



Legislation Details (With Text)

File #: 12-0092 **Version:** 0 **Name:** Charter Amendment - Stormwater Utility
Type: Mayor and City Council Res. **Status:** Enacted
File created: 6/4/2012 **In control:** City Council
On agenda: **Final action:** 6/26/2012
Enactment date: **Enactment #:** 12-04

Title: Charter Amendment - Stormwater Utility

FOR the purpose of establishing a financially self-sustaining stormwater utility; authorizing supplemental legislation to implement the provisions governing water, sanitary wastewater, and stormwater utilities; correcting, clarifying, and conforming related language; providing for a special effective date; and submitting this amendment to the qualified voters of the City for adoption or rejection.

Sponsors: City Council President (Administration)

Indexes: Charter Amendment, Stormwater Utility

Code sections:

Attachments: 1. Law - 12-0092.pdf, 2. 12-0092 - 1st Reader.pdf, 3. Finance - 12-0092.pdf, 4. DPW - 12-0092.pdf, 5. BOE - 12-0092.pdf, 6. 12-0092 - 3rd Reader.pdf

Date	Ver.	Action By	Action	Result
6/26/2012	0	Mayor	Signed by Mayor	
6/25/2012	0	City Council	Approved and Sent to the Mayor	
6/18/2012	0	Judiciary and Legislative Investigations	Recommended Favorably with Amendment	
6/18/2012	0	City Council	Advanced to 3rd Rdr., Adopted Comm. Report	
6/7/2012	0	The City Council	Referred for a Report	
6/7/2012	0	The City Council	Referred for a Report	
6/7/2012	0	The City Council	Referred for a Report	
6/7/2012	0	The City Council	Referred for a Report	
6/4/2012	0	City Council	Assigned	
6/4/2012	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing	
6/4/2012	0	City Council	Introduced	

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

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THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.
INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

(Charter Amendment)

Introduced by: The Council President
At the request of: The Administration (Department of Public Works)

A RESOLUTION ENTITLED

A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning
Charter Amendment - Stormwater Utility

FOR the purpose of establishing a financially self-sustaining stormwater utility; authorizing supplemental legislation to implement the provisions governing water, sanitary wastewater, and stormwater utilities; correcting, clarifying, and conforming related language; providing for a special effective date; and submitting this amendment to the qualified voters of the City for adoption or rejection.

BY proposing to amend
Article VI - Board of Estimates
Section(s) 9(c) and (d) and 18
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the City Charter is proposed to be amended to read as follows:

Baltimore City Charter

Article VI. Board of Estimates

§ 9. Uses of appropriations.

(c) Carry-overs; lapses.

(1) Appropriations contained in the Ordinance of Estimates for a particular program, purpose, activity, or project may, upon the recommendation of the head of the municipal agency concerned and the Director of Finance, and with the approval of the Board of Estimates, be carried over to fiscal years subsequent to the one for which the appropriation is initially made if necessary to accomplish that program, purpose, activity, or project.

(2) Funds encumbered for contracts, projects, or other actual commitments and funds dedicated by any act of Congress or by State law or by the terms of any private grant to some specific purpose shall be carried over to the next fiscal year.

(3) All appropriations not so carried over shall lapse at the end of the fiscal year from which made, except [that] AS PROVIDED IN PARAGRAPH (4) OF THE SUBSECTION.

(4) [any] ANY balance remaining in the fund of the water, [or] sanitary wastewater, OR STORMWATER utility (under Section 18 of this article) at the end of the fiscal year shall remain to the credit of that utility and an estimate of [such a] THAT balance shall be included in that utility's budget for the next year as an estimated receipt.

(d) Surpluses.

(1) In case of any surplus arising in any fiscal year by reason of an excess of revenue over the expenditures (including any appropriation carried over) for that year, the surplus shall become a part of the general revenue of the City and shall be available for the general expenditures of the City for the next fiscal year, in accordance with the Ordinance of Estimates for that year. An estimate of the surplus shall be made by the Board of Estimates and included in expected revenues for the next year.

(2) However, any surplus or retained earnings of the water, [or] sanitary wastewater, OR STORMWATER utility fund (under § 18 of this article) at the end of the fiscal year shall remain to the credit of that utility and the estimate of that balance shall be included in that utility's budget for the next year as an estimated receipt.

§ 18. Water, [and] sanitary wastewater, AND STORMWATER utilities.

(a) To be separate enterprises.

(1) Water, [and] sanitary wastewater, AND STORMWATER utilities each shall be conducted as a separate enterprise[, provided, that nothing herein shall prevent the transfer or assignment of employees from either utility to the other or to any department, board, commission and agency of the City, or the division of the time between either utility or between either utility and any department, board, commission and agency of the City].

(2) Each of the utilities shall be financially self-sustaining and shall be operated without profit or loss to the other funds or programs of the City.

(b) Utility budgets; agency budget estimates.

(1) Separate budgets, which shall include estimates of revenue and expense for the ensuing fiscal year, shall be prepared ANNUALLY for the water, [and] sanitary wastewater, AND STORMWATER utilities. [annually subject, however, to this section which shall also control the action] THE ACTIONS of the Board of Estimates and the City Council [thereon] ON THE UTILITIES' BUDGETS ARE SUBJECT TO THIS SECTION.

(2) The budget estimates of each agency of the City shall include items for THE USE OF SERVICES PROVIDED BY THE water, [and] sanitary wastewater, AND STORMWATER UTILITIES, [to be used by them] AS APPLICABLE.

(c) Interfund and other borrowing.

[Nothing contained herein shall be construed to prevent] NOTHING IN THIS SECTION PREVENTS THE FOLLOWING, IF OTHERWISE IN ACCORDANCE WITH LAW:

(1) interfund cash borrowings between the water, [and] sanitary wastewater, AND STORMWATER utilities to meet temporary cash requirements; or

(2) [to prevent] borrowings by [such] THESE utilities from the General Fund or any other fund of the City[, if otherwise in accordance with law].

(D) TRANSFER OF EMPLOYEES.

NOTHING IN THIS SECTION PREVENTS:

(1) THE TRANSFER OR ASSIGNMENT OF EMPLOYEES FROM ONE UTILITY TO ANOTHER UTILITY OR TO ANY DEPARTMENT, BOARD, COMMISSION, OR AGENCY OF THE CITY; OR

(2) THE DIVISION OF EMPLOYEES' TIME AMONG THE UTILITIES OR BETWEEN A UTILITY AND ANY DEPARTMENT, BOARD, COMMISSION, OR AGENCY OF THE CITY.

(E) SUPPLEMENTAL LEGISLATION.

THE MAYOR AND CITY COUNCIL MAY ENACT, FROM TIME TO TIME, ORDINANCES NECESSARY OR DESIRABLE TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

SECTION 2. AND BE IT FURTHER RESOLVED, That, if adopted, this amendment takes effect on July 1, 2013.

SECTION 3. AND BE IT FURTHER RESOLVED, That this proposed amendment to the City Charter be submitted to the legal and qualified voters of Baltimore City, for adoption or rejection, in accordance with Article XI -A, § 5 of the Maryland Constitution, in the form specified by the City Solicitor.

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