

Introduced by: The Council President
At the request of: The Administration (The Child First Authority)

Prepared by: Department of Legislative Reference

Date: November 13, 2019

Referred to: JUDICIARY Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 19-0468

A BILL ENTITLED

AN ORDINANCE concerning

Child First Authority – Updating

FOR the purpose of amending certain statutory provisions governing the Child First Authority to better reflect the Authority’s status under City Charter Article II, § 64(b), as an “independent unit” of City government; conforming certain provisions to long-standing existing practice; and repealing certain obsolete provisions.

BY repealing and reordaining, without amendment

Article 1 - Mayor, City Council, and Municipal Agencies
Section 28-3(a) and (c)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 1 - Mayor, City Council, and Municipal Agencies
Sections 28-3(b)(5) and (6), and 28-5
Baltimore City Code
(Edition 2000)

BY repealing

Article 1 - Mayor, City Council, and Municipal Agencies
Sections 28-6, 28-7(d), and 28-8
Baltimore City Code
(Edition 2000)

****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

<input type="checkbox"/> Baltimore City Public School System	<input type="checkbox"/> Department of Public Works
<input type="checkbox"/> Baltimore Development Corporation	<input type="checkbox"/> Department of Real Estate
<input checked="" type="checkbox"/> City Solicitor	<input type="checkbox"/> Department of Recreation and Parks
<input type="checkbox"/> Comptroller's Office	<input type="checkbox"/> Department of Transportation
<input type="checkbox"/> Department of Audits	<input type="checkbox"/> Fire Department
<input type="checkbox"/> Department of Finance	<input type="checkbox"/> Health Department
<input type="checkbox"/> Department of General Services	<input type="checkbox"/> Mayor's Office of Employment Development
<input type="checkbox"/> Department of Housing and Community Development	<input type="checkbox"/> Mayor's Office of Human Services
<input type="checkbox"/> Department of Human Resources	<input type="checkbox"/> Mayor's Office of Information Technology
<input type="checkbox"/> Department of Planning	<input type="checkbox"/> Office of the Mayor
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Police Department
<input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> Other: <i>Mayor's Office of Child Services</i>
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input checked="" type="checkbox"/> Board of Estimates	<input type="checkbox"/> Environmental Control Board
<input type="checkbox"/> Board of Ethics	<input type="checkbox"/> Fire & Police Employees' Retirement System
<input type="checkbox"/> Board of Municipal and Zoning Appeals	<input type="checkbox"/> Labor Commissioner
<input type="checkbox"/> Comm. for Historical and Architectural Preservation	<input type="checkbox"/> Parking Authority Board
<input type="checkbox"/> Commission on Sustainability	<input type="checkbox"/> Planning Commission
<input type="checkbox"/> Employees' Retirement System	<input type="checkbox"/> Wage Commission
<input checked="" type="checkbox"/> Other: <i>Office of the Comptroller</i>	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

Boards and Commissions

CITY OF BALTIMORE
ORDINANCE **19.334**
Council Bill 19-0468

Introduced by: The Council President
At the request of: The Administration (Child First Authority)
Introduced and read first time: November 18, 2019
Assigned to: Judiciary Committee
Committee Report: Favorable with amendments
Council action: Adopted
Read second time: December 5, 2019

AN ORDINANCE CONCERNING

1 **Child First Authority – Updating**

2 FOR the purpose of amending certain statutory provisions governing the Child First Authority to
3 better reflect the Authority’s status under City Charter Article II, § 64(b), as an “independent
4 unit” of City government; conforming certain provisions to long-standing existing practice;
5 and repealing certain obsolete provisions.

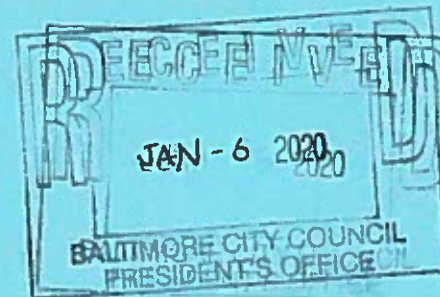
6 BY repealing and reordaining, without amendment
7 Article 1 - Mayor, City Council, and Municipal Agencies
8 Section 28-3(a) ~~and (c)~~
9 Baltimore City Code
10 (Edition 2000)

11 BY repealing and reordaining, with amendments
12 Article 1 - Mayor, City Council, and Municipal Agencies
13 Sections 28-3(b)(5) and (6), 28-3(c), and 28-5
14 Baltimore City Code
15 (Edition 2000)

16 BY repealing
17 Article 1 - Mayor, City Council, and Municipal Agencies
18 Sections 28-6, 28-7(d), and 28-8
19 Baltimore City Code
20 (Edition 2000)

21 BY renumbering
22 Article 1 - Mayor, City Council, and Municipal Agencies
23 Section 28-7
24 to be
25 Section 28-6
26 Baltimore City Code
27 (Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by
amendment or deleted from existing law by amendment.



Council Bill 19-0468

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

3 Baltimore City Code

4 Article 1. Mayor, City Council, and Municipal Agencies

5 Subtitle 28. Child First Authority

6 § 28-3. Powers of Authority.

7 (a) *In general.*

8 The powers of the Authority shall be broadly interpreted to allow the Authority to achieve
9 the purposes of Article II, § (64) of the City Charter and this subtitle.

10 (b) *Enumeration.*

11 In addition to any other powers specified in this subtitle, the Authority may:

12
13 (5) [subject to the approval of the Board of Estimates,] borrow funds for purposes
14 consistent with the public purposes of the Authority;

15 (6) [subject to the approval of the Board of Estimates,] incur limited-obligation debt
16 that shall be an obligation solely of the Authority;

17

18 (c) *Exemptions.*

19 (1) IN GENERAL.

20 To the extent not specifically made subject to laws and procedures that would
21 otherwise apply to any unit of the City government, the Authority is exempt from
22 those laws and procedures.

23 (2) CITY FUNDING.

24 HOWEVER, IF THE AUTHORITY IS GIVEN DIRECT CITY FUNDING, THE RECEIPT
25 AND EXPENDITURE OF THOSE FUNDS ARE SUBJECT TO THE POWERS AND AUTHORITY
26 OF THE BOARD OF ESTIMATES.

27 § 28-5. Board of Directors.

28 (a) *Board to govern Authority.*

29 (1) The Authority shall be governed and administered by [a board of directors] ITS
30 BOARD OF DIRECTORS.

31 (2) THE BOARD MEMBERS SHALL BE APPOINTED AND SERVE THE TERMS PRESCRIBED BY
32 THE AUTHORITY'S BYLAWS.

Council Bill 19-0468

1 [(b) *Composition.*]

2 [The Board consists of 7 members of which:

3 (1) 3 shall be appointed by the Mayor;

4 (2) 1 shall be appointed by the President of the City Council; and

5 (3) 3 shall be appointed by Baltimoreans United in Leadership Development.]

6 [(c) *Term of members.*]

7 [(1) The term of a member of the Board is 3 years.]

8 [(2) However, the terms of those first appointed to the Board shall expire June 30, 1999,
9 and the terms beginning July 1, 1999 shall be staggered as follows:]

10 [(i) of the members appointed by the Mayor:

11 (A) 1 shall be appointed for a term expiring June 30, 2000;

12 (B) 1 shall be appointed for a term expiring June 30, 2001; and

13 (C) 1 shall be appointed for a term expiring June 30, 2002;]

14 [(ii) the term of the member appointed by the President of the City Council shall
15 expire June 30, 2002; and]

16 [(iii) of the members appointed by Baltimoreans United in Leadership
17 Development:

18 (A) 1 shall be appointed for a term expiring June 30, 2000;

19 (B) 1 shall be appointed for a term expiring June 30, 2001; and

20 (C) 1 shall be appointed for a term expiring June 30, 2002.]

21 [(d) *Vacancies.*]

22 [(1) A vacancy on the Board shall be filled by the appointing authority for the particular
23 vacant position.]

24 [(2) A member who is appointed after a term has begun serves only for the rest of the
25 term and until a successor is appointed and qualifies.]

Council Bill 19-0468

1 (B) [(e)] *Bylaws[.]; Rules[.] and regulations.*

2 (1) *BYLAWS.*

3 [Subject to the approval of the Board of Estimates, the] THE Board [may] SHALL
4 adopt, AND MAY AMEND FROM TIME TO TIME, [bylaws,] BYLAWS, [rules, and
5 regulations] not inconsistent with the Charter or this subtitle, FOR THE
6 ADMINISTRATION OF THE AUTHORITY.

7 (2) *RULES AND REGULATIONS.*

8 Except as may be restricted by the Charter or this subtitle, the Board may [establish its
9 own procedures for the internal administration of the Authority] adopt rules and
10 regulations to carry out this subtitle.

11 (C) [(f)] *Officers.*

12 (1) The [bylaws] BYLAWS shall provide for officers of the [Board] AUTHORITY, including
13 a president, vice-president, treasurer, secretary, and any other officers deemed
14 necessary OR APPROPRIATE, and shall specify their qualifications, terms, and duties.

15 (2) The Board shall select from among its members individuals to serve as officers OF
16 THE BOARD and may delegate to those officers the responsibilities the Board deems
17 appropriate.

18 (D) [(g)] *Exercise of Authority's powers.*

19 All powers of the Authority shall be exercised by the Board, unless delegated by the
20 Board to 1 or more of the officers or to the Executive Director.

21 **[§ 28-6. Annual Financial Plan.]**

22 [(a)] *Plan required.*

23 [(1)] Subject to the approval of the Board of Estimates, the Board shall adopt a financial
24 plan based upon the City's fiscal year.]

25 [(2)] The plan shall include a proposed schedule of fees or charges to be imposed and an
26 annual budget.]

27 [(b)] *Initial plan and budget.*

28 [(1)] The first financial plan of the Authority may be for less than a full fiscal year.]

29 [(2)] The initial budget for the Authority shall include the fiscal year ending on June 30,
30 1997, and may include the costs of preparing the financial plan and start-up costs for
31 the Authority, if the costs were incurred during that fiscal year.]

Council Bill 19-0468

1 [(c) *Submission to Board of Estimates.*]

2 [Beginning with the financial plan for Fiscal Year 1998, the Board shall submit its
3 proposed plan and all background material to the Board of Estimates at least 2 months
4 before the proposed effective date of the plan.]

5 § 28-6. [§ 28-7.] Executive Director.

6 ...

7 [(d) *Initial Executive Director.*]

8 [The initial Executive Director of the Authority shall be selected by the Mayor from a list
9 developed by a joint City-Baltimoreans United in Leadership Development Search
10 Committee.]


11 [§ 28-8. Oversight by Board of Estimates.]

12 [The Board of Estimates may exercise general oversight responsibility for the fiscal
13 operations of the Authority.]

14 SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance
15 are not law and may not be considered to have been enacted as a part of this or any prior
16 Ordinance.

17 SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day
18 after the date it is enacted.

Certified as duly passed this _____ day of DEC 16 2019, 2019



President, Baltimore City Council

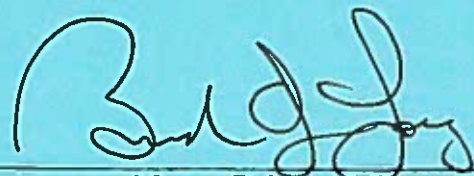
Certified as duly delivered to His Honor, the Mayor,

this _____ day of DEC 16 2019



Chief Clerk

Approved this 18th day of Dec., 2019



Mayor, Baltimore City

Approved For Form and Legal Sufficiency
This 17th Day of December 2019.



Chief Solicitor



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110-111

CITY OF BALTIMORE

BOARD OF ESTIMATES

Room 204, City Hall
Baltimore, Maryland 21202
410-396-4755



BRANDON SCOTT
PRESIDENT, CITY COUNCIL

RUDOLPH S. CHOW, P.E.
DIRECTOR OF PUBLIC WORKS

BERNARD C. "JACK" YOUNG
MAYOR

ANDRE M. DAVIS
CITY SOLICITOR

JOAN M. PRATT
COMPTROLLER

BERNICE H. TAYLOR
DEPUTY COMPTROLLER
AND CLERK TO THE BOARD

December 18, 2019

Honorable President and Members
of the City Council

Ladies and Gentlemen:

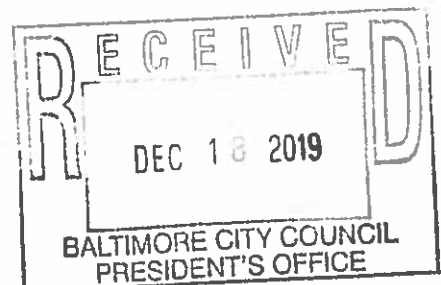
On December 18, 2019, the Board had before it for consideration the following pending City Council Bill:

19-0468 - An Ordinance concerning the Child First Authority - Updating For the purpose of amending certain statutory provisions governing the Child First Authority to better reflect the Authority's status under City Charter Article II, §64(b), as an "independent unit" of City government; conforming certain provisions to long-standing existing practice; and repealing certain obsolete provisions.

The advice of the Law Department regarding City Council Bill 19-0468 provides:

City Council Bill 468 amends the statutory provisions governing the Child First Authority to better reflect its status under the Baltimore City Charter, Art. 11, §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



CITY COUNCIL BILL: - cont'd

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

CITY COUNCIL BILL: - cont'd

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.

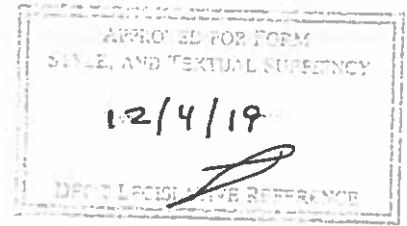
After NOTING AND CONCURRING in all favorable reports received, the Board approved the aforementioned City Council Bill and referred it to the City Council with the recommendation that it be approved and passed by that Honorable Body.

The Mayor **ABSTAINED** from voting. The President **ABSTAINED** from voting.

Sincerely,


Joan M. Pratt 12/18/19

Secretary to the Board of Estimates



AMENDMENTS TO COUNCIL BILL 19-468
(1st Reader Copy)

By: Judiciary Committee
{To be offered on the Council Floor}

Amendment No. 1

On page 1, in line 9, strike “and (c)”; and, on the same page, in line 14, after the comma, insert “28-3(c).”; and, on page 2, after line 18, insert the paragraph designator and catchline “(1) IN GENERAL.”; and, on the same page, after line 21, insert the following new paragraph:

“(2) CITY FUNDING.

HOWEVER, IF THE AUTHORITY IS GIVEN DIRECT CITY FUNDING, THE RECEIPT AND EXPENDITURE OF THOSE FUNDS ARE SUBJECT TO THE POWERS AND AUTHORITY OF THE BOARD OF ESTIMATES.”

ADOPTED

BY renumbering

Article 1 - Mayor, City Council, and Municipal Agencies

Section 28-7

to be

Section 28-6

Baltimore City Code

(Edition 2000)



**BALTIMORE CITY COUNCIL
JUDICIARY COMMITTEE
VOTING RECORD**

BILL#: CC-19-0468

DATE: 12/3/19

TITLE: Child First Authority - Updating

MOTION BY: Clarke SECONDED BY: Stokes

FAVORABLE

FAVORABLE WITH AMENDMENTS

UNFAVORABLE

WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Costello, E., Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarke, M., Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bullock, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pinkett, L.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reisinger, E.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sneed, S.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stokes, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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TOTALS	<u>6</u>	<u>0</u>	<u>1</u>	<u>0</u>

CHAIRPERSON: C. F. [Signature]

COMMITTEE STAFF: Matthew L. Peters, Initials: MRP

CITY OF BALTIMORE

Bernard C. "Jack" Young, Mayor



Mayor's Office of Children and Family Success

100 North Holliday Street
Baltimore, MD 21202

DATE: December 3, 2019
TO: Judiciary Committee
From: Mayor's Office of Children and Family Success
Position: Support
Bill: Council Bill 19-0468

INTRODUCTION/PURPOSE

Council Bill 19-0468, The Child First Authority bill updates certain statutory provisions governing the Child First Authority to better reflect the authority's status under City Charter Article II, § 64(b), as an "independent unit" of City government.

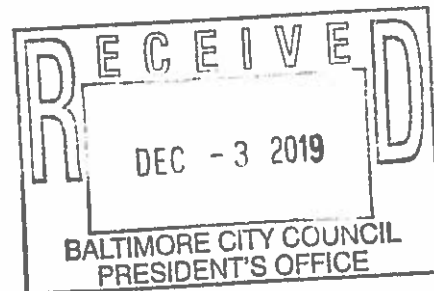
AGENCY COMMENTS AND POSITION

MOCFS is supportive of Child First Authority's efforts and supports the bill that will bring in line Child First Authority's operations and the City Charter. The Mayor's Office of Children and Family Success supports Council Bill 19-0468.

If you have any questions, please contact Kyron Banks, Associate Director of Policy and Partnerships at Kyron.Banks@Baltimorecity.gov.

Sincerely,

Tisha Edwards, MSW, JD.
Executive Director, Mayor's Office of Children and Family Success



COMPTROLLER

JOAN M. PRATT, CPA
Room 204, City Hall
Baltimore, Maryland 21202-3461



OFFICE OF THE COMPTROLLER

Department of Audits
Department of Real Estate
Municipal Post Office
Municipal Telephone Exchange
Harbor Master

December 2, 2019

The Honorable President and Members
of the Baltimore City Council
Attn.: Natawna B. Austin, Executive Secretary
409 City Hall
100 N. Holliday Street
Baltimore, MD 21202

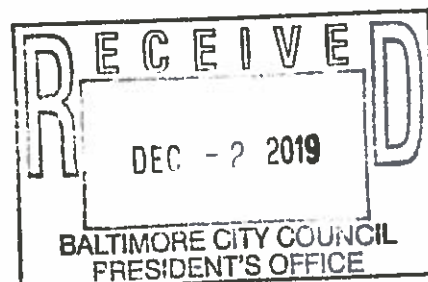
Re: City Council Bill 19-0468—Child First Authority—Updating

Dear President and City Council Members:

The Comptroller's Office has reviewed City Council Bill 19-0468. This Bill is proposed by the Administration and would update provisions of law governing the Child First Authority to reflect better the Authority's status as an independent unit of City government. Council Bill 19-0468 would repeal the requirement that the Board of Estimates review and approve any borrowing of funds or incurring of limited-obligation debt by the Authority. It would also repeal sections of law that specify the composition and terms of the Authority's Board of Directors and require the Authority to submit an annual financial plan to the Board of Estimates for approval. Finally the Bill would amend existing law to require the Child First Authority's Board to adopt bylaws, rules, and regulations for the administration of the Authority. The bylaws, rules, and regulations must be consist with the provisions of the City Charter and City Code.

The provisions of Council Bill 19-0468 reflect the current reality that the Child First Authority functions as an independent entity which receives no financial support in the City's budget. The Authority provides vitally important afterschool programming for students at 12 elementary or elementary/middle schools throughout Baltimore City. It relies on support from grants and in-kind contributions from over 200 partner organizations to fund its operations and activities.

Comments



December 2, 2019

Page 2

While the Child First Authority did receive a grant from the Baltimore City Children and Youth Fund, grants from that fund are subject to auditing by the Department of Audits to ensure the funds are being used according to the grant's terms and in the best interests of the City.

For these reasons, the Office of the Comptroller has no objections to Council Bill 19-0468.

Sincerely,

A handwritten signature in blue ink that reads "Joan M. Pratt, CPA". The signature is written in a cursive style with a large initial "J".

Joan M. Pratt, CPA
Comptroller

cc: Mr. Dominic McAilly, Legislative Assistant, Office of the City Council President
Mr. Matt Stegman, Deputy Director, Mayor's Office of Government Relations

CITY OF BALTIMORE

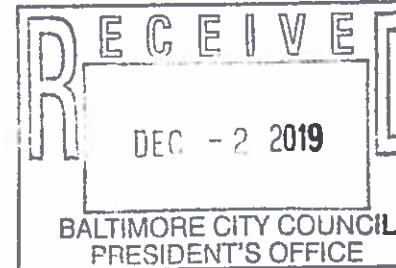
BERNARD C. "JACK" YOUNG
Mayor



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.

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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.

Fav with amendment

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

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland 21202

Meeting Minutes - Final

Judiciary Committee

Tuesday, December 3, 2019

10:00 AM

Du Burns Council Chamber, 4th floor, City Hall

19-0468

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

Present 6 - Eric T. Costello, Mary Pat Clarke, John T. Bullock, Leon F. Pinkett III, Shannon Sneed, and Robert Stokes Sr.

Absent 1 - Edward Reisinger

ITEM SCHEDULED FOR PUBLIC HEARING

19-0468

Child First Authority - Updating

For the purpose of amending certain statutory provisions governing the Child First Authority to better reflect the Authority's status under City Charter Article II, § 64(b), as an "independent unit" of City government; conforming certain provisions to long-standing existing practice; and repealing certain obsolete provisions.

Sponsors: City Council President (Administration)

A motion was made by Clarke, seconded by Stokes, Sr., that this Ordinance be Recommended Favorably with Amendment. The motion carried by the following vote:

Yes: 6 - Costello, Clarke, Bullock, Pinkett III, Sneed, and Stokes Sr.

Absent: 1 - Reisinger

ADJOURNMENT



HEARING NOTES

Bill: 19-0468

Child First Authority - Updating

Committee: Judiciary
Chaired by: Councilmember Eric T. Costello

Hearing Date: December 3, 2019
Time (Beginning): 10:25 a.m.
Time (Ending): 10:30 a.m.
Location: Clarence "Du" Burns Council Chamber
Total Attendance: Approximately 35 people
Committee Members in Attendance:
Eric Costello Mary Pat Clarke John Bullock Leon Pinkett
Shannon Sneed Robert Stokes

Bill Synopsis in the file? YES NO N/A
Attendance sheet in the file? YES NO N/A
Agency reports read? YES NO N/A
Hearing televised or audio-digitally recorded? YES NO N/A
Certification of advertising/posting notices in the file? YES NO N/A
Evidence of notification to property owners? YES NO N/A
Final vote taken at this hearing? YES NO N/A
Motioned by: Councilmember Clarke
Seconded by: Councilmember Stokes
Final Vote: Fav. with Amendments

Major Speakers
(This is not an attendance record.)

Kyron Banks, Mayor's Office of Children and Family Success
Elena DiPietro, Law Department

Major Issues Discussed

1. Chairman Costello called the hearing to order.

2. Kyron Banks explained the purpose of the bill and noted that the Child First Authority does not receive appropriations from the City.
3. Agency representatives confirmed the recommendations in their written reports and Elena DiPietro explained the Law Department's recommended amendment.
4. The committee considered and adopted the Law Department's suggested amendment as drafted by the Department of Legislative Reference (attached).

Further Study

Was further study requested?

Yes No

If yes, describe.

Committee Vote:

E. Costello:	Yea
M. Clarke:	Yea
J. Bullock:	Yea
L. Pinkett:	Yea
E. Reisinger:	Absent
S. Sneed:	Yea
R. Stokes:	Yea

Matthew Peters

Matthew L. Peters, Committee Staff

Date: December 3, 2019

Cc: Bill File
OCS Chrono File

Peters, Matthew

From: Aisenstark, Avery
Sent: Friday, November 29, 2019 9:26 AM
To: Peters, Matthew
Cc: Costello, Eric; DiPietro, Elena
Subject: Bill 19-0468 {"Child First Authority"}

Importance: High

The Law Department's Report on this Bill proposes an amendment to this bill.

On consideration, the Department of Legislation Reference recommends that, for technical reasons and improved clarity, the amendment be formally cast as follows:

On page 2, at the beginning of line 19, insert the paragraph designator "(1)"; and, on the same page, after line 21, insert the following new paragraph:

"(2) HOWEVER, IF THE AUTHORITY IS GIVEN DIRECT CITY FUNDING, THE RECEIPT AND EXPENDITURE OF THOSE FUNDS ARE SUBJECT TO THE POWERS AND AUTHORITY OF THE BOARD OF ESTIMATES." _

from the computer of...

avery aisenstark
director
dep't of legislative reference
626 city hall
baltimore, md. 21202
tel: 410.396.4730
cell: 443.326.5903



Baltimore City Council Committee Hearing Attendance Record

Subject: Ordinance - Child First Authority - Updating	Bill #: 19-0468
Committee: Judiciary	Chair: Eric Costello
Date: Tuesday, December 3, 2019	Time: 10:00 AM
Location: Clarence "Du" Burns Council Chamber	

PLEASE PRINT CLEARLY

CHECK HERE TO TESTIFY



First Name	Last Name	Address / Organization / Email	<u>Testify</u>	What is your position on this bill?		Lobbyist: Are you registered in the City?*	
				For	Against	Yes	No
John	Doe	400 N. Holliday St. Johndoenbmore@yahoo.com	✓	✓	✓	✓	✓
Danista	Hunte	Child First Authority 3904 Hickory Ave dhunte@childfirstauthority.org	✓	✓			✓

*NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD AS A LOBBYIST. REGISTRATION CAN BE DONE ONLINE AND IS A SIMPLE PROCESS. FOR INFORMATION VISIT: [HTTPS://ETHICS.BALTIMORECITY.GOV/](https://ethics.baltimorecity.gov/) OR CALL: 410-396-4730

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland 21202

Meeting Agenda - Final

Judiciary Committee

Tuesday, December 3, 2019

10:00 AM

Du Burns Council Chamber, 4th floor, City Hall

19-0468

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEM SCHEDULED FOR PUBLIC HEARING

19-0468

Child First Authority - Updating

For the purpose of amending certain statutory provisions governing the Child First Authority to better reflect the Authority's status under City Charter Article II, § 64(b), as an "independent unit" of City government; conforming certain provisions to long-standing existing practice; and repealing certain obsolete provisions.

Sponsors:

City Council President (Administration)

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC

CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

BILL SYNOPSIS

Committee: Judiciary

Bill 19-0468

Child First Authority – Updating

Sponsor: City Council President (Administration)

Introduced: November 18, 2019

Purpose:

For the purpose of amending certain statutory provisions governing the Child First Authority to better reflect the Authority’s status under City Charter Article II, § 64(b), as an “independent unit” of City government; conforming certain provisions to long-standing existing practice; and repealing certain obsolete provisions.

Effective: 30th day after the date it is enacted

AGENCY REPORTS

City Solicitor	Favorable with Amendment
Board of Estimates	
Mayor's Office of Children and Family Success	
Office of the Comptroller	Comments

ANALYSIS

Current Law

Article II § 64 of the Baltimore City Charter authorizes the establishment by ordinance of the Child First Authority (“Authority”) as an independent unit of City government with certain powers. It further authorizes the City to provide funding and other services to the Authority.

Article I, subtitle 28 of the Baltimore City Code establishes the Authority with the purpose of enhancing the development of children in Baltimore City by providing recreational, cultural,

academic, and other enrichment programs for children in approximately 40 schools in the City during an extended school day. Among other things, subtitle 28 allows the Board of Estimates to oversee the fiscal operations of the Authority and to approve certain actions and financial plans of the Authority. The subtitle also allows the Mayor and Council President to appoint some of the members of the Authority's Board of Directors.

Bill Summary

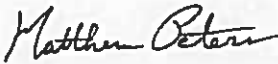
The bill amends Article I, subtitle 28 of the Baltimore City Code to remove provisions related to the Board of Estimates' oversight of the Authority, replace requirements related to the Authority's Board of Directors, and delete obsolete provisions. Specifically, the bill:

- Removes provisions requiring Board of Estimates approval for the Authority to borrow funds, incur limited-obligation debt, and adopt bylaws, rules, and regulations.
- Replaces provisions governing the appointment of the Authority's Board of Directors, terms for Board members, and vacancies on the Board with a provision that the Authority's Board members will be appointed and serve terms as prescribed by its bylaws.
- Removes the requirement for the Authority to develop an annual financial plan and to submit the plan to the Board of Estimates for approval.
- Removes the provision allowing the Board of Estimates to exercise general oversight responsibility for the fiscal operations of the Authority.

ADDITIONAL INFORMATION

Fiscal Note: None

Information Source(s): Baltimore City Code, Reporting Agencies, Bill 19-0468.

Analysis by: 
Analysis Date: December 2, 2019

Direct Inquiries to: (410) 396-1268

**CITY OF BALTIMORE
COUNCIL BILL 19-0468
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Child First Authority)
Introduced and read first time: November 18, 2019
Assigned to: Judiciary Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Estimates, Mayor's Office of Children and Family Success, Office of the Comptroller

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Child First Authority – Updating**

3 FOR the purpose of amending certain statutory provisions governing the Child First Authority to
4 better reflect the Authority's status under City Charter Article II, § 64(b), as an "independent
5 unit" of City government; conforming certain provisions to long-standing existing practice;
6 and repealing certain obsolete provisions.

7 BY repealing and reordaining, without amendment
8 Article 1 - Mayor, City Council, and Municipal Agencies
9 Section 28-3(a) and (c)
10 Baltimore City Code
11 (Edition 2000)

12 BY repealing and reordaining, with amendments
13 Article 1 - Mayor, City Council, and Municipal Agencies
14 Sections 28-3(b)(5) and (6), and 28-5
15 Baltimore City Code
16 (Edition 2000)

17 BY repealing
18 Article 1 - Mayor, City Council, and Municipal Agencies
19 Sections 28-6, 28-7(d), and 28-8
20 Baltimore City Code
21 (Edition 2000)

22 BY renumbering
23 Article 1 - Mayor, City Council, and Municipal Agencies
24 Section 28-7
25 to be
26 Section 28-6
27 Baltimore City Code
28 (Edition 2000)

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

Council Bill 19-0468

1 (3) 3 shall be appointed by Baltimoreans United in Leadership Development.]

2 [(c) *Term of members.*]

3 [(1) The term of a member of the Board is 3 years.]

4 [(2) However, the terms of those first appointed to the Board shall expire June 30, 1999,
5 and the terms beginning July 1, 1999 shall be staggered as follows:]

6 [(i) of the members appointed by the Mayor:

7 (A) 1 shall be appointed for a term expiring June 30, 2000;

8 (B) 1 shall be appointed for a term expiring June 30, 2001; and

9 (C) 1 shall be appointed for a term expiring June 30, 2002;]

10 [(ii) the term of the member appointed by the President of the City Council shall
11 expire June 30, 2002; and]

12 [(iii) of the members appointed by Baltimoreans United in Leadership
13 Development:

14 (A) 1 shall be appointed for a term expiring June 30, 2000;

15 (B) 1 shall be appointed for a term expiring June 30, 2001; and

16 (C) 1 shall be appointed for a term expiring June 30, 2002.]

17 [(d) *Vacancies.*]

18 [(1) A vacancy on the Board shall be filled by the appointing authority for the particular
19 vacant position.]

20 [(2) A member who is appointed after a term has begun serves only for the rest of the
21 term and until a successor is appointed and qualifies.]

22 (B) [(e)] *Bylaws[.]; Rules[.] and regulations.*

23 (1) *BYLAWS.*

24 [Subject to the approval of the Board of Estimates, the] THE Board [may] SHALL
25 adopt, AND MAY AMEND FROM TIME TO TIME, [bylaws,] BYLAWS, [rules, and
26 regulations] not inconsistent with the Charter or this subtitle, FOR THE
27 ADMINISTRATION OF THE AUTHORITY.

Council Bill 19-0468

1 (2) *RULES AND REGULATIONS.*

2 Except as may be restricted by the Charter or this subtitle, the Board may [establish its
3 own procedures for the internal administration of the Authority] adopt rules and
4 regulations to carry out this subtitle.

5 (C) [(f)] *Officers.*

6 (1) The [bylaws] BYLAWS shall provide for officers of the [Board] AUTHORITY, including
7 a president, vice-president, treasurer, secretary, and any other officers deemed
8 necessary OR APPROPRIATE, and shall specify their qualifications, terms, and duties.

9 (2) The Board shall select from among its members individuals to serve as officers OF
10 THE BOARD and may delegate to those officers the responsibilities the Board deems
11 appropriate.

12 (D) [(g)] *Exercise of Authority's powers.*

13 All powers of the Authority shall be exercised by the Board, unless delegated by the
14 Board to 1 or more of the officers or to the Executive Director.

15 [§ 28-6. Annual Financial Plan.]

16 [(a) *Plan required.*]

17 [(1) Subject to the approval of the Board of Estimates, the Board shall adopt a financial
18 plan based upon the City's fiscal year.]

19 [(2) The plan shall include a proposed schedule of fees or charges to be imposed and an
20 annual budget.]

21 [(b) *Initial plan and budget.*]

22 [(1) The first financial plan of the Authority may be for less than a full fiscal year.]

23 [(2) The initial budget for the Authority shall include the fiscal year ending on June 30,
24 1997, and may include the costs of preparing the financial plan and start-up costs for
25 the Authority, if the costs were incurred during that fiscal year.]

26 [(c) *Submission to Board of Estimates.*]

27 [Beginning with the financial plan for Fiscal Year 1998, the Board shall submit its
28 proposed plan and all background material to the Board of Estimates at least 2 months
29 before the proposed effective date of the plan.]

Council Bill 19-0468

1 **§ 28-6. [§ 28-7.] Executive Director.**

2 ...

3 [(d) *Initial Executive Director.*]

4 [The initial Executive Director of the Authority shall be selected by the Mayor from a list
5 developed by a joint City-Baltimoreans United in Leadership Development Search
6 Committee.]

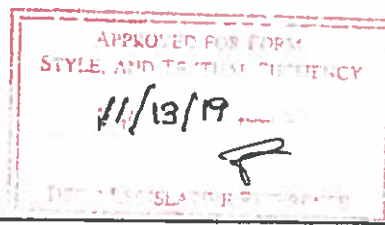
7 **[§ 28-8. Oversight by Board of Estimates.]**

8 [The Board of Estimates may exercise general oversight responsibility for the fiscal
9 operations of the Authority.]

10 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
11 are not law and may not be considered to have been enacted as a part of this or any prior
12 Ordinance.

13 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
14 after the date it is enacted.

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____



Introduced by: The Council President
At the request of: The Administration (Child First Authority)

A BILL ENTITLED

AN ORDINANCE concerning

Child First Authority – Updating

FOR the purpose of amending certain statutory provisions governing the Child First Authority to better reflect the Authority’s status under City Charter Article II, § 64(b), as an “independent unit” of City government; conforming certain provisions to long-standing existing practice; and repealing certain obsolete provisions.

BY repealing and reordaining, without amendment

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(Edition 2000)

BY renumbering

Article 1 - Mayor, City Council, and Municipal Agencies
Section 28-7
to be
Section 28-6
Baltimore City Code
(Edition 2000)

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

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

*** WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.**

(2) The Board shall select from among its members individuals to serve as officers OF THE BOARD and may delegate to those officers the responsibilities the Board deems appropriate.

(D) [(g)] *Exercise of Authority's powers.*

All powers of the Authority shall be exercised by the Board, unless delegated by the Board to 1 or more of the officers or to the Executive Director.

[§ 28-6. Annual Financial Plan.]

[(a)] *Plan required.*

[(1)] Subject to the approval of the Board of Estimates, the Board shall adopt a financial plan based upon the City's fiscal year.]

[(2)] The plan shall include a proposed schedule of fees or charges to be imposed and an annual budget.]

[(b)] *Initial plan and budget.*

[(1)] The first financial plan of the Authority may be for less than a full fiscal year.]

[(2)] The initial budget for the Authority shall include the fiscal year ending on June 30, 1997, and may include the costs of preparing the financial plan and start-up costs for the Authority, if the costs were incurred during that fiscal year.]

[(c)] *Submission to Board of Estimates.*

[Beginning with the financial plan for Fiscal Year 1998, the Board shall submit its proposed plan and all background material to the Board of Estimates at least 2 months before the proposed effective date of the plan.]

§ 28-6. [§ 28-7.] Executive Director.

[(d)] *Initial Executive Director.*

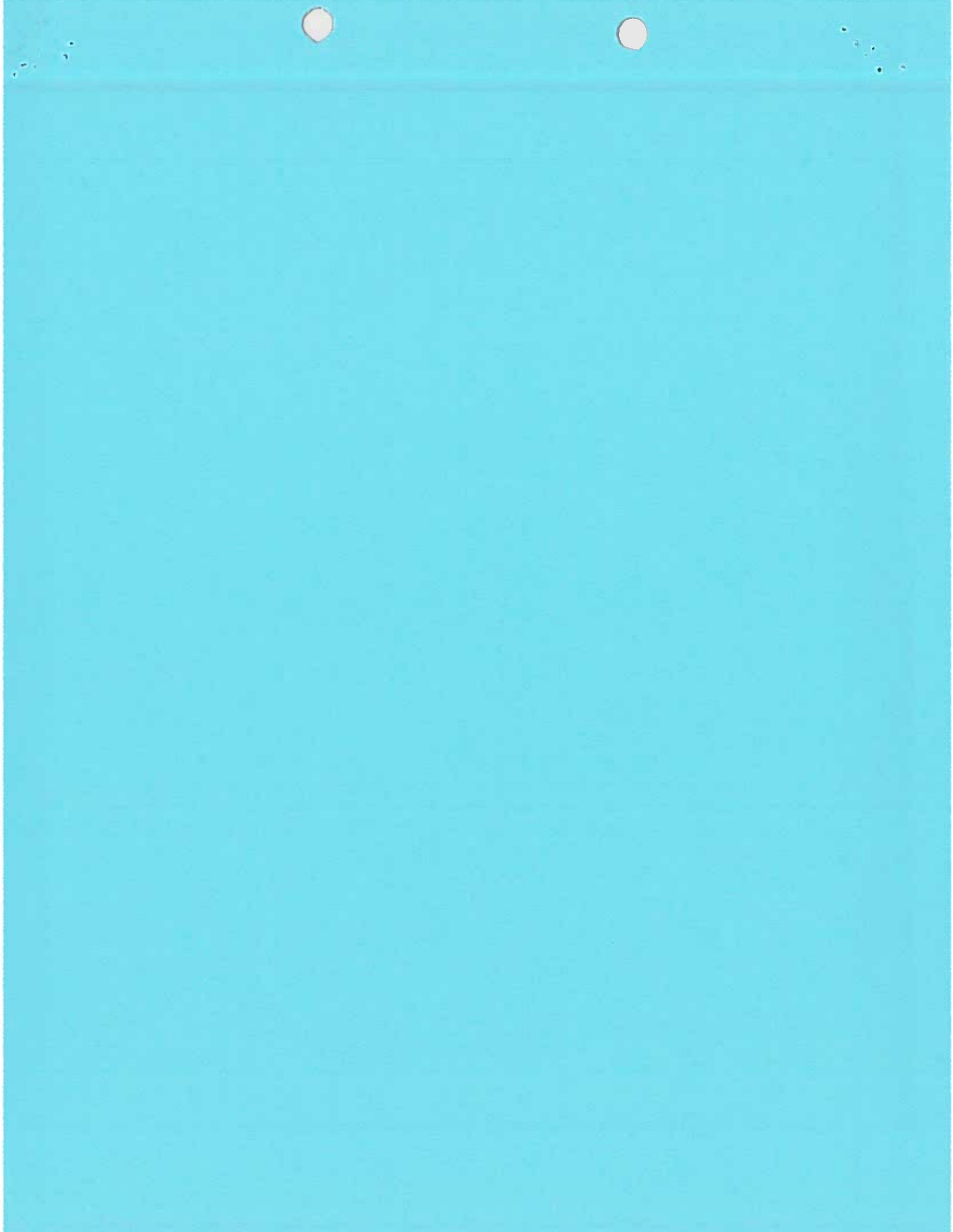
[The initial Executive Director of the Authority shall be selected by the Mayor from a list developed by a joint City-Baltimoreans United in Leadership Development Search Committee.]

[§ 28-8. Oversight by Board of Estimates.]

[The Board of Estimates may exercise general oversight responsibility for the fiscal operations of the Authority.]

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.



ACTION BY THE CITY COUNCIL

NOV 18 2019
20

FIRST READING (INTRODUCTION) _____ 20 _____

PUBLIC HEARING HELD ON Dec. 3, 2019 _____ 20 _____

COMMITTEE REPORT AS OF Dec. 5, 2019 _____ 20 _____

_____ FAVORABLE _____ UNFAVORABLE FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION

C. F. Lewis

Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

DEC 05 2019

Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING _____ 20 _____

DEC 16 2019

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ 20 _____

WITHDRAWAL _____ 20 _____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

President

Chief Clerk