

BALTIMORE CITY COUNCIL



CHARTER REVIEW SPECIAL COMMITTEE

LO25-0038
Charter Review

Public Testimony

December 3, 2025 - January 21, 2026

From: Eric Brockman
Sent: Wednesday, January 14, 2026 10:58 AM
To: Cohen, Zeke (City Council); Bullock, John (City Council); Parker, Mark (City Council)
Cc: Conway, Mark (City Council)
Subject: Charter Amendment Submission – Children and Youth Fund Governance Framework

Dear Council President Cohen, Councilmember Bullock, and Councilmember Parker,

I am writing to formally transmit a proposed Charter Amendment and related materials concerning the governance and administration of the Baltimore City Children and Youth Fund. These documents are submitted to support Council consideration of structural options that align with the 2016 voter-approved Charter mandate and subsequent oversight findings.

Context

As you are aware, I have previously provided testimony before the City Council regarding governance and accountability concerns in the current administration of the Children and Youth Fund, and I have submitted related documentation to the Office of the Inspector General. I appreciate the Council's recent efforts to address these issues through Bill 25-0100. However, based on a review of the 2016 Charter language and applicable governance principles, ordinance-level reform alone cannot fully resolve what is fundamentally a Charter-level structural matter.

Materials Submitted

This submission includes three documents that together outline a comprehensive, legally disciplined framework for addressing the Fund's governance:

1. **Proposed Charter Amendment**
Establishes direct City administration of the Children and Youth Fund under the Mayor's Office of Children and Family Success, prohibits delegation of core authority to third parties, and requires permanent accountability standards, including performance reporting, independent audits, and public transparency.
2. **Implementing Ordinance**
Sets forth the operational details necessary to carry out the Charter framework, including administrative procedures, oversight mechanisms, enforcement provisions, cost controls, and advisory structures.
3. **Side-by-Side Analysis**
Provides a comparative assessment explaining why Bill 25-0100, while addressing important concerns, cannot fully achieve the intended structural correction without Charter-level authority.

Why Charter Action Is Necessary

The Children and Youth Fund was established by voter-approved Charter Amendment in November 2016. As a result, material changes to governance—particularly the location of administrative authority and the permanence of accountability requirements—must be addressed at the Charter level in order to:

- Restore voter intent regarding public control of the Fund
 - Establish durable, non-waivable accountability protections
 - Eliminate reliance on delegated third-party administration
 - Protect the Fund’s mandatory and non-lapsing status
 - Reduce exposure to future legal and governance challenges
- Ordinance-based solutions alone cannot provide these structural safeguards.

Charter and Ordinance Roles

This submission follows established legislative discipline:

Charter – Sets voter mandate, structural authority, and permanence

Ordinance – Provides operational detail, enforcement mechanisms, and administrative flexibility

Under this approach, the Charter establishes what must exist (public administration, accountability, transparency), while the Ordinance defines how those requirements are implemented, allowing the Council to adapt operational details over time without undermining voter intent.

Requested Consideration

I respectfully submit these materials for Council consideration and request that the City Council:

1. Review the proposed Charter Amendment for potential placement on the November 2026 ballot
2. Consider the accompanying Implementing Ordinance as the operational framework should voters approve the Charter changes
3. Schedule a hearing or work session, at the Council’s discretion, to discuss the structural considerations outlined in the side-by-side analysis

This submission is not intended as criticism of Bill 25-0100, but rather as a recognition that Charter-created structures require Charter-level solutions, with ordinances playing a critical supporting role once the appropriate constitutional framework is restored.

Organizational Context

These materials reflect the direct experience of Focus On Communities United for Success (FOCUS), a Baltimore-based 501(c)(3) nonprofit providing free IT workforce development training to city residents. Our organization has worked extensively within the Children and Youth Fund framework and has firsthand experience with the accountability and administrative challenges this proposal seeks to address.

From an institutional and political standpoint

Referring this question to the voters through a Charter Amendment places the decision at the level at which the Children and Youth Fund was originally created and resolves the matter without requiring the Council to design, negotiate, or defend ordinance language that has already been identified as subject to executive veto.

This approach allows the Council to fulfill its Charter role by placing a clear question before the electorate, while avoiding continued legislative iteration over a structure that ultimately requires voter approval. By restoring the decision to the voters, Council action remains limited to its constitutional function, and the resulting framework carries minimal political consequence for individual members.

I appreciate your time and consideration and remain available should the Council or its staff wish to discuss these materials further.

Respectfully submitted,

Min. Eric Brockman

Founder, FOCUS (Focus on Children United for Success)

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CHARTER AMENDMENT TO ARTICLE VII, SECTION 7

BALTIMORE CITY CHARTER

Restoring the Baltimore Children and Youth Fund to Direct City Administration

Proposed Amendment to Return Governance Authority to the Mayor's Office of Children and Family Success

Prepared by:

Minister Eric A. Brockman

Founder/Chairman

Focus On Communities United for Success, Inc.

Submitted to:

Baltimore City Council

January 13, 2026

Purpose:

This Charter Amendment restores the Baltimore Children and Youth Fund to direct administration by the Mayor's Office of Children and Family Success, consistent with the 2016 voter mandate and eliminating improper delegation to third-party entities.

Action Requested:

Placement on the November 2026 ballot for voter approval pursuant to Article XI-A, Section 1 of the Baltimore City Charter.

CHARTER AMENDMENT TO ARTICLE VII, SECTION 7

BALTIMORE CITY CHARTER

Restoring the Baltimore Children and Youth Fund to Direct City Administration

I. PURPOSE AND FINDINGS

The purpose of this Charter Amendment is to restore the Baltimore Children and Youth Fund to direct City administration under the Mayor's Office of Children and Family Success, consistent with the intent of the 2016 voter-approved Charter Amendment and sound principles of public governance.

A. Voter Intent and Constitutional Authority

- In November 2016, Baltimore City voters approved a Charter Amendment establishing a dedicated Children and Youth Fund, creating a permanent and non-lapsing revenue source for children and youth programs.
- Voters authorized a public fund, administered through City government structures, subject to standard public accountability mechanisms including administrative due process, transparent procurement, and City Council oversight.
- Voters did not authorize the delegation of constitutional authority to a third-party nonprofit entity, nor the creation of an autonomous intermediary operating outside direct City control.
- The subsequent administrative decision to delegate Fund management to a separate nonprofit entity altered the substance of the voter-approved mandate without voter consent, creating structural accountability deficiencies.

B. Documented Governance Failures

Since the delegation of Children and Youth Fund administration to a third-party fiscal agent, systemic governance and accountability failures have emerged. These failures are documented through formal complaints submitted to the Baltimore City Office of the Inspector General, sworn and unsworn testimony before the Baltimore City Council, and corroborated by local investigative reporting.

These failures include, but are not limited to:

- Inconsistent application of grant standards, including materially different compliance requirements imposed on similarly situated grantees

- Retroactive policy changes applied to expenses and documentation that had been previously reviewed, accepted, and approved
- Excessive administrative expenditures, including costs exceeding contractual, policy, or best-practice limits applicable to public funds
- Delayed, suspended, or withheld reimbursements without timely notice, clear standards, or meaningful opportunity to cure alleged deficiencies
- Absence of neutral appeal or dispute-resolution mechanisms, leaving grantees without procedural safeguards when determinations are reversed or funds are withheld

The Baltimore City Office of the Inspector General has identified deficiencies in fiscal oversight, transparency, and accountability associated with the Fund’s administration. Local investigative journalism has further documented weak internal controls and the insulation of the Fund’s operator from standard municipal oversight.

The current governance structure enables process-based retaliation against grantees who engage in protected civic activity, including public testimony, media engagement, or formal oversight requests. Because the Fund operates outside direct City administration, discretionary enforcement of compliance reviews, documentation standards, and payment timing may occur without independent checks, creating a foreseeable risk that organizations experience intensified scrutiny, shifting requirements, or funding delays following lawful participation in public accountability processes.

These conditions undermine due process, chill civic participation, and erode public trust. They are structural in nature and cannot be fully remedied without restoring the Fund to direct City administration as originally contemplated by voter mandate.

C. Charter-Level Remedy Required

- Because the Fund was created through voter-approved Charter Amendment, structural reform must occur at the Charter level to restore original intent and establish enforceable accountability standards.
- Ordinance-level adjustments cannot remedy constitutional delegation issues or establish the institutional permanence required to prevent future erosion of voter-approved protections.
- This Amendment restores the Fund to direct City administration while preserving community advisory input, ensuring professional grantmaking standards, and establishing enforceable performance requirements and accountability mechanisms.

II. PROPOSED CHARTER TEXT

Article VII, Section 7 of the Baltimore City Charter is hereby amended to read as follows:

Section 7. Baltimore Children and Youth Fund

(a) Establishment of Fund. There is hereby established the Baltimore Children and Youth Fund (the "Fund"), a permanent, continuing, and non-lapsing fund dedicated to supporting evidence-based programs and services that improve outcomes for children and youth in Baltimore City.

(b) Administration. The Fund shall be administered by the Mayor's Office of Children and Family Success (MOCFS), or any successor agency designated by the Mayor to fulfill MOCFS functions. There is hereby established within MOCFS a Children and Youth Fund Division responsible for grant administration, compliance monitoring, and outcome reporting.

(c) Revenue Source. Beginning in Fiscal Year 2017 and each fiscal year thereafter, the Ordinance of Estimates shall include an appropriation to the Children and Youth Fund of at least three cents (\$0.03) on every one hundred dollars (\$100) of assessed or assessable value of all real property in the City. These revenues shall be continuing, permanent, and non-lapsing.

(d) Non-Delegation of Constitutional Authority.

- (a) The authority to administer the Fund, make final funding decisions, establish compliance standards, and enforce grant requirements shall not be delegated to any nonprofit organization, quasi-governmental entity, or third-party intermediary.
- (b) Final authority for all grant awards, compliance determinations, and enforcement actions shall remain with MOCFS, subject to standard City administrative review procedures.
- (c) Nothing in this Section prohibits MOCFS from consulting with advisory bodies, subject matter experts, or community stakeholders in an advisory capacity, provided that final decision-making authority remains with MOCFS.

(e) Eligible Uses.

- (d) Fund revenues shall support programs and services that demonstrably improve outcomes in education, health and wellness, violence prevention, economic opportunity, workforce and youth development, and family support for Baltimore City children and youth.
- (e) Grant awards shall prioritize evidence-based programs with demonstrated effectiveness, with preference given to community-based organizations serving high-need populations.

(f) Advisory Bodies. MOCFS may establish advisory committees or community input mechanisms as provided by ordinance; however, final authority over funding decisions, compliance determinations, and enforcement actions shall remain solely with the City.

(g) Accountability and Transparency Requirements.

- (f) The administration of the Children and Youth Fund shall be subject to mandatory annual performance reporting, independent financial audits, and public transparency requirements, as provided by ordinance.
- (g) The City shall establish by ordinance Key Performance Indicators (KPIs) measuring Fund effectiveness and program outcomes.
- (h) The City shall ensure that annual independent audits of the Children and Youth Fund are conducted and made publicly available.
- (i) The City shall maintain a publicly accessible website providing comprehensive, current information regarding the Children and Youth Fund.
- (j) Administration of the Fund shall be consistent with its mandatory, supplemental, and non-lapsing nature and shall not permit discretionary suspension, freezing, withholding, or clawback of funds in a manner inconsistent with this Charter.

III. BALLOT QUESTION

The following question shall appear on the November 2026 ballot:

QUESTION: Shall the Baltimore City Charter be amended to require that the Children and Youth Fund be administered directly by Baltimore City government under the Mayor's Office of Children and Family Success with a dedicated Children and Youth Fund Division, prohibit delegation of core control of the Fund to any nonprofit or third-party entity, and require annual performance reporting, independent audits, and public transparency, while preserving the Fund's permanent, mandatory, and non-lapsing status?

FOR the Charter Amendment:

A vote FOR this Amendment will restore the Fund to direct City administration under MOCFS, prohibit delegation to third-party entities, and require enforceable accountability standards including performance reporting, independent audits, and public transparency.

AGAINST the Charter Amendment:

A vote AGAINST this Amendment will maintain the existing administrative structure and fiscal agent relationship, preserving current governance arrangements without Charter-level accountability requirements.

IV. VOTER PAMPHLET SUMMARY

This Charter Amendment clarifies how Baltimore City's Children and Youth Fund is governed and protected. In 2016, voters approved a permanent, non-lapsing fund dedicated to providing supplemental services for children and youth. This amendment places administration of the Fund directly within Baltimore City government under the Mayor's Office of Children and Family Success and creates a dedicated Children and Youth Fund Division to manage it.

The amendment prohibits delegation of core authority over the Fund to nonprofit or third-party entities, ensuring that final decision-making remains public and accountable. It also requires annual performance reporting, independent audits, and a publicly accessible website so residents can see how funds are allocated, measured, and monitored.

The amendment does not change the voter-approved funding formula. It restores transparency, strengthens oversight, and aligns administration of the Fund with voter intent expressed in the original Charter Amendment.

SUBMISSION

This Charter Amendment is respectfully submitted to the Baltimore City Council for consideration and placement on the November 2026 ballot, pursuant to Article XI-A, Section 1 of the Baltimore City Charter.

The proposed amendment restores the Baltimore Children and Youth Fund to direct City administration under the Mayor's Office of Children and Family Success, consistent with the 2016 voter mandate and sound governance principles.

Respectfully Submitted,

Eric A. Brockman

Minister Eric A. Brockman

Founder/Chairman

Focus On Communities United for Success, Inc.

Date: January 13, 2026

Contact Information

Focus On Communities United for Success, Inc.

Baltimore, Maryland

Organizational Context:

FOCUS is a Baltimore-based 501(c)(3) nonprofit providing free IT workforce development training with 100% job placement rate and \$60,000-\$75,000 starting salaries for graduates. This submission reflects direct experience with youth development funding and accountability systems.

IMPLEMENTING ORDINANCE

Children and Youth Fund Administration, Accountability, and Operations

TITLE

An Ordinance establishing operational standards, accountability mechanisms, transparency requirements, and enforcement procedures for the Children and Youth Fund, consistent with the Baltimore City Charter.

WHEREAS CLAUSES

WHEREAS, the Baltimore City Charter establishes a permanent, continuing, non-lapsing Children and Youth Fund; and

WHEREAS, voters approved the Fund with the intent that it be mandatory, supplemental, and protected from discretion and opacity; and

WHEREAS, the Charter places administration of the Fund within the Mayor's Office of Children and Family Success and prohibits delegation of core authority to third parties; and

WHEREAS, the City Council finds it necessary to codify operational standards to ensure faithful execution of the Charter mandate while preserving flexibility through ordinance;

ORDINANCE TEXT

Section 1. Administration and Internal Controls

(a) The Children and Youth Fund Division within the Mayor's Office of Children and Family Success shall administer all Fund activities, including application review, award determinations, disbursement, monitoring, compliance, and enforcement.

(b) All Fund expenditures shall be subject to City procurement, financial management, and personnel policies.

(c) No contract, memorandum of understanding, or administrative arrangement may transfer final decision-making authority over Fund allocations, compliance determinations, or enforcement actions to any external entity.

Section 2. Key Performance Indicators

(a) The Division shall establish annual Key Performance Indicators no later than ninety (90) days prior to the start of each fiscal year.

(b) KPIs shall include, at minimum:

1. Youth served by age group and neighborhood
2. Program completion rates
3. Educational and employment outcomes
4. Timeliness and reliability of disbursement
5. Equity and geographic distribution
6. Program continuity and avoidance of service disruption

(c) All grantees shall report standardized outcome data quarterly. The Division shall aggregate and publish outcome data on the public transparency website.

(d) Failure by any grantee to meet minimum KPI thresholds for two consecutive reporting periods shall trigger mandatory corrective action, including probation, reduced funding, or grant termination, subject to due process protections.

(e) KPIs shall be approved by the City Council and published publicly.

Section 3. Independent Annual Audits

(a) The Fund shall be subject to an independent annual financial and programmatic audit conducted in accordance with Government Auditing Standards (Yellow Book standards).

(b) The audit shall assess financial management, compliance with grant requirements, administrative cost ratios, payment timelines, and effectiveness in achieving stated KPIs.

(c) Audits shall be conducted by a certified public accounting firm with no financial relationship to Fund recipients.

(d) Audit findings and management responses shall be submitted to the Mayor and City Council within ninety (90) days of fiscal year end and shall be publicly accessible on the transparency website.

(e) The Division shall issue a written corrective-action response to any audit findings.

Section 4. Public Transparency and Reporting

(a) The Division shall maintain a publicly accessible website dedicated to the Children and Youth Fund providing real-time access to Fund information.

(b) The website shall include:

7. All grant awards by recipient, amount, and purpose
8. Aggregate outcome data by program area and neighborhood
9. Administrative costs as percentage of total Fund revenues
10. Independent audit reports
11. City Council oversight hearing schedules and materials

- 12. KPIs and performance results
- 13. Administrative policies and enforcement actions
- 14. Historical funding data

- (c) Grant application guidelines, evaluation criteria, and all policy documents shall be publicly available on the website prior to each grant cycle.
- (d) Information shall be updated no less than quarterly.

Section 5. Grant Payment Timelines and Enforcement

- (a) All complete and compliant reimbursement requests shall be processed and paid within forty-five (45) calendar days of receipt.
- (b) The forty-five (45) day period shall commence upon the Division's receipt of a reimbursement request accompanied by all required supporting documentation as defined in the grant agreement.
- (c) If the Division determines a reimbursement request is incomplete, the Division shall notify the grantee in writing within ten (10) business days, specifying with particularity all missing items or deficiencies.
- (d) Failure to meet the forty-five (45) day payment deadline without documented cause shall trigger automatic escalation to the Mayor's Office and the City Council Education, Youth, and Older Adults Committee for review and corrective action.

Section 6. Administrative Cost Controls

- (a) Administrative costs for Fund management shall not exceed fifteen percent (15%) of annual Fund revenues, with the remaining eighty-five percent (85%) allocated to direct program grants and services.
- (b) Administrative expenses shall be reported annually and published on the transparency website.
- (c) Deviations from the fifteen percent (15%) cap shall require written justification and public disclosure.

Section 7. Community Advisory Board

- (a) The Division shall establish a Community Advisory Board consisting of no fewer than fifteen (15) members representing youth, parents, nonprofit providers, subject matter experts, and community stakeholders.
- (b) The Advisory Board shall provide recommendations on funding priorities, review grant proposals, and advise on program effectiveness, but shall not possess final decision-making authority.
- (c) Members shall serve staggered three-year terms with a maximum of two consecutive terms to ensure regular rotation and prevent entrenchment.

Section 8. Independent Grant Selection Committee

- (a) The Division shall establish an Independent Grant Selection Committee consisting of no fewer than seven (7) professionals with demonstrated expertise in youth development, program evaluation, public health, education, or nonprofit management.
- (b) Committee members shall be selected through an open application process and shall serve staggered three-year terms with a maximum of two consecutive terms.
- (c) The Committee shall score and rank grant applications according to publicly disclosed evaluation criteria, with final approval authority remaining with the Division.
- (d) The Division may deviate from Committee recommendations only by providing written justification to the City Council Education, Youth, and Older Adults Committee.
- (e) All advisory bodies and selection committees shall be subject to term limits and conflict-of-interest standards.

Section 9. Discretionary Awards Limitation

- (a) No more than one percent (1%) of total annual Fund grants, or One Hundred Sixty Thousand Dollars (\$160,000), whichever is less, may be awarded through discretionary processes outside the competitive grant cycle.
- (b) All discretionary awards shall be publicly disclosed within ten (10) business days of approval, including recipient, amount, purpose, and justification for non-competitive award.

Section 10. Enforcement and Corrective Action

- (a) The Division shall implement graduated corrective action procedures for grantee non-compliance.
- (b) Enforcement shall be proportionate, documented, and designed to avoid service disruption wherever possible.
- (c) Enforcement shall not be used to create de facto lapsing or service interruption of the Fund.
- (d) Persistent non-compliance shall be reported to the City Council with recommended remedies.
- (e) Failure to meet KPIs or audit standards shall trigger corrective action plans.

Section 11. Implementation Timeline

- (a) This Ordinance shall take effect immediately upon passage.
- (b) The Division shall assume full operational responsibility within ninety (90) days of the effective date of the Charter Amendment, including establishment of advisory bodies and transparency systems.

(c) Existing grant agreements executed prior to the effective date shall be honored through their scheduled completion dates.

SIDE-BY-SIDE COMPARISON

Bill 25-0100 vs. Charter-Compliant Children and Youth Fund Package

Issue Area	Bill 25-0100	Charter-Compliant Package	Why Bill 25-0100 Fails
Legal Authority	Ordinary ordinance	Charter Amendment + implementing ordinance	A Charter-created fund cannot be materially altered by ordinance alone
Voter Intent (2016)	Not addressed	Explicitly restored and codified	Ignores the 2016 ballot language and voter expectations
Governance Level	Sub-charter	Charter-level correction	Leaves structure legally vulnerable and challengeable
Fund Location	Continues third-party / quasi-government administration	Places fund inside City government	Outsourcing core authority was never approved by voters
Public Control	Indirect	Direct City control under MOCFS	Delegates power voters intended to remain public
Administrative Home	Non-City entity	Mayor's Office of Children and Family Success	Only City agencies can enforce non-substitution
Dedicated Division	Not required	Creates Children and Youth Fund Division	No institutional permanence or continuity
Non-Delegation	Silent	Explicit prohibition	Allows continued delegation by contract
Mandatory Funding Protection	Assumed	Expressly protected	Does not prevent discretionary freezes or delays
Non-Lapsing Enforcement	Not enforceable	Charter-mandated continuity	Ordinance cannot stop de facto lapsing
KPIs / Performance	Optional / policy-based	Charter-mandated, ordinance-defined	Oversight can be weakened or eliminated later

Annual Audits	Not guaranteed	Mandatory independent audits	No non-waivable audit requirement
Transparency Website	Not required	Charter-mandated public website	Allows opacity and selective disclosure
Enforcement Mechanisms	Undefined	Required corrective action framework	No accountability if performance fails
Oversight Authority	Fragmented	Centralized, public, enforceable	Diffuses responsibility
Legal Durability	Subject to veto, repeal, or litigation	Voter-ratified	Ordinance can be undone by future councils
Mayor Veto Risk	High	Low	Charter amendments bypass veto
Litigation Risk	High	Low	Leaves City exposed to voter-intent claims
Inspector General Alignment	Does not cure findings	Directly addresses structural risks	Fails to fix root governance problems
Transparency to Voters	None	Full disclosure	Voters cannot see outcomes or enforcement
Long-Term Stability	Uncertain	Locked into Charter	Temporary fix to a structural problem

Conclusion

Bill 25-0100 fails because it attempts to repair a Charter problem with an ordinance. It does not restore voter intent, does not eliminate improper delegation, does not guarantee accountability, and does not protect the Fund from future discretion, opacity, or shutdown.

By contrast, the Charter-compliant package:

- Restores public control
- Eliminates third-party governance
- Locks accountability into the Charter
- Protects against veto and litigation
- Aligns with Inspector General findings
- Respects what voters actually approved in 2016