

August 18, 1934

Honorable Howard W. Jackson
Mayor of Baltimore
Baltimore, Maryland

Dear Mr. Mayor:

When Mr. Marshall and I were discussing with you the proposed Charter Amendments the other day, you asked me to prepare an amendment consolidating the positions of City Surveyor and that of Engineer of Plans and Surveys.

At the present time, I understand Mr. Hecker, although elected City Surveyor, has been appointed by you the Engineer of Plans and Surveys and acts in a dual capacity. I assume it is your purpose to impose upon the Engineer of Plans and Surveys the duties which the City Surveyor is required by law to perform, and to abolish the latter office.

Unfortunately, the City Surveyor's office is created by Section 2 of Article 7 of the State Constitution; and it is therefore impossible to abolish it or to transfer the duties of the City Surveyor to the Engineer of Plans and Surveys. I have spoken to Dr. Flack about the matter; and he agrees with me that the only way to accomplish this is by amendment of the State Constitution.

I take it you have no desire to reverse the situation and make the City Surveyor, who is elected by the people, the head of the Bureau of Plans and Surveys; because, of course, there is no assurance that the man elected City Surveyor will be competent to act as head of the Bureau of Plans and Surveys.

It will always be possible to have the duties of these two officials performed by the same man, either by appointing the individual elected City Surveyor to the office of Engineer of Plans and Surveys, as you have done, or to impose upon the City Surveyor, by ordinance, the duties of the Engineer of Plans and Surveys, as authorized by Section 6, Sub-section 27, of the Charter. This, however, is only a temporary expedient; and, if you desire me to, I shall prepare the necessary constitutional amendment to accomplish your object and to be included in your legislative program during the 1935 Session of the General Assembly.

Very truly yours,

(signed) PAUL F. DUE

Deputy City Solicitor

FFD/L