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CITY OF BALTIMORE

BRANDON M. SCOTT,  
Mayor



DEPARTMENT OF LAW  
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February 14, 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 23-0331 – Supplemental General Fund Capital Appropriation – Department  
of Housing and Community Development – \$11,000,000

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 23-0331 for form and legal sufficiency. The bill provides a Supplementary General Fund Capital Appropriation in the amount of \$11,000,000 to the Baltimore City Department of Housing and Community Development. The money is from excess Transfer Tax revenue that had not been anticipated when balancing the budget for Fiscal Year 2023. The appropriation would go to pay for unanticipated expenses of the vacants initiative.

The City Charter establishes the criteria for making supplementary appropriations. City Charter, Art. VI, § 8. Section 8(b)(2)(iii) 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 bill cites Section 8(b)(3) of Article VI as authority for this action, however that Section no longer exists after Resolution 20-25, which changed and renumbered this part of the City Charter. To be accurate, the authority language should be amended to fix the error. An amendment is attached to this report. Subject to the foregoing, the Law Department approves the bill for form and legal sufficiency.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Hilary Ruley'.

Hilary Ruley  
Chief Solicitor

cc: Ebony Thompson, Acting City Solicitor  
Nina Themelis, Mayor's Office of Government Relations  
Elena DiPietro, Chief Solicitor, General Counsel Division  
Jeff Hochstetler, Chief Solicitor  
Ashlea Brown, Chief Solicitor  
D'ereka Bolden, Assistant Solicitor  
Michelle Toth, Assistant Solicitor  
Teresa Cummings, Assistant Solicitor

**AMENDMENTS TO COUNCIL BILL 23-0331**  
(1<sup>st</sup> Reader Copy)

Proposed by: Law Dep't

**Amendment No. 1: Conform Authority Language to New Charter Numbering**

On page 1, in line 10; delete "(3)" and replace with "(2)(iii)".