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**BALTIMORE CITY COUNCIL
WAYS AND MEANS
COMMITTEE**

Mission Statement

The Committee on Ways and Means (WM) is responsible for ensuring taxpayer dollars are expended prudently and equitably. WM will exercise regular oversight of the City's budget, expenditures, loans, and other financial matters. The committee's areas of jurisdiction include: budget & appropriations, taxation, financial services, consumer protection, audits, and the Comptroller's Office.

**The Honorable Eric T. Costello
Chairman**

PUBLIC HEARING

**TUESDAY, DECEMBER 14, 2021
10:00 AM**

VIRTUAL WEBEX MEETING

HEARING RECONVENING

Council Bill 21-0112

Charter Amendment

Supplementary Criminal Apprehension and Conviction Fund

CITY COUNCIL COMMITTEES

ECONOMIC AND COMMUNITY DEVELOPMENT (ECD)

Sharon Green Middleton, Chair
John Bullock – Vice Chair
Mark Conway
Ryan Dorsey
Antonio Glover
Odette Ramos
Robert Stokes
Staff: Jennifer Coates

WAYS AND MEANS (W&M)

Eric Costello, Chair
Kristerfer Burnett
Ryan Dorsey
Danielle McCray
Sharon Green Middleton
Isaac “Yitzy” Schleifer
Robert Stokes
Staff: Marguerite Currin

PUBLIC SAFETY AND GOVERNMENT OPERATIONS (SGO)

Mark Conway – Chair
Kristerfer Burnett
Zeke Cohen
Erick Costello
Antonio Glover
Phylicia Porter
Odette Ramos
Staff: Samuel Johnson

EDUCATION, WORKFORCE, AND YOUTH (EWY)

Robert Stokes – Chair
John Bullock
Zeke Cohen
Antonio Glover
Sharon Green Middleton
Phylicia Porter
James Torrence
Staff: Marguerite Currin

HEALTH, ENVIRONMENT, AND TECHNOLOGY (HET)

Danielle McCray – Chair
John Bullock
Mark Conway
Ryan Dorsey
Phylicia Porter
James Torrence
Isaac “Yitzy” Schleifer
Staff: Matthew Peters

RULES AND LEGISLATIVE OVERSIGHT (OVERSIGHT)

Isaac “Yitzy” Schleifer, Chair
Kristerfer Burnett
Mark Conway
Erick Costello
Sharon Green Middleton
Odette Ramos
James Torrence
Staff: Richard Krummerich



BILL SYNOPSIS

Committee: Ways and Means

Bill: 21-0112

Charter Amendment – Supplementary Criminal Apprehension and Conviction Fund

Sponsor: Councilmembers Schleifer and Bullock, et all

Introduced: July 19, 2021

Purpose:

For the purpose of establishing a continuing, non-lapsing Supplementary Criminal Apprehension and Conviction Fund, to be used exclusively to supplement rewards offered to the public for information leading to the apprehension, arrest, and conviction of criminal suspects; providing for certain modes of appropriation to this Fund; authorizing the Mayor and City Council, by Ordinance, to provide for the oversight, governance, and administration of this Fund; and submitting this amendment to the qualified voters of the City for adoption or rejection.

Effective: Upon the approval of the legal and qualified voters of Baltimore City.

Agency Reports

Law Department	Favorable/Amendment
Department of Finance	Unfavorable/Opposes
Baltimore Police Department	Defers to Law & Finance

Analysis

Current Law

Baltimore City Charter – Article 1 – General Provisions

The inhabitants of the City of Baltimore are a corporation, by the name of the “Mayor and City Council of Baltimore.

Maryland Constitution – Article XI-A, § 5

SEC. 5. Amendments to any charter adopted by the City of Baltimore or by any County of this State under the provisions of this Article may be proposed by a resolution of the Mayor of Baltimore and the City Council of the City of Baltimore, or the Council of the County, or by a petition signed by not less than 20% of the registered voters of the City or County, provided, however, that in any case 10,000 signatures shall be sufficient to complete a petition. A petition shall be filed with the Mayor of Baltimore or the President of the County Council. An amendment so proposed shall be submitted to the voters of the City or County at the next general or congressional election occurring after the passage of the resolution or the filing of the petition. If at the election the majority of the votes cast for and against the amendment shall be in favor thereof, the amendment shall be adopted and become a part of the charter of the City or County from and after the thirtieth day after said election. **The amendments shall be published by the Mayor of Baltimore or President of the County Council once a week for five successive weeks prior to the election in at least one newspaper published in said City or County (amended by Chapter 681, Acts of 1977, ratified Nov. 7, 1978).**

Background

The Committee held a hearing on October 19, 2021. The hearing recessed and will reconvene on Tuesday, December 14, 2021. **Following are notes from the October 19th hearing:**

Major Speakers – October 19, 2021 hearing

- Michelle Wirzberger, Police Department
- Lt. Colonel John Herzog, Police Department
- Robert Cename, Finance Department
- Elena DiPietro, Law Department

Major Issues Discussed

1. Councilman Schleifer, primary sponsor of the bill gave opening remarks. Some highlights from his conversation were:
 - Talked about a recent murder that occurred in his district; the reward amount was \$30,000 and because of the amount offered the phone rang off the hook with information
 - The suspects were apprehended quickly
 - The detectives were able to resolve the case quickly
 - He also talked about other positive examples that occurred when increased rewards are offered
 - He talked about what the Charter Amendment would do and said, “This is a solution to get people to come forward anonymously”
2. A representative from the Police Department thanked Councilman Schleifer for introducing the bill and talked about the role and/or responsibilities of the Metro Crime Stoppers.
3. Another representative from the Police Department stated that they support the bill and that currently not many people are coming forward. “Some people do not realize they can give information anonymously and don’t have to show up in court. We must do more marketing to get information out. There are outlets available to give tips. The bill will improve some of the barriers and he would love to partner with the Council on moving forward on the creating the fund.”
4. Per Councilman Schleifer, “this hearing as well as future meetings will help with the standardization of the fund. It will give a level playing field to others. This fund will be a lifesaver and have an impact citywide in many communities. Currently a lot of cases go unsolved; this fund will help with giving families closure. He also talked about inequities in some communities.”
5. Committee members made comments and asked questions. Some were:

- What are the mechanics of the bill? Are they available now? **Answer: First the fund must be created then the mechanics.**
 - We want to make sure there is a need for the fund
 - How is the Baltimore Police Department assimilating information to the community for how to report crime anonymously? **Answer: Through posters and flyers**
 - How do the Baltimore Police Department determine the amount given for information received? **Answer: It is determined by the Metro Crime Stoppers**
 - **Requested by Councilman Burnett – Please provide how many crimes were solved over the past couple of years from the tips coming in.**
 - What are the two (2) programs mentioned in Finance’s report? Please elaborate about these programs
 - Conviction Funds in other jurisdictions
 - Has it helped with conviction rates?
 - There are almost 300 murders this year! How can we offer funds to solve these murders?
 - City’s Budget Season
 - During the budget season we (Finance) have the capacity to direct funds, could we direct more funds/money to this fund at that time? **Answer: Yes, we could but the funds would have to come from another source already appropriated elsewhere which would affect the budget.**
6. The representatives from both the Finance and Law Departments talked about their agency report in depth. Some highlights of same were:
- **Finance Department**
 - Clarified why the Department opposes the bill
 - Currently the city has already set-a-side funds to assist the Metro Crime Stoppers and there are ways people can make donations to them
 - Believes the current program in place is working as planned
 - **Law Department**
 - Opposes the bill
 - Statement: When you start mandating funds it limits the authority of the Council; the real problem would be the people legislating via Charter Amendment
 - The Department opposes the designation of the 3rd source stated in the bill, if the third funding option was removed from the bill (by an amendment) the Department could support the bill
7. Per Councilman Schleifer, “He plans to move all concerns expressed by the Law Department from the bill by an amendment. He also talked about the background and some issues with Metro Crime Stoppers when associated with funds set-a-side by the City; the funds are sometimes restricted. We need to set the standards across the City whereas each community can get the same type of rewards.”
8. Councilman Schleifer gave closing remarks stating, “this is a low-cost solution for a big problem; we want long term solutions for this issue. Every single case in the city should be a priority!”
9. Hearing recessed. To reconvene at a later date.

Further Study

Was further study requested?

Yes No

If yes, describe. See request noted in **“Yellow”** in the Major Issues Discussed section above.

Marguerite M. Currin

Marguerite M. Currin, Committee Staff

Date: December 9, 2021

cc: Bill File
OCS Electronic File

Council Bill: 21-0112

AGENCY REPORTS

See Attached

CITY OF BALTIMORE

BRANDON M. SCOTT,
Mayor



DEPARTMENT OF LAW
DANA P. MOORE, ACTING CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

Honorable President and Members
of the City Council of Baltimore
c/o Natawna Austin, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

October 18, 2021

Re: City Council Bill 21-0112- Charter Amendment – Supplementary Criminal Apprehension
and Conviction Fund

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 21-0112 for form and legal sufficiency. This resolution is a Charter Amendment for the purpose of establishing a continuing, non-lapsing Apprehension and Conviction Fund. The Fund will to be used exclusively to supplement rewards offered to the public for information leading to the successful apprehension, arrest, and conviction of criminal suspects. The bill provides for several funding mechanisms and authorizes the Mayor and City Council, by Ordinance, to provide for the oversight, governance, and administration of the Fund.

The bill states that the Fund may consist of (1) money appropriated to the Fund in the annual ordinance of estimates (2) grants and donations made to the Fund and (3) proceeds from fines, fees, surcharges or other revenues dedicated to the Fund by ordinance. These funding mechanisms are appropriate except for the third option. This option would give the City Council authority to by ordinance to direct that any existing or newly enacted fines, fees or surcharges be dedicated to the Fund.

Although § 6 (currently Sec. 5) of Art. XI-A of the Maryland Constitution reserves to the people of a charter county the power to amend the charter, this power is limited by §§ 2 and 3. See *Cheeks v. Cedlair*, 287 Md. 595(1980).. Section 2 specifies that the General Assembly shall, “by public general law,” grant “express powers” to the governments of charter counties and that such powers “shall not be enlarged or extended by any charter formed under the provisions” of Article XI-A. Section 3 provides that each charter county shall have a county council, which is “an elective legislative body in which shall be vested the law-making power” of the county. Section 3 of Article XI-A goes on to state that the county council shall have “full power to enact local laws ... upon all matters covered by the express powers granted” pursuant to § 2. Therefore, the “basic function” of a charter is “to distribute power among the various agencies of government, and between the government and the people who have delegated that power to their government.” *Board v. Smallwood*, 237 Md. 220 (1992). As Chief Judge Murphy stated for the Court in *Cheeks*, 287 Md. at 607:

“A charter is thus a permanent document intended to provide a broad organizational framework establishing the form and structure of government in pursuance of which a political subdivision is to be governed and local laws enacted. It is the organic, the fundamental law.

Pursuant to the constitutional authority, local governments have attempted to amend their charters to modify the form and structure of their governments. In *Save Our Streets v. Mitchell*, 357 Md. 237 (2000), the Court evaluated two charter amendments, one from Harford County and one from Montgomery County. The Harford County amendment imposed a one-year moratorium on the approval of any development projects in the County. After one year, the charter amendment would prohibit all projects that did not meet the standards in the Charter. The Montgomery County charter amendment would prohibit the expenditure of county funds on installing and maintaining speed bumps and required removal of all existing speed bumps.

The *Save Our Streams* Court noted the basic tenets related to Charter amendments as determined in earlier cases. In addition, it pointed out Art. XI-A “shall by public general law grant “express powers” to the governments of the charter counties and that such powers “shall not be enlarged or extended by any charter formed under the provision.” *Id.* at 249. Furthermore, a charter cannot transcend its limited office and be made to serve or function as a vehicle through which to adopt local legislation.” *Id.*

The court then focused on how to distinguish between charter material and legislative material. The Court recognized the distinction made by the *Griffith* court which said that a charter amendment that authorizes or precludes specified types of enactments by legislative bodies is generally valid. Those that provide for specific legislative schemes are not valid. Citing *Smallwood*, the Court further explained that the proposed amendment that placed limitations on legislative power were invalid to the extent that it divested the City Council of the ability to legislate on a specific power. An important consideration is the degree to which the county council retains discretion and control regarding an area under its control pursuant to Art. XI-A. *Id.* 252-253. It is common for constitutions and charters to authorize, or preclude, specified types of enactments by legislative bodies. This is quite different from a charter itself containing all the provisions concerning a subject. *Id.* at 254. As an example, the Court pointed to *Smallwood* again and explained that a percentage tax cap did not set specific tax rates but merely imposed a ceiling under which the county council could exercise its discretion. Moreover, it did not direct to what particular purpose property tax revenues would be expended.

A decade or so after *Save Our Streams*, the Court was asked to evaluate a charter amendment that provided for binding arbitration for fire and police but also provided that the County did not have to appropriate funds to satisfy any award resulting from binding arbitration. See *Atkinson v. Anne Arundel Co.*, 428 Md. 723 (2012). The court sifted through the history of this amendment noting that in its original form, it mandated that the county council provide by ordinance for binding arbitration as well as other requirements for the ordinance. In determining whether this charter amendment was charter material, the Court started by noting one of the basic principles in all the cases. “The length and detail of a proposed charter amendment are not dispositive as to whether the proposed amendment constitutes legislation or proper charter material. An important consideration is the degree to which the county council retains discretion and control regarding an area under its

CITY OF BALTIMORE

BRANDON M. SCOTT,
Mayor



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BALTIMORE, MD 21202

control pursuant to Article XI-A of the Maryland Constitution. *Atkinson* at 254. Charter amendments that remove any meaningful exercise of discretion by the legislative body are invalid

In *Atkinson*, the charter amendment was not invalidated because it left the details for implementation to the Council and only provided a system or method for appropriating the revenues. The charter amendment proposed in City Council Bill 21-0112 goes beyond merely authorizing the creation of the fund. It mandates that the fund be used for a specific purpose, removing any meaningful discretion of the City Council with respect to the use of the fund. Leaving the city Council lonely ministerial tasks related to th Fund’s operation. Such a limitation was recognized as ainvalidating factor in determining whether the charter amendment is appropriate charter material.. See *Save Our Streams* at 254.

The funding mechanism that allows the City Council to provide revenue for the Fund for the proceeds from fines, fees surcharges or other revenues dedicated to the Fund by ordinance implicates the same concerns as charter amendments that limit tax revenues that have been invalidated as transferring legislative power to the voters. Even when a court has upheld “a local limitation on property tax revenues” it has done so with a caution that if it “so hampers a county government that it cannot perform the duties required under state law” such as “public education, police and fire protection services, water and sewage services” or others, the charter amendment “may well be found to be invalid as applied.” *Id.* (citing 16 McQuillin Mun. Corp. § 44.26 (3rd ed.)). This is a danger would also exist if the charter provision regarding dedicating proceeds of various revenue sources both current and future is allowed to stand. The Council could designate funds that have already been appropriated to use by the Fund at any time causing serious upheaval in the City’s ability to pay it’s bills even the salaries of it is employees as the funds appropriated for that purpose have been diverted to another use.

Allowing the annual legislative budget process to work is vital because “it is to the law-making body, and only to that body, which the charter commits the power, in that body’s representative capacity, to determine the amounts essential to support and maintain the county government.” *Smallwood*, 327 Md. at 250 (1992) (dissent). Establishing the annual budget requires knowledge that is “specific” and “technical” in nature, making it a matter reserved to the legislature and not the voters. *Bunting*, 168 Md. App. at 148. The exact amount of minimum funding to appropriate annually, like other charter amendments struck down by Maryland courts, “requires a detailed and comprehensive knowledge of the structure and inner-workings” of the fiscal matters of the City each year “as well as an understanding of its present needs and future demands. Consequently, it does not lend itself to resolution by referendum, but to the type of thorough and on-going review that the budgetary process promises.” *Id.* at 148-149. Certainly, if enacted, this measure would tie the hands of future City governments to fund other initiatives that it deems important by diverting unknown amounts at anytime to one purpose.

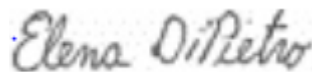
In Baltimore City, the Board of Estimates and the Mayor and City Council have the intimate knowledge of the needs and debts of the City government, not the voters, and therefore it is not appropriate or wise

for the voters to dictate a specified rate or amount of funding or even, as provided in this bill, free - rein to provide for funding for a specific purpose outside of the budget process. The City takes nearly a year to formulate the next year's budget, and the Board of Estimates and the City Council have multiple hearings on it every year. This detailed annual fiscal analysis stands in stark contrast to the seemingly random selection in Council Bill 21-0112 of any number of fees, fines, or surcharges which make up the proposed third funding source in this bill.

This is fundamentally different than merely creating a non-lapsing fund and stating that money be appropriated into that fund during the yearly budget process. *See, e.g.*, Charter, Art. I, §§10 – 12. Creating the fund is proper Charter material. Funding it each year amounts to “constructing the ‘technical’ specifics of the policy,” which must be done legislatively through the annual Ordinance of Estimates. *Atkinson*, 236 Md. App. at 179. Therefore, on page two of this Bill, lines 11-12 should be stricken. Removing that language still leaves the creation of the non-lapsing fund into which an amount may be appropriated annually.

Provided that the amendment contained in this report or similar amendments are adopted, the Law Department can approve the Bill for form and legal sufficiency.

Sincerely,



Elena R. DiPietro
Chief Solicitor


Cc: James Shea, City Solicitor
Darnell Ingram, Deputy Solicitor
Stephen Salsbury, Chief of Staff
Natasha Mehu, Director. MOGR
Nina Themelis, Mayor's Office of Government Relations
Matthew Stegman, President's Office
Nikki Thompson, President's Legislative Liaison
Ashlea Brown, Special Solicitor
Victor Tervalá, Chief Solicitor
Hilary Ruley, Chief Solicitor
Dereka Bolden, Assistant Solicitor
Avery Aisenstark

CITY OF BALTIMORE

BRANDON M. SCOTT,
Mayor



DEPARTMENT OF LAW
DANA P. MOORE, ACTING CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

FROM	NAME & TITLE	Robert Cename, Budget Director <i>Robert Cename</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432, City Hall		
	SUBJECT	City Council Bill 21-0112 – Charter Amendment – Supplementary Criminal Apprehension and Conviction Fund		

DATE:

TO

The Honorable President and
Members of the City Council
City Hall, Room 400

October 10, 2021

Position: Oppose

The Department of Finance is herein reporting on City Council Bill 21-0112, Charter Amendment – Supplementary Criminal Apprehension and Conviction Fund, the purpose of which is to establish a continuing, nonlapsing Supplementary Criminal Apprehension and Conviction Fund. This fund would be used exclusively to supplement rewards offered to the public for information leading to the apprehension, arrest, and conviction of criminal suspects.

Background

This legislation proposes establishing a fund that would support rewards offered to the public by the Baltimore Police Department or a non-profit organization for the successful apprehension, arrest, or conviction of criminal suspects. More so, the legislation allows the Mayor and City Council to finance the fund by using an annual appropriation, grants, donations, or proceeds from other revenue sources. Additionally, this measure provides that unspent funds cannot revert to general revenues or be used for any other purpose, and appropriations cannot lapse. The City currently provides support for a Metro Crime Stoppers (MCS) program that encourages and rewards individuals for providing information which results in the resolution of unsolved crimes with a cash reward of up to \$2,000. This program is funded through General Fund appropriations and budgeted for \$200,000 in Fiscal 2022.

Moreover, the Mayor’s Office of Neighborhood Safety and Engagement has an agreement with MCS to implement an Illegal Gun Tip and Homicide Hotline Program. This program aims to reduce the number of civilian firearms in circulation, assist in solving homicides, and lower violent crime rates. Through this program, rewards of up to \$1,000 will be paid to persons that provide information that leads to the recovery of illegal firearms, as well as the arrest of an individual for a felony firearms charges and/or homicide.

Fiscal Impact

The Department of Finance is opposed to the creation of special funds, such as the proposed fund, for a variety of reasons.

First, it limits the City’s ability to access revenues during economic downturns. Mandating that funds cannot lapse, must be used for this Fund, and cannot revert to general revenues limits the City’s ability to respond to urgent fiscal needs. The ability to reallocate funds across programs and services has been vital during this time to maintain core City services and ensure a strong response to the COVID-19 pandemic.

Second, to meet the requirements of this fund, the City may be required to raise additional revenue or reallocate resources from other programs and services. City tax rates are already the highest in Maryland, which limits the City's options for raising additional revenue for new programs without adding an additional burden for residents. In addition, the City faces an array of unfunded risks in the coming years, including but not limited to the pending Fire and Police pension lawsuit, Police legal liabilities, additional consent decree costs, unmet capital needs across many agencies, education funding, and surplus schools.

Additionally, establishing funds that compromise the City's ability to quickly respond to fiscal needs could be viewed negatively by bond rating agencies. Baltimore has a long history of good fiscal stewardship and Baltimore's strong fiscal management is one of the reasons why the City has never gone into default, receivership, or bankruptcy.

Finally, it may be more appropriate for an entity like the Baltimore Civic Fund to manage this special fund. The Baltimore Civic Fund operates at the intersection of government and philanthropy, allowing them to provide a unique suite of services for the City of Baltimore and community-based organizations, and would likely be more apt to assist in this endeavor. Utilizing this relationship would meet the intent of the legislation without limiting the City's ability to respond to urgent fiscal needs or placing an additional burden on residents.

Conclusion

Dedicating a revenue source to a nonlapsing fund and not allowing funds to be used for any other purpose limits the City's ability to allocate resources as needed, especially during economic downturns. This could result in reduced funding for services and programs, or require that additional revenues are collected, placing an additional burden on City residents. In addition, the City currently supports two programs that already provide rewards for assistance with homicide, illegal gun, and other unsolved cases.

For the reasons stated above, the Department of Finance opposes City Council Bill 21-0112.

cc: Henry Raymond
Natasha Mehu
Nina Themelis



BALTIMORE POLICE DEPARTMENT



Brandon M. Scott
Mayor

Michael S. Harrison
Police Commissioner

October 19, 2021

Honorable President and Members of the Baltimore City Council
Room 400, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

RE: City Council Resolution #21-0112 Charter Amendment – Supplementary Criminal Apprehension and Conviction Fund

Dear Council President Mosby and Members of the City Council:

The Baltimore Police Department (BPD) has reviewed Council Bill 21-0112 for the purpose of For the establishing a continuing, nonlapsing Supplementary Criminal Apprehension and Conviction Fund, to be used exclusively to supplement rewards offered to the public for information leading to the apprehension, arrest, and conviction of criminal suspects; providing for certain modes of appropriation to this Fund; authorizing the Mayor and City Council, by Ordinance, to provide for the oversight, governance, and administration of this Fund; and submitting this amendment to the qualified voters of the City for adoption or rejection

As you likely know, we currently work with Metro Crime Stoppers (MCS) to provide cash rewards to individuals who provide information that leads to the arrest of individuals suspected of committing felonies including armed robbery, burglary, homicide, aggravated assault, rape, arson and auto theft.

Metro Crime Stoppers (MCS) is a volunteer organization that helps law enforcement agencies solve crime within the community. Established locally in 1981, it is a part of an international network of crime fighting organizations. They serve Baltimore City, Annapolis City, Anne Arundel, Baltimore, Carroll, Harford, Howard, and Queen Anne's Counties.

Individuals may submit a tip by calling the MCS 24-Hour toll free Hotline, 1-866-7LOCKUP or online at <http://metrocrimestoppers.org>. Individuals are not required to give their names, but are assigned confidential code numbers. With that number, they identify themselves in future calls to MCS to obtain status reports about the case, and when eligible, arrange to receive the reward.

When tips are received, they are sent to the Local Law-Enforcement Agency where the crime took place and that agency investigates and reports their findings to MCS. All rewards are paid in cash. Between 2015 – 2020, MCS authorized payments of \$53,302 for tips that were determined to be instrumental in securing an indictment and arrest. In 2020, 21 rewards were authorized.

BPD supports the goal of the legislation which is to entice witnesses and those with information about crimes to come forward and share that information with the Department. Increased communication could certainly enhance the Department's ability to solve cases and hold perpetrators accountable. That said, we defer to the Law Department and the Department of Finance to determine whether this legislation is a viable option for Baltimore City. Thank you for allowing us to comment on this important piece of legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle Wirzberger". The signature is written in a cursive, flowing style.

Michelle Wirzberger, Esq.
Director of Government Affairs

cc: Natwana Austin, Executive Secretary of the Baltimore City Council
Natasha Mehu, Director of Mayor's Office of Government Relations
Nina Themelis, Special Assistant and Legislative Liaison, MOGR
Eric Melancon, BPD Chief of Staff
Andrew Smullian, BPD Deputy Chief of Staff

**CITY OF BALTIMORE
COUNCIL BILL 21-0112
(First Reader)**

Introduced by: Councilmembers Schleifer and Bullock

Introduced and read first time: July 19, 2021

Assigned to: Ways and Means Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Baltimore Police Department

A RESOLUTION ENTITLED

1 A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

2 **Charter Amendment – Supplementary Criminal**
3 **Apprehension and Conviction Fund**

4 FOR the purpose of establishing a continuing, nonlapsing Supplementary Criminal
5 Apprehension and Conviction Fund, to be used exclusively to supplement rewards offered to
6 the public for information leading to the apprehension, arrest, and conviction of criminal
7 suspects; providing for certain modes of appropriation to this Fund; authorizing the Mayor
8 and City Council, by Ordinance, to provide for the oversight, governance, and administration
9 of this Fund; and submitting this amendment to the qualified voters of the City for adoption
10 or rejection.

11 BY proposing to add
12 Article I - General Provisions
13 Section 19
14 Baltimore City Charter
15 (1996 Edition)

16 **SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
17 City Charter is proposed to be amended to read as follows:

18 **Baltimore City Charter**

19 **Article I. General Provisions**

20 **§ 19. SUPPLEMENTARY CRIMINAL APPREHENSION AND CONVICTION FUND.**

21 (A) *FUND ESTABLISHED; SCOPE.*

22 THERE IS A CONTINUING, NONLAPSING SUPPLEMENTARY CRIMINAL APPREHENSION AND
23 CONVICTION FUND, TO BE USED EXCLUSIVELY FOR PURPOSES OF SUPPLEMENTING
24 REWARDS OFFERED TO THE PUBLIC FROM TIME TO TIME BY THE BALTIMORE POLICE
25 DEPARTMENT OR A NON-PROFIT ORGANIZATION FOR THE SUCCESSFUL APPREHENSION,
26 ARREST, AND CONVICTION OF CRIMINAL SUSPECTS.

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

Council Bill 21-0112

1 (B) *LIMITATIONS ON USE.*

2 THE SUPPLEMENTARY CRIMINAL APPREHENSION AND CONVICTION FUND:

3 (1) SHALL ONLY BE USED TO SUPPLEMENT REWARDS; AND

4 (2) MAY NOT BE USED TO SUBSTITUTE FOR OR REPLACE EXISTING FUNDING FOR
5 REWARDS PROVIDED BY THE BALTIMORE POLICE DEPARTMENT OR ANY NON-
6 PROFIT ORGANIZATIONS AS DESCRIBED IN SUBSECTION (A) OF THIS SECTION.

7 (C) *REVENUE SOURCES.*

8 THE FUND ESTABLISHED UNDER THIS SECTION MAY CONSIST OF:

9 (1) MONEY APPROPRIATED TO THE FUND IN THE ANNUAL ORDINANCES OF ESTIMATES;

10 (2) GRANTS OR DONATIONS MADE TO THE FUND; AND

11 (3) PROCEEDS FROM FINES, FEES, SURCHARGES, OR OTHER REVENUES DEDICATED TO
12 THE FUND BY ORDINANCE.

13 (D) *CONTINUING NATURE OF FUND.*

14 NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHARTER, UNSPENT PORTIONS OF THE
15 FUND ESTABLISHED UNDER THIS SECTION:

16 (1) REMAIN IN THE FUND, TO BE USED EXCLUSIVELY FOR THEIR ORDAINED PURPOSES;

17 (2) DO NOT REVERT TO THE GENERAL REVENUES OF THE CITY; AND

18 (3) THEIR APPROPRIATIONS DO NOT LAPSE.

19 (E) *IMPLEMENTATION.*

20 BY ORDINANCE, THE MAYOR AND CITY COUNCIL MAY PROVIDE FOR THE OVERSIGHT,
21 GOVERNANCE, AND ADMINISTRATION OF THE FUND DESCRIBED IN THIS SECTION.

22 **SECTION 2. AND BE IT FURTHER RESOLVED,** That this proposed amendment to the City
23 Charter be submitted to the legal and qualified voters of Baltimore City, for adoption or rejection,
24 in accordance with Article XI-A, § 5 of the Maryland Constitution, in the form specified by the
25 City Solicitor.