
CITY OF BALTIMORE

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DEPARTMENT OF LAW

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December 17, 2025

The Honorable President and Members
of the Baltimore City Council
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 25-0100 – Children and Youth Fund – Updates

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 25-0100 for form and legal sufficiency. The bill would amend the City Code—Article 5, Subtitle 9—governing the Children and Youth Fund (“Fund”), including: the process by which grants are awarded by the Fund; eligibility for receiving grants; grantee reporting; Fund Board composition; the annual financial plan; and annual reporting by the Fund Board and the Director of Finance.

The Law Department has identified a number of concerns with the first reader version of the bill. The Law Department is also aware of and has reviewed draft amendments the sponsor intends to propose. Accordingly, Law’s concerns are outlined below, along with a brief explanation whether the sponsor’s proposed amendments address them.

Section 9-4(b)(4) would require the fiscal agent to “receive” regular reports from grantees. The fiscal agent cannot control whether or not it *receives* reports from third party grantees, but it can *require* such reports. The sponsor’s draft amendments would clarify this.

Section 9-4(e) would require the fiscal agent to establish grant procedures and processes, including “creating a uniform application”, “the methods by which the Fund shall evaluate” grant applications and grantees, and “organizing and conducting a community review” of grant applications. This likely amounts to an impermissible delegation of legislative responsibility to the fiscal agent. Under the enabling Charter provisions, the ordinance itself must provide the “methods and criteria for identifying specific programs and services eligible for funding.” City Charter, Art. 1, § 13. *See also, e.g., Pressman v. Barnes*, 209 Md. 544, 552 (1956) (“It is a fundamental principle that . . . the Legislature cannot delegate the power to make laws to any other authority.”).

The sponsor’s draft amendments would appropriately direct and guide the fiscal agent’s discretion in these areas. *See id.* (“a municipal corporation may delegate to subordinate officials

the power to carry ordinances into effect, even though such delegation requires the exercise of a certain amount of discretion . . . if such discretion is guided and restrained by standards”).

Section 9-4(f)(1) references the grantee reports “required under Subsection (f)(5)”, but the reference should be to Subsection (e)(5). The sponsor’s draft amendments reorganize certain sections such that this concern is no longer relevant.

Section 9-4(f)(2) would permit the fiscal agent to reduce the frequency of a grantee’s reporting requirement if the grantee “has been in full compliance with reporting requirements,” but does not define “full compliance.” Accordingly, this provision is impermissibly vague. *See, e.g., Pizza di Joey, LLC v. Mayor of Baltimore*, 470 Md. 308, 360 (2020) (explaining that a statute must be sufficiently explicit both to inform those subject to it what conduct on their part will render them liable to its regulations, and to allow government officials to apply those regulations in a consistent manner). The sponsor’s draft amendments would define “full compliance”.

Section 9-5(c)(1)(i)(d) would require the Chair of the Board of School Commissioners, or their designee, to be a voting member of the Fund Board. Because the Board of School Commissioners is a creation of State law and is not a City agency, the City cannot require the Chair’s service on the Fund Board. *See* Md. Code, Educ. § 4-303 (establishing the Baltimore City Board of School Commissioners). The sponsor’s draft amendments eliminate this requirement.

Section 9-5(c)(2) would require the Fund Board to reflect, among other things, the racial demographics of the City, “as reflected in the most recently available Baltimore City Public School System Student Enrollment Data.” Because of the privacy protections surrounding student records, the Fund Board would not be able to obtain anything other than the de-identified, aggregate level data that is already publicly available on the school system’s website. The sponsor’s draft amendments clarify that only publicly available enrollment data will be referenced.

Section 9-6(b)(3)(i) would provide that “grant funding opportunities made available [at] the discretion of the President of the Fund may not exceed an amount that is greater than 10% of the total grant funds disbursed in the same fiscal year.” This is unclear. Assuming the “President of the Fund” refers to the President of the Fund Board, there does not appear to be any statutory authority whereby the President of the Fund Board has special discretion to award funds outside of the process available to all potentially eligible grantees. The sponsor’s draft amendments eliminate this provision and clarify that the Fund Board may not award a grant to any organization that has not followed the grant application policies and procedures set forth in a new Section 9-4(d).

Section 9-10(b) would require the Director of Finance to provide annual reports that include “the date and amount of the scheduled disbursements of the Fund in the past fiscal year; the date of the past fiscal year’s transfers from the Fund to either the Fiscal Agent directly or to grantees; and the Fund’s balance prior to and following the dates of any disbursements or transfer[s].” This wording is unclear, especially the difference, if any, between “disbursements of the Fund” and “transfers from the Fund”. The sponsor’s draft amendments clarify this subsection.

Finally, there is an incorrect bracket placement in Section 9-10(a), but that is fixed in the sponsor's draft amendments.

Assuming amendments similar to the sponsor's draft amendments are adopted, the Law Department can approve the bill for form and legal sufficiency.

Sincerely,



Jeffrey Hochstetler
Chief Solicitor

cc: Ebony Thompson, City Solicitor
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