

Introduced by: Councilmember Scott, *Henry*

*DORSEY, Bullock, Bennett, Sneed,
Middleton, Stokes, Clarke*

Prepared by: Department of Legislative Reference

Date: April 12, 2018

Referred to: JUDICIARY AND LEGISLATIVE INVESTIGATIONS Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 18-0222

A RESOLUTION ENTITLED

A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

Charter Amendment – Equity Assistance Fund

FOR the purpose of authorizing the establishment of a continuing, nonlapsing Equity Assistance Fund, to be used exclusively to assist efforts that reduce inequity based on race, gender, or economic status in Baltimore; requiring that the annual Ordinance of Estimates include a specified appropriation for the Equity Assistance Fund; and submitting this amendment to the qualified voters of the City for adoption or rejection.

BY proposing to add
Article I - General Provisions
Section 15
Baltimore City Charter
(1996 Edition)

Manuel White
R. Dorsey
Stokes
Bill

No. _____

****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

Department of Public Works	Baltimore City Public School System
Department of Real Estate	Baltimore Development Corporation
Department of Recreation and Parks	City Solicitor
Department of Transportation	Comptroller's Office
Fire Department	Department of Audits
Health Department	Department of Finance
Mayor's Office of Employment Development	Department of General Services
Mayor's Office of Human Services	Department of Housing and Community Development
Mayor's Office of Information Technology	Department of Human Resources
Office of the Mayor	Department of Planning
Police Department	Other:
Other:	Other:
Other:	Other:
Other:	Other:
Environmental Control Board	Board of Estimates
Fire & Police Employees' Retirement System	Board of Ethics
Labor Commissioner	Board of Municipal and Zoning Appeals
Parking Authority Board	Comm. for Historical and Architectural Preservation
Planning Commission	Commission on Sustainability
Wage Commission	Employees' Retirement System
Other:	Other:
Other:	Other:
Other:	Other:

Boards and Commissions

Department of Public Works	Baltimore City Public School System
Department of Real Estate	Baltimore Development Corporation
Department of Recreation and Parks	City Solicitor
Department of Transportation	Comptroller's Office
Fire Department	Department of Audits
Health Department	Department of Finance
Mayor's Office of Employment Development	Department of General Services
Mayor's Office of Human Services	Department of Housing and Community Development
Mayor's Office of Information Technology	Department of Human Resources
Office of the Mayor	Department of Planning
Police Department	Other:
Other:	Other:
Other:	Other:
Other:	Other:
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Fire & Police Employees' Retirement System	Board of Ethics
Labor Commissioner	Board of Municipal and Zoning Appeals
Parking Authority Board	Comm. for Historical and Architectural Preservation
Planning Commission	Commission on Sustainability
Wage Commission	Employees' Retirement System
Other:	Other:
Other:	Other:
Other:	Other:

CITY OF BALTIMORE
RESOLUTION **18-141**
Council Bill 18-0222
(Charter Amendment)

Introduced by: Councilmembers Scott, Henry, Dorsey, Bullock, Burnett, Sneed, Middleton,
Stokes, Clarke

Introduced and read first time: April 16, 2018

Assigned to: Judiciary and Legislative Investigations Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: June 25, 2018

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

Charter Amendment – Equity Assistance Fund

FOR the purpose of authorizing the establishment of a continuing, nonlapsing Equity Assistance Fund, to be used exclusively to assist efforts that reduce inequity based on race, gender, or economic status in Baltimore; ~~requiring that the annual Ordinance of Estimates include a specified appropriation for the Equity Assistance Fund authorizing the Mayor and City Council to dedicate revenue to the Equity Assistance Fund by ordinance;~~ and submitting this amendment to the qualified voters of the City for adoption or rejection.

BY proposing to add

Article I - General Provisions
Section 15
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the City Charter is proposed to be amended to read as follows:

Baltimore City Charter

Article I. General Provisions

§ 15. SPECIAL FUND FOR EQUITY ASSISTANCE.

(A) AUTHORIZATION.

(1) BY ORDINANCE, THE MAYOR AND CITY COUNCIL OF BALTIMORE MAY ESTABLISH A CONTINUING, NONLAPSING FUND FOR PURPOSES OF ASSISTING EFFORTS THAT REDUCE INEQUITY BASED ON RACE, GENDER, OR ECONOMIC STATUS IN BALTIMORE.

(2) THESE PURPOSES INCLUDE SUPPORTING AND AUGMENTING PROGRAMS AND ACTIVITIES THAT ARE DESIGNED TO:

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike-out~~ indicates matter stricken by amendment.



Council Bill 18-0222

1 (I) PROVIDE EQUITY IN HOUSING;

2 (II) PROVIDE EQUITABLE ACCESS TO EDUCATION;

3 (III) ASSIST EFFORTS TO REDRESS PAST INEQUITIES IN CITY CAPITAL BUDGET
4 SPENDING; AND

5 (IV) ELIMINATING STRUCTURAL AND INSTITUTIONAL RACISM AND OTHER FORMS OF
6 DISCRIMINATION BASED ON IMMUTABLE CHARACTERISTICS.

7 (B) *REVENUE SOURCES.*

8 THE FUND ESTABLISHED UNDER THIS SECTION MAY CONSIST OF:

9 (1) ~~A MANDATORY ANNUAL APPROPRIATION IN THE ORDINANCE OF ESTIMATES OF AN~~
10 ~~AMOUNT EQUAL TO AT LEAST 3% OF THE AMOUNT APPROPRIATED FOR THE POLICE~~
11 ~~DEPARTMENT OF BALTIMORE CITY; AND MONEY APPROPRIATED TO THE FUND IN~~
12 ~~THE ANNUAL ORDINANCE OF ESTIMATES;~~

13 (2) GRANTS OR DONATIONS MADE TO THE FUND; AND

14 (3) PROCEEDS FROM FINES, FEES, SURCHARGES, OR OTHER REVENUES DEDICATED TO
15 THE FUND BY ORDINANCE.

16 (C) *CONTINUING NATURE OF FUND.*

17 NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHARTER, UNSPENT PORTIONS OF THE
18 FUND ESTABLISHED UNDER THIS SECTION:

19 (1) REMAIN IN THE FUND, TO BE USED EXCLUSIVELY FOR THEIR ORDAINED PURPOSES;


20 (2) DO NOT REVERT TO THE GENERAL REVENUES OF THE CITY; AND

21 (3) THEIR APPROPRIATIONS DO NOT LAPSE.

22 **SECTION 2. AND BE IT FURTHER RESOLVED,** That this proposed amendment to the City
23 Charter be submitted to the legal and qualified voters of Baltimore City, for adoption or rejection,
24 in accordance with Article XI-A, § 5 of the Maryland Constitution, in the form specified by the
25 City Solicitor.

Council Bill 18-0222

Certified as duly passed this _____ day of JUL, 09 2018



President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,
this _____ day of JUL 26 9 2018



Chief Clerk

Approved this 14 day of August, 2018



Mayor, Baltimore City

Approved For Form and Legal Sufficiency

This 16th Day of July 2018



Chief Solicitor

500-101-300

500-101-300

500-101-300

500-101-300

500-101-300

CITY OF BALTIMORE
RESOLUTION _____
Council Bill 18-0222
(Charter Amendment)

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Charter Amendment – Equity Assistance Fund

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Council Bill 18-0222

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

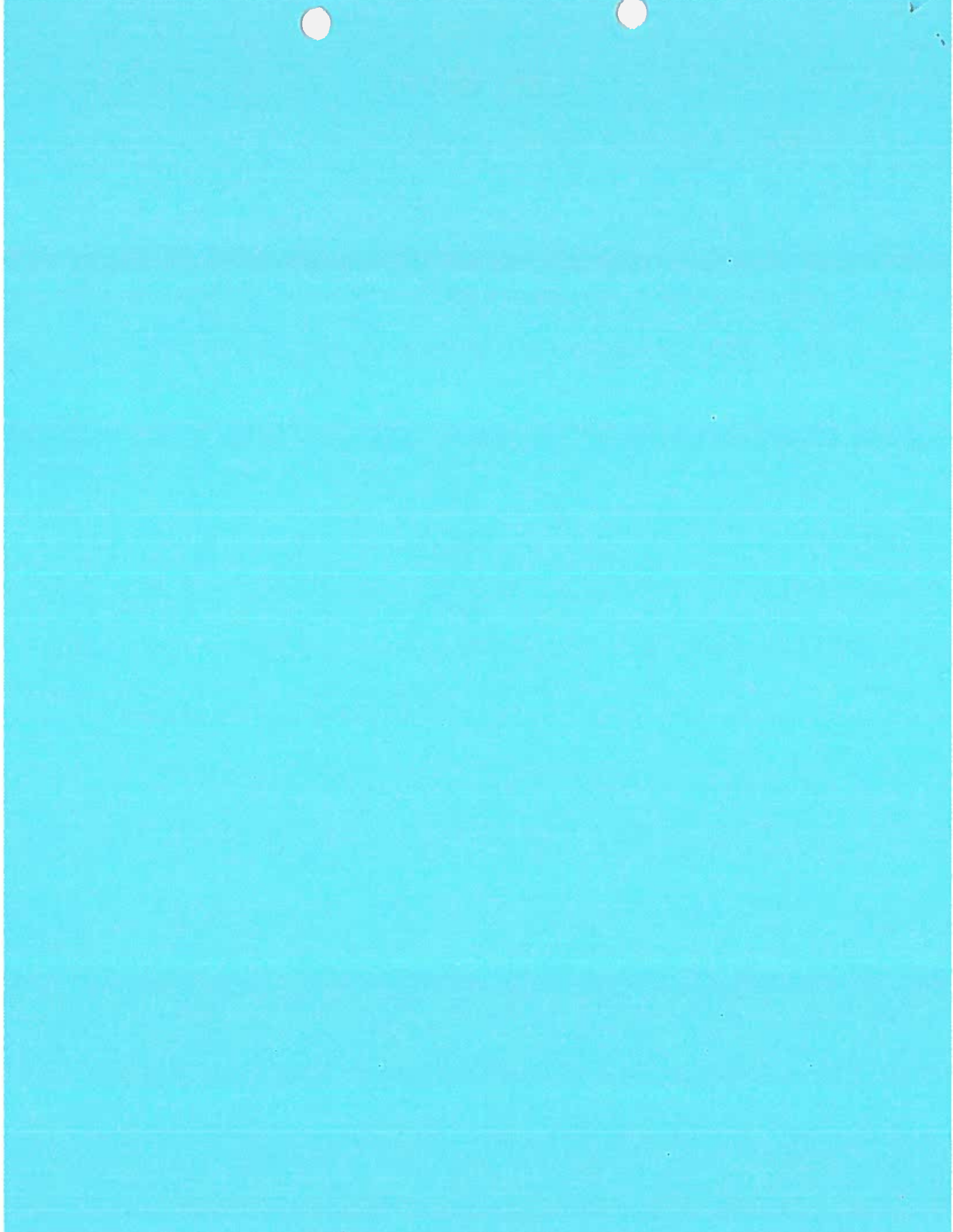
President, Baltimore City Council

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

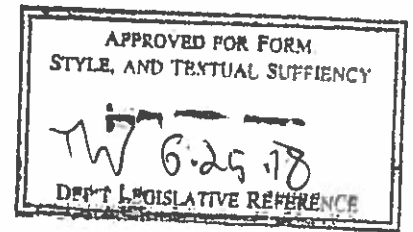
Chief Clerk

Approved this ____ day of _____, 20__

Mayor, Baltimore City



AMENDMENTS TO COUNCIL BILL 18-0222
(1st Reader Copy)



By: The Judiciary and Legislative Investigations Committee
{To be offered on the Council Floor}

Amendment No. 1

On page 1, strike from “requiring” in line 5, down through and including “Fund”, in line 6 and substitute “authorizing the Mayor and City Council to dedicate revenue to the Equity Assistance Fund by ordinance”; and, on page 2, strike from “A” in line 8, down through and including “AND”, in line 10 and substitute “MONEY APPROPRIATED TO THE FUND IN THE ANNUAL ORDINANCE OF ESTIMATES;”; and, on that same page, in line 11, after “FUND”, insert “; AND”

(3) PROCEEDS FROM FINES, FEES, SURCHARGES, OR OTHER REVENUES DEDICATED TO THE FUND BY ORDINANCE”.

ADOPTED

011001

**BALTIMORE CITY COUNCIL
JUDICIARY AND LEGISLATIVE INVESTIGATIONS COMMITTEE
VOTING RECORD**

BILL#: CC-18-0222 DATE: 6/18/18

BILL TITLE: Charter Amendment - Equity Assistance Fund

MOTION BY: Clarke SECONDED BY: Scott

FAVORABLE

FAVORABLE WITH AMENDMENTS

UNFAVORABLE

WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Costello, E., Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarke, M., Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bullock, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pinkett, L.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reisinger, E.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott, B.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stokes, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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TOTALS	<u>6</u>	<u>0</u>	<u>1</u>	<u>0</u>

CHAIRPERSON: *[Signature]*

COMMITTEE STAFF: Matthew L. Peters, Initials: *MP*

CITY OF BALTIMORE

CATHERINE E. PUGH,
Mayor

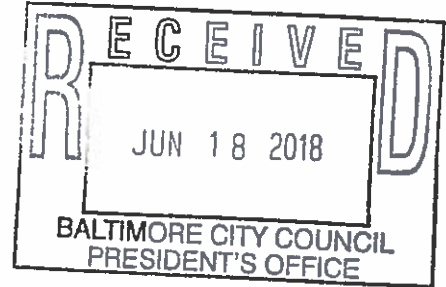


DEPARTMENT OF LAW
ANDRE M. DAVIS, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

June 18, 2018

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Comments



Re: Mayor and City Council Resolution 18-0222 – Charter Amendment –
Equity Assistance Fund

Dear President and City Council Members:

The Law Department has reviewed Mayor and City Council Resolution 18-0222 for form and legal sufficiency. Under Article XI-A, Section 5 of the Maryland Constitution, a resolution, such as City Council Resolution 18-0222, is an appropriate method of initiating an amendment to the Baltimore City Charter. If passed by the Mayor and City Council, the Resolution would be placed on the ballot and would take effect thirty days after being approved by the voters. Md. Const., Art. XI-A, §5

This resolution would add section 15 to Article I of the City Charter to allow for the creation of a special, non-lapsing fund for Equity Assistance. The fund could be used to support or augment programs that address equity in housing, access to education, and to redress past inequities in City capital budget spending, among other things. As amended, the Charter would permit the Mayor and City Council by ordinance to establish the fund, which “may consist of” two sources of money: “(1) a mandatory annual appropriation in the Ordinance of Estimates of an amount equal to at least 3% of the amount appropriated for the Police Department of Baltimore City; and (2) grants or donations made to the fund.”

Two related concerns make themselves apparent on the face of the resolution: (1) the revenue sources provision and (2) the mandated appropriation.

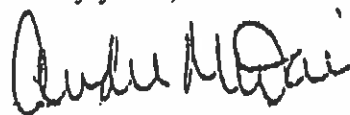
The revenue sources provision is ambiguous because it states that the fund “may consist of” a “mandatory annual appropriation.” These two phrases are seemingly incompatible and internally inconsistent. The use of “may” suggests the existence of legislative discretion and that there really is no mandatory appropriation requirement. More concerning, however, is the concern presented if the intent is (as it seems to be) to mandate that the fund contain an annual appropriation of at least a certain amount (derived by taking a percentage of some other appropriation). This interpretation will impermissibly constrain the City’s annual legislative process of formulating its budget in the Ordinance of Estimates and run afoul of the state constitution.

The Court of Appeals has invariably insisted in several notable cases that a valid charter amendment must be “limited in substance to amending the form or structure of government initially established by adoption of the charter.” *Cheeks v. Cedlair Corp.*, 287 Md. 595, 607 (1980). A charter amendment may not “serve or function as a vehicle through which to adopt local legislation.” *Id.* This conclusion is required by the Maryland Constitution, which (the Court says forcefully) forbids a contrary interpretation. Md. Const., Art. XI-A, §3 (legislation for Baltimore City may only be effected by City Council); *id.* at §5 (Power of people to initiate Charter amendments does not include power of legislative initiative). The “council alone, and not the voters of the county, has the power to initiate local legislation [such as appropriating funds for the operation of the local government]” and “such legislative power cannot be exercised by means of an amendment to the charter.” *Save our Streets v. Mitchell*, 357 Md. 237, 249 (2000) (citations omitted; brackets added).

We predict that forcing a minimum amount of funding into the annual Ordinance of Estimates as this proposed charter amendment seeks to accomplish will be deemed by the Court a legislative act that can only be accomplished by the City’s legislative body exercising its legislative power pursuant to the Maryland Constitution. *See Atkinson v. Anne Arundel County*, 236 Md. App. 139, 177 (2018). As the Baltimore City Council has no power to add amounts to, and can only reduce, spending contemplated in a proposed Ordinance of Estimates, a charter amendment that creates a floor below which no cut can go, leaves little to the Council’s discretion. City Charter, Art. VI, §7. It would leave the City Council “without the means to ever change this policy should it prove in the interests of the [City] to do so” and that “would leave only another charter amendment.” *Mayor and City Council of Ocean City v. Bunting*, 168 Md. App. 134, 148 (2006).

In sum, *creating* the equity fund is proper Charter material. Funding it each year, however, amounts to “constructing the ‘technical’ specifics of the policy,” which must be done legislatively through the annual Ordinance of Estimates. *Atkinson*, 236 Md. App. at 179.

Sincerely yours,



Andre M. Davis
City Solicitor

- cc: Karen Stokes, Director, Mayor’s Office of Government Relations
Kyron Banks, Mayor’s Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Victor Tervalá, Chief Solicitor
Ashlea Brown, Assistant Solicitor
Hilary Ruley, Assistant Solicitor
Avery Aisenstark

RAC

FROM	NAME & TITLE	Robert Cenname, Chief
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432. City Hall (410) 396-4941
	SUBJECT	City Council Bill #18-0222 Charter Amendment – Equity Assistance Fund

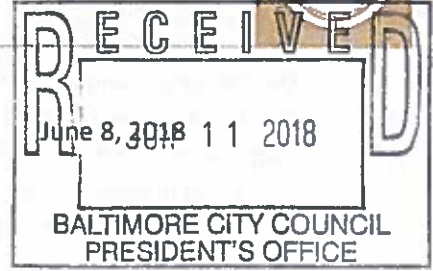
CITY of
BALTIMORE
MEMO



DATE

TO

The Honorable President and
Members of the City Council
Room 400, City Hall



oppose

City Council Bill #18-0222 would propose to voters a City Charter amendment to establish a continuing, non-lapsing Equity Assistance Fund, to be used exclusively to assist efforts that reduce inequity based on race, gender, or economic status in Baltimore. The amendment would mandate an annual appropriation to the fund in an amount equal to at least 3% of the amount appropriated for the Baltimore City Police Department.

Fiscal Impact

This proposed amendment would mandate that at minimum, 3% of the funds appropriated for the Police Department in the Ordinance of Estimates be appropriated to the Equity Assistance Fund annually.

The recommended appropriation for the Baltimore City Police Department in Fiscal 2019 (all funds) is equal to \$509,618,142; 3% of this amount is \$15,288,544.

Recommendation

The Department of Finance commends the intention of City Council Bill 18-0222, which is to reduce inequity based on race, gender, or economic status in Baltimore. That said, the Department is concerned that dedicating General Fund revenue for a specific purpose, no matter how worthwhile it may be, begins to undermine sound financial management, puts core services at risk, and is not the best means by which to achieve the City Council's goals.

One of the hallmarks of sound financial management is flexibility for City leaders to adjust spending and revenue to meet ever-changing needs, priorities, and economic conditions. Any restriction on this flexibility, such as the one proposed by this bill, compromises fiscal management and would be viewed negatively by bond rating agencies. Baltimore has a long history of good fiscal stewardship. It is one of the reasons why the City has never gone into default, receivership, or bankruptcy.

The City has made significant progress in improving its fiscal condition under the Ten-Year Financial Plan, but significant challenges remain looking forward. From Fiscal 2019 to Fiscal 2028, BBMR projects that revenue will fall short of levels needed just to maintain current service levels. The City's revenues historically track closely with the health of the national economy. The United States has now entered its ninth consecutive year of economic expansion, the second largest since World War II, which increases the chances of a recession in the short to mid-term. City tax rates are already the highest in Maryland, which limits the City's options for raising additional revenue for new programs. And, the City faces an array of unfunded risks, including but not limited to the pending F&P pension lawsuit, Police legal liabilities,

additional consent decree costs, unmet capital needs across many agencies, education funding, and surplus schools.

The bill states the purpose of the proposed Equity Assistance Fund is to fund programs that are designed to provide equity in housing, provide equitable access to education, assist efforts to redress past inequities in City Capital Budget spending, and eliminate structural and institutional racism and other forms of discrimination based on immutable characteristics.

On education funding, the City has made good-faith efforts to address issues within limited resources. The City provided \$90.2 million in bridge funding for City Schools to address a \$130 million budget shortfall from Fiscal 2018 through Fiscal 2020. In addition to this bridge funding, the City is providing an additional \$3 million in each of these three years as well as additional capital improvement funding. The City also dedicates funding to the 21st Century Schools Program, which aims to increase equitable access to healthy, safe, efficient, and modern school buildings for Baltimore's children.

Dedicating funding equal to a set percentage of Police Department Funding would likely require cuts to core City services, including public safety, sanitation, transportation, health, youth recreation, and housing programs. Cuts to these core services could reduce equitable access to City services, which is contrary to the purpose of this bill.

For these reasons, the Finance Department opposes Council Bill 18-0222.

cc: Henry Raymond
Kyron Banks

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Minutes - Final

Judiciary and Legislative Investigations

Monday, June 18, 2018

5:00 PM

Du Burns Council Chamber, 4th floor, City Hall

18-0222

CHARM TV 25

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

Present 6 - Member Eric T. Costello, Member Mary Pat Clarke, Member Leon F. Pinkett III, Member John T. Bullock, Member Brandon M. Scott, and Member Robert Stokes Sr.

Absent 1 - Member Edward Reisinger

ITEMS SCHEDULED FOR PUBLIC HEARING

18-0222

Charter Amendment - Equity Assistance Fund

For the purpose of authorizing the establishment of a continuing, nonlapsing Equity Assistance Fund, to be used exclusively to assist efforts that reduce inequity based on race, gender, or economic status in Baltimore; requiring that the annual Ordinance of Estimates include a specified appropriation for the Equity Assistance Fund; and submitting this amendment to the qualified voters of the City for adoption or rejection.

Sponsors: Brandon M. Scott, Bill Henry, Ryan Dorsey, John T. Bullock, Kristerfer Burnett, Shannon Sneed, Sharon Green Middleton, Robert Stokes, Sr., Mary Pat Clarke

A motion was made by Member Clarke, seconded by Member Scott, that this Mayor and City Council Res. be Recommended Favorably with Amendment. The motion carried by the following vote:

Yes: 6 - Member Costello, Member Clarke, Member Pinkett III, Member Bullock, Member Scott, and Member Stokes Sr.

Absent: 1 - Member Reisinger

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC



HEARING NOTES

Bill: 18-0222

Charter Amendment - Equity Assistance Fund

Committee: Judiciary and Legislative Investigations

Chaired By: Councilmember Eric Costello

Hearing Date: June 18, 2018
Time: 5:10 PM to 5:30 PM
Location: Clarence "Du" Burns Chamber
Total Attendance: ~25
Committee Members in Attendance:
Eric Costello Mary Pat Clarke Brandon Scott
Leon Pinkett Robert Stokes John Bullock

Bill Synopsis in the file? yes no n/a
Attendance sheet in the file? yes no n/a
Agency reports read? yes no n/a
Hearing televised or audio-digitally recorded? yes no n/a
Certification of advertising/posting notices in the file?..... yes no n/a
Evidence of notification to property owners? yes no n/a
Final vote taken at this hearing? yes no n/a
Motioned by: **Councilmember Clarke**
Seconded by: **Councilmember Scott**
Final Vote: **Favorable as Amended**

Major Speakers

(This is not an attendance record.)

Robert Cename, Department of Finance
Elena DiPietro, Department of Law

Major Issues Discussed

1. Chairman Costello opened the proceedings and introduced the committee members in attendance.
2. Councilman Scott discussed the proposed Charter Amendment and the need for the City to invest in areas that have suffered from inequity in resources and service.
3. Representatives from the Departments of Finance and Law confirmed that they stand by their reports (in file).
4. Councilman Scott asked the Finance Department to explain its concerns based on reduced flexibility. The Department noted that it was particularly concerned by the potential for changes in the overall economic situation to require it to shift funding around in future budgets, and that the mandatory appropriations in the Amendment would make that more difficult.
5. Councilman Scott asked the Department of Finance whether it considered equity when developing the budget, and whether it considers the fiscal year 2019 budget equitable. The Department responded that it does not specifically consider equity in the budgeting process, but could in the future.
6. Councilwoman Clarke noted the importance of funding agency efforts to advance equity and thinking about where capital spending and services are going.
7. Councilman Scott asked the Law Department to explain the legal issues with mandated funding, and whether the Law Department has objected to similar provisions in the past. The Department explained its concerns and noted that it raised the same concerns regarding the revenue provisions in the Children and Youth Fund.
8. Councilman Pinkett asked for clarification on how funds would be utilized—i.e. what does ‘equitable access to education’ mean in this context? Councilman Scott explained that it is difficult to give specific examples because no agency has yet conducted an equity assessment to identify problems, but noted that schools in some neighborhoods lack programs available in others because they do not have the necessary resources.
9. Councilman Bullock noted that the Council takes equity seriously, but it needs to address the Finance Department’s comments.
10. The committee considered and adopted amendments to the proposed Charter Amendment.

Further Study

Was further study requested?

Yes No

If yes, describe. N/A

Committee Vote

E. Costello: Yea
M. Clarke: Yea
J. Bullock: Yea
L. Pinkett: Yea
E. Reisinger: Absent
B. Scott: Yea

R. Stokes:..... Yea

Matthew Peters

Matthew L. Peters, Committee Staff

Date: June 18, 2018

cc: Bill File
OCS Chrono File



CITY OF BALTIMORE CITY COUNCIL HEARING ATTENDANCE RECORD

Committee: Judiciary and Legislative Investigations

Chairperson: Eri

Date: June 18, 2018

Time: 5:00 PM

Place: Clarence "Du" Burns Chambers

Subject: Resolution - Charter Amendment - Equity Assistance Fund

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE CHECK HERE

FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com
Roh	Cenano		Finace		

(*) NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGI BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730; FAX: 410-396-8483.

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Agenda - Final

Judiciary and Legislative Investigations

Monday, June 18, 2018

5:00 PM

Du Burns Council Chamber, 4th floor, City Hall

18-0222

CHARM TV 25

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEMS SCHEDULED FOR PUBLIC HEARING

18-0222

Charter Amendment - Equity Assistance Fund

For the purpose of authorizing the establishment of a continuing, nonlapsing Equity Assistance Fund, to be used exclusively to assist efforts that reduce inequity based on race, gender, or economic status in Baltimore; requiring that the annual Ordinance of Estimates include a specified appropriation for the Equity Assistance Fund; and submitting this amendment to the qualified voters of the City for adoption or rejection.

Sponsors:

Brandon M. Scott, Bill Henry, Ryan Dorsey, John T. Bullock, Kristerfer Burnett, Shannon Sneed, Sharon Green Middleton, Robert Stokes, Sr., Mary Pat Clarke

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

BILL SYNOPSIS

Committee: Judiciary and Legislative Investigations

Bill 18-0222

Charter Amendment - Equity Assistance Fund

Sponsor: Councilmember Scott, et al

Introduced: April 16, 2018

Purpose:

For the purpose of authorizing the establishment of a continuing, nonlapsing Equity Assistance Fund, to be used exclusively to assist efforts that reduce inequity based on race, gender, or economic status in Baltimore; requiring that the annual Ordinance of Estimates include a specified appropriation for the Equity Assistance Fund; and submitting this amendment to the qualified voters of the City for adoption or rejection.

Effective: 30th day after adoption by the legal and qualified voters of Baltimore City

Hearing Date/Time/Location: June 18, 2018/5:00 p.m./Clarence "Du" Burns Chamber

AGENCY REPORTS

Department of Finance
City Solicitor

Unfavorable
Comments

ANALYSIS

Council Bill 18-0222 is a Mayor and City Council resolution proposing a Charter Amendment, to be voted upon by the City electorate, authorizing the creation by ordinance of a fund to support efforts that reduce inequity based on race, gender, or economic status in Baltimore. The purposes of the fund include supporting programs and activities that provide equity in housing and education, redress past inequities in capital budget spending, and eliminate structural racism and other forms of discrimination.

The Amendment authorizes a "mandatory annual appropriation ... of an amount equal to at least 3% of the amount appropriated for the Police Department of Baltimore City" for the fund. The Department of Finance estimated that, based on the fiscal year 2019 budget, the appropriation for the fund would be over \$15 million. The fund may also receive grants and donations. Unspent portions of the fund will remain in the fund to be used for the ordained purposes, will not revert to the general revenues of the City, and their appropriations do not lapse.

The Department of Finance submitted an unfavorable report on the Charter Amendment. Specifically, the Department is concerned that it would restrict the City's flexibility to adjust spending based on changing needs, priorities, and economic conditions. Additionally, the Department expects that funding the mandatory appropriation would likely require cuts to core City services.

ADDITIONAL INFORMATION

Fiscal Note: None

Information Source(s): Department of Finance, Bill 18-0222.



Analysis by:

Matthew L. Peters

Direct Inquiries to: (410) 396-1268

Analysis Date:

June 13, 2018, updated June 18, 2018

**CITY OF BALTIMORE
COUNCIL BILL 18-0222
(FIRST READER)
(Charter Amendment)**

Introduced by: Councilmembers Scott, Henry, Dorsey, Bullock, Burnett, Sneed, Middleton,
Stokes, Clarke

Introduced and read first time: April 16, 2018

Assigned to: Judiciary and Legislative Investigations Committee

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

A RESOLUTION ENTITLED

1 A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

2 **Charter Amendment – Equity Assistance Fund**

3 FOR the purpose of authorizing the establishment of a continuing, nonlapsing Equity Assistance
4 Fund, to be used exclusively to assist efforts that reduce inequity based on race, gender, or
5 economic status in Baltimore; requiring that the annual Ordinance of Estimates include a
6 specified appropriation for the Equity Assistance Fund; and submitting this amendment to the
7 qualified voters of the City for adoption or rejection.

8 BY proposing to add
9 Article I - General Provisions
10 Section 15
11 Baltimore City Charter
12 (1996 Edition)

13 **SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the**
14 **City Charter is proposed to be amended to read as follows:**

15 **Baltimore City Charter**

16 **Article I. General Provisions**

17 **§ 15. SPECIAL FUND FOR EQUITY ASSISTANCE.**

18 (A) *AUTHORIZATION.*

19 (1) BY ORDINANCE, THE MAYOR AND CITY COUNCIL OF BALTIMORE MAY ESTABLISH A
20 CONTINUING, NONLAPSING FUND FOR PURPOSES OF ASSISTING EFFORTS THAT REDUCE
21 INEQUITY BASED ON RACE, GENDER, OR ECONOMIC STATUS IN BALTIMORE.

22 (2) THESE PURPOSES INCLUDE SUPPORTING AND AUGMENTING PROGRAMS AND ACTIVITIES
23 THAT ARE DESIGNED TO:

24 (I) PROVIDE EQUITY IN HOUSING;

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike-out~~ indicates matter deleted by amendment.

Council Bill 18-0222

1 (II) PROVIDE EQUITABLE ACCESS TO EDUCATION;

2 (III) ASSIST EFFORTS TO REDRESS PAST INEQUITIES IN CITY CAPITAL BUDGET
3 SPENDING; AND

4 (IV) ELIMINATING STRUCTURAL AND INSTITUTIONAL RACISM AND OTHER FORMS OF
5 DISCRIMINATION BASED ON IMMUTABLE CHARACTERISTICS.

6 (B) *REVENUE SOURCES.*

7 THE FUND ESTABLISHED UNDER THIS SECTION MAY CONSIST OF:

8 (1) A MANDATORY ANNUAL APPROPRIATION IN THE ORDINANCE OF ESTIMATES OF AN
9 AMOUNT EQUAL TO AT LEAST 3% OF THE AMOUNT APPROPRIATED FOR THE POLICE
10 DEPARTMENT OF BALTIMORE CITY; AND

11 (2) GRANTS OR DONATIONS MADE TO THE FUND.

12 (C) *CONTINUING NATURE OF FUND.*

13 NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHARTER, UNSPENT PORTIONS OF THE
14 FUND ESTABLISHED UNDER THIS SECTION:

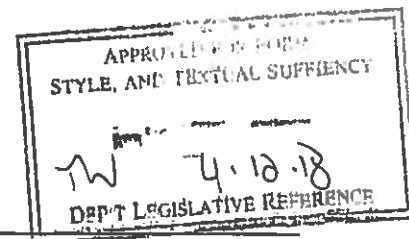
15 (1) REMAIN IN THE FUND, TO BE USED EXCLUSIVELY FOR THEIR ORDAINED PURPOSES;

16 (2) DO NOT REVERT TO THE GENERAL REVENUES OF THE CITY; AND

17 (3) THEIR APPROPRIATIONS DO NOT LAPSE.

18 **SECTION 2. AND BE IT FURTHER RESOLVED,** That this proposed amendment to the City
19 Charter be submitted to the legal and qualified voters of Baltimore City, for adoption or rejection,
20 in accordance with Article XI-A, § 5 of the Maryland Constitution, in the form specified by the
21 City Solicitor.

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____
(Charter Amendment)



Introduced by: Councilmember Scott

A RESOLUTION ENTITLED

A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

Charter Amendment – Equity Assistance Fund

FOR the purpose of authorizing the establishment of a continuing, nonlapsing Equity Assistance Fund, to be used exclusively to assist efforts that reduce inequity based on race, gender, or economic status in Baltimore; requiring that the annual Ordinance of Estimates include a specified appropriation for the Equity Assistance Fund; and submitting this amendment to the qualified voters of the City for adoption or rejection.

BY proposing to add
Article I - General Provisions
Section 15
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the City Charter is proposed to be amended to read as follows:

Baltimore City Charter

Article I. General Provisions

§ 15. SPECIAL FUND FOR EQUITY ASSISTANCE.

(A) AUTHORIZATION.

- (1) BY ORDINANCE, THE MAYOR AND CITY COUNCIL OF BALTIMORE MAY ESTABLISH A CONTINUING, NONLAPSING FUND FOR PURPOSES OF ASSISTING EFFORTS THAT REDUCE INEQUITY BASED ON RACE, GENDER, OR ECONOMIC STATUS IN BALTIMORE.
- (2) THESE PURPOSES INCLUDE SUPPORTING AND AUGMENTING PROGRAMS AND ACTIVITIES THAT ARE DESIGNED TO :
 - (1) PROVIDE EQUITY IN HOUSING ;

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.

(II) PROVIDE EQUITABLE ACCESS TO EDUCATION ;

(III) ASSIST EFFORTS TO REDRESS PAST INEQUITIES IN CITY CAPITAL BUDGET SPENDING; AND

(IV) ELIMINATING STRUCTURAL AND INSTITUTIONAL RACISM AND OTHER FORMS OF DISCRIMINATION BASED ON IMMUTABLE CHARACTERISTICS .

(B) *REVENUE SOURCES.*

THE FUND ESTABLISHED UNDER THIS SECTION MAY CONSIST OF :

(1) A MANDATORY ANNUAL APPROPRIATION IN THE ORDINANCE OF ESTIMATES OF AN AMOUNT EQUAL TO AT LEAST 3% OF THE AMOUNT APPROPRIATED FOR THE POLICE DEPARTMENT OF BALTIMORE CITY; AND

(2) GRANTS OR DONATIONS MADE TO THE FUND .

(C) *CONTINUING NATURE OF FUND.*

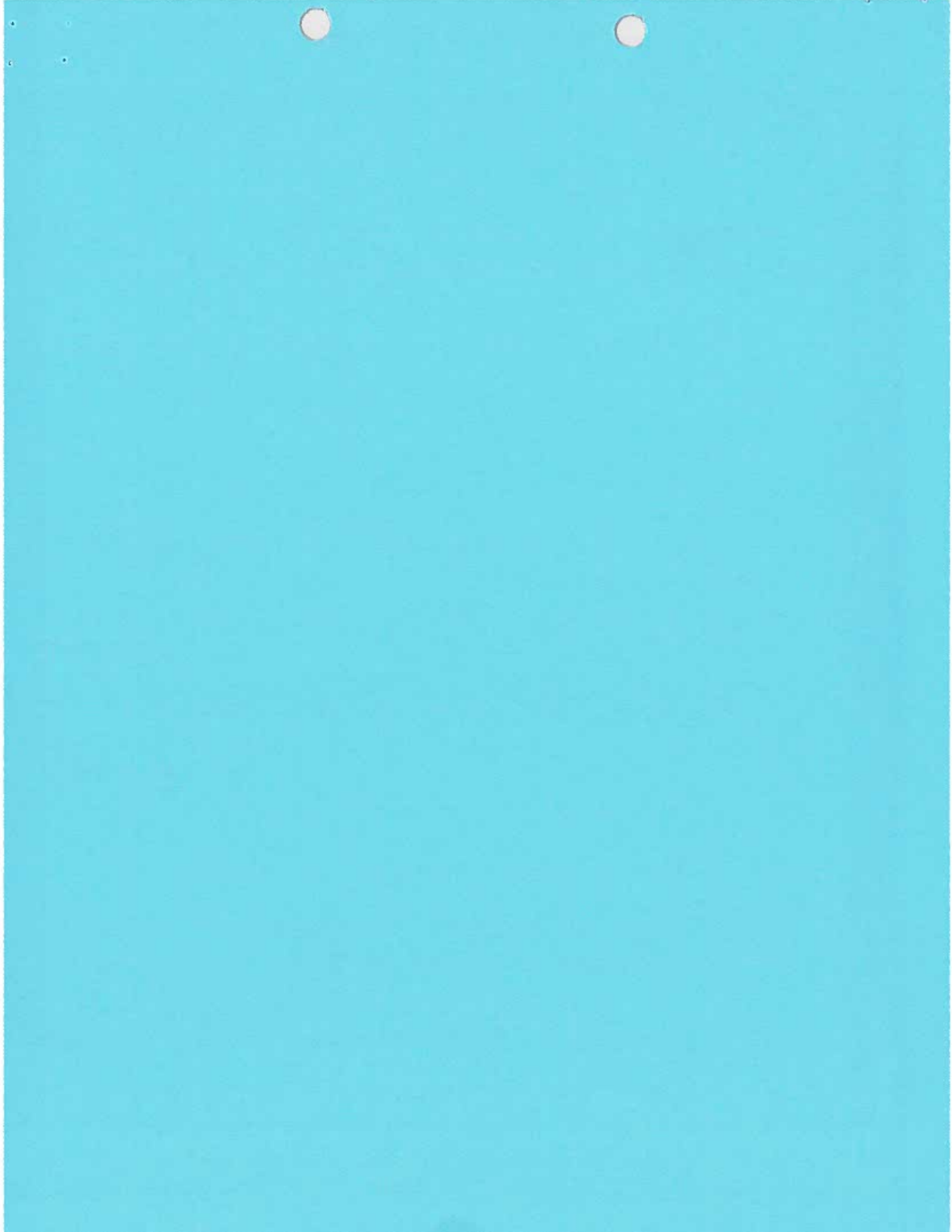
NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHARTER, UNSPENT PORTIONS OF THE FUND ESTABLISHED UNDER THIS SECTION :

(1) REMAIN IN THE FUND , TO BE USED EXCLUSIVELY FOR THEIR ORDAINED PURPOSES ;

(2) DO NOT REVERT TO THE GENERAL REVENUES OF THE CITY; AND

(3) THEIR APPROPRIATIONS DO NOT LAPSE .

SECTION 2. AND BE IT FURTHER RESOLVED, That this proposed amendment to the City Charter be submitted to the legal and qualified voters of Baltimore City, for adoption or rejection, in accordance with Article XI-A, § 5 of the Maryland Constitution, in the form specified by the City Solicitor.



ACTION BY THE CITY COUNCIL

FIRST READING (INTRODUCTION) _____ APR 16, 2018
_____ 20 _____

PUBLIC HEARING HELD ON June 18, 2018 _____ 20 _____

COMMITTEE REPORT AS OF June 25, 2018 _____ 20 _____

_____ FAVORABLE _____ UNFAVORABLE FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION

C. T. Co.

Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

JUN 25 2018

Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing. _____ 20 _____

THIRD READING _____ JUL 09 2018
_____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ 20 _____

WITHDRAWAL _____ 20 _____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

[Signature]

President

[Signature]

Chief Clerk