

File No. 86171

December 21, 1950

Mr. Elmer F. Bernhardt, Chief
Central Payroll Bureau
Room 325, City Hall
Baltimore - 2, Maryland

Dear Mr. Bernhardt:

Reference is made to your letter of August 9, 1950, inquiring as to the respective functions, powers and responsibilities of the Central Payroll Bureau and the Departments of Welfare, City and State; also to the several discussions between you and Mr. Leonard and to the conference of a few days ago between you and Messrs. Dell, Fallin, Beck and Leonard.

In our opinion, it is clear that in distributing welfare funds the City is not paying any "claim, account or demand against the City", within the meaning of those terms in Section 41 of the City Charter, so that there is no responsibility on the Comptroller to audit and approve these payments. Rather, welfare funds are appropriated by the City and their disbursement authorized in recognition of the City's moral or social obligation to provide for its needy inhabitants. The determination of the recipients of those funds, the amounts each is to receive and the time he is to receive such payments, are all matters to be determined by the Department of Welfare; so that the warrant or other direction of a responsible officer of that Department is sufficient authorization to the Comptroller to disburse such funds.

We understand that for some years the Department of Welfare has been furnishing certain information in connection with its cut-off advices which it now proposes to omit, and further that such information has enabled your Department in the past to recover for the City sums of money by charging back to the banks checks bearing unauthorized endorsements. It is also our understanding that this change in content of the cut-off advices is at the direction of the State Department of Public Welfare. It is further our opinion, that under Article 83A of the Maryland Code the State Welfare Department has the power to issue such a direction to the City Department of Welfare. Of course, whether it should do so is a question of policy upon which this office expresses no opinion.

Very truly yours,

/s/ THOMAS N. BIDDISON
City Solicitor

/s/ DANIEL B. LEONARD
Assistant City Solicitor

DBL/db