
CITY OF BALTIMORE

BRANDON M. SCOTT,
Mayor



DEPARTMENT OF LAW
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ACTING CITY SOLICITOR
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BALTIMORE, MD 21202

February 14, 2023

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 23-0330 – Supplemental General Fund Capital Appropriation – Department
of Housing and Community Development – \$6,600,000

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 23-0330 for form and legal sufficiency. The bill provides a Supplementary General Fund Capital Appropriation in the amount of \$6,600,000 to the Baltimore City Department of Housing and Community Development. The money is from excess Income Tax revenue that had not been anticipated when balancing the budget for Fiscal Year 2023. The appropriation would go to pay for unanticipated expenses of the Perkins Somerset Project.

The City Charter establishes the criteria for making supplementary appropriations. City Charter, Art. VI, § 8. Section 8(b)(2)(iii) 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 bill cites Section 8(b)(3) of Article VI as authority for this action, however that Section no longer exists after Resolution 20-25, which changed and renumbered this part of the City Charter. To be accurate, the authority language should be amended to fix the error. An amendment is attached to this report.

Additionally, the Law Department notes that the bill posted on Legistar contains only the recitals and not the actual text of the Supplemental. Nor does the bill have a special effective date even though one is referenced. Perhaps the second page of the bill is missing from Legistar? A suggested amendment is attached to this report to correct these errors should they be in the official First Reader version and this is not just the failure to put the entire First Reader version on Legistar.

Subject to the foregoing, the Law Department approves the bill for form and legal sufficiency.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Hilary Ruley".

Hilary Ruley
Chief Solicitor

cc: Ebony Thompson, Acting City Solicitor
Nina Themelis, Mayor's Office of Government Relations
Elena DiPietro, Chief Solicitor, General Counsel Division
Jeff Hochstetler, Chief Solicitor
Ashlea Brown, Chief Solicitor
D'ereka Bolden, Assistant Solicitor
Michelle Toth, Assistant Solicitor
Teresa Cummings, Assistant Solicitor

AMENDMENTS TO COUNCIL BILL 23-0330
(1st Reader Copy)

Proposed by: Law Dep't

Amendment No. 1: Conform Authority Language to New Charter Numbering

On page 1, in line 10; delete “(3)” and replace with “(2)(iii)”.

Amendment No. 2: Ordinance Language should official First Reader not contain it

On page 1, after line 23; insert:

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,
That \$6,600,000.00 shall be made available to Department of Housing and Community Development - PRJ002743 (PSO Perkins Phase II Public Infrastructure) as a Supplementary General Fund Capital Appropriation for Fiscal Year 2023, to provide funding for the Perkins Somerset Project. The source of revenue for this appropriation are income tax funds in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2023.

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