
CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG
Mayor



DEPARTMENT OF LAW
ANDRE M. DAVIS, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

November 27, 2019

The Honorable President and
Members of the Baltimore
City Council
c/o Natawna Austin, Executive Secretary
409 City Hall
Baltimore, MD 21202

RE: City Council Bill 19-0468 – Child First Authority - Updating

Dear President and Members

You have requested the advice of the Law Department regarding City Council Bill 19-0468. City Council Bill 468 amends the statutory provisions governing the Child First Authority to better reflect its status under the Baltimore City Charter, Art. II, §64 as an “independent unit” of City government.

Specifically, the bill strikes the existing provisions regarding the composition of the Board of Directors and replaces it with language providing that the Board be appointed as provided in the Authority’s by-laws. The bill removes Board of Estimates approval of the by-laws. Board of Estimates’ approval of the financial plan is removed and submission of the Authority’s yearly plan to the Board of Estimates is no longer required. The roles of the Mayor in the appointment of board members and the Executive Director are struck as well. Finally, Board of Estimates’ oversight of the fiscal operations of the Authority is also removed.

Authority for the creation of the Child First Authority was granted to the Mayor and City Council by the General Assembly in the 1996 session. Section 64 was added to the City’s Express Powers in Art. II of the Charter. The Mayor and City Council exercised that power by ordinance later that year. The City Council legislation was enacted just a year before the City public schools were taken over by the State. At the time, it made sense for the City to be involved in creating an entity to ensure the provision of after school enrichment programs. After the divesting of authority over the schools the City has not been the party seeking the Authority’s services, The Child First Authority has been active ever since its creation in providing the programs that it is charged with providing. For most of that time, however, the City has not been in charge of the BCPS.

The Authority wishes to further enhance its independence from the City by updating the law to remove all City involvement in its affairs. The Law Department has been advised that the Authority does not receive any City funding so Board of Estimates’ involvement is not necessary.

The Law Department is concerned about this because the enabling legislation in the Charter allows the City to provide funding and services. If this were to occur, involvement of the Board of Estimates would be necessary to appropriate any such funding. It is therefore suggested that to clarify this, the bill be amended to add on page 2, line 21 after "procedures", "Provided, however, if the Authority is given direct City funding, receipt and expenditure of such funds are subject to the power of the Board of Estimates."

Subject to the foregoing, the Law Department could approve the City Council Bill 19-0468 for form and legal sufficiency.

Sincerely yours,



Elena R. DiPietro
Chief Solicitor

cc: Andre Davis, City Solicitor
Matthew Stegman, Mayor's Legislative Liaison
Caylin Young, Dir. Of Legislative Affairs
Hilary Ruley, Chief Solicitor
Victor Tervalo, Chief Solicitor
Ashlea Brown, Assistant Solicitor
Avery Aisenstark, Legislative Reference