

For Internal Use Only



**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, FEBRUARY 1, 2022
10:01 AM**

VIRTUAL WEBEX MEETING

Council Bill #22-0187

**Supplementary General Fund Capital Appropriation –
Department of Transportation - \$18,000,000**

CITY COUNCIL COMMITTEES

ECONOMIC AND COMMUNITY DEVELOPMENT (ECD)

Sharon Green Middleton, Chair
John Bullock – Vice Chair
Mark Conway
Ryan Dorsey
Antonio Glover
Odette Ramos
Robert Stokes
Staff: Jennifer Coates

WAYS AND MEANS (W&M)

Eric Costello, Chair
Kristofer Burnett
Ryan Dorsey
Danielle McCray
Sharon Green Middleton
Isaac “Yitzy” Schleifer
Robert Stokes
Staff: Marguerite Currin

PUBLIC SAFETY AND GOVERNMENT OPERATIONS (SGO)

Mark Conway – Chair
Kristofer Burnett
Zeke Cohen
Erick Costello
Antonio Glover
Phylicia Porter
Odette Ramos
Staff: Samuel Johnson

EDUCATION, WORKFORCE, AND YOUTH (EWY)

Robert Stokes – Chair
John Bullock
Zeke Cohen
Antonio Glover
Sharon Green Middleton
Phylicia Porter
James Torrence
Staff: Marguerite Currin

HEALTH, ENVIRONMENT, AND TECHNOLOGY (HET)

Danielle McCray – Chair
John Bullock
Mark Conway
Ryan Dorsey
Phylicia Porter
James Torrence
Isaac “Yitzy” Schleifer
Staff: Matthew Peters

RULES AND LEGISLATIVE OVERSIGHT (OVERSIGHT)

Isaac “Yitzy” Schleifer, Chair
Kristofer Burnett
Mark Conway
Erick Costello
Sharon Green Middleton
Odette Ramos
James Torrence
Staff: Richard Krummerich



BILL SYNOPSIS

Committee: Ways and Means

Bill 22-0187

Supplementary General Fund Capital Appropriation – Department of Transportation - \$18,000,000

Sponsor: President Mosby at the request of the Administration, Department of Transportation
Introduced: January 10, 2022

Purpose:


For the purpose of providing a Supplementary General Fund Capital Appropriation in the amount of \$18,000,000 to the Department of Transportation – Service 548 (Conduit Enterprise Fund), to provide funding to continue development, maintenance, and control of the miles of conduit ducts under Baltimore City which carry electrical, telephone and optic lines; and providing for a special effective date.

Effective: On the date enacted.

Agency Reports

Law Department	Favorable
Department of Finance	<i>None as of this writing</i>
Department of Transportation	<i>None as of this writing</i>
Planning Commission	No Objection
Board of Estimates	Approved

Analysis

FROM	NAME & TITLE	Robert Cename Chief <i>BobAC</i>	CITY of BALTIMORE MEMO <i>13-16</i>	
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432, City Hall (410) 396-3266		
	SUBJECT	Supplemental Appropriation of \$18,205,000.00 – Department of Transportation Conduit Fund		

DATE:

TO

The Honorable President and Members
of the Board of Estimates

December 2, 2021

Dear President and Members:

ACTION REQUESTED OF B/E:

Approval of Utility Fund transfer "supplemental" appropriation in the total amount of \$18,205,000.00 to the Department of Transportation, Conduit Construction (Reserve).

AMOUNT OF MONEY AND SOURCE OF FUNDS:

Transfer \$18,205,000.00 from Department of Transportation, Service 548: Conduit Enterprise Fund to the Conduit Construction (Reserve).

FROM:	Account:	Amount:
2024-000000-5480-259401-401980	Conduit Enterprise Fund	\$18,205,000.00
TO:		
9962-9563-932007	Conduit Construction (Reserve)	\$18,205,000.00

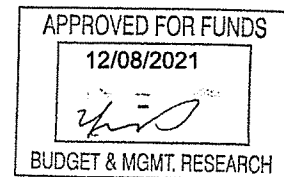
Please see attached schedule.

BACKGROUND AND EXPLANATION:

This action will allow the Department of Transportation to continue development, maintenance, and control of the miles of conduit ducts under Baltimore City which carry electrical, telephone and optic lines.

MBE/WBE PARTICIPATION:

N/A



BALTIMORE CITY RESIDENTS FIRST (BCRF):

BCRF Applicable: yes no

APPROVED BY BOARD OF ESTIMATES

M. Amato

DATE **DEC 15 2021** CLERK

Handwritten signature

		ADDITIONAL FISCAL 2022 FUNDING NEED
		FY 2022
PROGRAM 1 REACTIVE RESPONSE - CONDUIT REPAIR PROGRAM		
1.01 CONDUIT REPAIR PROGRAM		
<i>DESCRIPTION: Provide construction crews to repair and replace damaged conduit infrastructure, cleaning manholes, replacing frame and covers, top slabs, etc.</i>		
1.01.2101	REPAIR DUCT OBSTRUCTIONS	\$4,000,000.00
1.02.2102	REPAIR MANHOLES	100,000.00
SUBTOTAL		\$4,100,000.00
PROGRAM 2 PROACTIVE RESPONSE - CONDUIT INSPECTION AND REPAIR PROGRAM		
2.01 CONDUIT REPAIR REPLACEMENT IN SUPPORT OF BGE 4 KV CONVERSIONS		
<i>DESCRIPTION: Perform replacement and/or repairs on the conduit in advance of the proposed cable installation.</i>		
2.01.2200	BGE 4 KV CONVERSIONS - 2022	\$8,000,000.00
		\$8,000,000.00
2.02 MANHOLE OCCUPANCY AND CONDITIONAL INSPECTIONS		
<i>DESCRIPTION: Provide crews to perform manhole occupancy and cable tracing inspections</i>		
2.02.2201	GREENMOUNT AVE FROM MONUMENT ST TO BIDDLE ST	\$240,000.00
2.02.2202	EASTERN AVE FROM SOUTH HAVEN ST TO 45TH ST	225,000.00
2.02.2203	BROADWAY FROM ORLEANS ST TO FLEET ST	300,000.00
2.02.2204	WILKENS AVE FROM WILMINGTON AVE TO MONROE ST	140,000.00
2.02.2205	PENNINGTON AVE AT PATAPSCO AVE TO HAWKINS POINT RD AT FORT ARMISTEAD RD	160,000.00
2.02.2206	URGENT NEED MANHOLE INSPECTIONS FY 2022	600,000.00
		\$1,665,000.00
2.03 RODDING, SLUGGING, AND ROPING		
<i>DESCRIPTION: Provide crews to proactively rod & rope ducts.</i>		
2.03.2304	EAST PRATT ST AT CHARLES ST TO FLEET ST AT PATTERSON PARK AVE	
2.03.2305	WEST PRATT ST FROM CHARLES ST TO WILKENS AVE	

2.03.2306	PATAPSCO AVE FROM HANOVER ST TO PENNINGTON AVE	
2.03.2307	HARFORD RD FROM ERDMAN AVE TO EAST MONUMENT ST	
2.03.2201	GREENMOUNT AVE FROM MONUMENT ST TO BIDDLE ST	\$60
2.03.2202	EASTERN AVE FROM SOUTH HAVEN ST TO 45TH ST	\$130
2.03.2203	BROADWAY FROM ORLEANS ST TO FLEET ST	\$100
2.03.2204	WILKENS AVE FROM WILMINGTON AVE TO MONROE ST	\$140
2.03.2205	PENNINGTON AVE AT PATAPSCO AVE TO HAWKINS POINT RD TO FORT ARMISTEAD RD	\$310

\$740

SUBTOTAL

\$10,405

PROGRAM 5 PROFESSIONAL AND TECHNICAL SERVICES PROGRAM

DESCRIPTION: Professional and technical services in support of Conduit Division		
5.01.2101	COMPREHENSIVE FACILITY MANAGEMENT	\$2,200
5.01.2102	OTHER PROFESSIONAL SERVICES (CAPITAL PROJECTS)	\$1,500

SUBTOTAL

\$3,700

TOTAL

\$18,205

Council Bill 22-0187

Agency Reports

SEE ATTACHED

CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW

JAMES L. SHEA
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

January 26, 2022

The Honorable President and Members
of the Baltimore City Council
Attn: Natawna B. Austin, Executive Secretary
Room 409, City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 22-0187 – Supplementary General Fund Capital Appropriation –
Department of Transportation – \$18,000,000

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 22-0187 for form and legal sufficiency. The bill provides a Supplementary General Fund Capital Appropriation in the amount of \$18,000,000 to the Department of Transportation – Service 548 (Conduit Enterprise Fund), to provide funding to continue development, maintenance, and control of the miles of conduit ducts under Baltimore City which carry electrical, telephone and optic lines; and providing for a special effective date.

The City Charter establishes the criteria for making supplementary appropriations. City Charter, Art. VI, §8. Section 8(b)(3) of Article VI of the City Charter permits such a supplementary appropriation when there has been “a material change in circumstance or additional appropriations for new programs which could not reasonably be anticipated at the time of the formulation of the proposed Ordinance of Estimates” for the current Fiscal Year. The supplementary appropriation must be recommended by the Board of Estimates and must be approved by the Mayor and City Council via an ordinance, which must identify the source of the funds and may only encompass a “single program, purpose, activity or project.” City Charter, Art. VI, §8(c).

The bill as drafted appears reflects those requirements. The Law Department therefore is prepared to approve this bill for form and legal sufficiency, provided it is adopted by three-fourths of the councilmembers as required by City Charter, Article VI, §8(b)(3).



Sincerely,

Victor K. Tervala

Victor K. Tervala
Chief Solicitor

cc: James L. Shea, City Solicitor
Nina Themelis, Mayor’s Office of Government Relations

Nikki Thompson, Director of Legislative Affairs
Matthew Stegman, Director of Fiscal and Legislative Services
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Ashlea Brown, Assistant Solicitor

FROM	NAME & TITLE	CHRIS RYER, DIRECTOR 	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #22-0187/ SUPPLEMENTARY GENERAL FUND CAPITAL APPROPRIATION - DEPARTMENT OF TRANSPORTATION - \$18,000,000		

TO

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

DATE: January 26, 2022

The Department of Planning is in receipt of City Council Bill #22-0187, which is for the purpose of providing a Supplementary General Fund Capital Appropriation in the amount of \$18,000,000 to the Department of Transportation - Service 548 (Conduit Enterprise Fund), to provide funding to continue development, maintenance, and control of the miles of conduit ducts under Baltimore City which carry electrical, telephone and optic lines; and providing for a special effective date.

The fund source and dollar amount need to be amended to match the Board of Estimates approval. Otherwise, the Department of Planning has **no objection** to City Council Bill #22-0187.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

CR/ewt

cc: Ms. Natasha Mehu, Mayor's Office
Ms. Nina Themelis, Mayor's Office
The Honorable Eric Costello, Council Rep. to Planning Commission
Mr. Matthew Stegman, City Council President's Office
Ms. Nikki Thompson, City Council President's Office
Mr. Colin Tarbert, BDC
Ms. Kathleen Byrne, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Stephanie Murdock, DHCD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Liam Davis, DOT
Ms. Natawna Austin, Council Services

**CITY OF BALTIMORE
COUNCIL BILL 22-0187
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: January 10, 2022
Assigned to: Ways and Means Committee

Referred to the following agencies: City Solicitor, Department of Finance, Department of Transportation, Planning Commission, Board of Estimates

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Supplementary General Fund Capital Appropriation –**
3 **Department of Transportation – \$18,000,000**

4 FOR the purpose of providing a Supplementary General Fund Capital Appropriation in the
5 amount of \$18,000,000 to the Department of Transportation – Service 548 (Conduit
6 Enterprise Fund), to provide funding to continue development, maintenance, and control of
7 the miles of conduit ducts under Baltimore City which carry electrical, telephone and optic
8 lines; and providing for a special effective date.

9 BY authority of
10 Article VI - Board of Estimates
11 Section 8(b)(3) and (c)
12 Baltimore City Charter
13 (1996 Edition)

Recitals

16 The revenue appropriated by this Ordinance represents funds from the “Capital Account
17 Reserve - Conduit Construction” in excess of the revenue relied on by the Board of Estimates in
18 determining the tax levy required to balance the budget for Fiscal Year 2022.

19 This additional revenue could not have been reasonably anticipated when the Ordinance of
20 Estimates for Fiscal Year 2022 was formulated.

21 This appropriation is made necessary by a material change in circumstances since the
22 Ordinance of Estimates for Fiscal Year 2022 was formulated or is for a new program that could
23 not have been reasonably anticipated when that Ordinance of Estimates was formulated.

24 On December 15, 2021, the Board of Estimates recommended this appropriation to the City
25 Council.

26 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
27 \$18,000,000 shall be made available to the Department of Transportation – Service 548 (Conduit

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

Council Bill 22-0187

1 Enterprise Fund) as a Supplementary General Fund Capital Appropriation for Fiscal Year 2022,
2 to provide funding to continue development, maintenance, and control of the miles of conduit
3 ducts under Baltimore City which carry electrical, telephone and optic lines. The source of
4 revenue for this appropriation is funds from the “Capital Account Reserve - Conduit
5 Construction” 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 2022.

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