

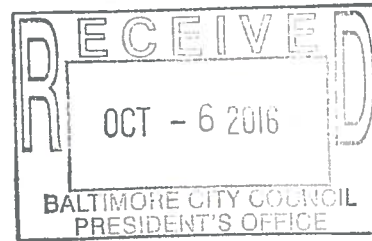
CITY OF BALTIMORE  
STEPHANIE RAWLINGS-BLAKE, Mayor



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

October 5, 2016

The Honorable President and  
Members of the Baltimore  
City Council  
Attn: Natwana Austin, Executive Secretary  
409 City Hall  
Baltimore, MD 21202



RE: City Council Bill 16-0755-Supplementary State Fund  
Operating Appropriation-Department of Public Works - \$1,457,640

Dear President and Members:

You have requested the advice of the Law Department regarding City Council Bill 16-0755. City Council Bill 16-0755 provides for a Supplementary State Fund Operating Appropriation for the Department of Public Works to provide funding through the Maryland Energy Administration/EmPOWER Maryland Combined Heat and Power for two Combined Heat and Power systems for the Patapsco Waste Water Treatment Plant and the Back River Waste Water Treatment Plant and for energy efficient upgrades for a number of other facilities..

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 ....

*fav w/ comments*

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

City Council Bill 16-0755 satisfies the requirements of Sec. 8(b)(2) of the Charter and, therefore, 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 for an appropriate source of the revenue.

Based on the foregoing, the Law Department approves City Council Bill 16-0755 for form and legal sufficiency.

Sincerely yours,



Elena R. DiPietro  
Chief Solicitor

cc: David E. Ralph, Acting City Solicitor  
Angela Gibson, City Council Liaison  
Hilary Ruley, Chief Solicitor  
Victor Tervalo, Chief Solicitor  
Jennifer Landis, Assistant Solicitor