

File No. 46845 Continued

should be based on a grant of powers from the General Assembly to the counties and already granted by the General Assembly to Baltimore City by Section 6, Article 4 of the Public Local Laws. Moreover, the Constitution reserved to the General Assembly the power to extend, modify, amend or repeal any or all powers so granted the counties and Baltimore City. The powers granted to Baltimore City by the General Assembly, and forming a basis for the existence of the present charter, may, therefore, be extended, modified, amended or repealed in whole or in part by the General Assembly at any time, and when modified or repealed, any provision of the charter flowing from such powers would naturally be likewise modified or repealed.

Consequently, with that perfectly clear, when Baltimore City desired to coordinate its several departments the power to do so had to be obtained from the General Assembly, because it had not theretofore been granted, and it was obtained from the General Assembly of 1924 by Chapter 418. Pursuant to that express power from the General Assembly, the City Council first passed two ordinances; to wit, #450, approved July 17, 1925, and #556, approved February 1, 1926, consolidating and making over the engineering departments of the municipal administration. It took the form of a "Department of Public Works", the head of which was the Chief Engineer. In the Department of Public Works were 11 sub-departments or bureaus, one of which, being the "Bureau of Buildings", is directly concerned with the present ordinance. Whether the two ordinances attempted an amendment of the charter, or were intended to be such, is not necessary to consider. I say that because the Council subsequently by Resolution #7, approved September 25, 1926, and adopted pursuant to Section 5, Article 11-A of the Constitution, in a formal way proposed to the voters an amendment to the charter in accordance with the express power granted, and that amendment incorporated in the charter the Department of Public Works by the ordinance.

The amendment took the form of adding to the charter a new section to follow Section 85 and to be designated 85-A, "the same providing for the creation of a 'Department of Public Works' and if adopted by the voters of Baltimore City * * * said section shall become a part of the charter of Baltimore City". The proposed amendment was submitted to the voters at the November election of 1926, was