

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor
101 City Hall
Baltimore, Maryland 21202

December 6, 2012

The Honorable President and Members
of the Baltimore City Council
Attn: Karen Randle, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 12-0156 - General Fund Operating Appropriation
Transfer – M-R: Miscellaneous General Fund Expenses (Program 122) to
Fire Department (Program 602) - \$300,000

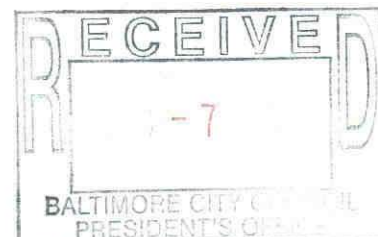
Dear President and City Council Members:

The Law Department has reviewed City Council Bill 12-0156 for form and legal sufficiency. The bill transfers a General Fund Operating Appropriation in the amount of \$300,000 from the M-R: Miscellaneous General Expenses (Program 122 – Miscellaneous General Expenses) to the Fire Department (Program 602 - Fire Suppression and Emergency Rescue). The bill has an immediate effective date.

Article VI, § 9(a)(2) of the City Charter provides that, on recommendation of the Board of Estimates, the City Council by ordinance may authorize the transfer of an appropriation contained in the Ordinance of Estimates from one municipal agency to another municipal agency. Such a transfer is permitted under the City Charter only upon the recommendation of the Board of Estimates. *Id.* If the transfer would result in amounts for capital projects that differ from those started in the capital budget portion of the Ordinance of Estimates, the recommendation of the Board of Estimates must be based on the recommendations of the Planning Commission and the Director of Finance. *Id.*

The Law Department notes that, in compliance with City Charter requirements, the proposed transfer of funds was recommended by the Board of Estimates on October 24, 2012. Moreover, the transfer does not affect the amounts for capital projects stated in the capital budget portion of the Ordinance of Estimates. Under the City Charter, this fact allows the Board of Estimates to act even in the absence of a recommendation by the Planning Commission and the Director of Finance concerning the transfer of funds.

As there are no legal impediments to the passage of the above bill, the Law Department approves it for form and legal sufficiency.



Very truly yours,



Victor K. Tervala
Assistant Solicitor

cc: George Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor
Hilary Ruley, Assistant Solicitor
Ashlea Brown, Assistant Solicitor