
CITY OF BALTIMORE

BRANDON M. SCOTT,
Mayor



DEPARTMENT OF LAW
EBONY M. THOMPSON,
CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

December 22, 2025

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

Re: City Council Bill 25-0120 – Supplementary Mayoralty Capital Project Fund Capital
Appropriation – Baltimore City Information Technology – \$13,650,000

Dear President and City Council Members:

The Law Department reviewed City Council Bill 25-0120 for form and legal sufficiency. The bill provides a Supplementary Mayoralty Capital Project Fund Capital Appropriation in the amount of \$13,650,000 to the Baltimore City Information Technology – PRJ002423 911111 127-116 (Broadband for Public Housing Sites), to provide funding for the Memorandum of Understanding between the City and the Housing Authority of Baltimore City to install broadband internet service at public housing sites. The bill would take effect on its date of enactment.

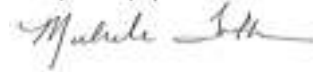
The submission to the Board of Estimates (BOE) regarding this supplementary capital appropriation states: “The Board is requested to approve this supplemental of HABC Revenue - Capital for Broadband for Public Housing Sites. BCIT is installing broadband at public housing sites through an MOU with HABC, using HABC funds.” Moreover, the BOE Agenda and the submission to the BOE indicate that this appropriation involves a pass through of state and/or federal funds. The First Reader of Council Bill 25-0120 identifies the source of funds for this appropriation as Project Fund PRJ002423 911111 127-116. Both the submission to the BOE and the BOE Agenda item for this appropriation identify the source of the funds as Project Fund PRJ002423- RC7745. The bill should be amended, if necessary, to correct the Project Fund number on line 6 of page 1 and lines 2-3 on page 2 of the bill.

Council Bill 25-0120 cites as authority for the supplementary appropriation Section 8(b)(2)(i) of Article VI of the City Charter. This section provides that revenues in excess of those relied on by the BOE in determining the tax levy may be made available for expenditure by the municipal agency responsible for the production of the revenue. If this is a pass through of federal and/or state funds from HABC then BCIT is not responsible for the production of these funds as required by Section 8(b)(2)(i) of Article VI. In fact, Council Bill 25-0120 states that the Housing Authority of Baltimore City is the agency responsible for the production of the additional revenue. This is problematic because HABC is not a City agency.

Section 8(b)(2)(ii) of Article VI of the City Charter provides that grants from private or governmental sources that could not be expected with reasonable certainty at the time the Ordinance of Estimates was formulated may be made available to the appropriate municipal agency for expenditure. If the money being appropriated is a pass through of federal or state funds, Council Bill 25-0120 should be amended in line 12 on page 1 of the bill to use Section 8(b)(2)(ii) of Article VI of the Charter as authority for the bill since the requirements of Section 8(b)(2)(i) cannot be met. Lines 21-22 of page 1 of the bill should be deleted in their entirety and following line 20 on page 1 the bill should be amended to include a statement that the grant of federal funds could not have been expected with reasonable certainty when the Ordinance of Estimates for Fiscal Year 2026 was formulated.

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). If the bill is amended as required, the Law Department can approve the bill for form and legal sufficiency.

Very truly yours,



Michele Toth
Assistant Solicitor

cc: Ebony Thompson
Ethan Hasiuk
Shamoyia Gardiner
Nina Themelis
Ty'lor Schnella
Aaron Degraffenreidt
Hilary Ruley
Jeff Hochstetler
Ashlea Brown
Desiree Luckey
Ahleah Knapp