

File No. 36404

Baltimore, December 8, 1924.

To the Honorable, The Board of Estimates,

City Hall,

Baltimore, Maryland.

Gentlemen:

14006

I beg to reply to your letter of December 2nd, transmitting the letter written by the Chairman of the Public Improvement Commission to the Board of Estimates, in which it was requested that the Board of Estimates consent to the use of the proceeds from the sale of the school property, located at Roland Avenue and St. John's Road, for the construction of an auditorium-gymnasium for the new Roland Park Elementary School.

You ask my opinion as to whether the Board of Estimates has power to allow the use of the proceeds of the sale of the present school property for the purpose mentioned in the letter of the Public Improvement Commission. The Board of Estimates has no power itself to dispose of, or appropriate monies received from the sale of property owned by the Mayor and City Council of Baltimore.

If the property referred to is sold, the sale must be authorized by an ordinance in accordance with the provisions of Section 13 of the City Charter, and the proceeds therefrom credited to the Mayor and City Council Real Property Account, which the Comptroller was directed to open on the books of his department by the provisions of Ordinance #180, approved May 26, 1924. All appropriations from this account, and indeed from any monies in the treasury of the City, must be appropriated in the annual Ordinance of Estimates, and in no other manner.

The Public Improvement Commission, created by Ordinance #376, approved July 2, 1920, is clothed with power and authority to expend the loan provided for by Chapter 373 of the Acts of 1920. After the creation of the Commission in 1920, it received an additional appropriation to carry out the purposes of what is known as the Second School Loan of 1922.

If the Board of Estimates, in making the next annual Ordinance