

**CITY OF BALTIMORE
COUNCIL BILL 15-0568
(First Reader)**

Introduced by: The Council President, Councilmembers Middleton, Stokes, Holton, Kraft,
Spector, Scott, Henry, Mosby, Reisinger, Curran, Welch

At the request of: Baltimore City Board of Ethics

Introduced and read first time: September 21, 2015

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Human Resources,
Department of Finance, Board of Ethics

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Public Ethics Law – Administrative Modifications**

3 FOR the purpose of conforming exclusions from the definition of “interest” to those recently
4 added to the State Public Ethics Law; clarifying certain other exclusions; modifying,
5 updating, and clarifying provisions that require certain timely notices to newly appointed
6 public servants; modifying, updating, and clarifying provisions that require agencies’
7 assistance in preparing for and administering the annual filing of financial disclosure
8 statements; updating and clarifying provisions that require a record of persons inspecting
9 financial disclosure statements; and generally relating to administration of the City Ethics
10 Code.

11 BY repealing and reordaining, with amendments

12 Article 8 - Ethics

13 Section(s) 2-19(b), 3-20(d), 3-24, 7-1.1, and 7-4

14 Baltimore City Code

15 (Edition 2000)

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

18 **Baltimore City Code**

19 **Article 8. Ethics**

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

21 **§ 2-19. “Interest”.**

22 (b) *Exclusions.*

23 “Interest” does not include:

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

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- 1 (1) an interest held in the capacity of a personal representative, agent, custodian,
2 fiduciary, or trustee, unless the holder has an equitable interest in the subject
3 matter;
- 4 (2) an interest in a time or demand deposit in a financial institution;
- 5 (3) an interest in an insurance policy, endowment policy, or annuity contract under
6 which an insurer promises to pay a fixed amount of money, either in a lump sum
7 or periodically for life or FOR some other specified period; [or]
- 8 (4) AN INTEREST IN A MUTUAL FUND THAT IS PUBLICLY TRADED ON A NATIONAL
9 SCALE, UNLESS THE MUTUAL FUND IS COMPOSED PRIMARILY OF HOLDINGS OF
10 STOCKS AND INTERESTS IN A SPECIFIC SECTOR OR AREA THAT IS REGULATED BY
11 THE PUBLIC SERVANT’S AGENCY;
- 12 (5) [(4)] AN INTEREST IN [a common trust fund or] a trust that IS QUALIFIED UNDER
13 § 401 OR § 501 OF THE INTERNAL REVENUE CODE AND forms part of a pension or
14 a profit-sharing plan that[: (i)] has more than 25 participants; OR
15 [and (ii) is determined by the Internal Revenue Service to be a qualified trust
16 under § 401 or § 501 of the Internal Revenue Code.]
- 17 (6) AN INTEREST IN A QUALIFIED TUITION PLAN UNDER § 529 OF THE INTERNAL
18 REVENUE CODE.

Subtitle 3. Administration

§ 3-20. Training courses.

(d) *Assistance.*

The Department of Human Resources must provide the Ethics Board with:

- 23 (1) appropriate facilities for conducting the training course;
- 24 (2) TIMELY notice of THE APPOINTMENT OF all officials subject to the training
25 requirements; and
- 26 (3) administrative and other assistance.

§ 3-24. Notices to new appointees.

(a) *IN 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:

- 31 (1) § 3-20 {“TRAINING COURSES”};
- 32 (2) § 3-21 {“CONFLICTS AFFIDAVIT”}; AND

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1 (3) [(1)] § 7-12 {"Financial Disclosure: Appointee to vacancy"}[; and].

2 [(2) if applicable to the position:

3 (i) § 3-20 {"Training courses"}; and

4 (ii) § 3-21 {"Conflicts affidavit"}.]

5 (b) *IN GENERAL – By whom given.*

6 (1) For BOARD MEMBERS AND uncompensated appointees of the Mayor, the notice
7 REQUIRED BY SUBSECTION (A) OF THIS SECTION must be given by the Mayor or the
8 Mayor’s designee.

9 (2) For all other appointees, the notice must be given by the [Director of Human
10 Resources] APPOINTEE’S AGENCY HEAD or the [Director’s] AGENCY HEAD’S designee.

11 (c) *IN GENERAL – When to be given.*

12 The notice REQUIRED BY SUBSECTION (A) OF THIS SECTION must be given within 5 days
13 after the appointment.

14 (D) *PRE-APPOINTMENT NOTICE FOR BOARD MEMBERS.*

15 (1) AN INDIVIDUAL WHO IS NOMINATED TO FILL A VACANCY ON A CITY BOARD MUST
16 ALSO BE GIVEN WRITTEN NOTICE, IN A FORM APPROVED BY THE ETHICS BOARD, OF
17 THE PROVISIONS OF § 6-14 {"EXCEPTIONS – NEW BOARD MEMBERS"} OF THIS
18 ARTICLE.

19 (2) THE NOTICE REQUIRED BY PARAGRAPH (1) OF THIS SUBSECTION MUST BE GIVEN BY
20 THE MAYOR OR THE MAYOR’S DESIGNEE AT LEAST 14 DAYS BEFORE THE
21 APPOINTMENT IS TO BE CONFIRMED.

22 **Subtitle 7. Financial Disclosure**

23 **§ 7-1.1. [Certifications] REQUIRED AGENCY ASSISTANCE.**

24 [(a) *When made.*]

25 [The certifications required by this section must be made on or before February 1 of each
26 year.]

27 (A) [(b) *Individuals*] *AGENCIES TO IDENTIFY THOSE required to file.*

28 ON OR BEFORE FEBRUARY 28 OF EACH YEAR, [Each] EACH agency head must [annually
29 certify] PROVIDE to the Ethics Board, WITH A COPY TO THE DIRECTOR OF HUMAN
30 RESOURCES, the names AND POSITION NUMBERS of all public servants in that agency who
31 are required to file statements with the Ethics Board under:

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

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

3 (3) § 7-9 {“Procurement, legislative liaison, and enforcement personnel”}.

4 (B) [(c) *Procurement, legislative liaison, and enforcement positions*] *HR SUPPLEMENTAL LIST.*

5
6 ON OR BEFORE MARCH 15 OF EACH YEAR, [The] THE Director of Human Resources must
7 [annually certify] PROVIDE to the Ethics Board[: (1)] THE NAMES AND POSITION NUMBERS
8 OF all PUBLIC SERVANTS WHO:

9 (1) HOLD positions of the types described in § 7-9 {“Procurement, legislative liaison,
10 and enforcement personnel”} of this subtitle; and

11 (2) [the agencies in which those positions are found] ARE NOT IDENTIFIED ON ANY OF
12 THE AGENCY LISTS SUBMITTED UNDER SUBSECTION (A) OF THIS SECTION.

13 (C) [(d)] *Entities doing business with City.*

14 [(1)] ON OR BEFORE FEBRUARY 1 OF EACH YEAR, [The] THE Finance [Director]
15 DEPARTMENT must [annually certify to the Ethics Board] POST ON ITS WEBSITE a
16 SEARCHABLE list of all [business entities] PERSONS [doing] THAT DID business with the
17 City FOR THE CALENDAR YEAR IMMEDIATELY PRECEDING THE CURRENT CALENDAR YEAR.

18 [(2) The Ethics Board must keep this list on file and available to all persons subject to
19 this subtitle.]

20 (D) [(e)] *Registered lobbyists.*

21 [(1) The] ON OR BEFORE FEBRUARY 1 OF EACH YEAR, THE Ethics Board must [annually
22 certify] POST ON ITS WEBSITE a SEARCHABLE list of all lobbyists WHO HAVE registered
23 with [it] THE BOARD FOR THE CALENDAR YEAR IMMEDIATELY PRECEDING THE CURRENT
24 CALENDAR YEAR.

25 [(2) The Ethics Board must keep this list on file and available to all persons subject to this
26 subtitle.]

27 **§ 7-4. Record of inspections.**

28 The Executive Director must:

29 (1) require each person who inspects [or copies] a statement filed under this subtitle to[:
30 (1)] identify [himself] HIM- or herself; and

31 (2) record:

32 (i) [his or her] THE INSPECTING PERSON’S name, home address, telephone
33 number, and organization represented; and

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1 (ii) the name of the person whose statement was inspected [or copied].

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

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