
CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG
Mayor



DEPARTMENT OF LAW
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BALTIMORE, MD 21202

January 10, 2020

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 19-0379 – Charter Amendment – Ordinance of Estimates

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 19-0379 for form and legal sufficiency. The bill would resolve to amend Sections 7(a), 7(b) and 8(b) of Article VI of the City Charter concerning the Ordinance of Estimates. Currently, the City Council may not increase amounts fixed in the Ordinance of Estimates or add any amount for any new purpose. Charter, Art. VI, §8. If passed by the voters, this amendment to the Charter would allow those increases and additions with the caveat that the “total amount of the operating budget or the capitol budget” may not be increased. The bill also eliminates the requirement that supplementary appropriations be recommended to the City Council by the Board of Estimates.

The Law Department has the following recommendations:

First, the bill does not provide the same framework for additions/increases as currently exists for reductions in Section 7(a) the Charter. As with reductions, the City Council should not increase amounts fixed by law, by a board of arbitration for the Fire Department or for principal and interest on municipal debt because those amounts are set by other means. Increasing the amount of one of these types of expenditures may result in a conflict with the mechanism that originally set the amount. To prevent that legal conflict from arising, an appropriate amendment is attached to this report.

Second, the bill eliminates the requirement that supplementary appropriations be recommended to the City Council by the Board of Estimates. This would result in future spending without oversight or authorization from the Board of Estimates. This is inconsistent with Article VI, Section 2 of the Charter which provides that “[t]he Board of Estimates shall formulate and execute the fiscal policy of the City to the extent, and in the manner provided for, in the Charter.” Without the ability to predict and oversee future spending, the Board’s mandated responsibility to “formulate and execute the fiscal policy of the City” would be jeopardized. Furthermore, the Board has the most in-depth knowledge of the Ordinance of Estimates and therefore would be in the best position to determine whether the requirements for supplemental appropriations are met. Therefore, the elimination of the requirement that the Board recommend supplementary

appropriations to City Council should be taken out of the bill. An appropriate amendment is attached.

Under Article XI-A, Section 5 of the Maryland Constitution, a resolution, such as City Council Bill 19-0379, is an appropriate method to initiate an amendment to the Baltimore City Charter. Therefore, subject to the foregoing amendments, the Law Department approves the resolution for form and legal sufficiency.

Very truly yours,



Ashlea H. Brown
Assistant Solicitor

cc: Andre Davis, City Solicitor
Matthew Stegman, Mayor's Office of Government Relations
Caylin Young, Director of Legislative Affairs
Elena DiPietro, Chief Solicitor
Victor Tervalo, Chief Solicitor
Hilary Ruley, Chief Solicitor

Amendments to CCB 19-0379

Proposed by Law
{to be offered to The Equity and Structure Committee}

Amendment 1

On page 2, line 10, before BY insert (I) and on the same page, in line 14 strike IN NO EVENT MAY and substitute:

(II) IN NO EVENT, HOWEVER, MAY:
(A);

And on the same page, in line 17, before the period, insert:

:OR

(B) ANY INCREASE OR ADDITION BE MADE TO OR FOR ANY ITEM DESCRIBED IN SUBSECTION (A)(2)(I), (II), OR (III) OF THIS SECTION.

Amendment 2

Strike the brackets on page 2, line 36 – line 1 on page 3
Strike the brackets on page 3, line 7 – 8 and lines 16-17.

