

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

be engaged could reasonably be brought into the Classified System and, therefore, I believe that the City does not have the right to exercise its power to contract for personal services so as to circumvent the civil service provisions of the Charter. The electorate of Baltimore City, in adopting the Charter containing the sections creating the City Service Commission and the Classified City Service, voluntarily and with very sincere and earnest intention attempted to surround employment in the City Government with the protection of a system of civil service which would guarantee, as far as possible, that appointments to positions in the City Government and the promotion of employees of the City would be based on merit, efficiency, character and industry and to secure such appointees or employees against removal except for cause. Obviously, it is not reasonable to take the position that the City has the unlimited right of election between contract and appointment as to any particular person which it might wish to bring into the service of the City.

On the other hand, the sections of the Charter creating the Classified City Service should not be given such a construction as to place obstacles in the way of the City doing its necessary business, or to deprive the City, even temporarily, of the services of persons who may be needed to advise the City or perform some special service or operation for it simply because it is not practical or feasible for the City Service Commission to establish an eligible list of such persons or because of special circumstances surrounding the services to be rendered or the manner or the period of employment it is not practical to place the persons to be engaged in the classified system. This interpretation has the sanction of long continued practice which seems to have resulted in benefit to the people of Baltimore City and to the efficient functioning of the City Government. No one has questioned the right of the City, from time to time, to contract with persons having specialized knowledge or who are specially qualified to perform some service for the City. The City's power to employ persons by contract in these special instances has apparently been approved as being an entirely reasonable and logical exercise of the duties, powers and responsibilities of a municipal corporation to achieve the major purpose of providing efficient government and is provided for generally in the broad powers of the City. Therefore, it appears that so long as the power to contract for personal