



Legislation Details (With Text)

File #:	23-0376	Version:	0	Name:	Accountability and Transparency in City Grantmaking
Type:	Ordinance	Status:		Status:	In Committee
File created:	5/1/2023	In control:		In control:	Rules and Legislative Oversight
On agenda:		Final action:		Final action:	
Enactment date:		Enactment #:		Enactment #:	
Title:	Accountability and Transparency in City Grantmaking For the purpose of defining certain terms; requiring certain recipients of City grants to submit certain documentation; requiring the Board of Estimates to post certain information on its website; requiring certain employees and board members of certain organizations to file a certain financial disclosure; providing for a special effective date; and generally related to accountability and transparency in City grantmaking.				
Sponsors:	Isaac "Yitzzy" Schleifer, President Nicholas J. Mosby, Danielle N. McCray, Zeke Cohen				
Indexes:	Accountability, Transparency				
Code sections:					
Attachments:	1. 23-0376~1st Reader				

Date	Ver.	Action By	Action	Result
5/4/2023	0	Baltimore City Council	Refer to Dept. of Finance	
5/4/2023	0	Baltimore City Council	Refer to City Solicitor	
5/4/2023	0	Baltimore City Council	Refer to Labor Commissioner	
5/4/2023	0	Baltimore City Council	Refer to Office of the Comptroller	
5/1/2023	0	Baltimore City Council	Assigned	
5/1/2023	0	Baltimore City Council	Introduced	

Explanation: Capitals indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

* **Warning:** This is an unofficial, introductory copy of the bill.
The official copy considered by the City Council is the first reader copy.

Introductory*

City of Baltimore Council Bill

Introduced by: Councilmember Schleifer

A Bill Entitled

An Ordinance concerning

Accountability and Transparency in City Grantmaking

For the purpose of defining certain terms; requiring certain recipients of City grants to submit certain documentation; requiring the Board of Estimates to post certain information on its website; requiring certain

employees and board members of certain organizations to file a certain financial disclosure; providing for a special effective date; and generally related to accountability and transparency in City grantmaking.

By adding

Article 5 - Finance, Property, and Procurement
Sections 42-1 to 42-4, to be under the new subtitle designation,
“Subtitle 42. Grant Requirements”
Baltimore City Code
(Edition 2000)

By renumbering current

Article 8 - Ethics
Sections 2-21 to 2-23, respectively
to be
Sections 2-22 to 2-24, respectively
Baltimore City Code
(Edition 2000)

By adding

Article 8 - Ethics
Sections 2-21, 2-25, 7-10, and 7-15
Baltimore City Code
(Edition 2000)

Section 1. Be it ordained by the Mayor and City Council of Baltimore, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 5. Finance, Property, and Procurement

Subtitle 42. Grant Requirements

§ 42-1. Definitions.

(a) *In general.*

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

(b) Board.

“Board” means the Board of Estimates.

(c) *Grant.*

“Grant” means funds, regardless of source, that are controlled by the City and allocated from the City to a grantee for a specific purpose.

(d) *Grant funds.*

“Grant funds” means:

(1) the money awarded by the City to a grantee; or

(2) the money awarded by a grantee to a subgrantee.

(e) *Grantee*.

“Grantee” means a legal entity to which a grant is awarded.

(f) *Subgrant*.

“Subgrant” means an allocation of grant funds by a grantee to a separate legal entity.

(g) *Subgrantee*.

“Subgrantee” means a legal entity to which a subgrant is awarded.

§ 42-2. Required documentation.

(a) *In general*.

Before the City may disburse grant funds to a grantee, the grantee must first certify:

- (1) whether or not the grantee qualifies as a non-governmental entity under § 2-21 {“Non-governmental entity”} of the City Ethics Article;
- (2) whether or not the grantee qualifies as a quasi-governmental entity under § 2-25 {“Quasi-governmental entity”} of the City Ethics Article; and
- (3) the grantee’s understanding of and responsibility to ensure the grantee’s officials and employees file the financial disclosures required by the City Ethics Code.

(b) *Form*.

The certification shall be in the form required by the Board.

(c) *Submission*.

The grantee shall submit the certification required under this section to the Board and the Office of the Inspector General.

§ 42-3. Annual report.

(a) *In general*.

On or before July 1 of each year, a grantee must submit to the Board a report that includes:

- (1) an accounting of the use of all grant funds, including;
 - (2) a list of any subgrants made, including:
 - (i) the name of the subgrantee;
 - (ii) the amount of the subgrant; and
 - (iii) an accounting of the use of any and all grant funds received through a subgrant;
- and

(4) any other information required by the Board.

(b) *Form.*

The report shall be in the form required by the Board.

(c) *Submission.*

A grantee must submit a copy of the report required by this section to the Department of Legislative Reference.

(d) *Posting requirement.*

Upon receipt of the report required by this section, the Board shall make the report publicly available on the City website.

§ 42-4. Rules and regulations.

Subject to Title 4 {“Administrative Procedure Act - Regulations”} of the City General Provisions Article, the Board of Estimates must adopt rules and regulations to carry out the provisions of this subtitle.

Article 8. Ethics

Subtitle 2. Definitions; General Provisions

Part I. Definitions

§ 2-21. “Non-governmental entity”.

“Non-governmental entity” means an entity that is not affiliated, through ownership or control, with federal, State, or City government.

§ 2-22. [2-21.] “Official”.

(a) *In general.*

“Official” means:

- (1) an elected official;
- (2) the head of any department;
- (3) the head of any bureau or division within a department; and
- (4) any other individual in a unit of City government who, whether acting alone or as a member of a board acting jointly with other board members:
 - (i) has authority comparable to that of the head of a department or the head of a bureau or division;
 - (ii) has decision-making authority in making City policy;

(iii) has decision-making authority in the exercise of quasi-judicial, regulatory, licensing, inspecting, or auditing functions; or

(iv) acts as a principal advisor to one who has authority of the type listed.

(b) *Inclusions.*

“Official” also includes the Chief Executive Officer, Chief Operating Officer, Chief Financial Officer, Executive Director, Executive Secretary, or Administrator of any agency or board included within the scope of § 2-2 {“Agency”} or § 2-3 {“Board”} of this subtitle.

§ 2-23. [2-22.] “Person”.

(a) *In general.*

“Person” has the meaning stated in § 1-107(a) {“Person: In general”} of the City Code’s General Provisions Article.

(b) *Qualified inclusion of governmental entities.*

Notwithstanding § 1-107(b) {“Person: Exclusion”} of the General Provisions Article, in this article “person” also includes, except as used in Subtitle 9 {“Enforcement”} for the imposition of criminal penalties, a governmental entity or an instrumentality or unit of a governmental entity.

§ 2-24. [2-23.] “Public servant”.

“Public servant” means any official or employee.

§ 2-25. “Quasi-governmental entity”.

Quasi-governmental entity means an entity that:

- (1) is created by a City statute;
- (2) performs a public function; and
- (3) is supported in whole or in part by the City, but is managed privately.

Subtitle 7. Financial Disclosure

Part II. Who Must File

§ 7-10. Persons required to file - Quasi-governmental entity officials and staff.

(a) *In general.*

The following officials and employees of a quasi-governmental entity must file the financial disclosure statements required by this subtitle:

- (1) All members of Board of Directors.
- (2) All Directors and Assistant Directors.
- (3) All non-clerical employees.

(b) *Inclusions.*

(1) *Baltimore City Public Schools.*

- (i) all members of Board of School Commissioners.
- (ii) Chief Executive Officer.

(2) *Baltimore Main Streets.*

- (i) Executive Director.
- (ii) All non-clerical employees.

(3) *Baltimore Museum of Art.*

- (i) Executive Director.
- (ii) Chief Operating Officer.
- (iii) All Bureau Heads and Directors.

(4) *Baltimore Office of Promotions and the Arts.*

- (i) Members and Officers of Board of Directors.
- (ii) Senior Director.
- (iii) Chief Financial Officer.
- (iv) All Directors and Assistant Directors.
- (v) All Managers.
- (vi) All non-clerical employees of Office.

(5) *Downtown Partnership of Baltimore.*

- (i) President.
- (ii) Vice Presidents.
- (iii) All Directors.
- (iv) All Bureau Chiefs.
- (v) All Managers.

(6) Emerging Technology Center.

- (i) Members of Board of Directors.
- (ii) All non-clerical employees of Center.

(7) Empower Baltimore Management Corporation.

- (i) Executive Leadership.
- (ii) All non-clerical employees of Corporation.

(8) Small Business Resource Center.

- (i) All Managers.
- (ii) All non-clerical employees of Center.

(9) Visit Baltimore.

- (i) All members of Board of Directors.
- (ii) All non-clerical employees.

(10) Walters Art Museum.

- (i) All members and Officers of Board of Trustees.

(11) Waterfront Partnership of Baltimore.

- (i) President.
- (ii) All Vice Presidents.
- (iii) All Directors.
- (iv) All Managers.

§ 7-15. Persons required to file - Officials and staff of non-governmental entities.

A non-clerical employee of a non-governmental entity in Baltimore City must file the financial disclosure statements required by this subtitle if:

- (1) the Director of the non-governmental entity is employed by the City;
- (2) the non-governmental entity receives 51% or more of its budget from the City; or
- (3) the majority of the non-governmental entity's Board of Directors or other governing body is appointed by the Mayor or another City Official.

Section 2. And be it further ordained, That this Ordinance takes effect July 1, 2023.