
CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG
Mayor



DEPARTMENT OF LAW
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December 10, 2019

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 19-0410 – The Baltimore City Trauma-Responsive Care Act

Dear President and City Council Members:

The Law Department has reviewed the amendments passed by the Health Committee for the above-referenced bill. To achieve the legislative goal of the amendments as well as avoid a potential legal issue, the Law Department recommends retracting amendments 3 and 4 and replacing them with the amendments attached.

The bill as it currently stands as amended by Committee, contains a provision requiring the Mayor to designate the Chair of the Youth and Education Committee to serve as co-chair of the Task Force. However, the designation of the Chair of the Youth and Education Committee in Amendment 3 is discretionary as an Article IV Section 6 appointment. This leaves the possibility that the Chair would not be designated as a member of the Task Force, making the fulfillment of Amendment 4 impossible. Furthermore, the mandatory language of Amendment 4 presents a potential Charter violation.

To cure these problems, the Law Department suggests designating the Chair of the Youth and Education Committee as a member of the Task Force by nature of the office, or *ex officio*. This would ensure that the Chair is on the Task Force and could then be designated co-chair.

Revised amendments 3 and 4 are attached hereto.

Subject to the above, the Law Department approves the bill for form and legal sufficiency.

Very truly yours,

Ashlea Brown
Assistant Solicitor

cc: Andre M. Davis, City Solicitor
Matthew Stegman, Mayor's Office of Government Relations
Elena DiPietro, Chief Solicitor
Hilary Ruley, Chief Solicitor
Victor Tervalá, Chief Solicitor

**Amendments to CCB 19-410
Proposed by Law
(To be offered to the Health Committee)**

Changes to current amendment 3 and 4 highlighted

Amendment No. 1 {Current Committee Amendment 3: Composition of Task Force}

On page 3, in line 26, strike “20” and “16”, respectively, and substitute “31” and “25”, respectively; and, on that same page, in line 27, strike “4” and substitute “6”; and, on that same page, in line 30, strike “16” and substitute “26”; and, on page 4, in line 1, strike “2” and substitute “3”; and, on that same page, in line 6, strike “1” and substitute “2”; and, in that same line, strike “A MEMBER” and substitute “MEMBERS”; and, on that same page, after line 7, insert:

“(5) 1 SHALL BE A REPRESENTATIVE OF AN ORGANIZATION WITH AN EXPLICIT FOCUS ON RACIAL EQUITY IN ITS ORGANIZATIONAL MISSION STATEMENT;

(6) 1 SHALL BE AN INDIVIDUAL BETWEEN 14 AND 25 YEARS OF AGE;

(7) 1 SHALL BE A INDIVIDUAL LICENSED TO PRACTICE IN THE STATE OF MARYLAND AS A PHYSICIAN WITH A SPECIALTY IN PEDIATRICS;

(8) 1 SHALL BE A REPRESENTATIVE OF AN ORGANIZATION WITH AN EXPLICIT FOCUS ON LESBIAN, GAY, BISEXUAL, TRANSGENDER AND QUEER (LGBTQ) ADVOCACY IN ITS ORGANIZATIONAL MISSION STATEMENT;

(9) 1 SHALL BE A NATURALIZED CITIZEN OR A RESIDENT ALIEN;

(10) 1 SHALL BE AN INDIVIDUAL WHO HAS RECENTLY EXITED FROM THE MARYLAND CORRECTIONAL SYSTEM;

(11) 1 SHALL BE AN EMPLOYEE OF THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM;”

and, on that same page, in lines 8 and 11, strike the paragraph designators “(5)” and “(6)”, respectively, and substitute “(12)” and “(13)”, respectively; and, on that same page, in line 11, strike “7” and substitute “8”; and, on that same page, in line 12, strike “2 CITY COUNCILMEMBERS” and substitute “1 CITY COUNCILMEMBER”; and, on that same page, after line 14, insert:

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“(III) 1 REPRESENTATIVE OF AN ORGANIZATION WITH AN EXPLICIT FOCUS ON RACIAL EQUITY IN ITS ORGANIZATIONAL MISSION STATEMENT;”;

and, on that same page, in lines 15 and 16, strike“(III)” and “(IV)”, respectively, and substitute “(IV)” and “(V)”, respectively; and, on that same page, after line 23, insert:

“(3) THE DIRECTOR OF PLANNING OR THE DIRECTOR’S DESIGNEE;

(4) THE CHAIR OF THE YOUTH AND EDUCATION COMMITTEE OR ANY CITY COUNCIL COMMITTEE SUCCEEDING TO THE DUTIES OF THE YOUTH AND EDUCATION COMMITTEE;”;

and, on that same page, in lines 24 and 25, strike “(3)” and “(4)”, respectively, and substitute “(5)” and “(6)” respectively.

Amendment No. 2 {Current Committee Amendment No. 4: Task Force Co-Chairs}

On page 5, in line 9, strike beginning with the second “THE” down through and including “OFFICE” in line 10 and substitute “ONE OR BOTH OF THE TASK FORCE CO-CHAIRS”; and, on that same page, strike lines 15 through 17 in their entireties and substitute:

“(E) TASK FORCE CO-CHAIRS.

(1) IN GENERAL.

AS PROVIDED IN THIS SUBSECTION, THE TASK FORCE SHALL HAVE 2 CO-CHAIRS

DESIGNATED.

(2) *AT-LARGE CO-CHAIR.*

EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE MAYOR MAY DESIGNATE ANY MEMBER OF THE TASK FORCE TO SERVE AS 1 OF THE CO-CHAIRS.

(3) *CHAIR OF THE CITY COUNCIL YOUTH AND EDUCATION COMMITTEE.*

THE CITY COUNCIL PRESIDENT MAY DESIGNATE THE CITY COUNCILMEMBER SERVING EX-OFFICIO UNDER § 22-17(C)(4) {CHAIR OF YOUTH AND EDUCATION COMMITTEE OR ITS SUCCESSOR COMMITTEE} AS CO-CHAIR OF THE TASK FORCE.”.