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**BALTIMORE CITY COUNCIL  
WAYS AND MEANS  
COMMITTEE**

*Mission Statement*

*The Committee on Ways and Means (WM)* is responsible for ensuring taxpayer dollars are expended prudently and equitably. WM will exercise regular oversight of the City's budget, expenditures, loans, and other financial matters. The committee's areas of jurisdiction include: budget & appropriations, taxation, financial services, consumer protection, audits, and the Comptroller's Office.

**The Honorable Eric T. Costello  
Chairman**

**PUBLIC HEARING**

**TUESDAY, DECEMBER 12, 2023  
10:00 AM**

**COUNCIL CHAMBERS**

**Council Bill #23-0452**

**Supplemental General Fund Operating Appropriation –  
M-R: Arts and Culture - \$581,334**

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Robert Stokes  
Danielle McCray

*Staff: Marguerite Currin (443-984-3485)*



## BILL SYNOPSIS

Committee: Ways and Means

Bill 23-0452

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### Supplemental General Fund Operating Appropriation – M-R: Arts and Culture - \$581,334

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**Sponsor:** President Mosby at the request of the Department of Finance (Administration)

**Introduced:** September 18, 2023

**Purpose:**

For the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$581,334 to M-R: Arts and Culture – Service 824 (Events: Art: Culture and Film), to provide funding for general operations; and providing for a special effective date.

**Effective:** On the date it is enacted.

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### Agency Reports

Law Department	None as of this writing
Department of Finance	None as of this writing
Department of General Services	Does Not Oppose
Baltimore Office of Promotion and the Arts	None as of this writing
Board of Estimates	Approved

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### Analysis

#### Current Law

Article VI – Board of Estimates, Section 8 – Ordinance of Estimates – Deficiencies and Supplementary Appropriations of the **Baltimore City Charter** governs the mandates for supplementary appropriations.

**§ 8. Deficiencies: Supplementary appropriations.**

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

Except as provided herein, the Ordinance of Estimates shall include all the moneys to be appropriated by the City for all purposes for the fiscal year for which the ordinance is applicable.

(2) Additional appropriations are permitted during the fiscal year only in the following circumstances and under the following conditions: (i) 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 on 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 those revenues by a supplementary appropriation ordinance recommended to the City Council by the Board of Estimates, duly passed by the City Council by a majority vote of its members and approved by the Mayor.

**(iii) 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 ordinance recommended to the City Council by the Board of Estimates, duly passed by the City Council by a vote of three-fourths of its members and approved by the Mayor.

**(c) Supplementary appropriations – Requisites of ordinance.**

Every such further or additional appropriation shall be embodied in a separate ordinance limited to a single program, purpose, activity, or project therein stated, and each such supplementary appropriation ordinance shall also, anything contained in the Charter to the contrary notwithstanding, provide the revenue necessary to pay the appropriation by a source, other than the full rate property tax, imposed under the authority of Article II. The revenue shall be levied and collected as directed in the ordinance. The estimate of the revenues to be derived from any source proposed in a supplementary appropriation ordinance shall be made by the Board of Estimates.

## Background

In June 2023 the Baltimore City Council reduced the budget in Service 824 of the Baltimore Office of Promotion and the Arts (BOPA) by \$1,744,002 in an amendment to the Ordinance of Estimates for the Fiscal Year Ending June 30, 2024.<sup>1</sup>

At the time of the reduction, the citizens of Baltimore were concerned about:<sup>2</sup>

- BOPA’s board governance and membership
- The operations of the Baltimore Film Office
- The operations of the Baltimore Arts Council and Public Arts Commission, and
- BOPA’s ability to carry out its mandate to produce events and festivals, administer grants, manage arts education and public art programming, provide film production support, and provide oversight of Baltimore City facilities it its care.

On Tuesday, September 26, 2023, the committee held a hearing on **Council Bill 23-0426** – Supplementary General Fund Operating Operation - MR: Arts and Culture - \$581,334C to discuss and/or receive updates regarding the above listed concerns; the bill passed favorably out of committee and was approved by the Mayor and City Council. Thereby, 1/3 of the \$1,744,002 was returned to BOPA.

On Tuesday, December 12, 2023, the committee will hold a hearing on **Council Bill 23-0452** – Supplementary General Fund Operating Appropriation – MR: Arts and Culture - \$581,334. This supplemental appropriation will return another 33% of the funds that were reduced back into

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<sup>1</sup> **Council Resolution 23-0177R** Reduction to the Ordinance of Estimates for the Fiscal Year Ending June 30, 2024 – Baltimore Office of Promotion and the Arts and **Council Bill 23-0381** – Ordinance of Estimates for the Fiscal Year Ending June 30, 2024.

<sup>2</sup> Council Resolution 23-0177R – Reduction to the Ordinance of Estimates for the Fiscal Year Ending June 30, 2024 – Baltimore Office of Promotion and the Arts

BOPA's budget; **bringing the amount of funds returned to BOPA to \$1,162,668** with a balance of \$581,334 remaining.

Following are notes taken during the September 26<sup>th</sup> hearing for **Council Bill 23-0426**:

### Major Speakers

Tonya Miller, Mayor's Office

Todd Yuhanick, Baltimore Office of Promotion and the Arts (BOPA)

Laura Larsen, Finance Department

### Major Issues Discussed

1. The chairman talked about the background for the Supplemental and went over the agency reports with the agency representatives.
2. The representative from BOPA talked about the process the Office have made and stated, "We have created a group of seven (7) to study the government of BOPA and the Office is constantly in communication with business leaders."
3. Committee/council members asked questions, made comments, and stated concerns. Some highlights of same were:
  - The representative from the Mayor's Office (who works closely with BOPA) was asked to talk about the progress BOPA have made thus far in the areas of concerns.
  - The representative from BOPA was asked to talk about the planning efforts that went into Artscape and about how he thought the event went.
  - Some comments were made about communications with the University of Baltimore
  - Concern: Charles Village and Charles North were not included in Artscape this year, please make sure going forward they are included.
  - A committee member talked about her interaction with new vendors at Artscape this year and stated, "please don't forget to continue to build relationships in other districts (connecting with other areas for being a part of what you do!) She also stated that she thought the event was successful in spite of all the rain over the weekend.
  - A councilmember stated that she also attended Artscape over the weekend and the only thing she heard was, "there were not enough vendors."
  - Comments regarding: Trademark of Artscape
    - ❖ Moving forward remember the importance of accountability and making sure nothing like this happens again!
    - ❖ **Requested by Councilmember Ramos: Please submit copies of the bylaws when they are available/rewritten.**
  - Board Members
    - Is the Board made up of the five (5) members on BOPA's website? **Answer: Yes**
    - Talk about the reconstitution of the Board members.
      - Questions were asked about the bylaws and composition of the Board.
      - Is the Board independently meeting? **Answer: Yes**
      - The last Minutes listed on your website was for March 2023. **Response: Our website is to be updated soon with recent Minutes.**
      - Concern(s):
        - The makeup of the Board and the bylaws as they relate to BOPA being the art council to the City of Baltimore

- The Board need to be more representative of the City’s art community (there is a need to connect with the art practitioners who reside in the City)
      - Adequate representation is needed in order to write sound bylaws!
    - Other Concerns:
      - From Art Community
        - ❖ The cost to participate as a vendor – talk about this!
        - ❖ The cost to participate is too high to make it feasible to participate!
        - ❖ What is the cost for a booth?
        - ❖ Are the booths segmented to certain areas?
        - ❖ Designated Spaces – comments
          - When creating space for Art; the allocation for same need to be fair! **Response: There was an overwhelming demand for booths/space from Artists this year!**
          - Comment: You still need to do better with my concerns regarding the Art community!
    - A committee member asked the representative from BOPA how long he have been in his position and then thanked him for how Artscape was planned this year. She also stated, “We (Council) are here to help to make events successful.”
4. No one signed in to testify.
5. The hearing recessed and reconvened at 2:55 PM; the committee voted on the bill; passed – Favorable. Hearing concluded.

### Additional Information

**Fiscal Note:** Funds from surplus revenue – Transfer Taxes

**Information Source(s):** Baltimore City Charter, Council Resolution 23-0177R, Council Bills 23-0381, 23-0426 and 23-0452, and notes taken during the September 26<sup>th</sup> hearing.

Analysis by: Marguerite M. Currin  
 Analysis Date: December 7, 2023

Direct Inquiries to: (443) 984-3485

# Council Bill 23-0452

## AGENCY REPORT(S)

See attached

FROM	NAME & TITLE	Berke Attila, Director
	AGENCY NAME & ADDRESS	Department of General Services 200 N. Holliday Street, Rm 800
	SUBJECT	City Council Bill 23-0452

CITY OF  
BALTIMORE  
  
**M E M O**



DATE:  
November 29<sup>th</sup>, 2023

**TO** The Honorable President and Members of the City Council  
City Hall, Room 400, 100 North Holliday Street

**Position:** Does Not Oppose

The Department of General Services (DGS) is in receipt of and reporting herein on City Council Bill 23-0452: Supplementary General Fund Operating Appropriation – M-R: Arts and Culture.

**Legislation Background**

The purpose of this resolution is to provide a Supplementary General Fund Operating Appropriation in the amount of \$581,334 to M-R: Arts and Culture – Service 824 (Events: Art: Culture: and Film), to provide funding for general operations; and providing for a special effective date.

**Comments**

DGS does not oppose this bill. If you have any questions, please do not hesitate to contact our Legislative Liaison Annie Fullas at [annie.fullas@baltimorecity.gov](mailto:annie.fullas@baltimorecity.gov) or at (667) 208-0380.

Sincerely,

Berke Attila  
Director, DGS



**CITY OF BALTIMORE**  
**COUNCIL BILL 23-0452**  
**(First Reader)**

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Introduced by: The Council President  
Introduced and read first time: November 20, 2023  
Assigned to: Finance and Performance Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Department of General Services, Board of Estimates, Baltimore Office of Promotion and the Arts

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Supplementary General Fund Operating Appropriation –**  
3 **M-R: Arts and Culture – \$581,334**

4 FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the  
5 amount of \$581,334 to M-R: Arts and Culture – Service 824 (Events: Art: Culture: and  
6 Film), to provide funding for general operations; and providing for a special effective date.

7 BY authority of  
8 Article VI - Board of Estimates  
9 Section 8(b)(2)(iii) and (c)  
10 Baltimore City Charter  
11 (1996 Edition)

12 **Recitals**

13 The revenue appropriated by this Ordinance represents Transfer Tax revenue in excess of the  
14 revenue relied on by the Board of Estimates in determining the tax levy required to balance the  
15 budget for Fiscal Year 2024.

16 This additional revenue could not have been reasonably anticipated when the Ordinance of  
17 Estimates for Fiscal Year 2024 was formulated.

18 This appropriation is made necessary by a material change in circumstances since the  
19 Ordinance of Estimates for Fiscal Year 2024 was formulated or is for a new program that could  
20 not have been reasonably anticipated when that Ordinance of Estimates was formulated.

21 On November 1, 2023, the Board of Estimates recommended this appropriation to the City  
22 Council.

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

**Council Bill 23-0452**

1       **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That  
2 \$581,334 shall be made available to M-R: Arts and Culture – Service 824 (Events: Art: Culture:  
3 and Film) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2024, to  
4 provide funding for general operations. The source of revenue for this appropriation is Transfer  
5 Tax revenue in excess of the amount from this source that was relied on by the Board of  
6 Estimates in determining the tax levy required to balance the budget for Fiscal Year 2024.

7       **SECTION 2. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is  
8 enacted.