
CITY OF BALTIMORE

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Mayor



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April 14, 2026

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 26-0172 – Charter Amendment – Charter Committee Recommendations

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 26-0172 for form and legal sufficiency. The bill—entitled a Resolution—would amend the City’s Charter in a number of ways. Under Section 5 of Article XI-A of the Maryland Constitution, a resolution of the Mayor and City Council, such as this one, is an appropriate method of initiating an amendment to the Baltimore City Charter. If enacted, the Resolution would be placed on the ballot at the City’s next general election and, if approved by the voters, the amendment would be adopted and become part of the Charter 30 days after the election. Md. Constit., Art. XI-A, § 5.

Below is a summary of the changes, along with Law Department recommended amendments where appropriate.

- Veto Process in Article IV
 - Amends current Section 5(b)(1) to require the Mayor to return written objections to ordinances or resolutions within two meetings, instead of within three actual regular meetings. Retains the requirement that no more than one meeting may occur in any one calendar week.
 - Amends current Section 5(c) to provide that if the Mayor does not return objections within two meetings, the ordinance becomes law. Retains the requirement that no more than one meeting may occur in any one calendar week.
 - Creates a new Section 5(b)(2) to require the Mayor to return written objections to the Ordinance of Estimates (“OOE”) or an item of appropriation therein within two calendar days after it was delivered to the Mayor.

- Amends current Section 5(b)(2)—proposed Section 5(b)(3)—to permit the Council to override the Mayor’s objections/veto at any time within 21 calendar days after receipt, including the Mayor’s veto of items of appropriation in Section 5(d).

- Budget Process in Article VI
 - Amends current Section 1(b) to eliminate the 30-day publication period before the Board of Estimates (“BOE”) can adopt the proposed OOE, and also eliminates the requirement for the BOE to hold public hearings. The Council must still hold public hearings.
 - Amends current Section 1(c) to require the BOE to submit the proposed OOE to the Council no later than April 15, instead of forty-five days before the beginning of the fiscal year, *i.e.*, May 17.
 - Amends Current Section 1(d) to eliminate the 45-day window in which the Council must enact the OOE after receipt from the BOE. The Section retains the requirement that the OOE be adopted at least five days before the beginning of the fiscal year, *i.e.*, June 26.
 - **Recommended Amendment: Due to the possibility of continuing ambiguity about how the veto and veto override process applies to the OOE, there should be a new subsection on page 5 stating explicitly that the OOE must be adopted no later than the beginning of the fiscal year, notwithstanding the process for veto and override stated elsewhere.**

Practically, if the other amendments related to veto, override, and budget timing are adopted, there should be ample time for the full process to play out before the beginning of the fiscal year.

- Amends current Section 5(b)—proposed Section 3(b)—to eliminate the \$1 million cap on a contingent fund in the OOE, now saying “a portion” of the General Fund may be devoted to that purpose.

- Non-Lapsing Funds in Article VI
 - Creates a new Section 8 of Article VI—as renumbered—to explicitly state that nothing in the Charter prevents the establishment of non-lapsing funds by ordinance, or the dedication of revenue sources to such funds by ordinance.
 - **Recommended Amendment: This Section should be amended to reflect the reality that non-lapsing funds and the amounts dedicated thereto are contained in the proposed OOE as already-calculated top line special revenue sources. In other words, the money from those funds is appropriated in the OOE for authorized purposes; the OOE does not itself**

appropriate money for those funds. Accordingly, the following amendment is recommended on page 14 (added language is underlined):

§ 8. NON-LAPSING FUNDS. NOTHING IN THIS CHARTER PREVENTS THE ESTABLISHMENT OF NON-LAPSING FUNDS BY ORDINANCE, OR THE DEDICATION OF REVENUE SOURCES TO SUCH FUNDS BY ORDINANCE FOR APPROPRIATION IN THE ORDINANCE OF ESTIMATES OR A SUPPLEMENTAL APPROPRIATION.

Without this amendment, ambiguity exists as to whether an ordinance dedicating revenue sources to a non-lapsing fund is itself some kind of appropriation ordinance. The Charter only envisions two kinds of appropriation ordinance: the annual OOE and supplemental appropriation ordinances.

- Creates a new Section 5(a)(2)(iv)—as renumbered—to state that the Council may not reduce or eliminate “amounts dedicated to non-lapsing funds by ordinance”.
- **Recommended Amendment: As explained immediately above, the OOE does not itself appropriate money into the non-lapsing funds. Instead, the proposed OOE accounts for such funds and the dedicated sources of funding deposited into such funds as top line special revenue sources and appropriates money from those funds for authorized purposes. Accordingly, it doesn’t make sense to prohibit the Council from cutting the amounts in the OOE dedicated to non-lapsing funds by ordinance. The way the Council would cut dedicated funding for such funds is by repealing or amending the dedication ordinance itself. Accordingly, the recommendation is to delete this language on page 9:**

~~IV) AMOUNTS DEDICATED TO NON-LAPSING FUNDS BY ORDINANCE.~~

- Amends current Section 9(c)(4)—proposed Section 7(c)(4)—to clarify that any balance remaining in a non-lapsing fund at the end of the fiscal year remains to the credit of that fund.
- Conditions on Appropriations in Article VI
 - Amends current Section 7(b)(3)—proposed Section 5(b)(3)—to provide that the Council may insert a specific provision in the proposed OOE making an appropriation for a specific program, purpose, activity, of project contingent on certain action.
 - Also amends current Section 9(a)—proposed Section 7(a)—to clarify that conditional appropriations are an exception to the general provision that, following

the passage of the OOE, the sums contained therein “be and become appropriated for the purposes therein named.

- **Recommended Amendment: Use the word “conditional” instead of “contingent” in proposed Section 5(b)(3) for consistency with proposed Section 7(a) (added language underlined):**

THE CITY COUNCIL MAY INSERT A SPECIFIC PROVISION IN THE PROPOSED ORDINANCE OF ESTIMATES MAKING AN APPROPRIATION FOR A SPECIFIC PROGRAM, PURPOSE, ACTIVITY, OR PROJECT ~~CONTINGENT~~ CONDITIONAL ON CERTAIN ACTION.

- Board of Estimates Duties in Article VI
 - Creates a new Section 13 that lists the duties of the BOE as follows:
 - Submitting the proposed OOE to the Council;
 - Awarding contracts and supervising purchasing;
 - Performing duties and exercising powers as may be directed by ordinance;
 - Summoning City officials in exercising its powers and performing its duties; and
 - Promulgating rules and regulations.
 - Deletes Section 2, including the statement that the BOE “shall formulate and execute the fiscal policy of the City”.
 - Amends current Section 10—proposed Section 9—to eliminate the requirement that employment of City officers is contingent on appropriation in the OOE or approval by the BOE where funds are available for payment.
 - **Recommended Amendment: Retain Section 10, proposed Section 9. It’s important that personnel are only hired if a full appropriation has been made to cover their salary. Unlike many other agency expenses, which are paid up front, salaries are paid over a period of time. Without an explicit requirement that hiring is dependent on prior appropriation in the OOE, agencies could hire personnel and eventually exceed their allotted appropriations when meeting salary obligations, thus resulting in floating debt, which is prohibited by the Charter and the Maryland Constitution.**
 - Eliminates current Section 12, which requires the BOE to fix salaries and wage scales and approve collective bargaining agreements.
 - Eliminates Section 16, authorizing the BOE to set the salaries of the State’s Attorney’s Office.

- Eliminates current Section 15, which requires BOE approval for certain claims against the City.
- Eliminates current Section 17, which requires BOE approval for certain improvements.
- Procurement in Article VI
 - Eliminates nearly all procurement requirements and processes in current Section 11. Retains the requirement in current Section 11(b)—proposed Section 10(a)—that the Council must set by ordinance the dollar thresholds for contracts that must be formally advertised and contracts that must be approved by the BOE.
- Franchises in Article VIII
 - Clarifies in current Section 1—proposed Section 1(b)(1)—that the City may grant franchises in the City’s conduit system.
 - Simplifies and rewords in a new Section 1(b)(2) and Section 1(c) the current language in the third paragraph of Section 1.
 - Simplifies and rewords current Sections 2 and 9—proposed Section 3—related to minor privileges, including providing that minor privileges may be identified and defined by ordinance.
 - Eliminates the requirement for BOE approval of minor privileges and instead states that such privileges may be granted by an executive agency under a process established by ordinance.
 - Eliminates current Sections 4 through 9.
- Transition Provisions and Effective Dates
 - Section 3 of the Resolution states that each provision repealed becomes effective upon the earlier of the date of the next general election—*i.e.*, roughly two years— or upon passage of an ordinance or promulgation of a regulation governing the subject matter of the repealed provision.
 - Section 4 of the Resolution states that all other provisions become effective on January 1, 2027.
 - **Recommended Amendment: Unless there’s a good reason to use the January 1, 2027 effective date, consider amending Section 4 to mirror the language in Section 5 of Article XI-A of the Maryland Constitution on page 28 (added language is underlined):**

SECTION 4. AND BE IT FURTHER RESOLVED, That all provisions of this amendment to the City Charter not contemplated by Section 3 shall become effective ~~on January 1, 2027.~~ upon adoption on the 30th day after this general election, pursuant to Section 5 of Article XI-A of the Maryland Constitution.

The Charter amendments above, including the provisions proposed for repeal that may instead be addressed in ordinance, relate to the “form and structure of government” and so constitute proper Charter material. *See, e.g., Baltimore City Bd. of Elections v. Mayor & City Council of Baltimore*, 489 Md. 465, 478 (2025) (“A charter is equivalent to a constitution. As with a constitution, a charter provides a broad organizational framework establishing the form and structure of government in pursuance of which the local jurisdiction is to be governed and local laws enacted.”) (cleaned up).

Assuming amendments are adopted consistent with those suggested above, the Law Department can approve the bill for form and legal sufficiency. However, the Law Department urges the expeditious and thoughtful adoption of ordinances to replace the important provisions repealed above, such as those processes governing wage scales, collective bargaining, and procurement. Assuming the voters approve the Resolution, the Mayor and City Council will have up to two years to enact such ordinances before the repeals are effective.

Sincerely,



Jeffrey Hochstetler
Chief Solicitor

cc: Ebony Thompson, City Solicitor
Nina Themlis, Mayor’s Office of Government Relations
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