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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 29, 2021

Rescheduled: From 10 AM to 5 PM

VIRTUAL WEBEX MEETING

Legislative Oversight – LO 21-0007

Baltimore City Children and Youth Fund – An Update

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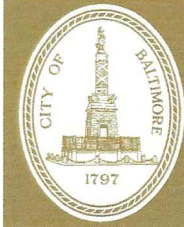
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BRANDON M. SCOTT, Mayor



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LEGISLATIVE OVERSIGHT

Committee: Education, Workforce, and Youth

LO 21-0007

Baltimore City Children and Youth Fund – An Update

Purpose:

Representative(s) from the Baltimore City Children and Youth Fund will come before the committee to give an update on the status of and/or activities associated with the Fund.

Background

There is a continuing, non-lapsing Baltimore City Children and Youth Fund to be used exclusively for purposes of establishing new and augmenting existing programs for and services to the children and youth of Baltimore City.¹ *(See attached laws)*

No later than June 30th of each year the Board shall prepare and submit a report to the Mayor and City Council detailing the activities and the impact of the Fund.²

On Thursday, April 29, 2021, representatives and/or the fiscal agent for the Fund will come before the committee to give an update pertaining to activities and/or the impact of the Fund.

Marguerite M. Currin

Committee Staff: Marguerite Murray Currin

Date: April 26, 2021

Direct Inquiries to: (443) 984-3485

¹ Baltimore City Charter, Article 1, Subsection 13 – Children and Youth Fund

² Baltimore City Charter, Article 5, Subsection 9-10 – Annual Report

(2) do not revert to the general revenues of the City; and

(3) their appropriations do not lapse.

(Res. 11-032, ratified Nov. 9, 2011.)

§ 13. Children and Youth Fund.

(a) Fund established; Scope.

(1) There is a continuing, nonlapsing Baltimore City Children and Youth Fund, to be used exclusively for purposes of establishing new and augmenting existing programs for and services to the children and youth of this City.

(2) These programs and services must be from among those designed to:

(i) ensure that Baltimore's children and youth are healthy, are ready to learn and succeed in school, and live in stable, safe, and supportive families and communities;

(ii) ensure that Baltimore City supports families as an important part of the City population and civic culture;

(iii) focus on the prevention of problems and on supporting and enhancing the strengths of children, youth, and their families;

(iv) complement the City's community development efforts;

(v) strengthen community-based networks of recreation and after-school services in all neighborhoods; and

(vi) ensure that children and youth with the highest needs receive maximum benefit from the Fund.

(3) The Fund shall be administered in accordance with the following standards:

(i) programs and services shall be provided and funds allocated based on best practices and successful and innovative models;

(ii) to the maximum extent feasible, funds shall be allocated equitably among services for all age groups – from infancy to transitional-aged youth;

(iii) programs and services shall be gender-responsive and culturally competent; and

(iv) programs and services shall be designed to strengthen collaboration among service providers for children, youth, and their families, including collaboration among public agencies and non-profit organizations.

(b) *Limitations on use.*

The Children and Youth Fund may not be used to substitute for or replace funding for children and youth programs or services provided in the Ordinance of Estimates for Fiscal Year 2017, except to the extent that federal, state, or private agency funds for those programs or services have since been discontinued.

(c) *Revenue sources.*

The Children and Youth Fund shall comprise:

- (1) a mandatory annual appropriation in the Ordinance of Estimates of an amount equal to at least \$0.03 on every \$100 of assessed or assessable value of all property in the City of Baltimore (except property exempt by law); and
- (2) grants and donations made to the Fund.

(d) *Continuing nature of Fund.*

Notwithstanding any other provision of this Charter, unspent portions of the Children and Youth Fund:

- (1) remain in the Fund, to be used exclusively for its specified purposes;
- (2) do not revert to the general revenues of the City; and
- (3) their appropriations do not lapse.

(e) *Implementation.*

By Ordinance, the Mayor and City Council shall provide for the oversight, governance, and administration of the Children and Youth Fund, including:

- (1) methods and criteria for identifying specific program and services eligible for funding by the Fund;
- (2) methods and criteria for allocating available funds among eligible programs and services; and
- (3) the establishment of any other legislative or administrative rules, regulations, or standards, consistent with this section, governing the Fund, its operations, and programs and services funded by it.

(Res. 16-026, ratified Nov. 8, 2016.)

SUBTITLE 9
CHILDREN AND YOUTH FUND

§ 9-1. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.

(b) *Board.*

“Board” means the Board of Directors of the fiscal agent.

(c) *Fiscal agent.*

“Fiscal agent” means the entity designated by § 9-4(a) of this subtitle to administer the Fund and this subtitle.

(d) *Fund.*

“Fund” means the Children and Youth Fund established by City Charter Article I, § 13 {“Children and Youth Fund”}.

(Ord. 18-103; Ord. 20-363.)

§ 9-2. Uses of Fund.

(a) *In general.*

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

(b) *Inclusions.*

Allowed uses for the Fund include:

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

(Ord. 18-103.)

§ 9-3. Purpose.

The fiscal agent shall be a community-centered grant-making institution that fosters and promotes:

- (1) racial equity;

(2) inter-generational leadership;

(3) community ownership; and

(4) collective decision-making.

(Ord. 20-363.)

§ 9-4. Fiscal agent.

(a) *Designation.*

The fiscal agent for the Fund is the Baltimore Children and Youth Fund, Inc.

(b) *General powers and duties.*

The fiscal agent must:

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

(2) allocate the available funds among the programs and services identified for funding.

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

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

(i) are active in Baltimore City;

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

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

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

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

(3) Beginning in Fiscal Year 2022 and continuing every 3 years thereafter, the fiscal agent shall conduct a community-wide needs assessment to assist the Board in determining grant-making areas.

(Ord. 18-103; Ord. 20-363.)

§ 9-5. Board of directors.**(a) *In general.***

The fiscal agent shall be governed by and administered by a Board of Directors.

(b) *Number and appointment.*

- (1) The number of voting members of the full Board may not be less than 9, excluding vacancies, and no more than 20.
- (2) The Board may increase or decrease its membership, within the limits specified in this subsection, in its bylaws.
- (3) The Board members shall be appointed and serve the terms prescribed by the Board's bylaws.

(c) *Composition.***(1) *Ex-officio members.*****(i) Of the voting members of the Board:**

- (A) 1 shall be the Director of the Mayor's Office of Children and Family Success or the Director's designee; and
- (B) 1 shall be the City Council President or a City Councilmember designated by the City Council President.

(ii) Of the non-voting members of the Board:

- (A) 1 shall be the City Solicitor or the City Solicitor's designee; and
- (B) 1 shall be the Director of Finance or the Director's designee.

(2) *Diversity.***(i) *In general.***

The Board shall reflect a diverse economic, social, and racial mix.

(ii) *Youth participation.*

- (A) In this subparagraph, "youth" means an individual between the ages of 14 and 25, inclusive.
- (B) Except as provided in sub-subparagraph (C), at least one-third of the Board shall consist of youth members.

(C) The Board of Estimates may waive the requirement in sub-subparagraph (B) if the Board of Estimates finds that the Fund's Board *{has}* taken reasonable and diligent efforts to comply with that requirement and that those efforts have failed.

(d) *Bylaws.*

- (1) The Board must adopt bylaws for the administration of the fiscal agent $\{;$ however $\{,$ those bylaws may not be inconsistent with the terms of this subtitle or of the City Charter Article I, § 13 {"Children and Youth Fund"}.
- (2) The initial bylaws required by this subsection must be approved by the Board of Estimates before taking effect.
- (3) Subsequent amendments to the initial bylaws must be filed with the Board of Estimates before taking effect.

(e) *Board of Directors approval required.*

No funds may be disbursed from the Fund without the prior approval of the Board of Directors.

(f) *Staff.*

The Board may employ staff to carry out the fiscal agent's day-to-day operations.
(Ord. 20-363.)

§ 9-6. Annual financial plan.

(a) *In general.*

Subject to the requirements of this section, the Board shall adopt an annual financial plan, based on the City's fiscal year, consisting of at least a budget and an amount to be disbursed from the Fund during that year.

(b) *Fund allocations; Limitations.*

(1) *Limitations on use.*

(i) For the purposes of this paragraph, "public engagement" may include:

- (A) staffing needs for community outreach;
- (B) space, supplies, and personnel for community information sessions;
- (C) materials for education, marketing, and promotion of fund-related efforts; or
- (D) facilitation and execution of community participatory processes for grant making.

(ii) In its financial plan, the Board may allocate from the Fund's balance:

(A) up to 5% for public engagement; and

(B) up to 15% for staff and other costs to administer the Fund.

(2) *Remainder to be disbursed.*

The Board must allocate the remainder of the Fund's balance among the programs and services identified under § 9-4(c) of this subtitle, with an emphasis on programs or services operating in, or meant to assist young people from, the communities in Baltimore City most impacted by high poverty.

(c) *Public hearing and comment on financial plan.*

Before adopting any financial plan required by this section, the Board shall arrange for a public hearing on the proposed plan. Notice of the hearing must be published on the fiscal agent's website for at least 3 consecutive weeks.

(d) *Board of Estimates filing required.*

After adopting a financial plan, the Board shall file the plan with the Board of Estimates.
(Ord. 20-363.)

§ 9-7. *{Reserved}*

§ 9-8. **Annual review; Dissolution of board.**

(a) *Public hearings.*

No later than March 31 of each year, a relevant committee of the City Council shall hold 1 or more public hearings to evaluate the activities of the fiscal agent and its disbursements.

(b) *Petition for dissolution.*

(1) If after conducting a public hearing and hearing testimonial evidence, the City Council finds evidence of misappropriation of funds, malfeasance, or violation of law in connection with the administration of the Fund, the City Council may, by a three-fifths vote of its members, refer a petition to the Board of Estimates to dissolve the fiscal agent's Board.

(2) On receipt of a petition described in paragraph (1) of this subsection, the Board of Estimates shall consider and vote on that petition as soon as practicable.

(Ord. 20-363.)

§ 9-9. Rules and regulations.

Subject to Title 4 {"Administrative Procedure Act – Regulations"} of the City General Provisions Article, the Director of Finance must adopt rules and regulations to carry out this subtitle including:

- (i) a schedule for dispersing the Fund each year; and
- (ii) procedures for transferring money from the Fund to either the interim fiscal agent or directly to service and program providers designated by the interim fiscal agent.

Editor's Note: By authority of Ordinance 20-431, Section 5, the Director of Legislative Reference, in consultation with the Law Department, has conformed the text of this section to refer to and reflect the requirements of the recently-enacted Administrative Procedure Act that, effective January 15, 2021, governs the proposal, adoption, and publication of administrative rules and regulations.

(Ord. 18-103; Ord. 20-363; Text Conformed 02/14/21.)

§ 9-10. Annual report.

No later than June 30 of each year, the Board shall prepare and submit a report to the Mayor and City Council detailing the activities and the impact of the Fund.

(Ord. 20-363.)

EDITOR'S NOTE TO SUBTITLE: This subtitle was substantially modified by Section 1 of Ordinance 20-363 (Council Bill 20-519). For effective dates and transitional provisions, *see also* the following uncodified provisions of that Ordinance: Section 2 {Transition Board; First Financial Plan}, Section 3 {Interim fiscal agent close-out and transfer of records}, Section 4 {Unused Fund balances from FY 2019 and FY 2020}, and Sections 6 and 7 {Effective dates}.