

**CITY OF BALTIMORE
COUNCIL BILL 09-0397
(Resolution)**

Introduced by: President Rawlings-Blake, Councilmembers Middleton, Cole, Kraft, Branch,
Henry, Holton, Young, Reisinger, Spector, Welch, Conaway

Introduced and read first time: September 14, 2009

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Board of
Estimates

A RESOLUTION ENTITLED

1 A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

2 **Charter Amendment –**
3 **Amending or Supplementing Ordinance of Estimates**

4 FOR the purpose of authorizing the Board of Estimates, with the consent of the City Council, to
5 submit an amendment or supplement to a pending Ordinances of Estimates for certain
6 purposes; clarifying the authority of the City Council to set the annual levy of full rate
7 property taxes at a rate that exceeds the rate stated by the Board of Estimates; correcting,
8 clarifying, and conforming related provisions; and submitting this amendment to the
9 qualified voters of the City for adoption or rejection.

10 By proposing an amendment to
11 Article VI - Board of Estimates
12 Section(s) 7
13 Baltimore City Charter
14 (1996 Edition)

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

17 **Baltimore City Charter**

18 **Article VI. Board of Estimates**

19 **§ 7. Enactment of Ordinance of Estimates.**

20 (a) *Introduction; authorized cuts.*

21 (1) [Upon] ON receipt of the proposed Ordinance of Estimates and [the] accompanying
22 materials, the President of the City Council shall promptly cause it to be introduced in
23 the City Council, and the Council shall [thereafter] ~~THEN~~ hold public hearings on the
24 proposed Ordinance of Estimates.

25 (2) By a majority vote of its members, the City Council may reduce or eliminate any of
26 the amounts in the proposed Ordinance of Estimates, except:

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

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1 (I) [(1)] amounts fixed by law;

2 (II) [(2)] amounts for the Fire Department established by a board of arbitration
3 and included in the proposed Ordinance of Estimates; and

4 (III) [(3)] amounts for the payment of the interest and principal of the municipal
5 debt.

6 (b) *Increases and additions BY COUNCIL precluded.*

7 (1) The City Council [shall] DOES not have the power to increase the amounts fixed by
8 the Board or to insert any amount for any new purpose in the proposed Ordinance of
9 Estimates.

10 (2) If the carrying out of a particular program, purpose, activity, or project depends
11 [upon] ON action by a body other than the City, the City Council may insert a specific
12 provision in the proposed Ordinance of Estimates making the appropriation for [the]
13 THAT particular program, purpose, activity, or project contingent [upon such] ON
14 THAT action.

15 (c) *AMENDMENTS OR SUPPLEMENT BY BOARD AUTHORIZED.*

16 (1) BEFORE FINAL ACTION IS TAKEN BY THE CITY COUNCIL ON THE ORDINANCE OF
17 ESTIMATES, THE BOARD OF ESTIMATES MAY DELIVER TO THE CITY COUNCIL
18 PRESIDENT AN AMENDMENT OR SUPPLEMENT TO THE ORDINANCE OF ESTIMATES:

19 (I) TO CORRECT AN OVERSIGHT;

20 (II) TO PROVIDE FUNDS CONTINGENT ON PASSAGE OF PENDING LEGISLATION; OR

21 (III) TO ADDRESS AN EMERGENCY.

22 (2) IF THE CITY COUNCIL CONSENTS TO THE AMENDMENT OR SUPPLEMENT, THE
23 AMENDMENT OR SUPPLEMENT THEN BECOMES A PART OF THE ORDINANCE OF
24 ESTIMATES AS AN ADDITION TO THE ITEMS OF THE ORDINANCE OF ESTIMATES OR AS A
25 MODIFICATION OF OR A SUBSTITUTE FOR ANY ITEM OF THE ORDINANCE OF ESTIMATES
26 THAT THE AMENDMENT OR SUPPLEMENT AFFECTS.

27 (d) [(c)] *Revenue ordinances.*

28 (1) As soon as practicable after the passage of the Ordinance of Estimates, the City
29 Council shall enact [such] THE revenue ordinances [as are] necessary to produce
30 [sufficient] expected revenues, as estimated by the Board of Estimates, SUFFICIENT to
31 [cover] MEET OR EXCEED the total anticipated expenditures authorized by the
32 Ordinance of Estimates. The Council may adopt revenue sources or revenue rates
33 other than those proposed by the Board; [and] in each [such] instance, HOWEVER, the
34 estimate of the revenue to be yielded by [such] a source or rate shall be made by the
35 Board of Estimates.

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1 (2) The Board of Estimates [shall], AFTER taking into account any reductions and
2 eliminations made by the City Council in the anticipated expenditures contained in
3 the proposed Ordinance of Estimates and the revenues to be derived from all existing
4 sources and from any new sources or new rates enacted by the City Council, SHALL
5 certify to the Council the difference between the anticipated expenditures for the next
6 fiscal year contained in the Ordinance of Estimates and all expected revenues other
7 than from the full rate property tax. The Board shall then state a rate for the levy of
8 full rate property taxes sufficient to realize the amount required to meet [the said]
9 THAT difference.

10 (3) [and the] THE ordinance making the annual levy of full rate property taxes shall fix a
11 rate [not less than] AT LEAST EQUAL TO that stated by the Board, so that it [shall] WILL
12 not be necessary at any time for the City to create a floating debt to meet any
13 deficiency, and it [shall] IS not [be] lawful for the City to create a floating debt for
14 [any such] THAT purpose.

15 **SECTION 2. AND BE IT FURTHER RESOLVED,** That this proposed amendment to the City
16 Charter be submitted to the legal and qualified voters of Baltimore City, for adoption or
17 rejection, in accordance with Article XI-A, § 5 of the Maryland Constitution, in the form
18 specified by the City Solicitor.