

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

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

April 22, 2016

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

Re: City Council Bill 16-0645 – Supplementary Conduit Enterprise Fund
Capital Appropriation – Department of Transportation - \$20,000,000

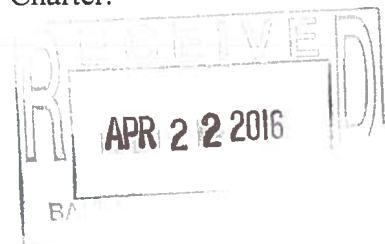
Dear President and City Council Members:

The Law Department has reviewed City Council Bill 16-0645 for form and legal sufficiency. The bill provides a Conduit Enterprise Fund Capital Appropriation in the amount of \$20,000,000 to the Department of Transportation (account # 9962-941002-9563) to provide funding for additional maintenance of the conduit system. 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 name the source of the revenue necessary to pay the appropriation, other than the property tax or taxes collected pursuant to Article II of the City Charter.

In compliance with the above requirements, the Law Department notes the Recitals of Council Bill 16-0645 state that the bill was 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 FY 2016 budget. The Recitals further state that the Board of Estimates recommended this appropriation to the City Council on March 16, 2016. Finally, the Recitals state that the revenue appropriated by this bill represents funds from specific revenue sources in excess of revenues relied upon in determining the tax levy and which do not include property tax revenue or any tax revenue collected pursuant to Article II of the City Charter.

fav w/ comments



Given the above facts and discussion, the Law Department will approve Council Bill 16-0645 as drafted if the City Council passes the bill by three-fourths of its members and the approves it.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Victor K. Tervala". The signature is stylized with a large initial "V" and a long horizontal stroke at the end.

Victor K. Tervala
Chief Solicitor

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