

CITY OF BALTIMORE
RESOLUTION _____
Council Bill 12-0092

Introduced by: The Council President
At the request of: The Administration (Department of Public Works)
Introduced and read first time: June 4, 2012
Assigned to: Judiciary and Legislative Investigations Committee
Committee Report: Favorable with an amendment
Council action: Adopted
Read second time: June 18, 2012

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

Charter Amendment – Stormwater Utility

FOR the purpose of establishing a financially self-sustaining stormwater utility; authorizing supplemental legislation to implement the provisions governing water, sanitary wastewater, and stormwater utilities; correcting, clarifying, and conforming related language; providing for a special effective date; and submitting this amendment to the qualified voters of the City for adoption or rejection.

BY proposing to amend
Article VI - Board of Estimates
Section(s) 9(c) and (d) and 18
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the City Charter is proposed to be amended to read as follows:

Baltimore City Charter

Article VI. Board of Estimates

§ 9. Uses of appropriations.

(c) *Carry-overs; lapses.*

(1) Appropriations contained in the Ordinance of Estimates for a particular program, purpose, activity, or project may, upon the recommendation of the head of the municipal agency concerned and the Director of Finance, and with the approval of the Board of Estimates, be carried over to fiscal years subsequent to the one for which the appropriation is initially made if necessary to accomplish that program, purpose, activity, or project.

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike out~~ indicates matter stricken by amendment.

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1 (2) Funds encumbered for contracts, projects, or other actual commitments and funds
2 dedicated by any act of Congress or by State law or by the terms of any private grant
3 to some specific purpose shall be carried over to the next fiscal year.

4 (3) All appropriations not so carried over shall lapse at the end of the fiscal year from
5 which made, except [that] AS PROVIDED IN PARAGRAPH (4) OF THE SUBSECTION.

6 (4) [any] ANY balance remaining in the fund of the water, [or] sanitary wastewater, OR
7 STORMWATER utility (under Section 18 of this article) at the end of the fiscal year
8 shall remain to the credit of that utility and an estimate of [such a] THAT balance shall
9 be included in that utility's budget for the next year as an estimated receipt.

10 (d) *Surpluses.*

11 (1) In case of any surplus arising in any fiscal year by reason of an excess of revenue over
12 the expenditures (including any appropriation carried over) for that year, the surplus
13 shall become a part of the general revenue of the City and shall be available for the
14 general expenditures of the City for the next fiscal year, in accordance with the
15 Ordinance of Estimates for that year. An estimate of the surplus shall be made by the
16 Board of Estimates and included in expected revenues for the next year.

17 (2) However, any surplus or retained earnings of the water, [or] sanitary wastewater, OR
18 STORMWATER utility fund (under § 18 of this article) at the end of the fiscal year shall
19 remain to the credit of that utility and the estimate of that balance shall be included in
20 that utility's budget for the next year as an estimated receipt.

21 **§ 18. Water, [and] sanitary wastewater, AND STORMWATER utilities.**

22 (a) *To be separate enterprises.*

23 (1) Water, [and] sanitary wastewater, AND STORMWATER utilities each shall be conducted
24 as a separate enterprise[, provided, that nothing herein shall prevent the transfer or
25 assignment of employees from either utility to the other or to any department, board,
26 commission and agency of the City, or the division of the time between either utility
27 or between either utility and any department, board, commission and agency of the
28 City].

29 (2) Each of the utilities shall be financially self-sustaining and shall be operated without
30 profit or loss to the other funds or programs of the City.

31 (b) *Utility budgets; agency budget estimates.*

32 (1) Separate budgets, which shall include estimates of revenue and expense for the
33 ensuing fiscal year, shall be prepared ANNUALLY for the water, [and] sanitary
34 wastewater, AND STORMWATER utilities. [annually subject, however, to this section
35 which shall also control the action] THE ACTIONS of the Board of Estimates and the
36 City Council [thereon] ON THE UTILITIES' BUDGETS ARE SUBJECT TO THIS SECTION.

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1 (2) The budget estimates of each agency of the City shall include items for THE USE OF
2 SERVICES PROVIDED BY THE water, [and] sanitary wastewater, AND STORMWATER
3 UTILITIES, [to be used by them] AS APPLICABLE.

4 (c) *Interfund and other borrowing.*

5 [Nothing contained herein shall be construed to prevent] NOTHING IN THIS SECTION
6 PREVENTS THE FOLLOWING, IF OTHERWISE IN ACCORDANCE WITH LAW:

7 (1) interfund cash borrowings between the water, [and] sanitary wastewater, AND
8 STORMWATER utilities to meet temporary cash requirements; or

9 (2) [to prevent] borrowings by [such] THESE utilities from the General Fund or any
10 other fund of the City[, if otherwise in accordance with law].

11 (D) *TRANSFER OF EMPLOYEES.*

12 NOTHING IN THIS SECTION PREVENTS:

13 (1) THE TRANSFER OR ASSIGNMENT OF EMPLOYEES FROM ONE UTILITY TO ANOTHER
14 UTILITY OR TO ANY DEPARTMENT, BOARD, COMMISSION, OR AGENCY OF THE CITY;
15 OR

16 (2) THE DIVISION OF EMPLOYEES' TIME AMONG THE UTILITIES OR BETWEEN A UTILITY
17 AND ANY DEPARTMENT, BOARD, COMMISSION, OR AGENCY OF THE CITY.

18 (E) *SUPPLEMENTAL LEGISLATION.*

19 THE MAYOR AND CITY COUNCIL MAY ENACT, FROM TIME TO TIME, ORDINANCES NOT
20 INCONSISTENT WITH THIS CHARTER, AS NECESSARY OR DESIRABLE TO IMPLEMENT THE
21 PROVISIONS OF THIS SECTION.

22 **SECTION 2. AND BE IT FURTHER RESOLVED,** That, if adopted, this amendment takes effect
23 on July 1, 2013.

24 **SECTION 3. AND BE IT FURTHER RESOLVED,** That this proposed amendment to the City
25 Charter be submitted to the legal and qualified voters of Baltimore City, for adoption or rejection,
26 in accordance with Article XI-A, § 5 of the Maryland Constitution, in the form specified by the
27 City Solicitor.

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Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City