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CITY OF BALTIMORE

BRANDON M. SCOTT  
Mayor



DEPARTMENT OF LAW  
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ACTING CITY SOLICITOR  
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March 2, 2023

The Honorable President and Members  
of the Baltimore City Council  
Attn: Executive Secretary  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202

Re: City Council Bill 23-0336 – Supplementary General Fund Capital  
Appropriation – Mayor’s Office of Information and Technology –  
\$1,750,000

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 23-0336 for form and legal sufficiency. The bill provides a Supplementary General Fund Capital Appropriation in the amount of \$1,750,000 to the Mayor’s Office of Information and Technology. The money comprises income tax funds in excess of the revenue relied upon when balancing the budget for Fiscal Year 2023 (FY23). The appropriation is made necessary by a material change in circumstances since the FY23 Ordinance of Estimates, or is for a new program that could not have been reasonably anticipated when the FY23 Ordinance of Estimates was formulated.

The City Charter establishes the criteria for making supplementary appropriations. City Charter, Art. VI, § 8. Section 8(b)(2)(iii) and (c) of Article VI of the City Charter permits such a supplementary appropriation when there has been “a material change in circumstance or additional appropriations for new programs which could not reasonably be anticipated at the time of the formulation of the proposed Ordinance of Estimates” for the fiscal year. The supplementary appropriation must be recommended by the Board of Estimates and must be approved by the Mayor and City Council via an ordinance, which must identify the source of the funds and may only encompass a “single program, purpose, activity or project.” City Charter, Art. VI, § 8(c). The Law Department approves this bill for form and legal sufficiency.

Sincerely,

Jeffrey Hochstetler  
Chief Solicitor

cc: Ebony Thompson, Acting City Solicitor  
Nina Themelis, Mayor’s Office of Government Relations

Elena DiPietro, Chief Solicitor, General Counsel Division

Hilary Ruley, Chief Solicitor

Ashlea Brown, Chief Solicitor

D'Ereka Bolden, Assistant Solicitor

Michelle Toth, Special Solicitor

Teresa Cummings, Assistant Solicitor