CITY OF BALTIMORE ORDINANCE Council Bill 22-0254

Introduced by: Councilmembers Cohen, Middleton, Ramos, McCray, Bullock, Burnett, Conway Dorsey, Porter, Torrence Introduced and read first time: July 25, 2022 <u>Assigned to: Economic and Community Development Committee</u> Committee Report: Favorable, with amendments Council action: Adopted Read second time: July 17, 2023

AN ORDINANCE CONCERNING

Office of Aging – Independent Agency

- 2 FOR the purpose of establishing an Office of Aging Office of Older Adult Affairs and Advocacy
- 3 as an independent agency; defining certain terms; providing for the appointment of the
- 4 Director of the Office; establishing duties of the Office; providing for the staff and budget of
- 5 the Office; requiring the adoption of certain rules and regulations; requiring the Office to
- 6 submit an annual report to the Mayor and City Council; establishing the Commission on
- 7 Aging, <u>Resources</u>, and <u>Empowerment</u> to advise and collaborate with the Office; providing for
- 8 the appointment, structure, and governance of the Commission; requiring the Commission to
- 9 submit an annual report to the Director; and requiring Commission members, the Director,
- 10 and other staff of the Office to file financial disclosures under the Ethics Code.
- 11 By repealing

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- 12 Article 1 Mayor, City Council, and Municipal Agencies
- 13 Sections 14-1 to 14-6 and Subtitle 14, Commission on the Aging and Retirement Education
- 14 Baltimore City Code
- 15 (Edition 2000)
- 16 BY adding
- 17 Article 1 Mayor, City Council, and Municipal Agencies
- 18 Sections 14-1 to 14-14, to be under the new subtitle designation,
- 19 "Subtitle 14. Aging Services"
- 20 Baltimore City Code
- 21 (Edition 2000)

22 By repealing and reordaining, with amendments

- 23 Article 8 Ethics
- 24 Section 7-8(1)
- 25 Baltimore City Code
- 26 (Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law. [Brackets] indicate matter deleted from existing law. <u>Underlining</u> 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.

1 2	BY adding Article 8 - Ethics
$\frac{2}{3}$	Section 7-8(29)
4	Baltimore City Code
5	(Edition 2000)
6	SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That
7	City Code Article 1, Subtitle 14 {"Commission on the Aging and Retirement Education"} is
8	repealed, in its entirety.
9	SECTION 2. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the
10	Laws of Baltimore City read as follows:
11	Baltimore City Code
12	Article 1. Mayor, City Council, and Municipal Agencies
13	SUBTITLE 14. AGING SERVICES
14	PART I. OFFICE OF AGING
15	§ 14-1. DEFINITIONS.
16	(A) IN GENERAL.
17	IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.
18	(B) COMMISSION.
19	"COMMISSION" MEANS THE BALTIMORE CITY COMMISSION ON AGING, RESOURCES, AND
20	EMPOWERMENT, FORMERLY NAMED THE BALTIMORE CITY COMMISSION ON THE AGING
21	AND RETIREMENT.
22	(C) DIRECTOR.
23	"DIRECTOR" MEANS THE DIRECTOR OF THE BALTIMORE CITY OFFICE OF AGING OFFICE OF
24	OLDER ADULT AFFAIRS AND ADVOCACY.
25	(D) OFFICE.
26	"OFFICE" MEANS THE BALTIMORE CITY OFFICE OF AGING OFFICE OF OLDER ADULT
27	AFFAIRS AND ADVOCACY.
28	(E) OLDER INDIVIDUAL.
29	"OLDER INDIVIDUAL" MEANS AN INDIVIDUAL WHO IS 60 YEARS OF AGE OR OLDER.

1 § 14-2. OFFICE ESTABLISHED.

THERE IS A BALTIMORE CITY OFFICE OF AGING OFFICE OF OLDER ADULT AFFAIRS AND
 ADVOCACY.

4 § 14-3. DIRECTOR OF THE OFFICE.

- $5 \qquad (A) IN GENERAL.$
- 6 THE DIRECTOR IS RESPONSIBLE FOR THE ADMINISTRATION AND OVERSIGHT OF THE 7 OFFICE.
- 8 (B) APPOINTMENT.
- 9 THE DIRECTOR IS APPOINTED BY THE MAYOR IN ACCORDANCE WITH ARTICLE IV, § 6 OF 10 THE CITY CHARTER.
- 11 (C) *SALARY*.
- 12 THE DIRECTOR SHALL RECEIVE SUCH SALARY AS MAY BE PROVIDED IN THE ORDINANCE OF 13 ESTIMATES.
- 14 § 14-4. POWERS AND DUTIES OF THE OFFICE.
- 15 THE OFFICE SHALL:
- 16 (1) EVALUATE THE SERVICE NEEDS OF OLDER INDIVIDUALS IN THE CITY;
- 17 (2) DETERMINE THE EXTENT TO WHICH EXISTING PUBLIC AND PRIVATE PROGRAMS MEET
 18 THE NEEDS OF OLDER INDIVIDUALS;
- 19 (3) ESTABLISH PRIORITIES FOR MEETING THE NEEDS OF OLDER INDIVIDUALS;
- 20 (4) COORDINATE, ASSESS, EVALUATE, AND EDUCATE THE PUBLIC AND PROFESSIONALS
 21 ABOUT ALL STATE AND LOCAL PROGRAMS AND SERVICES, BOTH PUBLIC AND PRIVATE,
 22 THAT RELATE AND ARE IMPORTANT TO THE WELL-BEING OF OLDER INDIVIDUALS IN
 23 THE CITY, INCLUDING, BUT NOT LIMITED TO, PROGRAMS AND SERVICES IN THE AREAS
 24 OF:
- 25 (I) INCOME MAINTENANCE;
- 26 (II) PUBLIC HEALTH;
- 27 (III) MENTAL HEALTH;
- 28 (IV) HOUSING AND URBAN DEVELOPMENT;
- 29 (V) EMPLOYMENT;
- 30 (VI) EDUCATION;

1	(VII) RECREATION;
2 3	(VIII) REHABILITATION OF OLDER INDIVIDUALS WITH PHYSICAL OR MENTAL DISABILITIES;
4	(IX) CAREGIVER SUPPORT;
5	(X) MEDICARE AND MEDICAID; AND
6	(XI) SAFETY;
7 8 9 10	(5) DEVELOP A CITYWIDE PLAN THAT CORRESPONDS WITH STATE PLANS AND PROGRAMS FOR A COMPREHENSIVE AND COORDINATED SYSTEM OF HEALTH, SOCIAL, AND COMMUNITY SERVICES FOR OLDER INDIVIDUALS, INCLUDING HOUSING AND INSTITUTIONAL AND NONINSTITUTIONAL CARE;
11 12 13	(6) ADMINISTER THE PROGRAMS AND ACTIVITIES THAT THE STATE GOVERNMENT DELEGATES TO THE CITY UNDER THE OLDER AMERICANS ACT OF 1965 THAT ARE NOT OTHERWISE COMMITTED BY LAW TO ANOTHER UNIT OF CITY GOVERNMENT;
14 15 16	(7) FACILITATE THE ADMINISTRATION OF THE FEDERAL COMMODITY SUPPLEMENTAL FOOD PROGRAM, AS ESTABLISHED UNDER 7 C.F.R. 247 {"COMMODITY SUPPLEMENTAL FOOD PROGRAM"}, IN THE CITY;
17 18	(8) CONSULT WITH THE COMMISSION ON AGING ON ALL MATTERS PERTAINING TO PROGRAMS FOR OLDER INDIVIDUALS;
19 20	(9) MAINTAIN A LIAISON WITH THE STATE DEPARTMENT OF AGING AND THE STATE COMMISSION ON AGING;
21 22	(10) REVIEW AND RECOMMEND POLICIES TO THE MAYOR ON PUBLICLY FUNDED PLANS AND PROGRAMS THAT AFFECT OLDER INDIVIDUALS; AND
23	(11) perform other functions as may be assigned by the Mayor.
24 25	(4) EVALUATE SERVICES AND PROGRAMS THAT SUPPORT OLDER ADULTS IN BALTIMORE CITY;
26 27	(5) EDUCATE OLDER ADULTS, THEIR FAMILIES, AND ADVOCATES ABOUT THE SERVICES AND PROGRAMS DESCRIBED IN PARAGRAPH (4) OF THIS SUBSECTION;
28 29 30	(6) RECOMMEND TO THE MAYOR, CITY COUNCIL, AND APPLICABLE STATE AND FEDERAL OFFICIALS CHANGES AND IMPROVEMENTS IN CITY, STATE, AND FEDERAL SERVICES AND PROGRAMS THAT ADDRESS THE FOLLOWING NEEDS OF OLDER INDIVIDUALS:
31	(I) FINANCIAL HEALTH;
32	(II) SAFETY;
33	(III) PUBLIC HEALTH;

1	(IV) BEHAVIORAL HEALTH;
2	(V) INSURANCE COVERAGE;
3	(VI) HOUSING;
4	(VII) EMPLOYMENT;
5	(VIII) RECREATION;
6	(IX) VOLUNTEERISM;
7	(X) LIFELONG LEARNING;
8	(XI) TRANSPORTATION;
9	(XII) IN-HOME CARE SERVICES;
10	(XIII) CAREGIVER SUPPORT; AND
11	(XIV) INSTITUTIONAL AND COMMUNITY-BASED LONG-TERM CARE;
12 13 14	(7) COORDINATE A CITYWIDE PLANNING PROCESS WITH THE GOAL OF TRANSFORMING BALTIMORE CITY INTO AN AGE-FRIENDLY CITY THAT SUPPORTS OLDER INDIVIDUALS AS THEY LIVE THEIR LIVES WITH CHOICES, INDEPENDENCE, AND DIGNITY;
15 16	(8) FACILITATE COMMUNICATION BETWEEN THE CITY, THE MARYLAND DEPARTMENT OF AGING, AND THE STATE COMMISSION ON AGING; AND
17	(9) PERFORM OTHER FUNCTIONS AS MAY BE ASSIGNED BY THE MAYOR.
18	§ 14-5. STAFF AND BUDGET.
19	(A) STAFF.
20	THE OFFICE MAY EMPLOY STAFF IN ACCORDANCE WITH THE ORDINANCE OF ESTIMATES.
21	(B) BUDGET.
22 23	THE OFFICE MAY EXPEND FUNDS AUTHORIZED IN THE ORDINANCE OF ESTIMATES OR ANY SUPPLEMENTAL APPROPRIATIONS.
24	§ 14-6. RULES AND REGULATIONS.
25 26	SUBJECT TO TITLE 4 {"ADMINISTRATIVE PROCEDURE ACT – REGULATIONS"} OF THE CITY GENERAL PROVISIONS ARTICLE, THE DIRECTOR MUST ADOPT RULES AND REGULATIONS TO

1	§ 14-7. ANNUAL REPORT.
2 3	ON OR BEFORE JUNE 30 OF EACH YEAR, THE OFFICE MUST SUBMIT AN ANNUAL REPORT TO THE MAYOR AND CITY COUNCIL DETAILING:
4	(1) THE ACTIVITIES OF THE OFFICE; AND
5 6	(2) THE TRAININGS, EXERCISES, AND COMMUNITY OUTREACH ACTIVITIES THE OFFICE CONDUCTED DURING THE PREVIOUS YEAR.
7	§§ 14-8 TO 14-10. {Reserved}
8	PART II. COMMISSION ON AGING
9	§14-11. ESTABLISHED.
10	THERE IS A BALTIMORE CITY COMMISSION ON AGING, RESOURCES, AND EMPOWERMENT.
11	§ 14-12. COMPOSITION.
12	(A) IN GENERAL.
13 14 15 16	THE COMMISSION SHALL CONSIST OF $\frac{24}{29}$ members, 18 of whom are appointed by the Mayor in accordance with Article IV, § 6 {"Administrative Procedure Act – Regulations"} of the Baltimore City Charter, and $\frac{6}{11}$ of whom are ex-officio members.
17	(B) APPOINTED MEMBERS.
18	(1) IN GENERAL.
19 20 21 22	THE MAYOR SHALL APPOINT COMMISSION MEMBERS TO REPRESENT THE DIVERSITY OF PEOPLE AND IDEAS WITHIN THE CITY'S OLDER INDIVIDUALS COMMUNITY WITH REGARD TO EQUITY, SOCIOECONOMIC STATUS, RELIGION, RACE, ETHNICITY, GENDER IDENTIFICATION, AND FAMILY COMPOSITION.
23	(2) MEMBERSHIP.
24	OF THE 18 MEMBERS TO BE APPOINTED BY THE MAYOR:
25	(1) AT LEAST 4 SHALL BE OVER 65 YEARS OF AGE;
26 27	(2) 2 SHALL BE SELECTED TO REPRESENT THE PRE-RETIREMENT ASPECTS OF THE COMMISSION'S WORK;
28	(3) 1 SHALL BE A MEMBER OF THE CITY COUNCIL;
29	(4) 1 SHALL BE A MEMBER OF THE MARYLAND STATE MEDICAL SOCIETY;
30	(5) 1 SHALL BE A MEMBER OF THE BALTIMORE CITY MEDICAL SOCIETY;

1	(6) 1 SHALL BE A MEMBER OF ORGANIZED LABOR;
2 3	(7) 1 SHALL REPRESENT A PRIVATE INDUSTRY THAT SUPPORTS OLDER INDIVIDUALS;
4 5	(8) 2 SHALL BE ASSOCIATED WITH VOLUNTARY ORGANIZATIONS WHICH PROVIDE SERVICES TO OLDER INDIVIDUALS; AND
6 7	(9) 5 SHALL BE SELECTED BECAUSE OF THEIR GENERAL INTEREST IN PROVIDING SERVICES TO OLDER INDIVIDUALS.
8	(1) AT LEAST 3 SHALL BE OVER 65 YEARS OF AGE AND RESIDE IN BALTIMORE CITY;
9	(2) <u>1 SHALL BE A MEMBER OF THE CITY COUNCIL;</u>
10	(3) 2 SHALL BE PHYSICAL OR BEHAVIORAL HEALTHCARE PRACTITIONERS;
11 12	(4) <u>1 SHALL BE EXPERIENCED WITH BUSINESS, LABOR, OR WORKFORCE</u> <u>DEVELOPMENT</u> ;
13	(5) 1 SHALL BE A REPRESENTATIVE OF A FAITH-BASED ORGANIZATION;
14 15	(6) <u>1 SHALL BE A REPRESENTATIVE FROM A CONSUMER EDUCATION</u> ORGANIZATION;
16 17	(7) <u>2 SHALL REPRESENT A VOLUNTARY ORGANIZATION OR VOLUNTARY ADVOCACY</u> ORGANIZATION THAT PROVIDES SERVICES TO OLDER ADULTS; AND
18 19	(8) <u>4 SHALL HAVE A GENERAL INTEREST IN PROVIDING SERVICES TO OLDER</u> <u>ADULTS IN THE FOLLOWING FIELDS:</u>
20	(I) LEGAL SERVICES;
21 22	(II) HOUSING; AND
22	(III) ACADEMIC RESEARCH.
24	(C) EX-OFFICIO MEMBERS.
25 26	THE $6 \underline{11}$ EX-OFFICIO MEMBERS OF THE COMMISSION ARE THE FOLLOWING, OR THEIR DESIGNATED REPRESENTATIVES:
27	(1) THE COMMISSIONER OF HEALTH;
28	(2) THE DIRECTOR OF THE DEPARTMENT OF SOCIAL SERVICES;
29	(3) THE DIRECTOR OF THE DEPARTMENT OF PLANNING;
30	(4) THE POLICE COMMISSIONER;

1 2	(5) THE COMMISSIONER OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT; AND
3	(6) THE DIRECTOR OF THE DEPARTMENT OF RECREATION AND PARKS:
4	(7) <u>THE CHIEF OF THE FIRE DEPARTMENT;</u>
5 6	(8) THE DIRECTOR OF THE BALTIMORE BEHAVIORAL HEALTH BUREAU OR A SIMILAR ORGANIZATION;
7	(9) THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS;
8 9	(10) THE EXECUTIVE DIRECTOR OF THE MAYOR'S OFFICE OF CHILDREN AND FAMILY SUCCESS; AND
10	(11) THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION.
11	§ 14-13. TERMS OF OFFICE AND ORGANIZATION.
12	(A) TERMS.
13 14 15	APPOINTED MEMBERS SERVE A TERM OF 4 YEARS, CONCURRENT WITH THE TERMS OF THE MAYOR AND THE CITY COUNCIL, AND AT THE END OF A TERM, AN APPOINTED MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIED.
16	(B) CHAIR.
17 18	THE MAYOR SHALL DESIGNATE AT LEAST 1 BUT NO MORE THAN 2 OF THE APPOINTED MEMBERS TO SERVE AS CHAIRS OF THE COMMISSION.
19	(C) VACANCIES.
20 21 22 23	IF THERE IS A VACANCY IN THE MEMBERSHIP OF THE COMMISSION, THE MEMBER APPOINTED BY THE MAYOR TO FILL THE VACANCY MUST MEET THE SAME QUALIFICATIONS FOR APPOINTMENT AS THE MEMBER BEING SUCCEEDED AND SHALL SERVE FOR THE REMAINDER OF THE UNEXPIRED TERM.
24	(D) COMPENSATION.
25 26 27	THE MEMBERS OF THE COMMISSION SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES ON THE COMMISSION, BUT SHALL BE REIMBURSED FOR THE REASONABLE AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.
28	(E) <i>MEETINGS; QUORUM</i> .
29	(1) THE COMMISSION SHALL MEET AT LEAST MONTHLY 10 TIMES A YEAR.
30 31	(2) A MAJORITY OF THE MEMBERS OF THE COMMISSION CONSTITUTES A QUORUM FOR THE TRANSACTION OF BUSINESS.

- 1 (F) ATTENDANCE AT MEETINGS.
- ANY APPOINTED MEMBER OF THE COMMISSION WHO FAILS TO ATTEND 4 CONSECUTIVE
 MEETINGS WITHOUT GOOD CAUSE AS DETERMINED BY THE MAYOR SHALL BE DEEMED TO
 HAVE RESIGNED.
- 5 § 14-14. POWERS AND DUTIES.
- $6 \qquad (A) IN GENERAL.$
- THE COMMISSION IS CHARGED WITH THE RESPONSIBILITY OF ASSISTING THE OFFICE OF
 AGING AND OTHER UNITS OF CITY GOVERNMENT IN THE COORDINATION OF AN EFFECTIVE
 PROGRAM OF SERVICES TO AND OPPORTUNITIES FOR OLDER INDIVIDUALS.
- 10 (B) DUTIES OF THE COMMISSION.
- 11 IN COORDINATION AND CONSULTATION WITH THE OFFICE, THE COMMISSION SHALL:
- 12 (1) REVIEW AND PROPOSE IMPROVEMENTS TO EXISTING CITY PROGRAMS;
- 13 (2) RESEARCH AND RECOMMEND NEW PROGRAMS; <u>AND</u>
- 14 (3) EVALUATE CURRENT PROGRAMS AND PROPOSED LEGISLATION TO DETERMINE
 15 THEIR IMPACT ON OLDER INDIVIDUALS; AND.
- 16(4) IDENTIFY FEDERAL AND STATE FUNDING FOR CITY PROGRAMS TO MEET THE NEEDS17OF OLDER INDIVIDUALS.
- 18 (C) REPORT ON FINDINGS.
- 19 THE COMMISSION SHALL ROUTINELY BRIEF THE DIRECTOR ON PROGRAMS AND POLICIES
 20 CONCERNING OLDER INDIVIDUALS AS REFLECTED IN:
- 21 (1) THE ORDINANCE OF ESTIMATES;
- 22 (2) OTHER ORDINANCES; OR
- 23 (3) ADMINISTRATIVE POLICIES OF THE OFFICE AND OTHER UNITS OF CITY
 24 GOVERNMENT.
- 25 (D) HEARINGS AND STUDIES.
- AS APPROPRIATE, THE COMMISSION SHALL HOLD HEARING AND UNDERTAKE SURVEYS
 AND STUDIES TO:
- 28 (1) EVALUATE EXISTING MUNICIPAL PROGRAMS FOR OLDER INDIVIDUALS; AND
- 29 (2) MAKE RECOMMENDATIONS FOR THE IMPROVEMENT OF EXISTING MUNICIPAL
 30 PROGRAMS TO THE DIRECTOR.

1	(E) EVALUATION OF HOW INFORMATION IS DISSEMINATED.
2	THE COMMISSION SHALL:
3 4	(1) EVALUATE THE METHODS BY WHICH INFORMATION CONCERNING AVAILABLE MUNICIPAL PROGRAMS FOR OLDER INDIVIDUALS IS DISSEMINATED; AND
5	(2) RECOMMEND COMMUNICATION IMPROVEMENTS TO THE DIRECTOR.
6	(F) ANNUAL REPORT.
7 8	THE COMMISSION SHALL SUBMIT AN ANNUAL REPORT TO THE MAYOR AND CITY COUNCIL ON ITS ACTIVITIES.
9	Article 8. Ethics
10	Subtitle 7. Financial Disclosure
11	Part II. Who Must File
12	§ 7-8. Persons required to file – Agency officials and staff.
13 14	The following officials and employees must file the financial disclosure statements required by this subtitle:
15	[(1) Aging and Retirement Education, Commission on the]
16	[(i) Members of the Commission.]
17	[(ii) Executive Director.]
18	[(iii) All Bureau Heads, Division Chiefs, and Administrators of the Commission.]
19	(29) OLDER ADULT AFFAIRS AND ADVOCACY, OFFICE OF
20	(I) MEMBERS OF THE COMMISSION ON AGING, RESOURCES, AND EMPOWERMENT.
21	(II) DIRECTOR OF THE OFFICE.
22	(III) ALL BUREAU HEADS, DIVISION CHIEFS, AND ADMINISTRATORS OF THE OFFICE.
23	(IV) ALL NON-CLERICAL EMPLOYEES OF THE OFFICE.

SECTION 3. AND BE IT FURTHER ORDAINED, That the City Council intends that the Office of Aging is the successor entity of the Baltimore City Health Department Division of Aging and Care Services and that all current employees of the Baltimore City Health Department Division of Aging and Care Services are transferred to the Office of Aging. The Council further intends that any current employee that may be transferred to the Office of Aging as a result of this Ordinance shall be transferred without diminution of that employee's rights, benefits,

7 employment, or retirement status.

8 <u>SECTION 3.</u> <u>SECTION 4.</u> AND BE IT FURTHER ORDAINED, That the City Council intends that 9 the Commission on Aging, <u>Resources</u>, and <u>Empowerment</u> is the successor entity of the Baltimore 10 City Commission on the Aging and Retirement Education and that all current members of the 11 Baltimore City Commission on the Aging and Retirement Education are retained and shall 12 continue to serve as members of the Commission on Aging, <u>Resources</u>, and <u>Empowerment</u>.

13	SECTION 4. SECTION 5. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on
14	the 30 th day after the date it is enacted.

Certified as duly passed this <u>21</u> day of <u>August</u>, 20 <u>23</u>

President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this <u>21</u> day of <u>August</u>, 20<u>23</u>

Chief Clerk

Approved this 21 day of Septender F, 2027

Mayor, Baltimore City

Approved for Form and Legal Sufficiency This 25th Day of August, 2023 Elena \mathcal{R} SiPietro

Chief Solicitor

