
CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
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March 13, 2024

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 24-0489 – Children Youth and Families – Youth Commission –
Amendment

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 24-0489 for form and legal sufficiency. The bill would make a number of changes to the composition and duties of the Youth Commission, including eliminating 14 non-voting members, providing for compensation of members, establishing an executive committee within the Commission, requiring creation of a constitution and bylaws, providing for staff from the Mayor’s Office of Children and Family Success (“MOCFS”), and establishing new duties.

A few of the bill’s provisions should be addressed for clarity and/or legal sufficiency. First, Section 22-5(b)(3) of the bill states that a youth may not be appointed to the Commission if they would turn 23 years old during their term. But the definition of “youth” in City Code, Art. I, Section 22-1(f) includes individuals between the ages of 14 and 25, so restricting membership to those individuals younger than 23 would preclude a swath of individuals from membership who are nonetheless defined as “youth.” Accordingly, the proposed amendment here should be deleted, leaving the current law unchanged.

Second, Section 22-6(a)(3) of the bill states that a member may serve a maximum of three terms. This conflicts with the Charter, which prohibits a person from serving more than two consecutive full terms, in addition to any unexpired term, on the same board or commission.” City Charter, Art. IV, Section 6(e). Additionally, the age limits for membership and definition of “youth” would make it practically impossible for a person to serve three full terms on the Commission anyhow. A suggested amendment is attached.

Third, the bill provides for an Executive Committee of the commission, whose duties include, among others, expending funds authorized in the Ordinance of Estimates or any supplemental appropriations. However, it does not appear the Youth Commission receives a line item in the Ordinance of Estimates. Instead, MOCFS is responsible both currently and in the proposed amendments to provide staff and funds necessary to support the Commission, as

provided in the Ordinance of Estimates. Accordingly, members of the Commission will not directly expend any funds. A suggested amendment removing this duty from the Executive Committee is attached.

Fourth, the bill requires the Commission to adopt a constitution and bylaws at the beginning of each new term. Although bylaws that govern the Commission's internal procedures may be appropriate, it's unclear what is meant by a constitution. The Commission is not an independent entity and could not draft a "constitution" that contains a purpose, composition, or duties that deviate from the governing law in Article 1 of the Code. Accordingly, such a document could only be duplicative of the law and/or the Commission's regulations and is therefore unnecessary. A suggested amendment removing the requirement for a constitution is attached.

Fifth, and finally, the bill, in Section 22-7, states that the Commission may "engage, consult, and partner with" a City official and any unit of City government, as well as with "a community-based organization." The former authorization is unnecessary and duplicative of Section 22-8 of the bill, which states that all City officials and agencies shall cooperate with the Commission as necessary. The latter authorization is overly vague. It is unclear what is meant by "partnering with" a community-based organization and, without any guidance, could amount to an impermissible delegation of legislative duties or government functions. A suggested amendment deleting Section 22-7 is attached.

If the bill is amended as outlined above, the Law Department can approve the bill for form and legal sufficiency.

Sincerely,



Jeffrey Hochstetler
Chief Solicitor

cc: Ebony Thompson, Acting City Solicitor
Nina Themelis, Mayor's Office of Government Relations
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Ashlea Brown, Chief Solicitor
Michelle Toth, Special Solicitor

Bill 24-0489

Law Amendments

Amendment 1

On page 2, delete lines 11 and 12 in their entirety.

Amendment 2

On page 3, in line 12, strike “3” and substitute “2”.

Amendment 3

On page 4, delete lines 11 and 12 in their entirety.

Amendment 4

On page 4, in line 24, delete the words “Constitution and”. On that same page, in line 26, delete the words “a constitution and”. On that same page, delete lines 28 through 30 in their entirety. On page 5, delete lines 1 through 3 in their entirety.

Amendment 5

On page 5, delete lines 21 through 25 in their entirety.