
CITY OF BALTIMORE

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DEPARTMENT OF LAW

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May 18, 2026

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 26-0191– Charter Amendment – Budget, Veto, and Board of Estimates Reform

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 26-0191 for form and legal sufficiency. The bill—entitled a resolution—would amend the City’s Charter provisions related to the budget process, the veto process, and the duties of the Board of Estimates (“BOE”). Below is a summary of the changes.

- Veto Process in Article IV
 - Amends current Section 5(b)(1) to require the Mayor to return written objections to ordinances or resolutions within two meetings, instead of within three actual regular meetings. Retains the current requirement that no more than one meeting may occur in any one calendar week, but adds that “under no circumstance shall the Mayor have fewer than 14 calendar days to return an ordinance or resolution to the City Council.”
 - Amends current Section 5(c) to provide that if the Mayor does not return objections within two meetings—instead of within three actual regular meetings—the ordinance becomes law. Retains the requirement that no more than one meeting may occur in any one calendar week.
 - Creates a new Section 5(b)(2) to require the Mayor to return written objections to the Ordinance of Estimates (“OOE”) or an item of appropriation therein within four calendar days after it was delivered to the Mayor.
 - Amends current Section 5(b)(2)—proposed Section 5(b)(3)—to permit the Council to override the Mayor’s objections/veto at any time within two Council meetings after receipt. Adds that “under no circumstance shall the City Council have fewer

than 14 calendar days to reconsider an ordinance or resolution returned to the City Council by the Mayor.

- Budget Process in Article VI

- Generally substitutes the Mayor and the Department of Finance for the BOE in relevant provisions governing or referencing the budget submission process, the revenue ordinance process, and the supplementary appropriation process.
- Repeals current Section 4 requiring the Director of Finance to submit a recommended operating budget, and for the Planning Commission to submit a recommended capital budget. Keeps the language in current Section 5—proposed Section 2—that the proposed OOE is prepared “[a]fter receiving the recommendations of the Department of Finance and the Planning Commission.” And keeps current Section 8 of Article VII that the Department of Finance shall prepare the preliminary operating budget, and current Section 72 of Article VII that the Planning Commission shall submit a recommended capital budget and recommended long-range capital improvement program.
- Repeals current Section 1(b) to eliminate the 30-day publication period before the BOE can adopt the proposed OOE and to eliminate the requirement for the BOE to hold public hearings. The Council must still hold public hearings.
- Amends current Section 1(c)—proposed Section 1(b)—to require the Mayor (instead of the BOE) to submit the proposed OOE to the Council no later than April 30 (instead of forty-five days before the beginning of the fiscal year).
- Amends current Section 1(d)—proposed Section 1(c)—to eliminate the minimum 40-day window in which the Council must enact the OOE after receipt and states that the OOE must be adopted at least eight days before the beginning of the fiscal year (instead of five days before).
- Adds a new Section 1(d)—in current Section 3, and at the previous recommendation of the Law Department—to clarify that the OOE must be adopted prior to the beginning of the fiscal year and that, notwithstanding the veto and override timelines in Section 5 of Article IV, the Council may not override a Mayoral veto of an item in the OOE after the start of the fiscal year.
- Amends current Section 5(b)—proposed Section 2(b)—to eliminate the \$1 million cap on a contingent fund in the OOE, now saying “a portion” of the General Fund may be devoted to that purpose.
- Adds a new Section 2(c)—in current Section 5—to permit the Director of Finance or the Planning Commission to submit additional recommendations to the Council after the OOE is introduced for the purpose of providing new information regarding the availability of certain funds for appropriation.

- Adds a new Section 4(b)(3)—in current Section 7—to permit the Council to increase appropriations as may be recommended by the Director of Finance or the Planning Commission under new Section 2(c).
- Amends current 7(c)(1)—proposed Section 4(c)(1)—to eliminate the requirement that the Council shall enact revenue ordinances “as soon as practicable after the passage of the Ordinance of Estimates”.
- Board of Estimates Duties in Article VI
 - Creates a new Section 11 that lists the powers and duties of the BOE as follows:
 - awarding contracts and supervising purchasing;
 - performing duties and exercising powers as may be directed by ordinance;
 - summoning City officials in exercising its powers and performing its duties; and
 - promulgating rules and regulations not inconsistent with ordinance.
 - Repeals current Section 2, including the statement that the BOE “shall formulate and execute the fiscal policy of the City”.
 - Repeals current Section 12, which requires the BOE to fix salaries and wage scales and approve collective bargaining agreements.
 - Repeals current Section 14, requiring the BOE to determine performance bonds of City officials.
 - Repeals current Section 15, requiring claims against or by the City to be paid/released in accordance with BOE procedures.
 - Repeals Section 16, authorizing the BOE to set the salaries of the State’s Attorney’s Office.
 - Repeals current Section 17, which requires BOE approval for certain improvements.
- Procurement in Article VI
 - Eliminates nearly all procurement requirements and processes in current Section 11. Retains the requirement in current Section 11(b)—proposed Section 8(a)—that the Council must set by ordinance the dollar thresholds for contracts that must be formally advertised and contracts that must be approved by the BOE.
- Transition Provisions and Effective Dates

- Section 3 of the resolution states that each provision repealed becomes effective upon the earlier of the date of the next general election—*i.e.*, roughly two years— or upon passage of an ordinance or promulgation of a regulation governing the subject matter of the repealed provision.
- Section 4 of the resolution states that the proposed amendments to Section 5 of Article IV (approval and veto) shall become fully effective on December 5, 2028.
- Section 5 states that all provisions not contemplated by Sections 3 or 4 shall become effective 30 days after the General Election on November 3, 2026.

Under Section 5 of Article XI-A of the Maryland Constitution, a resolution of the Mayor and City Council, such as this one, is an appropriate method of initiating an amendment to the Baltimore City Charter. If enacted, the resolution would be placed on the ballot at the City's next general election and, if approved by the voters, the amendment would be adopted and become part of the Charter 30 days after the election. Md. Const., Art. XI-A, § 5.

The amendment provisions outlined above, including the provisions proposed for repeal that may instead be addressed in ordinance, relate to the “form and structure of government” and so constitute proper Charter material. *See, e.g., Baltimore City Bd. of Elections v. Mayor & City Council of Baltimore*, 489 Md. 465, 478 (2025) (“A charter is equivalent to a constitution. As with a constitution, a charter provides a broad organizational framework establishing the form and structure of government in pursuance of which the local jurisdiction is to be governed and local laws enacted.”) (cleaned up).

Accordingly, the Law Department can approve the bill for form and legal sufficiency. However, the Law Department urges the expeditious and thoughtful adoption of ordinances to replace the important provisions repealed above, such as those processes governing wage scales, collective bargaining, and procurement. Assuming the voters approve the Resolution, the Mayor and City Council will have up to two years to enact such ordinances before the repeals are effective.

Sincerely,



Jeffrey Hochstetler
Chief Solicitor

cc: Ebony Thompson, City Solicitor
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