

File No. 46845

Baltimore, November 22, 1926

Hon. Howard W. Jackson
Mayor of Baltimore
City Hall
Baltimore, Maryland

Dear Mr. Mayor:

14222

Responding to your request, I give you my opinion concerning the validity of Council No. 1271 passed by the Council, and now before you for executive action. The ordinance reads:

SECTION 1. Be it ordained by the Mayor and City Council of Baltimore, That the title of the head of the Bureau of Buildings, in the Department of Public Works, be and it is hereby changed from "Buildings Engineer" to "Building Commissioner".

The proposed enactment is simple in its nature, and the object which it seeks to remedy, if existing as recited in its preamble, might merit its passage and approval. But, however, meritorious it may be on the facts, the ordinance is of no avail if the Council lacked authority to enact it. And in passing on the authority of the Council, the merits of the measure are to be in no wise considered. The principle involved is a fundamental one; viz, the authority of the Council to amend a provision of the Charter of Baltimore City by simple ordinance. Whether that can be done is the vital question. The discussion of it necessarily involves a consideration of the provisions of Article 11-A of the Maryland Constitution, entitled "Local Legislation". The voters of Baltimore City, one of the political units of the State, have legally adopted a charter pursuant to that amendment of the Constitution, and so long as that Charter remains, it must be given its full legal force and effect.

The limit to which Baltimore City, or any other political sub-division of the State, may go in adopting a Charter, or any amendment thereto, must be founded on a grant of powers from the General Assembly. That is made clear by the Constitution itself. And the Legislature is proposing the constitutional amendment, providing for local legislation to the voters of the State, authorizing the counties and Baltimore City to adopt a Charter, required that any charter adopted