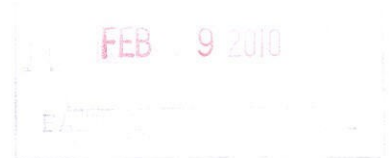


February 18, 2010

The Honorable President and  
Members of the Baltimore  
City Council  
c/o Karen Randle, Executive Secretary  
409 City Hall  
Baltimore, MD 21202



RE: City Council Bill 10-0445-Public Ethics Law- Ethics Board Composition,  
Tenure, etc.-Ethics Training

Dear President and Members:

You have requested that the Law Department review City Council Bill 10-0445 for form and legal sufficiency. The bill changes the composition, terms, qualifications and removal provisions of the law regarding the Baltimore City Ethics Board. The bill also requires certain board members to attend ethics training and requires the Ethics Board to submit an annual report. Finally, the bill adds the Finance Board, the Local Development Council, South Baltimore Video Lottery Terminal and the Pimlico Community Development Authority to the list of entities whose officials must file financial disclosure statements.

The bill provides that the Ethics Board shall consist of 5 members. Three appointed by the Mayor, one is nominated by the President of the City Council and one is nominated by the Comptroller. The Mayor can only reject a nomination for cause. Art. IV, Sec. 6 gives the Mayor the sole power of appointment of municipal officers. By limiting the ability of the Mayor to reject a nomination, the bill infringes on the Charter power of the Mayor to make these appointments. If the words "only for cause" were removed, the bill would not conflict with the Charter.

Article 8, Section 3-3 provides that the terms of the members of the Ethics Board are coterminous with the Mayor. City Council Bill 10-445 provides for staggering of the terms. Although the Charter in Article IV, Section 6 generally provides for 4 years terms for all board and commissions, the original Charter language for the Ethics Board provides for five year staggered terms. See Section 108. Although there is no language in Art. IV Sec. 6 that says "unless otherwise provided for in the Charter," the term language for the Ethics Board has been retained in the Charter without revision and absent changes by ordinance must be given effect. The Charter language would therefore be applicable and not in conflict with the general provisions regarding terms of boards and commissions.

F/A



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The bill also provides for criteria for removal of board members. Art. IV, Sec. 6(d) provides that "except as otherwise provided by law" the Mayor may remove members of boards and commissions by majority vote of the City Council. The bill's provisions on removal would be authorized under the "except as otherwise provided by law" Charter language.

Subject to the suggested amendment, the Law Department, approves City Council Bill 10-0445 for form and legal sufficiency..

Sincerely yours,



Elena R. DiPietro  
Chief Solicitor

cc: Honorable Stephanie Rawlings-Blake  
Angela Gibson, City Council Liaison  
George A. Nilson, City Solicitor  
Ashlea Brown, Assistant Solicitor  
Hilary Ruley, Assistant Solicitor  
Terese Brown, Assistant Solicitor

Amendments City Council Bill 10-0445

1. On page 4, line 4 delete “only for cause.”