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**BALTIMORE CITY COUNCIL
EDUCATION, WORKFORCE, AND YOUTH
COMMITTEE**

Mission Statement

The Committee on Education, Workforce and Youth (EWY) is responsible for creating opportunities for our young people, ensuring economic opportunity and prosperity for Baltimore's workforce, and supporting our most vulnerable neighbors. The committee's areas of jurisdiction include public education, labor relations, workforce development, employment, public parks, recreation, and youth affairs. Issue areas include, but are not limited to: education, including adult education, higher education, workforce development, labor, senior affairs, veterans, childcare, accessibility and disability issues, recreation and parks, and historical landmarks.

**The Honorable Robert Stokes, Sr.
Chairman**

PUBLIC HEARING

**THURSDAY, APRIL 7, 2022
10:00 AM**

VIRTUAL WEBEX MEETING

Council Bill 21-0047

**Charter Amendment – Dante Barksdale Career Technology
Apprenticeship 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
Kristofer 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
Kristofer 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
Kristofer Burnett
Mark Conway
Erick Costello
Sharon Green Middleton
Odette Ramos
James Torrence
Staff: Richard Krummerich



BILL SYNOPSIS

Committee: Education, Workforce and Youth

Bill: 21-0047

Charter Amendment – Dante Barksdale Career Technology Apprenticeship Fund

Sponsor: *President Mosby, et al*

Introduced: *March 8, 2021*

Purpose:

FOR the purpose of establishing a continuing, non-lapsing Dante Barksdale Career Technology Education Fund, to be used exclusively to supplement pre-apprenticeship programs and other workforce development programs; requiring a minimum monthly 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/Amend
Mayor’s Office of Employment Development	None as of this writing
Baltimore City Public School System	Favorable/Comments
Department of Finance	None as of this writing

Analysis

Current Law

Article 1 – General Provisions of the Baltimore City Charter states:

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

“Voter” means any person whose name appears on the election records kept by the Board of Supervisors of Election of Baltimore City, as a qualified voter in the city.

Background

If adopted by the qualified voters in the city, a new subsection will be added to Article 1 of the City Charter to create a special fund for Career Technology Education; to be named in honor the late Dante Barksdale.

See attachment titled : Who was Dante Barksdale?

The Law Department is proposing amendments to the bill.

Additional Information

Fiscal Note: None

Information Source(s): Baltimore City Charter, Council Bill 21-0047, and all agency reports received as of this writing.

Marguerite M. Currin
Analysis by: Marguerite M. Currin
Analysis Date: April 4, 2022

Direct Inquiries to: (443) 984-3485

WHO WAS DANTE BARKSDALE¹



Described as a man who saved lives as the [Director of Safe Streets in Baltimore City, Dante Barksdale](#) spent nearly a decade fighting against gun violence.

As the director of Safe Streets, [Barksdale](#) worked with volunteers for years to get the number of shootings down in many areas that see a high rate of crime.

[Dante Barksdale](#), known as Tater, was always there, stepping in before things turned violent.

He continued to grow in his efforts with 10 Safe Streets sites across the city, engaging with those in the community in hopes of stopping crime before it happened.

"We know guys on every last one of these corners, from Patterson Park, to Lynwood, to Monument, to Baltimore and further," [Barksdale said](#) in 2017.

[Barksdale spoke with 11 News in 2018](#) about being a violence interrupter, canvassing neighborhoods and talking to residents in an effort to build rapport and stop violence from erupting.

[Dante Barksdale](#) was shot and killed in January 2021.

[Mayor Brandon Scott](#) said in a statement: "My heart is broken with the loss of my friend Dante Barksdale, a beloved leader in our community who committed his life to saving lives in Baltimore. He was the heart and soul of Safe Streets, where he worked for nine years. His death is a major loss to Safe Streets, the communities they serve and the entire city of Baltimore. I send my deepest condolences and prayers to Dante's family in this tragic time.

¹ Several news articles and broadcasts regarding [Director Dante Barksdale, Safe Streets](#)

Council Bill 21-0047
Agency Report(s)

SEE ATTACHED

CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
JAMES L. SHEA, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

March 28, 2022

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

Re: Mayor and City Council Resolution 21-0047–Charter Amendment – Dante
Barksdale Career Technology Apprenticeship Fund

Dear President and City Council Members:

The Law Department has reviewed Mayor and City Council Resolution 21-0047 for form and legal sufficiency. Under Article XI-A, Section 5 of the Maryland Constitution, a resolution, such as City Council Resolution 21-0047, is an appropriate method of initiating an amendment to the Baltimore City Charter. If enacted, the Resolution would be placed on the ballot at the City’s next election and would take effect thirty days after being approved by the voters. Md. Const., Art. XI-A, § 5.

This resolution would add Section 17 to Article I of the City Charter to allow the Mayor and City Council to create by ordinance a special, non-lapsing fund to promote apprenticeship programs and other workforce development programs in the City’s public secondary schools and colleges. The fund would consist of several possible funding sources, including gifts and future appropriations.

Section 17(c)(1) contains a funding source that is unable to be created by Charter amendment. Md. Const., Art. XI-A, § 3 (legislation for the City may only be made by City Council); §5 (Power of people to initiate Charter amendments does not include power of legislative initiative). A Charter amendment may not “serve or function as a vehicle through which to adopt local legislation.” *Cheeks v. Cedlair Corp.*, 287 Md. 595, 607 (1980) (Charter is “limited in substance to amending the form or structure of government initially established by adoption of the charter.”). The “council alone, and not the voters of the county, has the power to initiate local legislation” and “such legislative power cannot be exercised by means of an amendment to the charter.” *Save our Streets v. Mitchell*, 357 Md. 237, 249 (2000) (citations omitted). This “distinction between the fundamental, general nature of a charter and the specificity characteristic of county council legislative enactments authorized by a charter framework, is essential to the system of representative democracy provided for in Article XI-A of the Maryland Constitution.” *Save our Streets*, 357 Md. at 252; *accord Atkinson v. Anne Arundel County*, 236 Md. App. 139, 177 (2018)(“the proper focus when deciding whether a charter amendment is impermissibly

legislative is ‘the degree to which the county council retains discretion and control regarding an area under its authority pursuant to Article XI-A of the Maryland Constitution.’”); *accord Mayor and City Council of Ocean City v. Bunting*, 168 Md. App. 134, 148 (2006); *but see Save our Streets*, 357 Md. at 251 (tax caps have been upheld as proper Charter material and “fundamental in nature because they ‘directly involved the relationship between the people and the government by limiting the power of the government to tax.’”) (citation omitted). Thus, page 2 of this Resolution must be amended to remove lines 21 through 28.

Additionally, the language in lines 21 through 28 may pose other legal issues, including how the contractor payment program would work considering state and federal laws like the Davis-Bacon Act. Md. Code, State Fin & Proc., § 17-601, et. seq.; 40 U.S.C. 3141 *et seq.* This report does not analyze these legal issues in depth because the conflict with the Maryland Constitution is determinative.

Assuming the bill is amended, the Law Department can approve the Resolution for form and legal sufficiency.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Hilary Ruley".

Hilary Ruley
Chief Solicitor

cc: James L. Shea, City Solicitor
Nina Themelis, Mayor’s Office of Government Relations
Elena DiPietro, Chief Solicitor, General Counsel Division
Victor Tervalá, Chief Solicitor
Ashlea Brown, Chief Solicitor

AMENDMENTS TO COUNCIL BILL 21-0047
(1st Reader Copy)

Proposed by: Law Dep't

On page 2, delete lines 21 through 28.

BALTIMORE CITY PUBLIC SCHOOLS

Brandon M. Scott
Mayor, City of Baltimore

Johnette Richardson
Chair, Baltimore City Board
of School Commissioners

Dr. Sonja Brookins Santelises
Chief Executive Officer

City Council Charter Amendment 21-0047 Dante Barksdale Career Technology Apprenticeship Fund

April 4, 2022

Baltimore City Public Schools (City Schools) has reviewed Charter Amendment 21-0047, which would ultimately enable the Mayor and City Council to establish a continuing, non-lapsing fund for the purpose of promoting Baltimore City pre-apprenticeship programs and other workforce development programs in Baltimore City's public secondary schools and community colleges that assist students in preparing for and entering apprenticeship training programs.

City Schools believes that paid work-based learning (WBL) experiences for our students, including youth pre-apprenticeships, are essential to our students' success and persistence in their Career Technical Education (CTE) pathways and in preparing all our students for above-living wage, in-demand, and high-skilled careers.

The district primarily utilizes "Apprenticeship Maryland," a youth apprenticeship program with the Maryland State Department of Education and the Maryland Department of Labor, to bring these opportunities to our students. The goal of Apprenticeship Maryland is to create compensated, high quality youth apprenticeships that prepare students to enter employment in high-skilled, high growth sectors in manufacturing and STEM occupations such as healthcare, biotechnology, information technology, construction and design, and banking and financing. The program offers students paid opportunities to join the workforce while in school, pursue their interests, and in the adult apprentice program, even help with college tuition.

City Schools appreciates the City Council's consideration of Charter Amendment 21-0047 and looks forward to working with policymakers as well as industry and community partners to increase the number of apprenticeship opportunities and accessibility to our diverse population of students.

**CITY OF BALTIMORE
COUNCIL BILL 21-0047
(First Reader)**

Introduced by: President Mosby and Councilmembers Middleton, Burnett, Bullock, Ramos,
Schleifer, Torrence, Conway, Stokes, Cohen, McCray, Glover, Dorsey, Porter, Costello
Introduced and read first time: March 8, 2021

Assigned to: Education, Workforce, and Youth Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Mayor's Office of Employment
Development, Baltimore City Public School System, Department of Finance

A RESOLUTION ENTITLED

1 A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

2 **Charter Amendment – Dante Barksdale Career Technology Apprenticeship Fund**

3 FOR the purpose of establishing a continuing, non-lapsing Dante Barksdale Career Technology
4 Education Fund, to be used exclusively to supplement pre-apprenticeship programs and other
5 workforce development programs; requiring a minimum monthly appropriation to this Fund;
6 authorizing the Mayor and City Council, by ordinance, to provide for the oversight,
7 governance, and administration of this Fund; and submitting this amendment to the qualified
8 voters of the City for adoption or rejection.

9 BY proposing to add

10 Article I - General Provisions
11 Section 17
12 Baltimore City Charter
13 (1996 Edition)

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

16 **Baltimore City Charter**

17 **Article I. General Provisions**

18 **§ 17. SPECIAL FUND FOR CAREER TECHNOLOGY EDUCATION.**

19 (A) *DEFINITIONS.*

20 (1) *IN GENERAL.*

21 IN THIS SECTION, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

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

Council Bill 21-0047

1 (2) *APPRENTICESHIP TRAINING PROGRAM.*

2 “APPRENTICESHIP TRAINING PROGRAM” MEANS AN APPRENTICESHIP TRAINING
3 PROGRAM LOCATED IN BALTIMORE CITY THAT IS REGISTERED WITH AND APPROVED BY
4 THE MARYLAND APPRENTICESHIP AND TRAINING COUNCIL OR THE U.S. DEPARTMENT
5 OF LABOR.

6 (3) *COVERED CRAFT.*

7 “COVERED CRAFT” MEANS A CLASSIFICATION OF WORKERS LISTED IN THE PREVAILING
8 WAGE DETERMINATION APPLICABLE TO THE COVERED PROJECT.

9 (4) *COVERED PROJECT.*

10 “COVERED PROJECT” MEANS A PROJECT FOR THE CONSTRUCTION OF A PUBLIC WORK
11 THAT IS VALUED AT \$500,000 OR MORE.

12 (B) *AUTHORIZATION.*

13 BY ORDINANCE, THE MAYOR AND CITY COUNCIL OF BALTIMORE MAY ESTABLISH A
14 CONTINUING, NONLAPSING FUND FOR PURPOSES OF PROMOTING BALTIMORE CITY PRE-
15 APPRENTICESHIP PROGRAMS AND OTHER WORKFORCE DEVELOPMENT PROGRAMS IN
16 BALTIMORE CITY’S PUBLIC SECONDARY SCHOOLS AND COMMUNITY COLLEGES THAT
17 ASSIST STUDENTS IN PREPARING FOR AND ENTERING APPRENTICESHIP TRAINING
18 PROGRAMS.

19 (C) *REVENUE SOURCES.*

20 THE FUND ESTABLISHED UNDER THIS SECTION SHALL COMPRISE:

21 (1) MONTHLY PAYMENTS BY A SUBCONTRACTOR THAT PERFORMS WORK VALUED AT
22 \$100,000 OR MORE FOR A COVERED PROJECT OF AT LEAST 25 CENTS PER HOUR PER
23 EMPLOYEE IN A COVERED CRAFT IF THE SUBCONTRACTOR:

24 (I) DOES NOT PARTICIPATE IN AN APPRENTICESHIP TRAINING PROGRAM FOR
25 EACH COVERED CRAFT IN WHICH IT WILL EMPLOY PERSONS FOR THE
26 COVERED PROJECT; OR

27 (II) DOES NOT MAKE PAYMENTS TO AN APPRENTICESHIP TRAINING PROGRAM OR
28 TO AN ORGANIZATION THAT HAS AN APPRENTICESHIP TRAINING PROGRAM;

29 (2) MONEY APPROPRIATED TO THE FUND IN THE ANNUAL ORDINANCES OF ESTIMATES;

30 (3) GRANTS OR DONATIONS MADE TO THE FUND; AND

31 (4) PROCEEDS FROM FINES, FEES, SURCHARGES, OR OTHER REVENUES DEDICATED TO
32 THE FUND BY ORDINANCE.

Council Bill 21-0047

1 (D) *CONTINUING NATURE OF FUND.*

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

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

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

6 (3) THEIR APPROPRIATIONS DO NOT LAPSE.

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