



October 24, 2013

The Honorable President and
Members of the Baltimore
City Council
c/o Karen Randle, Executive Secretary
409 City Hall
Baltimore, MD 21202



RE: City Council Bill No. 13-0282 – Supplementary General Fund
Operating Appropriation-Baltimore City Schools- \$2,925,582

Dear President and Members

You have requested the advice of the Law Department regarding City Council Bill 13-0282. City Council Bill 13-0282 provides for a Supplementary General Fund Operating Appropriation for Baltimore City Schools to provide the additional funding needed for the certified maintenance of Effort (MOE) amount that the Baltimore City Public Schools submitted to the Maryland State Department of Education.

Under Art. VI, Sec. 8(b) of the Charter of Baltimore City, “additional appropriations shall be permitted during the fiscal year only in the following circumstances and under the following conditions:

(1) *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 upon 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 such revenues by a supplementary appropriation ordinance....

(2) *Unanticipated grants.*

Grants from private or governmental sources which could not be expected with reasonable certainty 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

(3) *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

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Ordinance of Estimates may be made available to the appropriate municipal agency for expenditure by a supplementary appropriation

Assuming that the Department of Finance verifies that circumstances and conditions of Sec. 8(b) of the Charter are satisfied, City Council Bill 13-0282 is consistent with the authority of the City Council. Sec. 8(c) also requires that a supplementary appropriation ordinance shall provide the revenue necessary to pay the appropriation by a source, other than the full rate property tax. The bill does provide the source of the revenue being used to fund the supplementary appropriation.

Based on the foregoing, the Law Department approves City Council Bill 13-0282 for form and legal sufficiency.

Sincerely yours,



Elena R. DiPietro
Chief Solicitor

cc: George A. Nilson, City Solicitor
Angela Gibson, City Council Liaison
Hilary Ruley, Assistant Solicitor
Victor Tervalo, Assistant Solicitor
Jennifer Landis, Assistant Solicitor