter Review Commission at least once every 10 years, with that Commission making recommendations for deletions, additions or revisions to its content; set special effective dates for the proposed Charter amendments, and submit this amendment to the qualified voters of the City for adoption or rejection.

The Mayor’s Charter Review Commission was formed to review the Baltimore City Charter and to make recommendations for removing obsolete and unnecessary provisions, improving the clarity of its language, and adding new provisions more applicable to current conditions.

The Department of Public Works is one of the agencies listed under Article VII {Executive Departments} that has provisions affected by this legislation. The following sections of the Charter are recommended to be deleted.

- § 3(b) – The powers and duties described in this subsection are stated in subsection (a) of this section and are therefore redundant. The provisions which stipulate the Department of Public Works may only establish or abolish bureaus or divisions through an ordinance, as recommended by the Board of Estimates, remain. This requirement is further noted in Article 1 {Mayor, City Council and Municipal Agencies} §§ 17-1 and 17-2 of the Baltimore City Code.
- § 30 {Department of Public Works: Supervision of public works} – This section, which would be deleted in its entirety, stipulates that the Director is empowered to supervise all public works that relate to the Department’s powers, and that the plans and specifications for these public works must be approved by the Director. These powers are clearly stated in the remaining §§ 31, 33, 34, and 35 of Article VII.

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- § 37 {Department of Public Works: Testing} – This section, which would be deleted in its entirety, requires the Department to test materials and supplies at the request of another agency. This language is obsolete.
- § 41 {Department of Public Works: Correcting physical obstructions} – This section, which would be deleted in its entirety, states that the Department may, upon reasonable notice, request the removal of a physical structure from a public street, at their cost, should it be impeding the work of the Department. The City may condemn the physical obstruction if needed. This section is redundant as Article II {General Powers} § 2 and § 35(c) and (d) clearly state the authority of the City to take such actions.
- § 42 {Department of Public Works: Assistance to other agencies} – This section allows for the Director to assist an agency by supplying estimates or services, and to be reimbursed for the incurred costs. It is recommended for deletion as this request would be within the power of the Director to grant.

The Department further recognizes that the Charter is a living document and therefore sees the value in establishing a Charter Review Commission that regularly examines and recommends improvements to the Charter to keep it relevant. The Department of Public Works supports passage of City Council Bill 18-0264.



Rudolph S. Chow, P.E.
Director

RSC/MMC