

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor

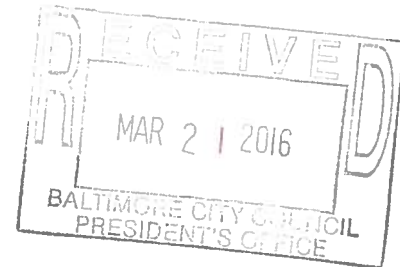


DEPARTMENT OF LAW

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

March 21, 2016

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 12-0113 – Charter Amendment – Ordinance of Estimates

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 12-0113 for form and legal sufficiency. The bill would resolve to amend Sections 7(a), 7(b) and 8(b) of Article VI of the City Charter concerning the Ordinance of Estimates. Currently, the City Council may not increase amounts fixed in the Ordinance of Estimates or add any amount for any new purpose. Charter, Art. VI, §8. If passed by the voters, this amendment to the Charter would allow those increases and additions with the caveat that the “total amount of the operating budget or the capitol budget” may not be increased.

The bill does not provide the same framework for additions/increases as currently exists for reductions in the adjacent section of the Charter. As with reductions, the City Council should not increase amounts fixed by law, by a board of arbitration for the Fire Department or for principal and interest on municipal debt because those amounts are set by other means. Increasing the amount of one of these types of expenditures may result in a conflict with the mechanism that originally set the amount. To prevent that legal conflict from arising, an appropriate amendment drafted by Legislative Reference is attached to this report.

Under Article XI-A, Section 5 of the Maryland Constitution, a resolution, such as City Council Bill 12-0113, is an appropriate method to initiate an amendment to the Baltimore City Charter. Therefore, subject to the foregoing amendment, the Law Department approves the resolution for form and legal sufficiency.

Very truly yours,


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Chief Solicitor

cc: George Nilson, City Solicitor
Angela C. Gibson, Mayor’s Legislative Liaison
Elena DiPietro, Chief Solicitor
Victor Tervalva, Chief Solicitor
Jennifer Landis, Assistant Solicitor

Fav w/ Amend

**AMENDMENTS TO COUNCIL BILL 12-113
(1st Reader Copy)**

Proposed By: Law Department
{To be offered to the Committee of the Whole}

Amendment No. 1

On page 2, in line 10, before “BY”, insert the subparagraph designator “(I)”; and, on the same page, in line 14, strike “IN NO EVENT MAY” and substitute:

“(II) IN NO EVENT, HOWEVER, MAY:

(A)”;

and, on the same page, in line 17, before the period, insert:

“: OR

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