

FILE NO. 72450

September 27, 1940

Charles C. G. Evans, Esq.  
City Solicitor  
Baltimore, Maryland

Dear Mr. Evans:

Replying to your request of the 26th for an opinion as to what steps must be taken in order to place the City Purchasing Agent under City Service, I am giving you my opinion as follows:

Sections 254 to 259 of the 1938 City Charter, under which the Central Purchasing Bureau was created, were designated as part of the Charter by Ordinance No. 846, approved October 22, 1926, under authority conferred by Chapter 418 of the Acts of 1924, and under which legislative Act Resolution No. 4 was approved on April 26, 1924, and subsequently approved by the voters at the November election of 1924.

In order to bring the City Purchasing Agent within the classified municipal service it will be necessary to amend the following sections of the Charter:

Section 258, which provides:

"No person in the classified City service, employed by any officer, board, commission, department, bureau or other municipal agency, the powers and duties of which are transferred to some other department or bureau by the provisions of this ordinance, shall be deprived of his or her position and classification by the provisions of this ordinance, but all such persons shall be transferred to the new department or bureau established under the provisions of this ordinance. These provisions, however, shall not apply to any person now in the classified service who may be appointed by the Mayor, with the consent of the City Council, as head of the bureau."

Section 254, which provides that -

"The City Purchasing Agent shall be appointed by the Mayor, with the consent of the City Council . . ."

This section may be amended to comply with both Section 25 of the Charter, which provides:

"The Mayor shall have the sole power of appointment of all heads of departments, heads of sub-departments, municipal