

**CITY OF BALTIMORE
COUNCIL BILL 10-0445
(First Reader)**

Introduced by: President Rawlings-Blake, Councilmembers Kraft, Young, Cole, D'Adamo,
Clarke, Henry, Holton, Curran, Middleton, Reisinger, Spector, Branch, Conaway, Welch
Introduced and read first time: January 25, 2010
Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Board of Ethics, Department of Housing and Community Development, Department of Public Works, Baltimore Development Corporation, Baltimore City Parking Authority Board, Board of Liquor License Commissioners, Enoch Pratt Free Library, Commission for Historical and Architectural Preservation, Health Department, Fire Department, Police Department, Department of Transportation, Baltimore City Public School System, Department of Recreation and Parks, Department of Comptroller, Labor Commissioner, Department of Finance, Department of Human Resources

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Public Ethics Law – Ethics Board Composition, Tenure, etc. –**
3 **Ethics Training**

4 FOR the purpose of reconstituting the Baltimore City Board of Ethics; providing for the Board's
5 composition and for the qualifications, tenure, and removal of its members; requiring the
6 Board to submit certain annual and special reports; expressly including certain entities within
7 the purview of the Public Ethics Law; expanding the requirements for mandatory ethics
8 training to encompass certain boards, commissions, and other multi-member entities;
9 providing for a special effective date; and generally relating to ethics in the public sector.

10 BY authority of
11 Article VII - Executive Departments
12 Section(s) 108(a) and 110
13 Baltimore City Charter
14 (1996 Edition)

15 BY repealing and reordaining, with amendments
16 Article 8 - Ethics
17 Section(s) 2-2, 2-3, 3-2, 3-3, 3-4, and 3-20(b)
18 Baltimore City Code
19 (Edition 2000)

20 BY repealing and reordaining, without amendments
21 Article 8 - Ethics
22 Section(s) 3-20(a)
23 Baltimore City Code
24 (Edition 2000)

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

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1 BY adding
2 Article 8 - Ethics
3 Section(s) 3-26 and 7-8(12a), (27a), and (32a)
4 Baltimore City Code
5 (Edition 2000)

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

8 **Baltimore City Code**

9 **Article 8. Ethics**

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

11 **§ 2-2. “Agency”.**

12 (a) *In general.*

13 “Agency” means any department, board, commission, council, authority, committee,
14 office, or other unit of City government.

15 (b) *Inclusions.*

16 “Agency” also includes:

- 17 (1) Baltimore City Parking Authority;
- 18 (2) Baltimore Development Corporation;
- 19 (3) Baltimore Police Department;
- 20 (4) Board of Liquor License Commissioners for Baltimore City;
- 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; and
- 25 (9) [(7)] any individual not embraced in a unit of City government who exercises
26 authority comparable to that of the head of a unit of City government.

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§ 2-3. “Board”.

(a) *In general.*

“Board” means any board, commission, council, authority, committee, or other unit of City government that comprises 2 or more members, SOME OR all of whom are appointed and serve on a part-time basis.

(b) *Inclusions.*

“Board” also includes:

- (1) Board of Commissioners of the Housing Authority of Baltimore City;
- (2) Board of Directors of the Baltimore City Parking Authority;
- (3) Board of Directors of the Baltimore Development Corporation;
- (4) Board of Liquor License Commissioners for Baltimore City; [and]
- (5) Civilian Review Board of Baltimore City;
- (6) LOCAL DEVELOPMENT COUNCIL, SOUTH BALTIMORE VIDEO LOTTERY TERMINAL;
AND
- (7) PIMLICO COMMUNITY DEVELOPMENT AUTHORITY.

Subtitle 3. Administration

§ 3-2. Appointment and qualifications.

(a) *Composition.*

[The Ethics Board comprises the following 5 members:

- (1) 3 members appointed by the Mayor in accordance with Article IV, § 6 of the City Charter;
- (2) the Mayor or a public servant designated by the Mayor; and
- (3) the City Solicitor or a member of the City Solicitor’s staff designated by the City Solicitor.]

(1) THE ETHICS BOARD COMPRISES THE FOLLOWING 5 MEMBERS, APPOINTED BY THE MAYOR IN ACCORDANCE WITH CITY CHARTER ARTICLE IV, § 6:

- (I) 1 MEMBER NOMINATED BY PRESIDENT OF THE CITY COUNCIL;
- (II) 1 MEMBER NOMINATED BY THE CITY COMPTROLLER; AND

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1 (iii) 3 MEMBERS NAMED BY THE MAYOR, AT LEAST 2 OF WHOM MUST BE MEMBERS
2 OF THE MARYLAND BAR.

3 (2) THE MAYOR MAY REJECT A NOMINEE OF THE PRESIDENT OR OF THE COMPTROLLER
4 ONLY FOR CAUSE.

5 (b) *Qualifications.*

6 (1) Each member of the Ethics Board must BE:

7 (i) [be] an individual of known personal integrity; [and]

8 (ii) [possess] SOMEONE WHO POSSESSES a recognized knowledge and interest in
9 government and civics; AND

10 (iii) A RESIDENT OF THE CITY OF BALTIMORE.

11 (2) [Except for the Mayor, the City Solicitor, or the designee of either, no public servant
12 may be appointed as a member of the Ethics Board] NO PERSON MAY BE APPOINTED
13 TO THE BOARD OR, ONCE APPOINTED, CONTINUE TO SERVE ON THE BOARD IF THE
14 PERSON:

15 (i) [(3) Except for the Mayor, no member of the Ethics Board may be] IS OR
16 BECOMES a lobbyist UNDER THE STATE PUBLIC ETHICS LAW, SUBTITLE 8 OF
17 THIS ARTICLE, OR THE ETHICS CODE OF ANY POLITICAL SUBDIVISION OF THIS
18 STATE;

19 (ii) IS OR BECOMES AN OFFICER OR EMPLOYEE OF THE STATE, THE CITY, OR ANY
20 OTHER POLITICAL SUBDIVISION OF THE STATE, OR OF ANY OF THEIR
21 RESPECTIVE AGENCIES, INSTRUMENTALITIES, OR OTHER UNITS (OTHER THAN A
22 STATE COLLEGE, UNIVERSITY, OR OTHER INSTITUTION OF HIGHER EDUCATION);
23 OR

24 (iii) [(4) No member of the Ethics Board may continue to serve if the member] IS
25 OR becomes a candidate for elected public office of [the United States,] the
26 State, the City, or any other political subdivision of the State.

27 **§ 3-3. Tenure; removal.**

28 (a) *Tenure.*

29 (1) [The] IN ACCORDANCE WITH CITY CHARTER ARTICLE VII, § 108(A), THE term of [an
30 appointed] A member [expires at the end of the Mayor's term of office] IS 5 YEARS.

31 (2) [The term of the Mayor and the Solicitor, or their respective designees, expires when
32 the Mayor or the Solicitor leaves office.] THE TERMS OF THE MEMBERS ARE
33 STAGGERED AS REQUIRED BY THE TERMS FOR THE MEMBERS FIRST APPOINTED UNDER
34 THE 2010 AMENDMENTS TO THIS SUBTITLE.

35 (3) At the end of a term, a member continues to serve until a successor is appointed and
36 qualifies.

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1 (b) *Removal.*

2 (1) The Mayor may remove an appointed member as provided in CITY CHARTER Article
3 IV, § 6, [of the City Charter] BUT ONLY FOR THE FOLLOWING CAUSES:

4 (I) NEGLIGENCE OF DUTY;

5 (II) MISCONDUCT IN OFFICE;

6 (III) A DISABILITY THAT MAKES THE MEMBER UNABLE TO DISCHARGE THE POWERS
7 AND DUTIES OF THE OFFICE; OR

8 (IV) A VIOLATION OF THIS ARTICLE.

9 (2) BEFORE SEEKING CITY COUNCIL APPROVAL FOR A REMOVAL, THE MAYOR MUST GIVE
10 THE MEMBER:

11 (I) WRITTEN NOTICE OF THE CHARGES; AND

12 (II) AN OPPORTUNITY TO REPLY TO THE CHARGES.

13 **§ 3-4. Officers.**

14 (a) *Chair.*

15 (1) The [Mayor designates the Chair of the] Ethics Board MUST ELECT A CHAIR from
16 among its appointed members.

17 (2) THE TERM OF THE CHAIR IS 1 YEAR.

18 (3) THE CHAIR MAY BE REELECTED.

19 (b) *Others.*

20 The Ethics Board may elect a Vice-Chair and other officers from among its members.

21 **§ 3-20. Training courses.**

22 (a) *Board to offer.*

23 The Ethics Board must develop and offer a training course of not less than 2 hours on the
24 requirements of this article.

25 (b) *Officials required to take.*

26 (1) Except as provided in paragraph (2) of this subsection, every official must complete
27 the training course within 6 months of his or her appointment or reappointment to
28 office.

29 (2) The training requirements of this subsection do not apply to:

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1 (i) an official who, within the 5 years preceding his or her appointment or
2 reappointment, completed a training course provided under this section; or

3 (ii) an individual who is an official only [as] BY VIRTUE OF BEING a board
4 member, UNLESS THE BOARD:

5 (A) IS ONE OF THE ENTITIES LISTED IN § 7-8 {“[DISCLOSURES
6 STATEMENTS] – AGENCY OFFICIALS AND STAFF”} OF THIS ARTICLE; OR

7 (B) PERFORMS ONE OF THE FUNCTIONS DESCRIBED IN § 7-9 {“[DISCLOSURE
8 STATEMENTS] – PROCUREMENT, LEGISLATIVE LIAISON, AND
9 ENFORCEMENT PERSONNEL”} OF THIS ARTICLE.

10 **§ 3-26. REPORTS.**

11 THE ETHICS BOARD MUST SUBMIT TO THE MAYOR AND THE CITY COUNCIL:

12 (1) AN ANNUAL REPORT ON ITS ACTIVITIES; AND

13 (2) AS APPROPRIATE FROM TIME TO TIME, BASED ON ITS INVESTIGATIONS AND STUDIES,
14 SPECIAL REPORTS WITH RECOMMENDATIONS FOR LEGISLATION.

15 **Subtitle 7. Financial Disclosure**

16 **§ 7-8. Persons required to file – Agency officials and staff.**

17 Except as provided in § 7-10 {“Person filing with State”} of this subtitle, the following
18 officials and employees must file the financial disclosure statements required by this subtitle:

19 (12A) *FINANCE BOARD.*

20 (i) MEMBERS OF THE BOARD.

21 (ii) ALL NON-CLERICAL EMPLOYEES OF OR ASSIGNED TO THE BOARD.

22 (27A) *LOCAL DEVELOPMENT COUNCIL, SOUTH BALTIMORE VIDEO LOTTERY TERMINAL.*

23 (i) MEMBERS OF THE COUNCIL.

24 (ii) ALL NON-CLERICAL EMPLOYEES OF OR ASSIGNED TO THE COUNCIL.

25 (32A) *PIMLICO COMMUNITY DEVELOPMENT AUTHORITY*

26 (i) MEMBERS OF THE AUTHORITY.

27 (ii) ALL NON-CLERICAL EMPLOYEES OF OR ASSIGNED TO THE AUTHORITY.

28 **SECTION 2. AND BE IT FURTHER ORDAINED,** That of the members first appointed to the
29 Ethics Board under this Ordinance:

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1 (1) the member nominated by the Council President shall be appointed for a term ending
2 December 31, 2015;

3 (2) the member nominated by the Comptroller shall be appointed for a term ending
4 December 31, 2014; and

5 (3) of the remaining 3 members:

6 (1) 1 shall be appointed for a term ending December 31, 2013;

7 (2) 1 shall be appointed for a term ending December 31, 2012; and

8 (3) 1 shall be appointed for a term ending December 31, 2011.

9 **SECTION 3. AND BE IT FURTHER ORDAINED,** That all provisions of this Ordinance are
10 severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection,
11 section, or other provision is invalid or that the application of any part of the provision to any
12 person or circumstances is invalid, the remaining provisions and the application of those
13 provisions to other persons or circumstances are not affected by that decision.

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

17 **SECTION 5. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect the later of
18 (i) the date this Ordinance is enacted, and (ii) the date on which this Ordinance is approved by
19 the State Ethics Commission.