

RAC

FROM	NAME & TITLE	Robert Cenname, Budget Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432, City Hall (410) 396-4774		
	SUBJECT	City Council Bill 19-0470—Charter Amendment-City Council-Exercise of Legislative Powers		

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

DATE: January 13, 2020

Position: Oppose

The Department of Finance is herein reporting on City Council Bill 19-0470, Charter Amendment-City Council-Exercise of Legislative Powers, the purpose of which is to authorize the City Council to legislate powers and duties to City agencies, if the powers and duties are not expressly prohibited in the Charter.

Background

The Charter clearly defines certain municipal agencies and the general functions that those agencies are responsible for. In addition, it informs the provision of additional services outside those established in the Charter, as long as they are consistent with the Charter. Currently, the City Council can legislate services and processes for City agencies to provide if they are consistent with the agencies' powers and duties laid out in Article VII of the Charter.

Fiscal Impact

The Department of Finance is concerned about the potential long-term financial impact of this legislation. The City Charter already allows the Council to legislate certain powers and duties to municipal agencies, but often this authority leads to new unfunded mandates for City agencies. Newly mandated services can be costly, and the net result is often the redirection of resources away from core service delivery. By amending the Charter to allow for legislation of powers outside of those that are "expressly prohibited by the Charter," there is the potential for additional unfunded duties to be mandated via City Council legislation.

Other Considerations

This legislation also makes it possible to assign powers and duties to an agency that are not consistent with the current structure and framework of that agency. For example, the Charm City Circulator, currently administered by the Department of Transportation, could be moved to another agency, unless the Charter is rewritten to expressly prohibit the administration of this program in all other agencies. This jeopardizes the stability of City operations and could lead to the assignment of additional duties that are outside of the scope of an agency's expertise.

Conclusion

The City Council is currently able to legislate new services and processes for City agencies, which generates funding issues when agencies try to implement unfunded mandates. Going beyond this to authorize the legislation of powers and duties that are not expressly prohibited in the Charter could have major fiscal impacts by generating unfunded mandates that are beyond an agency's core mission. This authority could also impact the operations of City government and restructure agencies in a manner that inhibits effective and efficient provision of services.

For the reasons stated above, the Department of Finance opposes City Council Bill 19-0470.

cc: Henry Raymond
Matthew Stegman
Nina Themelis