

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor

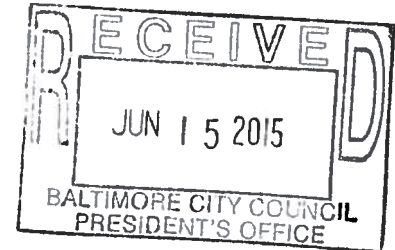


DEPARTMENT OF LAW

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

June 16, 2015

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 15-0539 – Supplementary General Fund Operating
Appropriation – Miscellaneous General Expenses - \$20,000,000

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 15-0539 for form and legal sufficiency. The bill provides a Supplementary General Fund Operating Appropriation in the amount of \$20,000,000 to the Miscellaneous General Expenses – Service 122 (Miscellaneous General), to provide funding for the response to the events of the recent civil unrest, which included heightened police presence, fire suppression, waste removal and clean up, sheltering, extended hours of operation at City facilities, and mutual aid from other government agencies. The bill has an immediate effective date.

The City Charter establishes the circumstances that permit supplementary appropriations. Article VI, § 8(b)(3) provides for supplemental appropriations made necessary by a material change in circumstances, or by new programs which could not reasonably be anticipated at the time of the formulation of the proposed Ordinance of Estimates. This Charter provision permits such an ordinance to be passed only if the Board of Estimates recommends its adoption and the City Council passes the bill by three-fourths of its members and approved by the Mayor. City Charter Article VI, § 8(c) further requires that supplemental appropriations be embodied in a separate ordinance limited to a single purpose, program or activity. Section 8(c) also requires the bill to provide the revenue necessary to pay the appropriation by source, other than the property tax.

In compliance with the above requirements, the Law Department notes the Recitals of Council Bill 15-0539 state that the bill was made necessary by a material change in circumstances, or by additional appropriations needed for new programs which could not reasonably be anticipated at the time of the formulation of FY 2015 budget. The Recitals further state that the Board of Estimates recommended this appropriation to the City Council on May 27, 2015. Finally, the Recitals state that the revenue appropriated by this bill represents funds from the General Fund Budget Stabilization Reserve (“Rainy Day Fund”) in excess of revenue relied upon in determining the tax levy.

Fav w/comm

Given the above facts and discussion, the Law Department will approve Council Bill 15-0539 provided it is passed by three-fourths of the City Council.

Sincerely,



Jennifer Landis
Assistant Solicitor

cc: George Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Elena DiPietro, Chief, Opinions & Advice
Hilary Ruley, Chief Solicitor
Victor Tervalá, Chief Solicitor