

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 19-0442

Introduced by: President Scott, Councilmembers Dorsey, Pinkett, Bullock, Henry, Cohen,
McCray, Stokes, Reisinger, Clarke, Sneed, Burnett, Costello, Schleifer

Introduced and read first time: September 9, 2019

Assigned to: Budget and Appropriations Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: November 2, 2020

AN ORDINANCE CONCERNING

1 **Legislation – Equity Assessment and Fiscal Note Requirement**

2 FOR the purpose of requiring that certain legislation be accompanied by an equity assessment and
3 fiscal note ~~prior to being voted on by a legislative committee~~; establishing that the Office of
4 Council Services ~~prepare~~ facilitate the required equity assessment and fiscal notes; defining
5 certain terms; providing for the time for submission of the equity assessment and fiscal note;
6 providing for the content of a fiscal note; and providing for a special effective date.

7 BY adding

8 Article 1 - Mayor, City Council, and Municipal Agencies

9 Section(s) 1-3.1

10 Baltimore City Code

11 (Edition 2000)

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

14 **Baltimore City Code**

15 **Article 1. Mayor, City Council, and Municipal Agencies**

16 **Subtitle 1. City Council**

17 **§ 1-3.1. EQUITY ASSESSMENT AND FISCAL NOTE REQUIREMENT.**

18 (A) *DEFINITIONS.*

19 (1) *IN GENERAL.*

20 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.
Underlining 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.

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1 (2) *BILL*.

2 "BILL" MEANS ANY:

3 (I) PROPOSED ORDINANCE; OR

4 (II) PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL.

5 (3) *EQUITY*.

6 "EQUITY" HAS THE MEANING STATED IN § 39-1(C) {"DEFINITIONS: EQUITY"} OF THIS
7 ARTICLE.

8 (4) *EQUITY ASSESSMENT*.

9 "EQUITY ASSESSMENT" HAS THE MEANING STATED IN § 39-1(D) {"DEFINITIONS:
10 EQUITY ASSESSMENT"} OF THIS ARTICLE.

11 (B) *BILL REQUIREMENTS*.

12 (1) *IN GENERAL*.

13 ~~EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A LEGISLATIVE~~
14 ~~COMMITTEE MAY NOT VOTE ON A BILL UNLESS ACCOMPANIED BY:~~

15 ~~(I) A COMPREHENSIVE EQUITY ASSESSMENT EVALUATING THE BILL'S IMPACTS ON~~
16 ~~EQUITY, IF ANY; AND~~

17 ~~(II) A FISCAL NOTE SETTING FORTH THE CONTENTS SPECIFIED BY SUBSECTION (E)~~
18 ~~OF THIS SECTION.~~

19 EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, ON THE INTRODUCTION
20 OF ANY BILL BEFORE THE CITY COUNCIL, THE CITY COUNCIL PRESIDENT SHALL REFER
21 THE LEGISLATION TO:

22 (I) THE DEPARTMENT OF FINANCE FOR THE PRODUCTION OF A FISCAL NOTE
23 SETTING FORTH THE APPLICABLE ITEMS SPECIFIED IN SUBSECTION (E) {"FISCAL
24 NOTE CONTENTS"} OF THIS SECTION; AND

25 (II) THE OFFICE OF EQUITY AND CIVIL RIGHTS (OR ITS SUCCESSOR AGENCY) FOR
26 THE PRODUCTION OF A COMPREHENSIVE EQUITY ASSESSMENT EVALUATING
27 THE BILL'S POTENTIAL IMPACTS ON EQUITY, IF ANY.

28 ~~(2) *OTHER EQUITY ASSESSMENTS*.~~

29 ~~THE EQUITY ASSESSMENT REQUIRED BY THIS SECTION IS IN ADDITION TO ANY AGENCY~~
30 ~~EQUITY ASSESSMENTS REQUIRED BY § 39-9 {"AGENCY IMPLEMENTATION - BILL~~
31 ~~REPORTS"} OF THIS ARTICLE.~~

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1 (2) OTHER AGENCY REFERRALS.

2 IN ADDITION TO THE AGENCIES AND REPORTS SPECIFIED IN PARAGRAPH (1) OF THIS
3 SUBSECTION, THE CITY COUNCIL PRESIDENT MAY, IN THE PRESIDENT’S DISCRETION,
4 REFER THE BILL TO ANY OTHER RELEVANT CITY AGENCY FOR THAT AGENCY’S REPORT
5 ON THE BILL.

6 (3) *FISCAL NOTE EXCEPTION.*

7 A FISCAL NOTE IS NOT REQUIRED FOR ANY PROPOSED ORDINANCE OR PROPOSED
8 RESOLUTION OF THE MAYOR AND CITY COUNCIL THAT INCLUDES AN APPROPRIATION
9 FOR A SPECIFIC AMOUNT, INCLUDING:

10 (I) THE ORDINANCE OF ESTIMATES; OR

11 (II) ANY SUPPLEMENTARY APPROPRIATION AUTHORIZED UNDER THE CITY
12 CHARTER.

13 (C) *PREPARATION FACILITATION.*

14 THE EQUITY ASSESSMENT AND FISCAL NOTE REQUIRED BY SUBSECTION (B)(1) OF THIS
15 SECTION MUST BE ~~PREPARED~~ FACILITATED BY THE OFFICE OF COUNCIL SERVICES.

16 (D) ~~TIME FOR SUBMISSION~~ SUBMISSION; AGENCY COOPERATION.

17 ~~(1) IN GENERAL.~~

18 ~~THE EQUITY ASSESSMENT AND FISCAL NOTE REQUIRED BY THIS SECTION MUST BE~~
19 ~~SUBMITTED NO LATER THAN 48 HOURS BEFORE THE SCHEDULED COMMITTEE HEARING~~
20 ~~ON THE BILL.~~

21 ~~(2) LATE SUBMISSIONS.~~

22 ~~(i) IF THE OFFICE OF COUNCIL SERVICES IS UNABLE TO SUBMIT THE EQUITY~~
23 ~~ASSESSMENT AND FISCAL NOTE WITHIN THE TIME REQUIRED BY THIS SECTION, THE~~
24 ~~DIRECTOR OF THE OFFICE OF COUNCIL SERVICES MUST NOTIFY THE CITY COUNCIL~~
25 ~~PRESIDENT IN WRITING OF THE DELAY, THE REASON FOR THE DELAY, AND A~~
26 ~~REVISED DELIVERY DATE.~~

27 ~~(ii) IF THE CITY COUNCIL PRESIDENT FINDS THE REVISED DELIVERY DATE~~
28 ~~UNREASONABLE, THE CITY COUNCIL PRESIDENT MAY SET AN ALTERNATE DATE.~~

29 (1) TIME FOR SUBMISSION.

30 ANY EQUITY ASSESSMENT, FISCAL NOTE, OR REPORT REQUIRED BY THIS SECTION
31 SHALL BE SUBMITTED TO THE OFFICE OF COUNCIL SERVICES NO LATER THAN 48
32 HOURS BEFORE THE BILL’S SCHEDULED COMMITTEE HEARING.

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1 (2) AGENCY COOPERATION.

2 IN ORDER TO FACILITATE THE ANALYSES REQUIRED BY THIS SECTION, ANY
3 DEPARTMENT, AGENCY, BOARD, COMMISSION, COUNCIL, AUTHORITY, COMMITTEE,
4 OFFICE, OR OTHER UNIT OF CITY GOVERNMENT SHALL RESPOND TO ANY REQUEST FOR
5 INFORMATION REGARDING THE FISCAL, EQUITY, OR OPERATIONAL IMPACT OF A BILL
6 WITHIN 3 BUSINESS DAYS OF RECEIPT OF THAT REQUEST.

7 (E) *FISCAL NOTE CONTENTS.*

8 EACH FISCAL NOTE MUST INCLUDE:

- 9 (1) THE SOURCES OF INFORMATION, ASSUMPTIONS, AND METHODOLOGIES USED;
- 10 (2) AN ESTIMATE OF CHANGES IN CITY REVENUES AND EXPENDITURES REGARDLESS OF
11 WHETHER THE REVENUES OR EXPENDITURES ARE ASSUMED IN A RECOMMENDED OR
12 APPROVED BUDGET;
- 13 (3) REVENUE AND EXPENDITURE ESTIMATES COVERING AT LEAST THE NEXT 4 FISCAL
14 YEARS;
- 15 (4) AN ACTUARIAL ANALYSIS THROUGH THE ENTIRE AMORTIZATION PERIOD FOR EACH
16 BILL THAT WOULD AFFECT RETIREE PENSION OR GROUP INSURANCE COSTS;
- 17 (5) LATER ACTIONS THAT MAY AFFECT FUTURE REVENUE AND EXPENDITURES IF THE
18 BILL AUTHORIZES FUTURE SPENDING;
- 19 (6) AN ESTIMATE OF THE STAFF TIME NEEDED TO IMPLEMENT THE BILL;
- 20 (7) AN EXPLANATION OF HOW THE ADDITION OF NEW STAFF RESPONSIBILITIES WOULD
21 AFFECT OTHER DUTIES;
- 22 (8) AN ESTIMATE OF COSTS WHEN AN ADDITIONAL APPROPRIATION IS NEEDED;
- 23 (9) A DESCRIPTION OF ANY VARIABLE THAT COULD AFFECT REVENUE AND COST
24 ESTIMATES;
- 25 (10) RANGES OF REVENUE OR EXPENDITURES THAT ARE UNCERTAIN OR DIFFICULT TO
26 PROJECT; AND
- 27 (11) IF A BILL IS LIKELY TO HAVE NO FISCAL IMPACT, WHY THAT IS THE CASE.

28 (F) *REVISION.*

29 AS SOON AS POSSIBLE AFTER THE ADOPTION OF AN AMENDMENT THAT WOULD
30 SIGNIFICANTLY ALTER THE EQUITY ASSESSMENT OR FISCAL IMPACT OF A BILL, THE OFFICE
31 OF COUNCIL SERVICES MUST:

- 32 (1) PREPARE ENSURE THAT A REVISED EQUITY ASSESSMENT OR REVISED FISCAL NOTE
33 FOR THE BILL IS PREPARED BY THE RELEVANT AGENCY OR AGENCIES; AND

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1 (2) SUBMIT THE REVISED DOCUMENT TO:

2 (I) THE CHAIR OF THE COMMITTEE TO WHICH THE BILL WAS REFERRED; AND

3 (II) THE PRIMARY SPONSOR OF THE BILL.

4 (G) *EFFECT OF SECTION.*

5 (1) A BILL MAY BE INTRODUCED WITHOUT AN EQUITY ASSESSMENT OR FISCAL NOTE
6 ACCOMPANYING THE BILL.

7 (2) THE VALIDITY OF AN ENACTMENT IS NOT AFFECTED BY THE PRESENCE, ABSENCE, OR
8 CONTENT OF AN EQUITY ASSESSMENT OR A FISCAL NOTE.

9 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
10 are not law and may not be considered to have been enacted as a part of this or any prior
11 Ordinance.

12 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on July 1,
13 ~~2020~~ 2021.

Certified as duly passed this ____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,
this ____ day of _____, 20__

Chief Clerk

Approved this ____ day of _____, 20__

Mayor, Baltimore City