
CITY OF BALTIMORE

BRANDON M. SCOTT,
Mayor



DEPARTMENT OF LAW
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BALTIMORE, MD 21202

December 22, 2025

The Honorable President and Members
of the Baltimore City Council
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 25-0122 – Supplementary Department of Transportation Project Fund Capital
Appropriation – Department of Transportation – \$2,000,000

Dear President and City Council Members:

The Law Department reviewed City Council Bill 25-0122 for form and legal sufficiency. The bill provides a Supplementary Department of Transportation Project Fund Capital Appropriation in the amount of \$2,000,000 to the Department of Transportation – PRJ002909 (West Baltimore United), to provide funding for deconstruction and redevelopment of U.S. 40 Highway to Nowhere. The bill would take effect on its date of enactment.

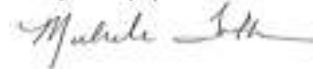
The submission to the Board of Estimates (BOE) regarding this supplementary capital appropriation states that the Board is requested to approve a de-appropriation of State funds for this project (PRJ002909-RC0603, -\$ 2,000,000.00) because the revenue category for the grant was incorrectly recorded as State funds in the Fiscal Year 2026 budget. The BOE was further requested to approve a supplementary appropriation (PRJ002909-GRT003243-RC0602, \$2,000,000.00) for this project from federal funds from the USDOT Reconnecting Communities Pilot Program.

The City attempted to appropriate funds in the amount of \$2,000,000 from a state source in the Ordinance of Estimates for Fiscal Year 2026 for this project. However, since the state did not provide funds for this project, the line in the Ordinance of Estimates attempting to appropriate money that was not marked for the project could not have effectuated an appropriation. This is because no City law can appropriate state funds for a project for which the state did not intend. MD Constitution, Art. 11-A, § 3. Therefore, no de-appropriation is needed. Even if state funds had been erroneously appropriated for this project, they would lapse and return to the General Fund by operation of law. City Charter, Art. VI, § 9(c)(3). The lapse is the Charter's built-in mechanism for de-appropriation.

Rather, the funds intended for this project are federal funds. Thus, Council Bill 25-0122 now seeks approval for a supplementary appropriation of the correct federal funds in the amount of \$2,000,000 to fund the project.

Council Bill 25-0122 cites as authority for the supplementary appropriation Section 8(b)(2)(ii) of Article VI of the City Charter. This section provides that grants from private or governmental sources that could not be expected with reasonable certainty at the time the Ordinance of Estimates was formulated may be made available to the appropriate municipal agency for expenditure. The bill states that the funds are from a grant of federal funds. The supplementary appropriation must be recommended by the Board of Estimates and approved by the Mayor and City Council via an ordinance. The ordinance must identify the source of the funds and may only involve a “single program, purpose, activity or project.” City Charter, Art. VI, § 8(c). The Law Department approves the bill for form and legal sufficiency.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Michele Toth', is written over a light gray rectangular background.

Michele Toth
Assistant Solicitor

cc: Ebony Thompson
Ethan Hasiuk
Shamoyia Gardiner
Nina Themelis
Ty’lor Schnella
Aaron Degraffenreidt
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Ashlea Brown
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