

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 19-0336**

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Introduced by: The Council President  
At the request of: Baltimore City Board of Ethics  
Introduced and read first time: February 4, 2019  
Assigned to: Judiciary and Legislative Investigations Committee  
Committee Report: Favorable with amendments  
Council action: Adopted  
Read second time: March 11, 2019

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**AN ORDINANCE CONCERNING**

1 **Public Ethics Law – Conforming Modifications**

2 FOR the purpose of conforming the City Ethics Code with the amendments to the State Ethics  
3 Law made by Chapter 31, 2017 Laws of Maryland; altering the definition of “interest” to  
4 exclude certain mutual funds and exchange-traded funds; adding a participation prohibition  
5 for certain officials who are former lobbyists; prohibiting elected officials from assisting in  
6 certain matters under certain circumstances; altering a reporting requirement for certain  
7 debts; adding a requirement to report when a public official’s spouse is a lobbyist; limiting  
8 access to home addresses listed in a financial disclosure statement; clarifying and conforming  
9 related provisions; and generally relating to the City Ethics Code.

10 BY adding

11 Article 8 - Ethics  
12 Section 6-6.1  
13 Baltimore City Code  
14 (Edition 2000)

15 BY repealing and reordaining with amendments

16 Article 8 - Ethics  
17 Section(s) 2-19, 6-22(b), 7-4, 7-25(a), and 7-27(b)  
18 Baltimore City Code  
19 (Edition 2000)

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

22 **Baltimore City Code**

23 **Article 8. Ethics**

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

**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.

**Council Bill 19-0336**

**§ 2-19. “Interest”**

(a) *In general.*

“Interest” means, except as specified in subsection (b) of this section, any legal or equitable economic interest, whether or not subject to an encumbrance or a condition, that is owned or held wholly or partly, jointly or severally, or directly or indirectly.

(b) *Exclusions.*

“Interest” does not include:

(1) an interest held in the capacity of a personal representative, agent, custodian, fiduciary, or trustee, unless the holder has an equitable interest in the subject matter;

(2) an interest in a time or demand deposit in a financial institution;

(3) an interest in an insurance policy, endowment policy, or annuity contract under which an insurer promises to pay a fixed amount of money, either in a lump sum or periodically for life or some other specified period;

(4) an interest in a mutual fund that is publicly traded on a national scale, unless the mutual fund is composed primarily of holdings of stocks and interests in a specific sector or area that is regulated by the public servant’s agency;

(5) an interest in a trust that is qualified under § 401 or § 501 of the Internal Revenue Code and forms part of a pension or a profit-sharing plan; [or]

(6) an interest in a qualified tuition plan under § 529 of the Internal Revenue Code[.];  
OR

(7) A MUTUAL FUND OR EXCHANGE-TRADED FUND THAT IS PUBLICLY TRADED ON A NATIONAL SCALE UNLESS THE MUTUAL FUND OR EXCHANGE-TRADED FUND IS COMPOSED PRIMARILY OF HOLDINGS OF STOCKS AND INTERESTS IN A SPECIFIC SECTOR OR AREA THAT IS REGULATED BY THE PUBLIC SERVANT'S AGENCY.

**Editor’s Note:** This amendment is to conform with State Gen. Prov. Art. § 5-101(t).

**Subtitle 6. Conflicts of Interest**

**§ 6-6.1. RESTRICTIONS FOR FORMER LOBBYISTS.**

(A) *IN GENERAL.*

EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (B) OF THIS SECTION, A FORMER LOBBYIST WHO IS OR BECOMES SUBJECT TO REGULATION UNDER THIS SUBTITLE AS AN OFFICIAL MAY NOT PARTICIPATE IN A CASE, CONTRACT, OR OTHER SPECIFIC MATTER AS AN OFFICIAL FOR 1 CALENDAR YEAR AFTER THE TERMINATION OF THE FORMER LOBBYIST’S

## Council Bill 19-0336

1 REGISTRATION IF THE FORMER LOBBYIST PREVIOUSLY ASSISTED OR REPRESENTED  
2 ANOTHER PARTY FOR COMPENSATION IN THAT CASE, CONTRACT, OR OTHER SPECIFIC  
3 MATTER.

### 4 (B) *BOARD MEMBERS.*

5 THIS SECTION DOES NOT APPLY TO A FORMER LOBBYIST WHO IS AN OFFICIAL ONLY AS A  
6 MEMBER OF A BOARD.

7 **Editor's Note:** This amendment is to conform with State Gen. Prov. Art. § 5-501(a-1), and is  
8 required for local ethics codes by State Gen. Prov. Art. § 5-808(a) and COMAR  
9 19A.04.01.03.

## 10 § 6-22. Post-employment restrictions.

### 11 (b) *Additional restrictions on former [Councilmembers] ELECTED OFFICIALS.*

12 (1) Except as provided in paragraph (2) of this subsection, a former [member of the City  
13 Council] ELECTED OFFICIAL may not assist or represent another party for  
14 compensation in any matter that is the subject of legislative action [until the later of:

15 (i) the end of the Councilmanic year in which the member left office; or

16 (ii) 6 months from the date on which the member left office] FOR 1 CALENDAR  
17 YEAR FROM THE DATE THE ELECTED OFFICIAL LEAVES OFFICE.

18 (2) Paragraph (1) of this subsection does not apply to a former [member's] ELECTED  
19 OFFICIAL'S representation of a municipal corporation, county, or State governmental  
20 entity.

21 **Editor's Note:** This amendment is to conform with State Gen. Prov. Art. § 5-504(d)(2),  
22 and is required for local ethics codes by State Gen. Prov. Art. § 5-808(b) and COMAR  
23 19A.04.01.03.

## 24 Subtitle 7. Financial Disclosure

### 25 § 7-4. [Record of] PUBLIC inspections.

#### 26 (A) *IN GENERAL.*

27 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE ETHICS BOARD  
28 SHALL ALLOW A PERSON TO INSPECT A FINANCIAL DISCLOSURE FILED BY ~~AN OFFICIAL~~ A  
29 PUBLIC SERVANT UNDER THIS SUBTITLE.

30 (2) THE ETHICS BOARD MAY NOT PROVIDE PUBLIC ACCESS TO A PORTION OF A  
31 STATEMENT THAT EXPRESSLY IDENTIFIES AN INDIVIDUAL'S HOME ADDRESS.

#### 32 (B) *RECORD OF INSPECTIONS.*

33 The Executive Director must:

**Council Bill 19-0336**

1 (1) require each person who inspects a statement filed under this subtitle to identify  
2 him- or herself; and

3 (2) record:

4 (i) the inspecting person's name, [home] address, telephone number, and  
5 organization represented; and

6 (ii) the name of the person whose statement was inspected.

7 **Editor's Note:** This amendment is to conform with State Gen. Prov. Art.  
8 § 5-606(a)(3), and is required for local ethics codes by State Gen. Prov. Art.  
9 § 5-809 and COMAR 19A.04.01.03. It also clarifies and conforms existing  
10 language.

11 **§ 7-25. Indebtedness.**

12 (a) *In general.*

13 Except as specified in subsection (c) of this section, the statement must include a  
14 schedule of each debt that was, at any time during the reporting period, owed:

15 (1) by the public servant or, if the public servant was involved in the transaction  
16 giving rise to the debt, by the public servant's spouse, parent, child, or sibling,

17 (2) to any business entity that was:

18 (i) a lobbyist;

19 (ii) regulated by the [City] PUBLIC SERVANT'S AGENCY; or

20 (iii) doing business with the [City] PUBLIC SERVANT'S AGENCY.

21 **Editor's Note:** This amendment is to conform with State Gen. Prov. Art. § 5-607(g).

22 **§ 7-27. Sources of earned income.**

23 (b) *Required specifics.*

24 For each source of income subject to this section, the schedule must include:

25 (1) the name and address of the place of salaried employment or business entity;  
26 [and]

27 (2) for each family member, that individual's name and relationship to the public  
28 servant[.]; AND

29 (3) IF THE INDIVIDUAL'S SPOUSE IS A LOBBYIST, ANY ENTITY THAT HAS ENGAGED THE  
30 SPOUSE FOR LOBBYING PURPOSES.

**Council Bill 19-0336**

1                   **Editor's Note:** This amendment is to conform with State Gen. Prov. Art. § 5-607(i),  
2                   and is required for local ethics codes by State Gen. Prov. Art. § 5-809 and COMAR  
3                   19A.04.01.03.

4           **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance  
5           are not law and may not be considered to have been enacted as a part of this or any prior  
6           Ordinance.

7           **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day  
8           after the date it is enacted.

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