
CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



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

December 19, 2022

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

Re: City Council Bill 22-0314 – Supplementary General Fund Operating
Appropriation – Department of Planning – \$485,000

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 22-0314 for form and legal sufficiency. The bill provides a Supplementary General Fund Operating Appropriation in the amount of \$485,000 to the Department of Planning. The money comprises funds from the Federal Emergency Management Agency (FEMA) that had not been anticipated when balancing the budget for Fiscal Year 2022 (FY22). The appropriation is made necessary by a material change in circumstances since the FY22 Ordinance of Estimates, or is for a new program that could not have been reasonably anticipated when the FY22 Ordinance of Estimates was formulated.

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 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 Law Department approves this bill for form and legal sufficiency.

Sincerely,

Jeffrey Hochstetler
Chief Solicitor

cc: James L. Shea, City Solicitor
Nina Themelis, Mayor’s Office of Government Relations
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor

Ashlea Brown, Chief Solicitor
D'Ereka Bolden, Assistant Solicitor
Michelle Toth, Special Solicitor