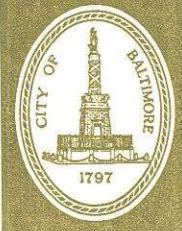


CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

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

October 9, 2012

The Honorable President and  
Members of the Baltimore  
City Council  
c/o Karen Randle, Executive Secretary  
409 City Hall  
Baltimore, MD 21202



RE: City Council Bill No. 12-0124 – Supplementary General Fund  
Appropriation-Baltimore City Schools- \$12,922,862

Dear President and Members

You have requested the advice of the Law Department regarding City Council Bill 12-0124. City Council Bill 12-0124 provides for a Supplementary General Fund Appropriation for Baltimore City Schools to fund teacher positions and provides for a special effective date.

Under Art. VI, Sec. 8(b) of the Charter of Baltimore City, “additional appropriations shall be permitted during the fiscal year only in the following circumstances and under the following conditions:

(1) *Excess revenues.*

Revenues from any source other than the full rate property tax and other taxes imposed under the authority of Article II, in excess of or in addition to those relied upon by the Board of Estimates in determining the tax levy required to balance the budget, may be made available for expenditure by the municipal agency responsible for the production of such revenues by a supplementary appropriation ordinance....

(2) *Unanticipated grants.*

Grants from private or governmental sources which could not be expected with reasonable certainty at the time of the formulation of the proposed Ordinance of Estimates may be made available to the appropriate municipal agency for expenditure by a supplementary appropriation ordinance ....

(3) *Material changes; new programs.*

Further appropriations for programs included in the proposed Ordinance of Estimates made necessary by a material change in circumstances, or additional appropriations for new programs which could not reasonably be anticipated at the time of the formulation of the proposed Ordinance of Estimates may be made available to the appropriate municipal agency for expenditure by a supplementary appropriation .....

F/A

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Assuming that the Department of Finance verifies that circumstances and conditions of Sec. 8(b) of the Charter are satisfied, City Council Bill 12-0124 is consistent with the authority of the City Council. Sec. 8(c), however, requires that a supplementary appropriation ordinance shall provide the revenue necessary to pay the appropriation by a source, other than the full rate property tax. The bill does not provide the source of the revenue being used to fund the supplementary appropriation. The bill must be amended to identify the source of the revenue funding the appropriation.

If the bill is amended to meet the criteria of the Charter, the Law Department can approve the bill for form and legal sufficiency.

Sincerely yours,



Elena R. DiPietro  
Chief Solicitor

cc: George A. Nilson, City Solicitor  
Angela Gibson, City Council Liaison  
Ashlea Brown, Assistant Solicitor  
Hilary Ruley, Assistant Solicitor  
Victor Tervalá, Assistant Solicitor