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**CITY OF BALTIMORE**

**BRANDON M. SCOTT**

Mayor



**DEPARTMENT OF LAW**

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May 5, 2025

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 25-0045 - Supplementary State Fund Operating  
Appropriation – Department of Recreation and Parks – Service 654 (Urban  
Forestry) – \$90,000

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 25-0045 for form and legal sufficiency. The bill provides a Supplementary State Fund Operating Appropriation in the amount of \$90,000 to the Department of Recreation and Parks – Service 654 (Urban Forestry) to address the pressing concerns surrounding the detrimental impact of deer on the forested natural areas within Baltimore City parks, particularly those affecting forest ecology in U.S. Environmental Protection Agency (“EPA”) Inflation Reduction Act (“IRA”) Disadvantaged Communities. The money for this supplementary appropriation is in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2025. The bill would take effect on its date of enactment.

Section 8(b)(2)(ii) of Article VI of the City Charter permits a supplementary appropriation for unexpected grants “from private or governmental sources that could not expected with reasonable certainty at the time of the formation of the proposed Ordinance of Estimates” for the fiscal year. The supplementary appropriation must be recommended by the Board of Estimates and approved by the Mayor and City Council via an ordinance. The ordinance must identify the source of the funds and may only involve a “single program, purpose, activity or project.” City Charter, Art. VI, § 8(c).

The Law Department recommends amending the bill language to reflect that the funding is an unanticipated grant under Section 8(b)(2)(ii) of Article VI of the Baltimore City Charter. The Recitals section could state, “The revenue appropriated by this Ordinance represents a *grant* from the State of Maryland Department of Natural Resources Community Catalyst Fund in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2025. That *grant* could not have been expected with reasonable certainty when the Ordinance of Estimates for Fiscal Year 2025 was formulated.” Section 1 could state,

“The source of revenue for this appropriation is the *grant* from the State of Maryland Department of Natural Resources Community Catalyst Fund...”.

The bill language could be amended to reflect that this is an unanticipated grant, but there are no legal impediments to this bill and the Law Department can approve it for form and legal sufficiency.

Sincerely,

A handwritten signature in black ink, appearing to read 'DLuckey', is positioned above the typed name.

Desiree Luckey  
Assistant Solicitor

cc: Ebony Thompson, City Solicitor  
Stephen Salsbury, Deputy City Solicitor  
Hilary Ruley, Chief Solicitor  
Jeff Hochstetler, Chief Solicitor  
Ashlea Brown, Chief Solicitor  
Michelle Toth, Assistant Solicitor