

**CITY OF BALTIMORE
COUNCIL BILL 20-0519
(First Reader)**

Introduced by: Councilmember Cohen, President Scott, Councilmembers Henry, Middleton,
Burnett, Costello, Stokes, Sneed, Schleifer, Bullock, Dorsey, Pinkett

At the request of: The Administration (Office of the Mayor)

Introduced and read first time: April 13, 2020

Assigned to: Education and Youth Committee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Children and Youth Fund – Establishment of Permanent Fiscal Agent**

3 FOR the purpose of designating a permanent fiscal agent to administer the Children and Youth
4 Fund; establishing that the fiscal agent be governed and administered by a Board of
5 Directors; requiring that the Board of Directors adopt bylaws that detail the governance of the
6 fiscal agent; requiring that the Board of Directors submit an annual proposed financial plan to
7 the Board of Estimates; providing that the City Council hold annual public hearings into the
8 activities of the fiscal agent; allowing for the City Council to refer a petition to dissolve the
9 Board of Directors in certain situations to the Board of Estimates; including the fiscal agent
10 and its Board of Directors within the coverage of the City Ethics Code; defining certain
11 terms; generally relating to the administration and governance of the Children and Youth
12 Fund; and providing for a special effective date.

13 BY repealing and re-ordaining, with amendments
14 Article 5 - Finance, Property, and Procurement
15 Section(s) 9-1, 9-4, 9-6
16 Baltimore City Code
17 (Edition 2000)

18 BY repealing and re-ordaining, without amendments
19 Article 5 - Finance, Property, and Procurement
20 Section(s) 9-2
21 Baltimore City Code
22 (Edition 2000)

23 BY adding
24 Article 5 - Finance, Property, and Procurement
25 Section(s) 9-3, 9-5, 9-7, 9-8
26 Baltimore City Code
27 (Edition 2000)

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

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1 BY renumbering current
2 Article 5 - Finance, Property, and Procurement
3 Section 9-5 to Section 9-9
4 Baltimore City Code
5 (Edition 2000)

6 BY repealing and re-ordaining, with amendments
7 Article 8 - Ethics
8 Section(s) 2-2(b), 2-3(b)
9 Baltimore City Code
10 (Edition 2000)

11 BY repealing and re-ordaining, with amendments
12 Article 8 - Ethics
13 Section(s) 7-8(4)
14 Baltimore City Code
15 (Edition 2000)

16 BY renumbering current
17 Article 8 - Ethics
18 Section 7-8(4) to Section 7-8(5)
19 Baltimore City Code
20 (Edition 2000)

21 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
22 Laws of Baltimore City read as follows:

23 **Baltimore City Code**

24 **Article 5. Finance, Property, and Procurement**

25 **Subtitle 9. Children and Youth Fund**

26 **§ 9-1. [Fund defined] DEFINITIONS.**

27 (A) *IN GENERAL.*

28 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

29 (B) *BOARD.*

30 “BOARD” MEANS THE BOARD OF DIRECTORS OF THE FISCAL AGENT.

31 (C) *FISCAL AGENT.*

32 “FISCAL AGENT” MEANS THE ENTITY DESIGNATED BY § 9-4(A) OF THIS SUBTITLE TO
33 ADMINISTER THE FUND AND THIS SUBTITLE.

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1 (D) *FUND*.

2 [In this Subtitle] “Fund” means the Children and Youth Fund established by City Charter
3 Article I, § 13 {“Children and Youth Fund”}.

4 **§ 9-2. Uses of Fund.**

5 (a) *In general.*

6 The Fund may be used only for the purposes generally described in City Charter Article I,
7 § 13(a).

8 (b) *Inclusions.*

9 Allowed uses for the Fund include:

- 10 (1) direct grants to program and service providers;
- 11 (2) administrative costs to operate the Fund; and
- 12 (3) capacity-building efforts to strengthen Fund administration or the ability of
13 providers to successfully and sustainably offer services to Baltimore’s youth.

14 **§ 9-3. PURPOSE.**

15 THE FISCAL AGENT SHALL BE A COMMUNITY-CENTERED GRANT-MAKING INSTITUTION THAT
16 FOSTERS AND PROMOTES:

- 17 (1) RACIAL EQUITY;
- 18 (2) INTER-GENERATIONAL LEADERSHIP;
- 19 (3) COMMUNITY OWNERSHIP; AND
- 20 (4) COLLECTIVE DECISION-MAKING.

21 **§ 9-4. [Interim fiscal] FISCAL agent.**

22 (a) *Designation.*

23 [The President of the City Council, in consultation with the Mayor, may designate an
24 interim fiscal agent for the Fund.] THE FISCAL AGENT FOR THE FUND IS THE BALTIMORE
25 CHILDREN AND YOUTH FUND, INC.

26 (b) *General powers and duties.*

27 The [interim] fiscal agent must:

- 28 (1) identify specific programs and services to be funded by the Fund; AND

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1 (2) allocate the available funds among the programs and services identified for
2 funding [; and

3 (3) establish a permanent intermediary, with a focus on youth leadership and
4 governance, capable of dispersing the money appropriated to the Fund to specific
5 youth-focused programs and services].

6 (c) *Identifying programs and services for funding.*

7 (1) As it identifies specific programs and services to be funded by the Fund, the [interim]
8 fiscal agent must select programs and services that:

9 (i) are active in Baltimore City;

10 (ii) are credible with and accountable to youth and the local communities they
11 are proposing to serve;

12 (iii) have an element of youth-centered programming; and

13 (iv) can demonstrate how they are designed to improve outcomes for young
14 people.

15 (2) The [interim] fiscal agent may also use any additional factors listed in City Charter
16 Article I, § 13(a) to identify specific programs and services to be funded by the Fund
17 so long as the additional factors are made publically available to applicants for
18 funding at the time that applications are requested.

19 [(d) *Allocation of funds.*]

20 [(1) The interim fiscal agent may allocate up to 10% of the Fund's balance to be used for:

21 (i) administrative costs ; and

22 (ii) the costs of establishing a permanent intermediary as required by subsection
23 (b)(3) of this section.]

24 [(2) The interim fiscal agent must allocate the remainder of the Fund's balance among
25 the programs and services identified under subsection (c) of this section with an
26 emphasis on programs or services operating in, or meant to assist young people
27 from, the communities in Baltimore City most impacted by high poverty.]

28 [(e) *Permanent intermediary progress reports.*]

29 [The interim fiscal agent must report to the City Council each month on its progress
30 toward establishing the permanent intermediary required by subsection (b)(3) of this
31 section.]

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1 [(f) *Removal.*]

2 [The President of the City Council may remove the interim fiscal agent and appoint a new
3 interim fiscal agent if, after conducting a public hearing and hearing testimonial evidence,
4 the President finds that the interim fiscal agent is not adequately performing the duties
5 required by this section.]

6 **§ 9-5. BOARD OF DIRECTORS.**

7 (A) *IN GENERAL.*

8 THE FISCAL AGENT SHALL BE GOVERNED BY AND ADMINISTERED BY A BOARD OF
9 DIRECTORS.

10 (B) *NUMBER AND APPOINTMENT.*

11 (1) THE NUMBER OF VOTING MEMBERS OF THE FULL BOARD MAY NOT BE LESS THAN 9,
12 EXCLUDING VACANCIES, AND NO MORE THAN 20.

13 (2) THE BOARD MAY INCREASE OR DECREASE ITS MEMBERSHIP, WITHIN THE LIMITS
14 SPECIFIED IN THIS SUBSECTION, IN ITS BYLAWS.

15 (3) THE BOARD MEMBERS SHALL BE APPOINTED AND SERVE THE TERMS PRESCRIBED BY
16 THE BOARD'S BYLAWS.

17 (C) *COMPOSITION.*

18 (1) *EX-OFFICIO MEMBERS.*

19 OF THE VOTING MEMBERS OF THE BOARD:

20 (I) 1 SHALL BE THE CITY SOLICITOR OR THE CITY SOLICITOR'S DESIGNEE;

21 (II) 1 SHALL BE THE DIRECTOR OF THE MAYOR'S OFFICE OF CHILDREN AND
22 FAMILY SUCCESS OR THE DIRECTOR'S DESIGNEE;

23 (III) 1 SHALL BE THE DIRECTOR OF FINANCE OR THE DIRECTOR OF FINANCE'S
24 DESIGNEE; AND

25 (IV) 1 SHALL BE THE CITY COUNCIL PRESIDENT OR A CITY COUNCILMEMBER
26 DESIGNATED BY THE CITY COUNCIL PRESIDENT.

27 (2) *DIVERSITY.*

28 THE BOARD SHALL REFLECT A DIVERSE ECONOMIC, SOCIAL, AND RACIAL MIX.

29 (D) *BYLAWS.*

30 (1) THE BOARD MUST ADOPT BYLAWS FOR THE ADMINISTRATION OF THE FISCAL AGENT,
31 HOWEVER THOSE BYLAWS MAY NOT BE INCONSISTENT WITH THE TERMS OF THIS

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1 SUBTITLE OR OF THE CITY CHARTER ARTICLE I, § 13 {"CHILDREN AND YOUTH
2 FUND"}.

3 (2) THE INITIAL BYLAWS REQUIRED BY THIS SUBSECTION MUST BE APPROVED BY THE
4 BOARD OF ESTIMATES BEFORE TAKING EFFECT.

5 (3) SUBSEQUENT AMENDMENTS TO THE INITIAL BYLAWS MUST BE FILED WITH THE BOARD
6 OF ESTIMATES BEFORE TAKING EFFECT.

7 (E) *BOARD OF DIRECTORS APPROVAL REQUIRED.*

8 NO FUNDS MAY BE DISBURSED FROM THE FUND WITHOUT THE PRIOR APPROVAL OF THE
9 BOARD OF DIRECTORS.

10 (F) *STAFF.*

11 THE BOARD MAY EMPLOY STAFF TO CARRY OUT THE FISCAL AGENT’S DAY-TO-DAY
12 OPERATIONS.

13 **[§ 9-6. Automatic termination.]**

14 [This subtitle automatically expires on July 1, 2020, unless the City Council, after conducting
15 a public hearing and hearing testimonial evidence, finds that the permanent intermediary
16 required by § 9-4(b)(3) of this subtitle is not yet prepared to administer the Fund, in which
17 case this subtitle may be extended for 1 additional year.]

18 **§ 9-6. ANNUAL FINANCIAL PLAN.**

19 (A) *IN GENERAL.*

20 SUBJECT TO THE REQUIREMENTS OF THIS SECTION, THE BOARD SHALL ADOPT AN ANNUAL
21 FINANCIAL PLAN, BASED ON THE CITY’S FISCAL YEAR, CONSISTING OF AT LEAST A BUDGET
22 AND AN AMOUNT TO BE DISBURSED FROM THE FUND DURING THAT YEAR.

23 (B) *FUND ALLOCATIONS; LIMITATIONS.*

24 (1) *LIMITATIONS ON USE.*

25 (I) FOR THE PURPOSES OF THIS PARAGRAPH, “PUBLIC ENGAGEMENT” MAY INCLUDE:

26 (A) STAFFING NEEDS FOR COMMUNITY OUTREACH;

27 (B) SPACE, SUPPLIES, AND PERSONNEL FOR COMMUNITY INFORMATION
28 SESSIONS;

29 (C) MATERIALS FOR EDUCATION, MARKETING, AND PROMOTION OF
30 FUND-RELATED EFFORTS; OR

31 (D) FACILITATION AND EXECUTION OF COMMUNITY PARTICIPATORY
32 PROCESSES FOR GRANT MAKING.

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1 (II) IN ITS FINANCIAL PLAN, THE BOARD MAY ALLOCATE FROM THE FUND’S BALANCE:

2 (A) UP TO 5% FOR PUBLIC ENGAGEMENT; AND

3 (B) UP TO 15% FOR STAFF AND OTHER COSTS TO ADMINISTER THE FUND.

4 (2) *REMAINDER TO BE DISBURSED.*

5 THE BOARD MUST ALLOCATE THE REMAINDER OF THE FUND’S BALANCE AMONG THE
6 PROGRAMS AND SERVICES IDENTIFIED UNDER § 9-4(C) OF THIS SUBTITLE, WITH AN
7 EMPHASIS ON PROGRAMS OR SERVICES OPERATING IN, OR MEANT TO ASSIST YOUNG
8 PEOPLE FROM, THE COMMUNITIES IN BALTIMORE CITY MOST IMPACTED BY HIGH
9 POVERTY.

10 (C) *PUBLIC HEARING AND COMMENT ON FINANCIAL PLAN.*

11 BEFORE ADOPTING ANY FINANCIAL PLAN REQUIRED BY THIS SECTION, THE BOARD SHALL
12 ARRANGE FOR A PUBLIC HEARING ON THE PROPOSED PLAN. NOTICE OF THE HEARING MUST
13 BE PUBLISHED ON THE FISCAL AGENT’S WEBSITE FOR AT LEAST 3 CONSECUTIVE WEEKS.

14 (D) *BOARD OF ESTIMATES FILING REQUIRED.*

15 AFTER ADOPTING A FINANCIAL PLAN, THE BOARD SHALL FILE THE PLAN WITH THE BOARD
16 OF ESTIMATES.

17 **§ 9-7. {RESERVED}**

18 **§ 9-8. ANNUAL REVIEW; DISSOLUTION OF BOARD.**

19 (A) *PUBLIC HEARINGS.*

20 NO LATER THAN MARCH 31 OF EACH YEAR, THE CITY COUNCIL SHALL HOLD 1 OR MORE
21 PUBLIC HEARINGS TO EVALUATE THE ACTIVITIES OF THE FISCAL AGENT AND ITS
22 DISBURSEMENTS.

23 (B) *PETITION FOR DISSOLUTION.*

24 (1) IF AFTER CONDUCTING A PUBLIC HEARING AND HEARING TESTIMONIAL EVIDENCE, THE
25 CITY COUNCIL FINDS EVIDENCE OF MISAPPROPRIATION OF FUNDS, MALFEASANCE, OR
26 VIOLATION OF LAW IN CONNECTION WITH THE ADMINISTRATION OF THE FUND, THE
27 CITY COUNCIL MAY, BY A THREE-FIFTHS VOTE OF ITS MEMBERS, REFER A PETITION TO
28 THE BOARD OF ESTIMATES TO DISSOLVE THE FISCAL AGENT’S BOARD.

29 (2) ON RECEIPT OF A PETITION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE
30 BOARD OF ESTIMATES SHALL CONSIDER AND VOTE ON THAT PETITION AS SOON AS
31 PRACTICABLE.

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1 **§ 9-9. [§ 9-5.] Rules and regulations.**

2 (a) *Finance to adopt.*

3 The Director of Finance must adopt rules and regulations to carry out this subtitle
4 including:

5 (i) a schedule for dispersing the Fund each year; and

6 (ii) procedures for transferring money from the Fund to either the [interim] fiscal
7 agent or directly to service and program providers designated by the [interim]
8 fiscal agent.

9 (b) *Filing.*

10 A copy of all rules and regulations adopted under this subtitle must be filed with the
11 Department of Legislative Reference before they become effective.

12 **Article 8. Ethics**

13 **Subtitle 2. Definitions; General Provisions**

14 **§ 2-2. “Agency”.**

15 (b) *Inclusions.*

16 “Agency” also includes:

17 (1) BALTIMORE CHILDREN AND YOUTH FUND;

18 (2) [(1)] Baltimore City Parking Authority;

19 (3) [(2)] Baltimore Development Corporation;

20 (4) [(3)] Baltimore Police Department;

21 (5) Enoch Pratt Free Library of Baltimore City;

22 (6) Housing Authority of Baltimore City;

23 (7) Local Development Council, South Baltimore Video Lottery Terminal;

24 (8) Pimlico Community Development Authority;

25 (9) South Baltimore Gateway Community Impact District Management Authority;
26 and

27 (10) any individual not embraced in a unit of City government who exercises
28 authority comparable to that of the head of a unit of City government.

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1 **§ 2-3. “Board”.**

2 (b) *Inclusions.*

3 “Board” also includes:

- 4 (1) Board of Commissioners of the Housing Authority of Baltimore City;
- 5 (2) BOARD OF DIRECTORS OF THE BALTIMORE CHILDREN AND YOUTH FUND;
- 6 (3) [(2)] Board of Directors of the Baltimore City Parking Authority;
- 7 (4) [(3)] Board of Directors of the Baltimore Development Corporation;
- 8 (5) [(4)] Board of Directors of the South Baltimore Gateway Community Impact
9 District Management Authority;
- 10 (6) Civilian Review Board of Baltimore City;
- 11 (7) Local Development Council, South Baltimore Video Lottery Terminal; and
- 12 (8) Pimlico Community Development Authority.

13 **Subtitle 7. Financial Disclosure**

14 ***PART II. WHO MUST FILE***

15 **§ 7-8. Persons required to file – Agency officials and staff.**

16 The following officials and employees must file the financial disclosure statements required
17 by this subtitle:

18 (4) *BALTIMORE CHILDREN AND YOUTH FUND*

19 (I) ALL MEMBERS OF THE BOARD OF DIRECTORS.

20 (II) ALL NON-CLERICAL EMPLOYEES.

21 (5) [(4)] *Baltimore Development Corporation*

22 (i) All members of the Board of Directors.

23 (ii) All officers of the Corporation.

24 (iii) All non-clerical employees of the Corporation.

25 **SECTION 2. AND BE IT FURTHER ORDAINED, That:**

26 (a) There is a Transition Board for the fiscal agent that consists of the following
27 individuals:

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Catherine Benton-Jones
Jackie Caldwell
John Morris
Julia Baez
Earl El-Amin
Kirsten Allen
Dion Cartwright
Erika Davies

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- 9 (b) The Transition Board is responsible for ensuring an orderly and effective transition
10 from the interim fiscal agent to the permanent fiscal agent established by Section 1 of
11 this Ordinance, including:
- 12 (1) drafting bylaws of the fiscal agent that include the provisions set forth in
13 subsection (d) of this Section;
- 14 (2) appointing a transition manager to oversee the transition of all legal
15 obligations from the interim fiscal agent to the permanent fiscal agent,
16 including negotiation a memorandum of understanding to ensure the
17 continuity of grants;
- 18 (3) recommending a full, permanent Board to the Board of Estimates; and
19 (4) preparing a proposed operations plan and budget.
- 20 (c) The interim fiscal agent shall work with the Transition Board and the appointed
21 transition manager to ensure a timely, orderly, and effective transition, as fully set
22 forth in Section 3 of this Ordinance.
- 23 (d) (1) The Transition Board members serve for a period not to exceed 18 months and
24 only until a permanent Board is approved by the Board of Estimates.
- 25 (2) On a member's resignation, expiration of term, or removal in accordance with the
26 fiscal agent's bylaws, successors shall be elected by the remaining members of the
27 Transition Board.
- 28 (e) (1) The Transition Board shall propose to the Board of Estimates the initial permanent
29 membership of the Board and the proposed terms for each director. The terms of
30 the proposed directors shall be staggered.
- 31 (2) Transition Board members may be included on the recommended permanent
32 Board list.
- 33 (3) After the Transition Board recommends a permanent Board but prior to Board of
34 Estimates approval, the City Council shall convene a hearing to engage with the
35 recommended permanent Board members.
- 36 (4) After the City Council has convened the hearing required by paragraph (3) of this
37 subsection, the recommended permanent Board list must be approved by the
38 Board of Estimates.

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- 1 (f) (1) The first Financial Plan submitted may be for less than a full fiscal year.
- 2 (2) Notwithstanding the administrative cost limitation set forth in Section 1,
3 § 9-6(b)(1)(ii) of this Ordinance, the fiscal agent may allocate an additional 5% of
4 its Fiscal Year 2020 budget for one-time administrative costs incurred directly as
5 a result of the transition from the interim fiscal agent to the permanent fiscal
6 agent.

7 **SECTION 3. AND BE IT FURTHER ORDAINED, That:**

- 8 (a) On enactment of this Ordinance or June 30, 2020, whichever is earlier, the interim
9 fiscal agent shall have no further programmatic responsibility for the Baltimore
10 Children and Youth Fund.
- 11 (b) From the date of enactment of this Ordinance or July 1, 2020, whichever is earlier,
12 through September 30, 2020, the interim fiscal agent shall:
- 13 (1) close-out the financial reports with Fund grantees for their initial 2020-2021
14 continuation grant payments; and
- 15 (2) transfer any remaining records and documents related to the Fund to both the
16 transition manager and the Transition Board described in Section 2.
- 17 (c) If there are grantees who require additional time to complete their financial reports,
18 the transition manager may request that the Transition Board extend the interim fiscal
19 agent's duties for an additional 30 days.
- 20 (d) (1) If, after the interim fiscal agent has ceased participation in the transition, there are
21 grantees whose financial reports are incomplete, the Transition Board or the
22 permanent Board, as the case may be, shall be solely responsible for closing out
23 those grantees.
- 24 (2) The Transition Board or the permanent Board shall notify the interim fiscal agent
25 that a grantee has complied with the financial reporting requirement and is closed
26 out.
- 27 (e) (1) From the date of enactment of this Ordinance or July 1, 2020, whichever is
28 earlier, through September 30, 2020, the interim fiscal agent shall be financially
29 compensated at the end of each month.
- 30 (2) If the transition manager extends the interim fiscal agent's participation in the
31 transition for an additional 30 days as described in subsection (c) of this Section,
32 the interim fiscal agent shall be compensated for the additional 30-day extension.

33 **SECTION 4. AND BE IT FURTHER ORDAINED, That:**

- 34 (a) Notwithstanding any other provision of this Ordinance, the Board of Estimates may
35 utilize unused Fund balances from Fiscal Year 2019 and Fiscal Year 2020 to fund
36 City programs or to direct grants to program and service providers that align with the
37 purpose of the Fund as described in City Charter Article I, § 13.

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1 (b) The Fund disbursements described in subsection (a) of this Section must relate to the
2 catastrophic health emergency declared by the State of Maryland on March 5, 2020
3 and the State of Emergency declared by the City of Baltimore on March 19, 2020.

4 **SECTION 5. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
5 are not law and may not be considered to have been enacted as a part of this or any prior
6 Ordinance.

7 **SECTION 6. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is
8 enacted.