

Mr. J. Carl Opper, Chief Examiner, etc., City Service Commission (cont'd)

Duer vs. Dashiell, 91 Md. 660, 667;  
McQuillin - Municipal Corporations, Revised Vol. 2,  
Sec. 798, p. 964;  
McQuillin - Municipal Corporations, - Revised Vol. 2,  
Sec. 437, p. 57-58.

Apparently the legal significance of the word "appointment" was understood and its frequent recurrence in the context of the sections of the Charter creating and setting up the duties of the City Service Commission indicates that it was used advisedly. If this is the case, then the law has failed to impose upon the Commission any duties or to give it any power or authority to control the status or actions of persons whose relations with the City arise from contract and not from legal enactments.

Under the language of the aforementioned Ordinance No. 701, the Board of Municipal Music is authorized and empowered to enter into contracts with such persons as it may deem necessary for the proper operation of the Department of Music, and this delegation of power is limited only by the terms and provisions of the City Charter (1938), with particular reference to Section 45 thereof, which states:

"All purchases of property, and other contracts involving an expenditure of more than five hundred dollars (\$500.00), except those awarded by the Board of Awards under Section 15 of the Charter, made by any department, sub-department, municipal officer, special commission or board, in addition to compliance with the other provisions of the Charter, shall be submitted to the Board of Estimates for its approval and shall be binding upon the City only when so approved."

The language of the Ordinance in question must be presumed to have been used in contemplation of this limitation and, hence, the power of the Board of Municipal Music to contract for personal services is subject to the conditions imposed by Section 45 of the Charter and other applicable provisions thereof.

While there is no literal written limitation upon the power of the City to contract for personal services, the creation of the City Service Commission and the Classified City Service clearly implies that the City does not have the authority to contract for personal services under circumstances where the persons to