

CITY OF BALTIMORE
RESOLUTION _____
Council Bill 19-0379
(Charter Amendment)

Introduced by: Councilmembers Henry, Dorsey, Cohen, Reisinger, Clarke, Costello, Ex Officio
President Middleton, Councilmembers Stokes, Bullock, Pinkett, Schleifer, Sneed, Burnett,
Scott

Introduced and read first time: April 29, 2019

Assigned to: Judiciary and Legislative Investigations Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: June 22, 2020

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

1 **Charter Amendment – Ordinance of Estimates**

2 FOR the purpose of authorizing the City Council to amend the Ordinance of Estimates to increase
3 items of appropriation or add items for new purposes, subject to certain limitations; ~~deleting~~
4 ~~the requirement that supplementary appropriations be recommended by the Board of~~
5 ~~Estimates~~; correcting, clarifying, and conforming related provisions; and submitting this
6 amendment to the qualified voters of the City for adoption or rejection.

7 BY proposing to amend
8 Article VI - Board of Estimates
9 Section(s) 7(a), 7(b), and 8(b)
10 Baltimore City Charter
11 (1996 Edition)

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

14 **Baltimore City Charter**

15 **Article VI. Board of Estimates**

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

17 (a) *Introduction; authorized cuts.*

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

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

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

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1 (I) [(1)] amounts fixed by STATE OR FEDERAL law;

2 (II) [(2)] amounts for the Fire Department established by a board of arbitration and
3 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 [precluded].*

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

10 ~~(2) BY A MAJORITY VOTE OF ITS MEMBERS, THE CITY COUNCIL MAY INCREASE ITEMS OF~~
11 ~~APPROPRIATION OR ADD ITEMS FOR NEW PURPOSES IN AN AGGREGATE AMOUNT THAT~~
12 ~~DOES NOT EXCEED THE AGGREGATE AMOUNT BY WHICH THE CITY COUNCIL HAS~~
13 ~~REDUCED OR ELIMINATED FROM THE ORDINANCE OF ESTIMATES UNDER SUBSECTION~~
14 ~~(A) OF THIS SECTION. IN NO EVENT MAY THE TOTAL AMOUNT OF THE OPERATING~~
15 ~~BUDGET OR THE CAPITAL BUDGET, AS AMENDED BY THE CITY COUNCIL, EXCEED THE~~
16 ~~TOTAL AMOUNT OF THE OPERATING BUDGET OR CAPITAL BUDGET, RESPECTIVELY, AS~~
17 ~~PROPOSED BY THE BOARD OF ESTIMATES.~~

18 (2) (I) BY A MAJORITY VOTE OF ITS MEMBERS, THE CITY COUNCIL MAY INCREASE ITEMS
19 OF APPROPRIATION WITHIN THE GENERAL FUND OR ADD ITEMS WITHIN THE
20 GENERAL FUND FOR NEW PURPOSES PROVIDED THAT:

21 (A) THE AGGREGATE AMOUNT OF THE INCREASE DOES NOT EXCEED THE
22 AGGREGATE AMOUNT BY WHICH THE CITY COUNCIL HAS REDUCED OR
23 ELIMINATED FROM THE ORDINANCE OF ESTIMATES UNDER SUBSECTION (A)
24 OF THIS SECTION;

25 (B) THE INCREASES AUTHORIZED BY THIS SUBSECTION DO NOT DERIVE FROM
26 THE REDUCTION OR ELIMINATION OF REVENUE, WHICH BY LAW, CONTRACT,
27 OR REGULATION MUST BE USED TO SUPPORT APPROPRIATIONS FOR SPECIFIC
28 PURPOSES; AND

29 (C) AN ITEM ADDED FOR A NEW PURPOSE IS OR WILL BE AUTHORIZED BY
30 LEGISLATION SEPARATE AND APART FROM THE ORDINANCE OF ESTIMATES.

31 (II) IN NO EVENT, HOWEVER, MAY:

32 (A) THE TOTAL AMOUNT OF THE OPERATING BUDGET OR THE CAPITAL
33 BUDGET, AS AMENDED BY THE CITY COUNCIL, EXCEED THE TOTAL
34 AMOUNT OF THE OPERATING BUDGET OR CAPITAL BUDGET,
35 RESPECTIVELY, AS PROPOSED BY THE BOARD OF ESTIMATES; OR

36 (B) ANY INCREASE OR ADDITION BE MADE TO OR FOR ANY ITEM DESCRIBED IN
37 SUBSECTION (A)(2)(I), (II), OR (III) OF THIS SECTION.

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

6 **§ 8. Deficiencies; supplementary appropriations.**

7 (b) *Supplementary appropriations — when authorized.*

- 8 (1) Except as provided herein, the Ordinance of Estimates shall include all the moneys to
9 be appropriated by the City for all purposes for the fiscal year for which the ordinance
10 is applicable.

- 11 (2) Additional appropriations [shall be] ARE permitted during the fiscal year only in the
12 following circumstances and under the following conditions:

13 (I) [(1)] *Excess revenues.*

14 Revenues from any source other than the full rate property tax and other taxes
15 imposed under the authority of Article II, in excess of or in addition to those relied
16 [upon] ON by the Board of Estimates in determining the tax levy required to
17 balance the budget, may be made available for expenditure by the municipal
18 agency responsible for the production of [such] THOSE revenues by a
19 supplementary appropriation ordinance [recommended to the City Council by the
20 Board of Estimates,] duly passed by the City Council by a majority vote of its
21 members and approved by the Mayor.

22 (II) [(2)] *Unanticipated grants.*

23 Grants from private or governmental sources [which] THAT could not be expected
24 with reasonable certainty at the time of the formulation of the proposed Ordinance
25 of Estimates may be made available to the appropriate municipal agency for
26 expenditure by a supplementary appropriation ordinance [recommended to the
27 City Council by the Board of Estimates,] duly passed by the City Council by a
28 majority vote of its members and approved by the Mayor.

29 (III) [(3)] *Material changes; new programs.*

30 Further appropriations for programs included in the proposed Ordinance of
31 Estimates made necessary by a material change in circumstances, or additional
32 appropriations for new programs [which] THAT could not reasonably be
33 anticipated at the time of the formulation of the proposed Ordinance of Estimates
34 may be made available to the appropriate municipal agency for expenditure by a
35 supplementary appropriation ordinance [recommended to the City Council by the
36 Board of Estimates,] duly passed by the City Council by a vote of three-fourths of
37 its members and approved by the Mayor.

38 **SECTION 2. AND BE IT FURTHER RESOLVED, That this amendment to the City Charter shall**
39 **become effective on July 1, 2022.**

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1 **SECTION 2 3. AND BE IT FURTHER RESOLVED,** That this proposed amendment to the City
2 Charter be submitted to the legal and qualified voters of Baltimore City, for adoption or rejection,
3 in accordance with Article XI-A, § 5 of the Maryland Constitution, in the form specified by the
4 City Solicitor.

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City