

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 19-0376

Introduced by: Councilmember Dorsey, Ex Officio Council President Middleton,
Councilmembers Henry, Schleifer, Scott, Stokes, Costello, Pinkett, Cohen, Burnett, Clarke,
Reisinger, Bullock, Sneed

Introduced and read first time: April 22, 2019

Assigned to: Judiciary and Legislative Investigations Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: July 22, 2019

AN ORDINANCE CONCERNING

Financial Disclosures - Fixing Filers, Filing, and Filings

1
2 FOR the purpose of requiring that appointees sign notices evidencing their understanding of
3 certain requirements under the City Ethics Code; requiring that agencies identify certain
4 positions required to file financial disclosure statements prior to filling a newly-created or
5 vacant position; requiring that agencies include within certain job postings and
6 advertisements whether the position is required to file a financial disclosure statement;
7 ~~including certain public servants within the general requirement to file financial disclosure~~
8 ~~statements;~~ clarifying the provisions related to certain interests attributable to public servants
9 for the purposes of inclusion within financial disclosure statements; expanding the
10 directorships that certain public servants are required to disclose on their financial disclosure
11 statements; establishing processes for the Board of Ethics with regard to certain public
12 servants who fail to file their financial disclosure statement by the required date; conforming
13 and clarifying related provisions; providing for a special effective date; and generally relating
14 to the City Ethics Code.

15 BY repealing and reordaining, with amendments

16 Article 8 - Ethics

17 Sections 3-24, 7-1.1, ~~7-9~~, 7-17, and 7-24

18 Baltimore City Code

19 (Edition 2000)

20 BY adding

21 Article 8 - Ethics

22 Section 9-5.1

23 Baltimore City Code

24 (Edition 2000)

25 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
26 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.

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Baltimore City Code

Article 8. Ethics

Subtitle 3. Administration

PART III. GENERAL ADMINISTRATION

§ 3-24. [Notices to new appointees] APPOINTEES – NOTICE REQUIREMENTS.

(a) *General – Notice required.*

An individual who is appointed to fill a vacancy in a position must be given written notice, in a form approved by the Ethics Board, of the requirements of:

(1) § 3-20 {“Training courses”};

(2) § 3-21 {“Conflicts affidavit”}; and

(3) § 7-12 {“Financial Disclosure: Appointee to vacancy”}.

(b) *General – By whom given.*

(1) For Board members and uncompensated appointees of the Mayor, the notice required by subsection (a) of this section must be given by the Mayor or the Mayor’s designee.

(2) For all other appointees, the notice must be given by the appointee’s agency head or the agency head’s designee.

(c) *General – When to be given.*

The notice required by subsection (a) of this section must be given within 5 days after the appointment.

(D) *GENERAL – NOTICE TO BE SIGNED.*

(1) TO EVIDENCE RECEIPT BY THE APPOINTEE AND UNDERSTANDING OF THE APPOINTEE’S RESPONSIBILITIES, THE NOTICE REQUIRED BY SUBSECTION (A) MUST BE SIGNED BY BOTH THE APPOINTEE AND THE OFFICIAL PROVIDING THE APPOINTEE THE NOTICE.

(2) WITHIN 5 DAYS OF SIGNING, A COPY OF THE SIGNED NOTICE REQUIRED UNDER THIS SUBSECTION MUST BE:

(I) PLACED IN THE APPOINTEE’S AGENCY PERSONNEL FILE; AND

(II) PROVIDED TO THE ETHICS BOARD.

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1 (E) [(d)] *Board members – Special pre-appointment notice.*

2 (1) An individual who is nominated to fill a vacancy on a City board must also be given
3 written notice, in a form approved by the Ethics Board, of the provisions of § 6-14
4 {“Exceptions – New board members”} of this article.

5 (2) The notice required by paragraph (1) of this subsection must be given by the Mayor
6 or the Mayor’s designee at least 14 days before the appointment is to be confirmed.

7 **Subtitle 7. Financial Disclosure**

8 ***PART I. GENERAL PROVISIONS***

9 **§ 7-1.1. Required agency assistance.**

10 (a) *Agencies to identify those required to file.*

11 (1) *NEWLY-CREATED OR VACANT POSITIONS.*

12 PRIOR TO FILLING A NEWLY-CREATED OR VACANT POSITION:

13 (I) EACH AGENCY HEAD MUST IDENTIFY WHETHER THE POSITION WILL BE
14 REQUIRED TO FILE A STATEMENT UNDER THIS SUBTITLE; AND

15 (II) IF THE AGENCY HEAD IDENTIFIES THE POSITION AS BEING REQUIRED TO FILE A
16 STATEMENT UNDER THIS SUBTITLE, EACH AGENCY HEAD MUST:

17 (A) INCLUDE A DISCLOSURE OF THE FINANCIAL DISCLOSURE REQUIREMENT
18 IN ANY ADVERTISEMENT OR JOB LISTING SEEKING APPLICANTS FOR
19 THAT POSITION; AND

20 (B) PROVIDE THE BOARD WITH THE APPOINTEE’S NAME AND POSITION
21 NUMBER WITHIN 10 DAYS OF FILLING THAT POSITION.

22 (2) *ANNUAL REPORTING.*

23 On or before [February 28] JANUARY 1 of each year, each agency head must provide
24 to the Ethics Board, with a copy to the Director of Human Resources, the names and
25 position numbers of all public servants in that agency who are required to file
26 statements with the Ethics Board under:

27 (1) § 7-7 {“Elected officials and staff”};

28 (2) § 7-8 {“Agency officials and staff”}; or

29 (3) § 7-9 {“Procurement, legislative liaison, [and] enforcement, AND OTHER
30 personnel”}.

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1 (b) *HR supplemental list.*

2 On or before [March] FEBRUARY 1 of each year, the Director of Human Resources must
3 provide to the Ethics Board the names and position numbers of all public servants who:

4 (1) hold positions of the types described in § 7-9 {"Procurement, legislative liaison,
5 [and] enforcement, AND OTHER personnel"} of this subtitle; and

6 (2) are not identified on any of the agency lists submitted under subsection (a) of this
7 section.

8 (c) *Entities doing business with City.*

9 On or before February 1 of each year, the Finance Department must post on its website a
10 searchable list of all persons that did business with the City for the calendar year
11 immediately preceding the current calendar year.

12 (d) *Registered lobbyists.*

13 On or before February 1 of each year, the Ethics Board must post on its website a
14 searchable list of all lobbyists who have registered with the Board for the calendar year
15 immediately preceding the current calendar year.

16 ~~§ 7-9. Persons required to file—Procurement, legislative liaison, [and] enforcement, AND~~
17 ~~OTHER personnel.~~

18 ~~The following public servants must file the financial disclosure statements required by this~~
19 ~~subtitle:~~

20 ~~(1) Procurement employees.~~

21 ~~All non-clerical employees whose functions include:~~

22 ~~(i) the drafting, development, or issuance of specifications, invitations for bids,~~
23 ~~requests for proposals, requests for qualifications, or other related documents~~
24 ~~for the procurement of supplies, materials, or services;~~

25 ~~(ii) the review or evaluation of bids, proposals, qualifications, or contracts for the~~
26 ~~procurement of supplies, materials, or services; or~~

27 ~~(iii) the inspection, monitoring, or other enforcement of contract standards and~~
28 ~~specifications.~~

29 ~~(2) Legislative liaisons.~~

30 ~~All public servants whose functions include the influence of legislative action, as~~
31 ~~defined in § 8-1 of this article.~~

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1 ~~(3) Enforcement personnel.~~

2 All [other] public servants whose official duties include enforcement of (including
3 inspections to assure compliance with) laws, rules, or regulations that affect the rights
4 of the public or the procedures available to the public.

5 ~~(4) PUBLIC SERVANTS EARNING OVER \$60,000.~~

6 ANY OTHER PUBLIC SERVANT WHOSE GROSS ANNUAL COMPENSATION FROM THE CITY
7 OF BALTIMORE IS OVER \$60,000.

8 *PART III. CONTENTS OF STATEMENTS*

9 **§ 7-17. Attributable interests.**

10 (a) *In general.*

11 For purposes of § 7-21 {"Real property"} of this subtitle and § 7-22 {"Business entities"}
12 of this subtitle, the following interests are attributable to and must be reported by the
13 public servant.

14 (b) *Certain interests held by spouse, etc.*

15 An interest is attributable to the public servant if, at any time during the reporting period,
16 it was:

17 (1) held by a spouse, parent, child, or sibling of the public servant; and

18 (2) directly or indirectly controlled by the public servant.

19 (c) *Interests held by certain business entities.*

20 (1) An interest is attributable to the public servant if, at any time during the reporting
21 period, it was held by a business entity in which [the public servant held] an equity
22 interest of 30% or more WAS HELD BY OR OTHERWISE ATTRIBUTABLE UNDER THIS
23 SECTION TO THE PUBLIC SERVANT.

24 (2) This subsection does not limit:

25 (i) the requirements of § 7-21 {"Real property"} of this subtitle to disclose real
26 property interests held by entities in which the public servant holds an interest;
27 or

28 (ii) the requirements of § 7-22 {"Business entities"} of this subtitle to disclose
29 certain entities in which the public servant holds an interest.

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§ 7-24. Offices, employment, etc.

(a) *In general.*

The statement must include a schedule of each office, directorship, salaried employment, and other similar interest not otherwise disclosed that was, at any time during the reporting period:

(1) held by the public servant, by the public servant's spouse or child, or, if known to the public servant, by the public servant's parent or sibling,

(2) in any business entity that was:

(i) a lobbyist,

(ii) regulated by the City, or

(iii) doing business with the City.

(B) *DIRECTORSHIPS HELD BY THE PUBLIC SERVANT.*

IN ADDITION TO THE REQUIREMENTS SET FORTH IN SUBSECTION (A) OF THIS SECTION, THE STATEMENT MUST INCLUDE EACH DIRECTORSHIP HELD BY THE PUBLIC SERVANT IN ANY BUSINESS ENTITY.

(C) [(b)] *Required specifics.*

For each position or interest subject to this section, the schedule must include:

(1) the name and address of the principal office of the business entity;

(2) the title and nature of the position or interest;

(3) the date when the position or interest began;

(4) IF APPLICABLE, the name of each agency with which the entity is doing business, by which it is regulated, or in connection with which it is a lobbyist;

(5) IF APPLICABLE, the nature of the entity's relationship to the City, which at a minimum must refer to the applicable criteria listed in subsection (a)(2) of this section; and

(6) if the position or interest is held by someone other than the public servant, the identity of the individual who held the position or interest.

Subtitle 9. Enforcement

PART II. ADMINISTRATIVE SANCTIONS

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§ 9-5.1. FAILURE TO FILE FINANCIAL DISCLOSURE STATEMENT.

(A) *LATE FEE.*

(1) THE BOARD MAY ASSESS A LATE FEE OF \$10 PER DAY, UP TO AN AGGREGATE MAXIMUM OF \$1,000 PER OVERDUE STATEMENT, ON ANY PUBLIC SERVANT WHO DOES NOT FILE A COMPLETE FINANCIAL DISCLOSURE STATEMENT ON OR BEFORE THE DATE IT IS DUE.

(2) WITHIN 30 DAYS AFTER ANY LATE FEE IS ASSESSED UNDER THIS SUBSECTION, A PUBLIC SERVANT MAY FILE A WRITTEN REQUEST WITH THE BOARD TO REDUCE OR WAIVE THE FEE FOR GOOD CAUSE.

(B) *NOTICE TO PUBLIC SERVANT.*

IF A PUBLIC SERVANT HAS FAILED TO FILE A COMPLETE FINANCIAL DISCLOSURE STATEMENT WITHIN 5 DAYS OF THE DATE REQUIRED UNDER THIS ARTICLE, THE BOARD MUST NOTIFY THE PUBLIC SERVANT IN WRITING OF THE PUBLIC SERVANT'S NONCOMPLIANCE AND OF THE POTENTIAL CONSEQUENCES UNDER THIS SECTION FOR CONTINUED NONCOMPLIANCE.

(C) *15-DAY NOTICE.*

(1) IF A PUBLIC SERVANT HAS FAILED TO FILE A COMPLETE FINANCIAL DISCLOSURE STATEMENT WITHIN 15 DAYS OF THE DATE REQUIRED UNDER THIS ARTICLE, THE BOARD MUST NOTIFY THE PUBLIC SERVANT IN WRITING OF THE PUBLIC SERVANT'S CONTINUED NONCOMPLIANCE AND THE POTENTIAL CONSEQUENCES OF FURTHER CONTINUED NONCOMPLIANCE.

(2) A COPY OF THE NOTICE SENT UNDER THIS SUBSECTION MUST BE SENT TO THE PUBLIC SERVANT'S AGENCY HEAD, DIRECTOR OF HUMAN RESOURCES AND THE CITY SOLICITOR.

(D) *REFERRAL TO THE OFFICE OF THE INSPECTOR GENERAL.*

(1) IF A PUBLIC SERVANT HAS FAILED TO FILE A COMPLETE FINANCIAL DISCLOSURE STATEMENT WITHIN 30 DAYS OF THE DATE REQUIRED UNDER THIS ARTICLE, THE BOARD MUST REFER THE MATTER IN WRITING TO THE OFFICE OF THE INSPECTOR GENERAL FOR INVESTIGATION.

(2) A COPY OF THE BOARD'S REFERRAL MADE UNDER THIS SUBSECTION MUST BE SENT TO:

(I) THE PUBLIC SERVANT;

(II) THE PUBLIC SERVANT'S AGENCY HEAD;

(III) THE DIRECTOR OF HUMAN RESOURCES; AND

(IV) THE CITY SOLICITOR.

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1 (E) *REFERRAL FOR SUSPENSION.*

2 (1) IF A PUBLIC SERVANT HAS FAILED TO FILE A COMPLETE FINANCIAL DISCLOSURE
3 STATEMENT WITHIN 60 DAYS OF THE DATE REQUIRED UNDER THIS ARTICLE, THE
4 BOARD MAY REFER THE MATTER TO THE PUBLIC SERVANT’S AGENCY HEAD, THE
5 DIRECTOR OF HUMAN RESOURCES, AND THE CITY SOLICITOR WITH A
6 RECOMMENDATION THAT THE PUBLIC SERVANT BE SUSPENDED FROM OFFICE WITHOUT
7 PAY UNTIL THE FINANCIAL DISCLOSURE STATEMENT IS FILED.

8 (2) A REFERRAL FOR SUSPENSION MUST INCLUDE COPIES OF THE NOTICES TO THE PUBLIC
9 SERVANT REQUIRED UNDER THIS SECTION.

10 (3) REGARDLESS OF WHETHER ANY ACTION IS TAKEN AGAINST THE PUBLIC SERVANT, A
11 COPY OF THE BOARD’S REFERRAL MUST BE INCLUDED IN THE PUBLIC SERVANT’S
12 AGENCY PERSONNEL FILE.

13 (4) THIS SUBSECTION DOES NOT APPLY TO ELECTED OFFICIALS.

14 **SECTION 2. 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 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 180th
18 day 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