

CITY OF BALTIMORE  
STEPHANIE RAWLINGS-BLAKE, Mayor

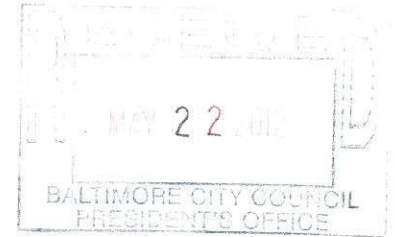


DEPARTMENT OF LAW  
GEORGE A. NILSON, City Solicitor  
101 City Hall  
Baltimore, Maryland 21202

May 22, 2012

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

Attn: Karen Randle  
Executive Secretary



Re: City Council Bill 12-0047R – Speed Camera Revenue for Schools

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 11-047R for form and legal sufficiency. This resolution requests the Mayor to divert all annual revenue above \$5 million generated by the City's speed camera program from the general fund into the Public School Construction and Renovation Special Fund.

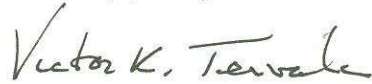
Speed zone cameras are governed by Section 21-809 of the Transportation Article of the Maryland Code. The State law requires enactment of a local ordinance before a school zone speed camera can be established. In 2009 the City adopted Article 31, Subtitle 33 in compliance with the State law.

The Public School Construction and Renovation Special Fund is provided under City Code Article 5, Subtitle 8. The subtitle was enacted pursuant to the City Charter, Article 1, Section 12, which requires that all money used in the Special Fund derive from "(1) money appropriated to the fund in the annual Ordinance of Estimates or by a Supplementary Appropriation; and (2) grants or donations made to the fund." Thus, to the extent the resolution contained in Council Bill 12-0047R can be accommodated by appropriation in the annual budget process or by supplemental appropriation it is consistent with the Charter requirements. For FY 2013, however, the time for such accommodation in the Ordinance of Estimates has passed. There are no provisions in the Charter that allow the proposed Ordinance of Estimates to be altered by the Mayor after its submission to City Council. Moreover, the only criteria that would allow for supplemental appropriations from this revenue source would arise if and when speed camera revenue exceeded the amounts budgeted. *See* City Charter, Art. VI, § 8 (Deficiencies; supplemental appropriations). For the above reasons, the Mayor cannot satisfy the request embodied in this resolution at this time.

*Comments*

Resolutions such as the one embodied in this bill are “an expression of opinion or mind concerning some particular item of business coming within the legislative body’s official cognizance....” *Inlet Assocs. v. Assateague House Condominium*, 313 Md. 413, 428 (1988) (quoting *McQuillin Mun. Corp.* § 15:2 (3rd Ed.)). As such, the bill is an appropriate expression of the Council’s resolve to request that certain portions of the budget be used in the requested manner.

Sincerely yours,



Victor K. Tervala  
Assistant Solicitor

cc: George Nilson, City Solicitor  
Angela C. Gibson, Mayor’s Legislative Liaison  
Elena DiPietro, Chief Solicitor  
Hilary Ruley, Assistant Solicitor  
Ashlea Brown, Assistant Solicitor