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**BALTIMORE CITY COUNCIL
WAYS AND MEANS
COMMITTEE**

Mission Statement

The Committee on Ways and Means (WM) is responsible for ensuring taxpayer dollars are expended prudently and equitably. WM will exercise regular oversight of the City's budget, expenditures, loans, and other financial matters. The committee's areas of jurisdiction include: budget & appropriations, taxation, financial services, consumer protection, audits, and the Comptroller's Office.

**The Honorable Eric T. Costello
Chairman**

PUBLIC HEARING

**TUESDAY, SEPTEMBER 26, 2023
10:00 AM**

COUNCIL CHAMBERS

Council Bill #23-0426

**Supplemental General Fund Operating Appropriation –
M-R: Arts and Culture - \$581,334**

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BILL SYNOPSIS

Committee: Ways and Means

Bill 23-0426

Supplemental General Fund Operating Appropriation – M-R: Arts and Culture - \$581,334

Sponsor: *President Mosby at the request of the Department of Finance (Administration)*

Introduced: *September 18, 2023*

Purpose:

For the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$581,334 to M-R: Arts and Culture – Service 824 (Events: Art: Culture and Film), to provide funding for general operations; and providing for a special effective date.

Effective: On the date it is enacted.

Agency Reports

Law Department	None as of this writing
Department of Finance	None as of this writing
Department of Planning	None as of this writing
Department of Housing and Community Development	None as of this writing
Department of Real Estate	None as of this writing
Board of Estimates	Approved

Analysis

Current Law

Article VI – Board of Estimates, Section 8 – Ordinance of Estimates – Deficiencies and Supplementary Appropriations of the [Baltimore City Charter](#) governs the mandates for supplementary appropriations.

§ 8. Deficiencies: Supplementary appropriations.

(b) Supplementary appropriations — when authorized.

Except as provided herein, the Ordinance of Estimates shall include all the moneys to be appropriated by the City for all purposes for the fiscal year for which the ordinance is applicable.

(2) Additional appropriations are permitted during the fiscal year only in the following circumstances and under the following conditions: (i) Excess revenues. Revenues from any source other than the full rate property tax and other taxes imposed under the authority of Article II, in excess of or in addition to those relied on by the Board of Estimates in determining the tax levy required to balance the budget, may be made available for expenditure by the municipal agency responsible for the production of those revenues by a supplementary appropriation ordinance recommended to the City Council by the Board of Estimates, duly passed by the City Council by a majority vote of its members and approved by the Mayor.

(iii) Material changes; new programs.

Further appropriations for programs included in the proposed Ordinance of Estimates made necessary by a material change in circumstances, or additional appropriations for new programs which could not reasonably be anticipated at the time of the formulation of the proposed Ordinance of Estimates may be made available to the appropriate municipal agency for expenditure by a supplementary appropriation ordinance recommended to the City Council by the Board of Estimates, duly passed by the City Council by a vote of three-fourths of its members and approved by the Mayor.

(c) Supplementary appropriations – Requisites of ordinance.

Every such further or additional appropriation shall be embodied in a separate ordinance limited to a single program, purpose, activity, or project therein stated, and each such supplementary appropriation ordinance shall also, anything contained in the Charter to the contrary notwithstanding, provide the revenue necessary to pay the appropriation by a source, other than the full rate property tax, imposed under the authority of Article II. The revenue shall be levied and collected as directed in the ordinance. The estimate of the revenues to be derived from any source proposed in a supplementary appropriation ordinance shall be made by the Board of Estimates.

Background

In June 2023 the Baltimore City Council reduced the budget in Service 824 of the Baltimore Office of Promotion and the Arts (BOPA) by \$1,744,002 in an amendment to the Ordinance of Estimates for the Fiscal Year Ending June 30, 2024.¹

At the time of the reduction, the citizens of Baltimore were concerned about:²

- BOPA’s board governance and membership
- The operations of the Baltimore Film Office
- The operations of the Baltimore Arts Council and Public Arts Commission, and
- BOPA’s ability to carry out its mandate to produce events and festivals, administer grants, manage arts education and public art programming, provide film production support, and provide oversight of Baltimore City facilities it its care.

¹ [Council Resolution 23-0177R](#) Reduction to the Ordinance of Estimates for the Fiscal Year Ending June 30, 2024 – Baltimore Office of Promotion and the Arts and [Council Bill 23-0381](#) – Ordinance of Estimates for the Fiscal Year Ending June 30, 2024.

² Council Resolution 23-0177R – Reduction to the Ordinance of Estimates for the Fiscal Year Ending June 30, 2024 – Baltimore Office of Promotion and the Arts

On Tuesday, September 26, 2023, the committee will hold a hearing to discuss and/or receive updates regarding the above listed concerns and if approved, return \$581,334 back into BOPA's budget.

Additional Information

Fiscal Note: This supplemental appropriation will return 33% of the funds that were reduced. back into BOPA's budget.

Information Source(s): Baltimore City Charter, Council Resolution 23-0177R, Council Bills 23-0381 and 23-0426, and all agency reports received as of this writing.

Analysis by: Marguerite M. Currin
Analysis Date: September 21, 2023

Direct Inquiries to: (443) 984-3485

Council Bill 23-0426

AGENCY REPORTS

None as of this writing

**CITY OF BALTIMORE
COUNCIL BILL 23-0426
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of Finance)
Introduced and read first time: September 18, 2023
Assigned to: Ways and Means Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Department of General Services, Board of Estimates

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Supplementary General Fund Operating Appropriation –**
3 **M-R: Arts and Culture – \$581,334**

4 FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the
5 amount of \$581,334 to M-R: Arts and Culture – Service 824 (Events: Art: Culture: and
6 Film), to provide funding for general operations; and providing for a special effective date.

7 BY authority of
8 Article VI - Board of Estimates
9 Section 8(b)(2)(iii) and (c)
10 Baltimore City Charter
11 (1996 Edition)

12 **Recitals**

13 The revenue appropriated by this Ordinance represents Transfer Tax revenue in excess of the
14 revenue relied on by the Board of Estimates in determining the tax levy required to balance the
15 budget for Fiscal Year 2024.

16 This additional revenue could not have been reasonably anticipated when the Ordinance of
17 Estimates for Fiscal Year 2024 was formulated.

18 This appropriation is made necessary by a material change in circumstances since the
19 Ordinance of Estimates for Fiscal Year 2024 was formulated or is for a new program that could
20 not have been reasonably anticipated when that Ordinance of Estimates was formulated.

21 On September 6, 2023, the Board of Estimates recommended this appropriation to the City
22 Council.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 23-0426

1 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That
2 \$581,334 shall be made available to M-R: Arts and Culture – Service 824 (Events: Art: Culture:
3 and Film) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2024, to
4 provide funding for general operations. The source of revenue for this appropriation is Transfer
5 Tax revenue in excess of the amount from this source that was relied on by the Board of
6 Estimates in determining the tax levy required to balance the budget for Fiscal Year 2024.

7 **SECTION 2. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the date it is
8 enacted.