

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor
101 City Hall
Baltimore, Maryland 21202

June 23, 2014

The Honorable President and
Members of the Baltimore
City Council
c/o Karen Randle, Executive Secretary
409 City Hall
Baltimore, MD 21202

RE: City Council Bill No. 14-0404—Supplementary General Fund
Operating Appropriation-Department of Transportation - \$2,500,000

Dear President and Members

You have requested the advice of the Law Department regarding City Council Bill 14-0404. City Council Bill 14-0404 provides for a Supplementary General Fund Operating Appropriation for the Department of Transportation to provide funding for operating expenses related to street and park lighting.

Under Art. VI, Sec. 8(b) of the Charter of Baltimore City, “additional appropriations shall be permitted during the fiscal year only in the following circumstances and under the following conditions:

(1) *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 upon 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 such revenues by a supplementary appropriation ordinance....

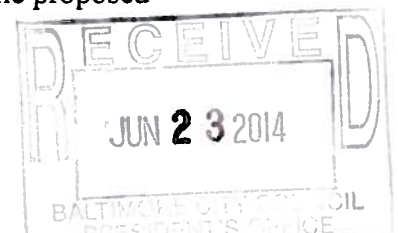
(2) *Unanticipated grants.*

Grants from private or governmental sources which could not be expected with reasonable certainty 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

(3) *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

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Ordinance of Estimates may be made available to the appropriate municipal agency for expenditure by a supplementary appropriation

City Council Bill 14-0404 satisfies the requirements of Sec. 8(b) of the Charter and, therefore, is consistent with the authority of the City Council. Sec. 8(c) also requires that a supplementary appropriation ordinance shall provide the revenue necessary to pay the appropriation by a source, other than the full rate property tax. The bill does provide for an appropriate source of the revenue.

Based on the foregoing, the Law Department approves City Council Bill 14-0404 for form and legal sufficiency.

Sincerely yours,



Elena R. DiPietro
Chief Solicitor

cc: George A. Nilson, City Solicitor
Angela Gibson, City Council Liaison
Hilary Ruley, Assistant Solicitor
Victor Tervalo, Assistant Solicitor
Jennifer Landis, Assistant Solicitor