

Stephan W. Fogleman, Chair  
Melodie Hengerer  
Arnold Sampson  
John McCauley  
Vacant



Director: J. Christoph Amberger

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**BALTIMORE CITY BOARD OF ETHICS**

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May 12, 2023

**Via Electronic Mail**

The Honorable President  
Members of the City Council  
c/o Natawna Austin, Executive Secretary  
Room 409, City Hall  
100 N. Holliday St.  
Baltimore, MD 21202

Re: City Council Bill 23-0364 (“Baltimore City Fiscal Policy Democratization Task Force”)

Dear President and City Council Members:

The Ethics Board has reviewed City Council Bill 23-0364 (“Bill”). The Bill establishes the Baltimore City Fiscal Policy Democratization Task Force (“Task Force”) as an independent entity, provides for the appointment of seven (7) Task Force members, and authorizes the Comptroller to provide staff.

The Bill as written omits to amend the Ethics Law—specifically, sections 2-2 and 2-3 (to include the Baltimore City Fiscal Policy Democratization Task Force and its Members, respectively) and section 7-8 of Article 8 of the City Code (to require all Members and all non-clerical employees<sup>1</sup> of the Task Force to file a financial disclosure statement).

The Ethics Law requires many City officials and employees to file annual financial disclosure statements, including the members of many City boards and commissions. City Code, Article 8, Subtitle 7. The public disclosure of public servants’ financial and other interests furthers the purpose of the Ethics Law, which is “[t]o guard against improper influence or even the appearance of improper influence, and to ensure public trust in government.” City Code, Art. 8, § 1-2(2). The process of financial disclosure assists in identifying potential conflicts of interest between City duties and private interests. Because individuals within the Task Force will be involved in the development and implementation of City policy and programs, among other responsibilities, and may not already be subject to the Ethics Law’s disclosure provisions, it furthers the purpose of the Ethics Law to require these individuals to disclose their financial interests.

Furthermore, at **section 2-3(c) {EX-OFFICIO MEMBERS}**, the Bill provides that “THE 1 EX-OFFICIO MEMBER IS THE CHAIR OF THE ETHICS BOARD”.

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<sup>1</sup> The term “non-clerical employee” means any City official or employee “who: (1) is compensated for his or her services; and (2) is not employed solely in a secretarial, clerical, or custodial capacity.” City Code, Art. 8, § 7-6(b).

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***Baltimore City Board of Ethics***

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This provision cannot be reconciled with Art. 8, section 3-2 { Appointment and qualifications } of the City Code:

- (b)(2) No person may be appointed to the [Ethics] Board or, once appointed, continue to serve on the [Ethics] Board if the person: ...
  - (ii) is or becomes an officer or employee of the State, the City, or any other political subdivision of the State, or of any of their respective agencies, instrumentalities, or other units (other than a State college, university, or other institution of higher education); ...

Thus, by operation of law, the Ethics Board Chair's appointment to serve on the Task Force will result in automatic disqualification from service on the Board.

Although the Ethics Board does not take a position on the overall Bill, the Board recommends to:

- (1) amend the Ethics Law—specifically, sections 2-2 and 2-3 (to include the Baltimore City Fiscal Policy Democratization Task Force and its Members, respectively) and section 7-8 of Article 8 of the City Code, to require all Members and all non-clerical employees of the Task Force to file a financial disclosure statement; and
- (2) assign the Ex-Officio Member position under section 2-3 to a current or former City employee or official whose appointment will not result in a disqualification from the Ethics Board.

Sincerely,



J. Christoph Amberger  
Director, Ethics Board

Cc: Stephan Fogleman, Ethics Board Chair  
Members of the Ethics Board  
Nina Themelis, Deputy Director, Mayor's Office of Government Affairs