

**CITY OF BALTIMORE
COUNCIL BILL 23-0376
(First Reader)**

Introduced by: Councilmembers Schleifer, Cohen, McCray, and President Mosby

Introduced and read first time: May 1, 2023

Assigned to: Rules and Legislative Oversight Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Labor
Commissioner, Office of the Comptroller

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Accountability and Transparency in City Grantmaking**

3 FOR the purpose of defining certain terms; requiring certain recipients of City grants to submit
4 certain documentation; requiring the Board of Estimates to post certain information on its
5 website; requiring certain employees and board members of certain organizations to file a
6 certain financial disclosure; providing for a special effective date; and generally related to
7 accountability and transparency in City grantmaking.

8 BY adding

9 Article 5 - Finance, Property, and Procurement
10 Sections 42-1 to 42-4, to be under the new subtitle designation,
11 "Subtitle 42. Grant Requirements"
12 Baltimore City Code
13 (Edition 2000)

14 BY renumbering current

15 Article 8 - Ethics
16 Sections 2-21 to 2-23, respectively
17 to be
18 Sections 2-22 to 2-24, respectively
19 Baltimore City Code
20 (Edition 2000)

21 BY adding

22 Article 8 - Ethics
23 Sections 2-21, 2-25, 7-10, and 7-15
24 Baltimore City Code
25 (Edition 2000)

26 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
27 Laws of Baltimore City read as follows:

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

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Baltimore City Code

Article 5. Finance, Property, and Procurement

SUBTITLE 42. GRANT REQUIREMENTS

§ 42-1. DEFINITIONS.

(A) *IN GENERAL.*

IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) *BOARD.*

“BOARD” MEANS THE BOARD OF ESTIMATES.

(C) *GRANT.*

“GRANT” MEANS FUNDS, REGARDLESS OF SOURCE, THAT ARE CONTROLLED BY THE CITY AND ALLOCATED FROM THE CITY TO A GRANTEE FOR A SPECIFIC PURPOSE.

(D) *GRANT FUNDS.*

“GRANT FUNDS” MEANS:

(1) THE MONEY AWARDED BY THE CITY TO A GRANTEE; OR

(2) THE MONEY AWARDED BY A GRANTEE TO A SUBGRANTEE.

(E) *GRANTEE.*

“GRANTEE” MEANS A LEGAL ENTITY TO WHICH A GRANT IS AWARDED.

(F) *SUBGRANT.*

“SUBGRANT” MEANS AN ALLOCATION OF GRANT FUNDS BY A GRANTEE TO A SEPARATE LEGAL ENTITY.

(G) *SUBGRANTEE.*

“SUBGRANTEE” MEANS A LEGAL ENTITY TO WHICH A SUBGRANT IS AWARDED.

§ 42-2. REQUIRED DOCUMENTATION.

(A) *IN GENERAL.*

BEFORE THE CITY MAY DISBURSE GRANT FUNDS TO A GRANTEE, THE GRANTEE MUST FIRST CERTIFY:

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1 (1) WHETHER OR NOT THE GRANTEE QUALIFIES AS A NON-GOVERNMENTAL ENTITY
2 UNDER § 2-21 {"NON-GOVERNMENTAL ENTITY"} OF THE CITY ETHICS ARTICLE;

3 (2) WHETHER OR NOT THE GRANTEE QUALIFIES AS A QUASI-GOVERNMENTAL ENTITY
4 UNDER § 2-25 {"QUASI-GOVERNMENTAL ENTITY"} OF THE CITY ETHICS ARTICLE;
5 AND

6 (3) THE GRANTEE'S UNDERSTANDING OF AND RESPONSIBILITY TO ENSURE THE
7 GRANTEE'S OFFICIALS AND EMPLOYEES FILE THE FINANCIAL DISCLOSURES
8 REQUIRED BY THE CITY ETHICS CODE.

9 (B) *FORM.*

10 THE CERTIFICATION SHALL BE IN THE FORM REQUIRED BY THE BOARD.

11 (C) *SUBMISSION.*

12 THE GRANTEE SHALL SUBMIT THE CERTIFICATION REQUIRED UNDER THIS SECTION TO THE
13 BOARD AND THE OFFICE OF THE INSPECTOR GENERAL.

14 **§ 42-3. ANNUAL REPORT.**

15 (A) *IN GENERAL.*

16 ON OR BEFORE JULY 1 OF EACH YEAR, A GRANTEE MUST SUBMIT TO THE BOARD A REPORT
17 THAT INCLUDES:

18 (1) AN ACCOUNTING OF THE USE OF ALL GRANT FUNDS, INCLUDING;

19 (2) A LIST OF ANY SUBGRANTS MADE, INCLUDING:

20 (I) THE NAME OF THE SUBGRANTEE;

21 (II) THE AMOUNT OF THE SUBGRANT; AND

22 (III) AN ACCOUNTING OF THE USE OF ANY AND ALL GRANT FUNDS RECEIVED
23 THROUGH A SUBGRANT; AND

24 (3) ANY OTHER INFORMATION REQUIRED BY THE BOARD.

25 (B) *FORM.*

26 THE REPORT SHALL BE IN THE FORM REQUIRED BY THE BOARD.

27 (C) *SUBMISSION.*

28 A GRANTEE MUST SUBMIT A COPY OF THE REPORT REQUIRED BY THIS SECTION TO THE
29 DEPARTMENT OF LEGISLATIVE REFERENCE.

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1 (D) *POSTING REQUIREMENT.*

2 UPON RECEIPT OF THE REPORT REQUIRED BY THIS SECTION, THE BOARD SHALL MAKE THE
3 REPORT PUBLICLY AVAILABLE ON THE CITY WEBSITE.

4 **§ 42-4. RULES AND REGULATIONS.**

5 SUBJECT TO TITLE 4 {“ADMINISTRATIVE PROCEDURE ACT – REGULATIONS”} OF THE CITY
6 GENERAL PROVISIONS ARTICLE, THE BOARD OF ESTIMATES MUST ADOPT RULES AND
7 REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE.

8 **Article 8. Ethics**

9 **Subtitle 2. Definitions; General Provisions**

10 ***Part I. Definitions***

11 **§ 2-21. “NON-GOVERNMENTAL ENTITY”.**

12 “NON-GOVERNMENTAL ENTITY” MEANS AN ENTITY THAT IS NOT AFFILIATED, THROUGH
13 OWNERSHIP OR CONTROL, WITH FEDERAL, STATE, OR CITY GOVERNMENT.

14 **§ 2-22. [2-21.] “Official”.**

15 (a) *In general.*

16 “Official” means:

- 17 (1) an elected official;
- 18 (2) the head of any department;
- 19 (3) the head of any bureau or division within a department; and
- 20 (4) any other individual in a unit of City government who, whether acting alone or as
21 a member of a board acting jointly with other board members:
- 22 (i) has authority comparable to that of the head of a department or the head of
23 a bureau or division;
- 24 (ii) has decision-making authority in making City policy;
- 25 (iii) has decision-making authority in the exercise of quasi-judicial, regulatory,
26 licensing, inspecting, or auditing functions; or
- 27 (iv) acts as a principal advisor to one who has authority of the type listed.

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1 (b) *Inclusions.*

2 “Official” also includes the Chief Executive Officer, Chief Operating Officer, Chief
3 Financial Officer, Executive Director, Executive Secretary, or Administrator of any
4 agency or board included within the scope of § 2-2 {“Agency”} or § 2-3 {“Board”} of
5 this subtitle.

6 **§ 2-23. [2-22.] “Person”.**

7 (a) *In general.*

8 “Person” has the meaning stated in § 1-107(a) {“Person: In general”} of the City Code’s
9 General Provisions Article.

10 (b) *Qualified inclusion of governmental entities.*

11 Notwithstanding § 1-107(b) {“Person: Exclusion”} of the General Provisions Article, in
12 this article “person” also includes, except as used in Subtitle 9 {“Enforcement”} for the
13 imposition of criminal penalties, a governmental entity or an instrumentality or unit of a
14 governmental entity.

15 **§ 2-24. [2-23.] “Public servant”.**

16 “Public servant” means any official or employee.

17 **§ 2-25. “QUASI-GOVERNMENTAL ENTITY”.**

18 QUASI-GOVERNMENTAL ENTITY MEANS AN ENTITY THAT:

- 19 (1) IS CREATED BY A CITY STATUTE;
- 20 (2) PERFORMS A PUBLIC FUNCTION; AND
- 21 (3) IS SUPPORTED IN WHOLE OR IN PART BY THE CITY, BUT IS MANAGED PRIVATELY.

22 **Subtitle 7. Financial Disclosure**

23 ***Part II. Who Must File***

24 **§ 7-10. PERSONS REQUIRED TO FILE – QUASI-GOVERNMENTAL ENTITY OFFICIALS AND STAFF.**

25 (A) *IN GENERAL.*

26 THE FOLLOWING OFFICIALS AND EMPLOYEES OF A QUASI-GOVERNMENTAL ENTITY MUST
27 FILE THE FINANCIAL DISCLOSURE STATEMENTS REQUIRED BY THIS SUBTITLE:

- 28 (1) ALL MEMBERS OF BOARD OF DIRECTORS.
- 29 (2) ALL DIRECTORS AND ASSISTANT DIRECTORS.

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1 (3) ALL NON-CLERICAL EMPLOYEES.

2 (B) *INCLUSIONS.*

3 (1) *BALTIMORE CITY PUBLIC SCHOOLS.*

4 (I) ALL MEMBERS OF BOARD OF SCHOOL COMMISSIONERS.

5 (II) CHIEF EXECUTIVE OFFICER.

6 (2) *BALTIMORE MAIN STREETS.*

7 (I) EXECUTIVE DIRECTOR.

8 (II) ALL NON-CLERICAL EMPLOYEES.

9 (3) *BALTIMORE MUSEUM OF ART.*

10 (I) EXECUTIVE DIRECTOR.

11 (II) CHIEF OPERATING OFFICER.

12 (III) ALL BUREAU HEADS AND DIRECTORS.

13 (4) *BALTIMORE OFFICE OF PROMOTIONS AND THE ARTS.*

14 (I) MEMBERS AND OFFICERS OF BOARD OF DIRECTORS.

15 (II) SENIOR DIRECTOR.

16 (III) CHIEF FINANCIAL OFFICER.

17 (IV) ALL DIRECTORS AND ASSISTANT DIRECTORS.

18 (V) ALL MANAGERS.

19 (VI) ALL NON-CLERICAL EMPLOYEES OF OFFICE.

20 (5) *DOWNTOWN PARTNERSHIP OF BALTIMORE.*

21 (I) PRESIDENT.

22 (II) VICE PRESIDENTS.

23 (III) ALL DIRECTORS.

24 (IV) ALL BUREAU CHIEFS.

25 (V) ALL MANAGERS.

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1 (6) EMERGING TECHNOLOGY CENTER.

2 (I) MEMBERS OF BOARD OF DIRECTORS.

3 (II) ALL NON-CLERICAL EMPLOYEES OF CENTER.

4 (7) EMPOWER BALTIMORE MANAGEMENT CORPORATION.

5 (I) EXECUTIVE LEADERSHIP.

6 (II) ALL NON-CLERICAL EMPLOYEES OF CORPORATION.

7 (8) SMALL BUSINESS RESOURCE CENTER.

8 (I) ALL MANAGERS.

9 (II) ALL NON-CLERICAL EMPLOYEES OF CENTER.

10 (9) VISIT BALTIMORE.

11 (I) ALL MEMBERS OF BOARD OF DIRECTORS.

12 (II) ALL NON-CLERICAL EMPLOYEES.

13 (10) WALTERS ART MUSEUM.

14 (I) ALL MEMBERS AND OFFICERS OF BOARD OF TRUSTEES.

15 (11) WATERFRONT PARTNERSHIP OF BALTIMORE.

16 (I) PRESIDENT.

17 (II) ALL VICE PRESIDENTS.

18 (III) ALL DIRECTORS.

19 (IV) ALL MANAGERS.

20 **§ 7-15. PERSONS REQUIRED TO FILE – OFFICIALS AND STAFF OF NON-GOVERNMENTAL**
21 **ENTITIES.**

22 A NON-CLERICAL EMPLOYEE OF A NON-GOVERNMENTAL ENTITY IN BALTIMORE CITY MUST
23 FILE THE FINANCIAL DISCLOSURE STATEMENTS REQUIRED BY THIS SUBTITLE IF:

24 (1) THE DIRECTOR OF THE NON-GOVERNMENTAL ENTITY IS EMPLOYED BY THE CITY;

25 (2) THE NON-GOVERNMENTAL ENTITY RECEIVES 51% OR MORE OF ITS BUDGET FROM THE
26 CITY; OR

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1 (3) THE MAJORITY OF THE NON-GOVERNMENTAL ENTITY’S BOARD OF DIRECTORS OR
2 OTHER GOVERNING BODY IS APPOINTED BY THE MAYOR OR ANOTHER CITY OFFICIAL.

3 **SECTION 2. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect July 1, 2023.