


|             |                       |  |   |   |
|-------------|-----------------------|--|---|---|
| <b>FROM</b> | NAME & TITLE          | David E. Scott, P.E., Director                                   | <b>CITY of</b><br><b>BALTIMORE</b><br><b>MEMO</b> |  |
|             | AGENCY NAME & ADDRESS | Department of Public Works<br>600 Abel Wolman Municipal Building |   |   |
|             | SUBJECT               | <b>CITY COUNCIL BILL 10-0445</b>                                 |   |   |

DATE: February 18, 2010

**TO**

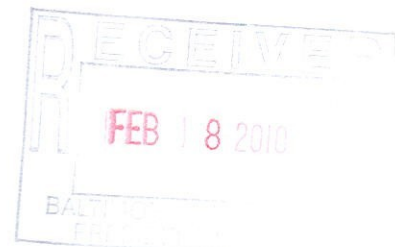
The Honorable President and Members  
of the Baltimore City Council  
c/o Karen Randle  
Room 400 - City Hall

I am herein reporting on City Council Bill 10-0445 introduced by then Council President Rawlings Blake and Council Members Kraft, Young, Cole, D'Adamo, Clarke, Henry, Holton, Curran, Middleton, Reisinger, Spector, Branch, Conaway, and Welch.

The purpose of the Bill is to reconstitute the Baltimore City Board of Ethics; provide for the Board's composition and for the qualifications, tenure, and removal of its members; require the Board to submit certain annual and special reports; expressly include certain entities within the purview of the Public Ethics Law; expand the requirements for mandatory ethics training to encompass certain boards, commissions, and other multi-member entities; provide for a special effective date; and generally relating to ethics in the public sector.

The State of Maryland enacted various conflict of interest and financial disclosure laws prior to creating a comprehensive law in 1979, consolidating and expanding its public ethics law. While the law applied only to State agencies, officials and personnel, it mandated local governments to enact their own provisions similar to State law.

The City of Baltimore amended its Charter in 1963 to prohibit certain conflicts of interest between the Mayor and City Council of Baltimore and its agencies, and with elected officials, officers, employees and agents. A Board of Ethics was established to administer and enforce these provisions. Ordinance 74-654 amended the City Code to require periodic disclosure by City officials and candidates for public office of assets, income, liabilities, gifts, and other interests. In addition, a Financial Disclosure Advisory Board was established to administer and enforce the law. Shortly after the State enacted a comprehensive ethics law, Ordinances 82-806 and 82-807 amended the Baltimore City Code and Charter, consolidating and revising earlier conflicts of interest and disclosure laws into a comprehensive local law consistent with the State mandate. Baltimore's Ethics Law was amended seven times for the purposes of clarity and specificity, prior to the passage of Ordinance 04-795. This most recent ordinance was a more comprehensive revision of the Ethics Law, which included public awareness and training.



City Council Bill 10-0445 will do the following:

- Adds the Local Development Council (South Baltimore Video Lottery Terminal) and the Pimlico Community Development Authority to the list of entities subject to the requirements of the Ethics Law;
- Alters the composition of the Ethics Board to require that at least two of the five members are members of the Maryland Bar, with one member nominated by the President of the City Council and one member by the Comptroller;
- Requires all members to be residents of the City;
- Clarifies that a member may not be a lobbyist or become a lobbyist in any capacity other than for an institution of higher learning;
- Staggers the terms of the members and provides for a five year term, in accordance with Article VII § 108(a) of the Baltimore City Charter;
- Provides for a clear process for removal of a member of the Board after written notice and an opportunity to reply to the notice for removal;
- Requires the chair of the Board to be elected from the members for a term of one year, which may be extended for additional terms by vote of the members;
- Clarifies under what conditions that a member of the Board is not required to take the Ethics Law training course;
- Requires the Board to file an annual activities report and any necessary special reports for legislative actions with the Mayor and City Council; and
- Clarifies that members of and all non-clerical employees of or assigned to the Finance Board, the Local Development Council (South Baltimore Video Lottery Terminal), and the Pimlico Community Development Authority, must file annual financial disclosure statements.

The Department of Public Works and certain of its employees and agents are subject to the Ethics Law, as are the members of the Architectural and Engineering Awards Commission and the Contractors Qualification Committee. These duties and responsibilities are not directly affected by the provisions proposed in this legislation. While our Department looks to the guidance of the Department of Law on this legislation, we are supportive of efforts to clarify and keep relevant the City's Ethics Law that guides elected and appointed officials and public servants in ethical behavior while in the service of our citizens.



David E. Scott, P.E.  
Director

DES/MMC:pat