

**CITY OF BALTIMORE
ORDINANCE _____
Council Bill 05-0244**

Introduced by: Councilmember Young, President Dixon, Curran, Mitchell, Clarke, Harris,
Branch, Kraft, Conaway, D’Adamo, Holton, Reisinger, Spector, Rawlings Blake, Welch
Introduced and read first time: August 15, 2005
Assigned to: Judiciary and Legislative Investigations Committee
Committee Report: Favorable
Council action: Adopted
Read second time: December 5, 2005

AN ORDINANCE CONCERNING

Ethics – Baltimore Development Corporation

1
2 FOR the purpose of placing the Baltimore Development Corporation, its directors, officers, and
3 employees within the purview of the Baltimore City Public Ethics Law; providing for the
4 application of the Ethics Law, including its provisions on conflicts of interest, financial
5 disclosure, and lobbying, to those directors, officers, and employees; establishing certain
6 transitional rules and requirements; and generally relating to ethics in the public sector.

7 BY repealing and reordaining, with amendments

8 Article 8 - Ethics
9 Section(s) 2-2, 2-3
10 Baltimore City Code
11 (Edition 2000)

12 BY repealing and reordaining, without amendments

13 Article 8 - Ethics
14 Section(s) 2-9, 2-21, 2-23, 3-20(a) and (b), 3-21, 7-6, 7-12
15 Baltimore City Code
16 (Edition 2000)

17 BY adding

18 Article 8 - Ethics
19 Section(s) 7-8(4)
20 Baltimore City Code
21 (Edition 2000)

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

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.

Baltimore City Code

Article 8. Ethics

§ 2-2. “Agency”.

(a) *In general.*

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

(b) *Inclusions.*

“Agency” also includes:

- (1) Baltimore City Parking Authority;
- (2) BALTIMORE DEVELOPMENT CORPORATION;
- (3) [(2)] Baltimore Police Department;
- (4) [(3)] Board of Liquor License Commissioners for Baltimore City;
- (5) [(4)] Enoch Pratt Free Library of Baltimore City;
- (6) [(5)] Housing Authority of Baltimore City; and
- (7) [(6)] any individual not embraced in a unit of City government who exercises authority comparable to that of the head of a unit of City government.

§ 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, 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;

1 (4) [(3)] Board of Liquor License Commissioners for Baltimore City; and

2 (5) [(4)] Civilian Review Board of Baltimore City.

3 **§ 2-9. “Employee”.**

4 (a) *In general.*

5 “Employee” means any employee of the City who is not an official.

6 (b) *Inclusions.*

7 “Employee” also includes an employee of any agency or board included within the scope
8 of § 2-2 {“Agency”} or § 2-3 {“Board”} of this subtitle.

9 **§ 2-21. “Official”.**

10 (a) *In general.*

11 “Official” means:

12 (1) an elected official;

13 (2) the head of any department;

14 (3) the head of any bureau or division within a department; and

15 (4) any other individual in a unit of City government who, whether acting alone or as
16 a member of a board acting jointly with other board members:

17 (i) has authority comparable to that of the head of a department or the head of
18 a bureau or division;

19 (ii) has decision-making authority in making City policy;

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

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

23 (b) *Inclusions.*

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

27 **§ 2-23. “Public servant”.**

28 “Public servant” means any official or employee.

1 **§ 3-20. Training courses.**

2 (a) *Board to offer.*

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

5 (b) *Officials required to take.*

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

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

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

12 (ii) an individual who is an official only as a board member.

13 **§ 3-21. Conflicts affidavit.**

14 (a) *Officials to file.*

15 Each official must, within 6 months of his or her appointment to office, complete and file
16 with the Ethics Board and with that official's appointing authority, an affidavit that
17 certifies, under penalties of perjury, that the official:

18 (1) has read and understands the provisions of this article governing conflicts of
19 interest;

20 (2) is not then in violation of those provisions; and

21 (3) obligates himself or herself to comply with those provisions in all future activities.

22 (b) *Form.*

23 The affidavit must be in the form that the Ethics Board requires.

24 **§ 7-6. Definitions.**

25 (a) *In general.*

26 In this Part II, the following terms have the meanings indicated.

27 (b) *“Non-clerical employee”.*

28 “Non-clerical employee” means any public servant who:

- 1 (1) is compensated for his or her services; and
- 2 (2) is not employed solely in a secretarial, clerical, or custodial capacity.

3 **§ 7-8. Persons required to file – Agency officials and staff.**

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

- 6 (4) *BALTIMORE DEVELOPMENT CORPORATION.*
 - 7 (I) ALL MEMBERS OF THE BOARD OF DIRECTORS.
 - 8 (II) ALL OFFICERS OF THE CORPORATION.
 - 9 (III) ALL NON-CLERICAL EMPLOYEES OF THE CORPORATION.

10 **§ 7-12. Persons filling vacancy.**

11 (a) *In general.*

12 Except as provided in subsection (d) of this section, an individual who is appointed to fill
13 a vacancy in a position for which an annual statement is required must file an entry
14 statement with the Ethics Board.

15 (b) *When to be filed.*

16 The entry statement must be filed within 30 days after the appointment.

17 (c) *Scope.*

18 The entry statement must:

- 19 (1) be in the form and contain all of the information required for an annual statement;
20 and
- 21 (2) cover the calendar year immediately preceding the appointment.

22 (d) *Exceptions.*

23 An entry statement need not be filed if:

- 24 (1) while in another position, the individual already filed an annual statement for the
25 preceding calendar year; and
- 26 (2) the disclosure requirements of the former position were at least as extensive as
27 those of the new position.

1 **SECTION 2. AND BE IT FURTHER ORDAINED, That:**

2 (a) each official of the Baltimore Development Corporation who is office on the effective
3 date of this Ordinance must complete the training course required by Article 8, § 3-20
4 and file the affidavit required by Article 8, § 3-21 within 6 months of the effective
5 date of this Ordinance; and

6 (b) each individual who is in a position for which an annual financial disclosure
7 statement is required by Article 8, § 7-8(4) shall file an entry statement, in the form
8 required by Article 8, § 7-12, within 30 days of the effective date of this Ordinance.

9 **SECTION 3. 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 4. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day**
13 after the date it is enacted.

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