

**CITY OF BALTIMORE
COUNCIL BILL 08-0167
(First Reader)**

Introduced by: Councilmembers Conaway, Kraft, Henry, Cole, D'Adamo, Branch, Middleton,
Clarke

Introduced and read first time: July 21, 2008

Assigned to: Taxation, Finance and Economic Development Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Baltimore City
Parking Authority Board, Baltimore Development Corporation, Police Department, Board of
Liquor Licenses Commissioners, Enoch Pratt Free Library, Housing Authority of Baltimore City

A BILL ENTITLED

1 AN ORDINANCE concerning

2 style="text-align:center">**Transparency in City Expenditures**

3 FOR the purpose of requiring the City to maintain a searchable website containing certain
4 information about City contracts and expenditures made under them; defining certain terms;
5 setting certain deadlines; providing for a special effective date; and generally relating to
6 transparency in City expenditures.

7 BY adding

8 Article 5 - Property, Finance, and Procurement
9 Section(s) 42-1 to 42-5, to be under the new subtitle,
10 "Subtitle 42. Transparency in City Expenditures"
11 Baltimore City Code
12 (Edition 2000)

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

15 style="text-align:center">**Baltimore City Code**

16 style="text-align:center">**Article 5. Property, Finance, and Procurement**

17 style="text-align:center">**SUBTITLE 42. TRANSPARENCY IN CITY EXPENDITURES**

18 **§ 42-1. DEFINITIONS.**

19 (A) *IN GENERAL.*

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

21 (B) *AGENCY.*

22 (1) *IN GENERAL.*

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

Council Bill 08-0167

1 “AGENCY” MEANS ANY DEPARTMENT, BOARD, COMMISSION, COUNCIL, AUTHORITY,
2 COMMITTEE, OFFICE, OR OTHER UNIT OR QUASI-UNIT OF CITY GOVERNMENT.

3 (2) *INCLUSIONS.*

4 “AGENCY” INCLUDES:

5 (1) BALTIMORE CITY PARKING AUTHORITY;

6 (2) BALTIMORE DEVELOPMENT CORPORATION;

7 (3) BALTIMORE POLICE DEPARTMENT;

8 (4) BOARD OF LIQUOR LICENSE COMMISSIONERS FOR BALTIMORE CITY;

9 (5) ENOCH PRATT FREE LIBRARY OF BALTIMORE CITY;

10 (6) HOUSING AUTHORITY OF BALTIMORE CITY; AND

11 (7) ANY INDIVIDUAL NOT EMBRACED IN A UNIT OR QUASI-UNIT OF CITY
12 GOVERNMENT WHO EXERCISES AUTHORITY COMPARABLE TO THAT OF THE
13 HEAD OF A UNIT OR QUASI-UNIT OF CITY GOVERNMENT.

14 (C) *CITY FUNDS.*

15 “CITY FUNDS” MEANS ANY FUNDS OF THE MAYOR AND CITY COUNCIL OF BALTIMORE OR
16 OF ANY AGENCY, REGARDLESS OF THE SOURCE OF THOSE FUNDS OR ANY RESTRICTIONS
17 IMPOSED ON THEIR USE.

18 (D) *CONTRACT.*

19 (1) *IN GENERAL.*

20 “CONTRACT” MEANS, EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
21 ANY:

22 (I) PROCUREMENT, CONSTRUCTION, SERVICE, OR OTHER CONTRACT INVOLVING
23 THE EXPENDITURE OF CITY FUNDS;

24 (II) PURCHASE OF GOODS OR SERVICES WITH CITY FUNDS; OR

25 (III) GRANT OF CITY FUNDS TO ANY PERSON.

26 (2) *EXCLUSIONS.*

27 “CONTRACT” DOES NOT INCLUDE:

28 (I) AN EMPLOYMENT CONTRACT WITH A CITY OR AGENCY EMPLOYEE; OR

29 (II) PAYMENTS MADE UNDER LAWS PROVIDING FOR ASSISTANCE TO INDIVIDUALS.

Council Bill 08-0167

1 (E) *FINANCE DIRECTOR*.

2 “FINANCE DIRECTOR” MEANS THE DIRECTOR OF FINANCE OR THE DIRECTOR’S DESIGNEE.

3 (F) *PERSON*.

4 (1) *IN GENERAL*.

5 “PERSON” MEANS:

6 (1) AN INDIVIDUAL;

7 (2) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY
8 KIND; AND

9 (3) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR
10 REPRESENTATIVE OF ANY KIND.

11 (2) *INCLUSIONS*.

12 “PERSON” INCLUDES A GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT OF
13 A GOVERNMENTAL ENTITY.

14 (G) *SEARCHABLE WEBSITE*.

15 “SEARCHABLE WEBSITE” MEANS A WEBSITE THAT ALLOWS THE PUBLIC, AT NO COST, TO
16 SEARCH AND AGGREGATE THE INFORMATION REQUIRED BY THIS SUBTITLE TO BE POSTED.

17 **§ 42-2. RULES AND REGULATIONS.**

18 (A) *FINANCE DIRECTOR MAY ADOPT*.

19 THE FINANCE DIRECTOR MAY ADOPT RULES AND REGULATIONS TO:

20 (1) ASSURE THE COOPERATION OF ALL AGENCIES OF CITY; AND

21 (2) OTHERWISE CARRY OUT THIS SUBTITLE.

22 (B) *FILING WITH LEGISLATIVE REFERENCE*.

23 A COPY OF ALL RULES AND REGULATIONS MUST BE FILED WITH THE DEPARTMENT OF
24 LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

25 **§ 42-3. WEBSITE REQUIRED.**

26 THE FINANCE DIRECTOR MUST MAINTAIN A SINGLE, SEARCHABLE WEBSITE THAT PROVIDES
27 THE INFORMATION REQUIRED BY THIS SUBTITLE.

Council Bill 08-0167

§ 42-4. INFORMATION TO BE INCLUDED.

FOR EACH CONTRACT, THE FOLLOWING INFORMATION MUST BE MADE AVAILABLE ON THE WEBSITE:

- (1) THE NAME OF THE AGENCY ENTERING INTO THE CONTRACT;
- (2) THE NAME AND ADDRESS OF ALL PERSONS WHO ARE PARTY TO THE CONTRACT;
- (3) THE NAME AND ADDRESS OF ALL PERSONS WHO RECEIVE OR ARE ENTITLED TO RECEIVE CITY FUNDS UNDER THE CONTRACT;
- (4) A BRIEF STATEMENT OF THE CONTRACT'S NATURE AND PURPOSE OF THE CONTRACT;
- (5) THE AGGREGATE AMOUNT OF THE CONTRACT AND THE FUND OR BUDGET PROGRAM FROM WHICH THIS AMOUNT WILL BE PAID;
- (6) THE DATE, AMOUNT, AND SPECIFIC RECIPIENT OF EACH PAYMENT MADE TO DATE UNDER THE CONTRACT; AND
- (7) FOR EACH PERSON REQUIRED TO BE IDENTIFIED UNDER ITEMS (2) AND (3) OF THIS SECTION, THE DOLLAR VALUE OF ALL CONTRACTS TO WHICH TO WHICH THE PERSON WAS A PARTY OR THE RECIPIENT OF CITY FUNDS IN EACH OF THE LAST 10 FISCAL YEARS.

§ 42-5. ENTRY OF INFORMATION.

(A) NEW CONTRACTS.

FOR A NEW CONTRACT, THE INITIAL INFORMATION MUST BE ADDED TO THE WEBSITE WITHIN 60 DAYS OF THE DATE ON WHICH THE CONTRACT WAS ENTERED INTO.

(B) PAYMENTS.

PAYMENTS MADE UNDER A CONTRACT MUST ADDED WITHIN 60 DAYS OF THE DATE ON WHICH THE PAYMENT WAS MADE.

(C) CORRECTIONS, UPDATES, ETC.

CORRECTIONS TO OR CHANGES IN ANY OF THE INFORMATION POSTED MUST BE MADE WITHIN 60 DAYS OF THE DATE MADE KNOWN TO THE AGENCY.

SECTION 2. AND BE IT FURTHER ORDAINED, That:

- (a) The website required by this Ordinance must be online, operable, and, except as provided in subsection (b), contain all the information required by this Ordinance within 9 months of the effective date of this Ordinance.

Council Bill 08-0167

1 (b) The information required by § 42-4(7) for previous fiscal years may be phased in, but
2 all of that information must be available on the website within 18 months of the
3 effective date of this Ordinance.

4 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
5 are not law and may not be considered to have been enacted as a part of this or any prior
6 Ordinance.

7 **SECTION 4. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it
8 is enacted.