

Introduced by: Councilmember Dorsey, *middleton, Henry, Suter, R. J. Cook*
Prepared by: Department of Legislative Reference *Bulluck, SNEED* Date: April 16, 2019

*Castello
Purkett
H
Bunwell*

Referred to: **JUDICIARY AND LEGISLATIVE INVESTIGATIONS** Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

*Clarke
Reisinger*

CITY COUNCIL 19-0376

A BILL ENTITLED

AN ORDINANCE concerning

Financial Disclosures - Fixing Filers, Filing, and Filings

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

KE

BY repealing and reordaining, with amendments

Article 8 - Ethics
Sections 3-24, 7-1.1, 7-9, and 7-24
Baltimore City Code
(Edition 2000)

BY adding

Article 8 - Ethics
Section 9-3.1
Baltimore City Code
(Edition 2000)

Edwards
Shaw
Margaret Clarke
Reed
Stiles

NO. _____

****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

Department of Public Works	Baltimore City Public School System
Department of Real Estate	Baltimore Development Corporation
Department of Recreation and Parks	City Solicitor
Department of Transportation	Comptroller's Office
Fire Department	Department of Audits
Health Department	Department of Finance
Mayor's Office of Employment Development	Department of General Services
Mayor's Office of Human Services	Department of Housing and Community Development
Mayor's Office of Information Technology	Department of Human Resources
Office of the Mayor	Department of Planning
Police Department	Other:
Other:	Other:
Other:	Other:

Board of Estimates	Board of Ethics
Board of Municipal and Zoning Appeals	Comm. for Historical and Architectural Preservation
Commission on Sustainability	Employees' Retirement System
Other:	Other:
Other:	Other:
Other:	Other:
Environmental Control Board	Fire & Police Employees' Retirement System
Labor Commissioner	Parking Authority Board
Planning Commission	Wage Commission
Other:	Other:
Other:	Other:
Other:	Other:

Boards and Commissions

CITY OF BALTIMORE
ORDINANCE **19.287**
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

1 **Financial Disclosures - Fixing Filers, Filing, and Filings**

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.

Council Bill 19-0376

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.

Council Bill 19-0376

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"}.

Council Bill 19-0376

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:

Council Bill 19-0376

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.

Council Bill 19-0376

1 **§ 7-24. Offices, employment, etc.**

2 (a) *In general.*

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

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

8 (2) in any business entity that was:

9 (i) a lobbyist,

10 (ii) regulated by the City, or

11 (iii) doing business with the City.

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

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

16 (C) *Required specifics.*

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

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

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

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

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

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

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

28 **Subtitle 9. Enforcement**

29 ***PART II. ADMINISTRATIVE SANCTIONS***

Council Bill 19-0376

1 § 9-5.1. FAILURE TO FILE FINANCIAL DISCLOSURE STATEMENT.

2 (A) *LATE FEE.*

- 3 (1) THE BOARD MAY ASSESS A LATE FEE OF \$10 PER DAY, UP TO AN AGGREGATE
4 MAXIMUM OF \$1,000 PER OVERDUE STATEMENT, ON ANY PUBLIC SERVANT WHO DOES
5 NOT FILE A COMPLETE FINANCIAL DISCLOSURE STATEMENT ON OR BEFORE THE DATE IT
6 IS DUE.
- 7 (2) WITHIN 30 DAYS AFTER ANY LATE FEE IS ASSESSED UNDER THIS SUBSECTION, A PUBLIC
8 SERVANT MAY FILE A WRITTEN REQUEST WITH THE BOARD TO REDUCE OR WAIVE THE
9 FEE FOR GOOD CAUSE.

10 (B) *NOTICE TO PUBLIC SERVANT.*

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

16 (C) *15-DAY NOTICE.*

- 17 (1) IF A PUBLIC SERVANT HAS FAILED TO FILE A COMPLETE FINANCIAL DISCLOSURE
18 STATEMENT WITHIN 15 DAYS OF THE DATE REQUIRED UNDER THIS ARTICLE, THE
19 BOARD MUST NOTIFY THE PUBLIC SERVANT IN WRITING OF THE PUBLIC SERVANT'S
20 CONTINUED NONCOMPLIANCE AND THE POTENTIAL CONSEQUENCES OF FURTHER
21 CONTINUED NONCOMPLIANCE.
- 22 (2) A COPY OF THE NOTICE SENT UNDER THIS SUBSECTION MUST BE SENT TO THE PUBLIC
23 SERVANT'S AGENCY HEAD, DIRECTOR OF HUMAN RESOURCES AND THE CITY
24 SOLICITOR.

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

- 26 (1) IF A PUBLIC SERVANT HAS FAILED TO FILE A COMPLETE FINANCIAL DISCLOSURE
27 STATEMENT WITHIN 30 DAYS OF THE DATE REQUIRED UNDER THIS ARTICLE, THE
28 BOARD MUST REFER THE MATTER IN WRITING TO THE OFFICE OF THE INSPECTOR
29 GENERAL FOR INVESTIGATION.
- 30 (2) A COPY OF THE BOARD'S REFERRAL MADE UNDER THIS SUBSECTION MUST BE SENT TO:
- 31 (I) THE PUBLIC SERVANT;
- 32 (II) THE PUBLIC SERVANT'S AGENCY HEAD;
- 33 (III) THE DIRECTOR OF HUMAN RESOURCES; AND
- 34 (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 AUG 19 2019



President, Baltimore City Council


Certified as duly delivered to His Honor the Mayor,

AUG 19 2019
this _____ day of _____, 20____



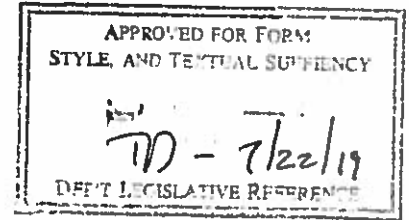
Chief Clerk

Approved this 29th day of Aug., 2019



Mayor, Baltimore City

AMENDMENTS TO COUNCIL BILL 19-0376
(1st Reader Copy)



By: Judiciary and Legislative Investigations Committee

Amendment No. 1

On page 1, in line 8, strike “including” down through and including “statements;” in line 9; and, on that same page, in line 16, strike “7-9;” and, on page 4, strike lines 11 through 33 in their entireties.

Amendment No. 2

On page 1, in line 9, before “expanding”, insert “clarifying the provisions related to certain interests attributable to public servants for the purposes of inclusion within financial disclosure statements;” and, on that same page, in line 16, before “and”, insert “7-17;” and, on page 5, after line 1, insert:

“§ 7-17. Attributable interests.

(a) In general.

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

(b) Certain interests held by spouse, etc.

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

- (1) held by a spouse, parent, child, or sibling of the public servant; and
- (2) directly or indirectly controlled by the public servant.

(c) Interests held by certain business entities.

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

ADOPTED

(2) This subsection does not limit:

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

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

**BALTIMORE CITY COUNCIL
JUDICIARY AND LEGISLATIVE INVESTIGATIONS COMMITTEE
VOTING RECORD**

BILL#: CC-19-0376

DATE: 7/9/19

TITLE: Financial Disclosures - Fixing Filers, Filing, and Filings

MOTION BY: Bullock SECONDED BY: Clarke

FAVORABLE

FAVORABLE WITH AMENDMENTS

UNFAVORABLE

WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Costello, E., Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarke, M., Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bullock, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pinkett, L.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Reisinger, E.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stokes, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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TOTALS	<u>4</u>	<u>0</u>	<u>2</u>	<u>0</u>

CHAIRPERSON: C. V. [Signature]

COMMITTEE STAFF: Matthew L. Peters, Initials: MRB



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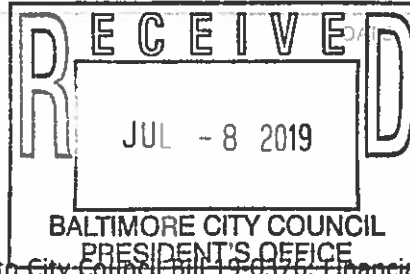
2001

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FROM	NAME & TITLE	Robert Cename, Chief <i>RCC</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432, City Hall (410) 396-4941		
	SUBJECT	City Council Bill #19-0376: Financial Disclosures-Fixings Filers, Filing, and Filings		

TO

The Honorable President and
Members of the City Council
Room 400, City Hall



July 8, 2019

The Department of Finance is responding to City Council Bill 19-0376: Financial Disclosures-Fixing Filers, Filing, and Filings. The bill establishes several requirements related to employee notifications, financial disclosures, and adverse actions resulting from noncompliance.

Background

Section 3-24: Appointees-Notice Requirements

City Council Bill 19-0376 requires that all appointed persons receive written notice in a form approved by the Ethics Board detailing the requirements of training courses, conflicts affidavit, and financial disclosures. The section also outlines the proper protocol for providing this notice to an appointed person. Finally, Section 3-24 requires that a signed copy of the notice be placed in the employee's personnel file and submitted to the Ethics Board.

Section 7-1.1: Financial Disclosures

19-0376 requires each agency head to identify if a vacant position will require a financial disclosure. If so, then any advertisement or job posting must include notice of the requirement to file financial disclosures. The agency head must also provide the Board of Ethics with the appointee's name and position number within 10 days of filling the position.

The section also requires the agency head and Director of Human Resources to annually disclose the names and position numbers of all public servants who are required to file statements with the Ethics Board under the following designations: election officials and staff, agency officials and staff, certain procurement staff, legislative liaisons, enforcement, and other personnel.

The section also requires the Finance Department to post on its website a searchable list of all persons that did business with the City for the calendar year immediately preceding the current calendar year. Finally, this section requires the Ethics Board to post on its website a searchable list of all lobbyists who have registered with the Board of Ethics for the calendar year immediately preceding the current calendar year.

Section 7-9: Persons required to file

This section of 19-0376 outlines in further detail the employees that are required to complete financial disclosure statements. These include certain procurement employees, legislative liaisons, enforcement personnel, and any other public servants whose gross annual compensation from the City of Baltimore is over \$60,000.

Does not obj.

Section 7-24: Office, employment, etc.

This section of 19-0376 outlines the contents of the financial disclosure statements and pertains to an employee's family as well as connections to certain types of businesses including lobbyists and those that contract with the City.

Section 9-5.1: Failure to File Financial Disclosure Statement

This section of 19-0376, establishes several adverse actions for noncompliance, including fines, additional notices, and possible suspension.

Impact

Several City agencies would require additional resources per the new requirements added by this bill concerning the filing of financial disclosure statements. The Ethics Board does not currently have an operating budget and is supported by the staff of the Department of Legislative Reference (DLR). DLR would need an additional staff person to monitor the financial disclosure process as well as funds to implement technology updates to meet the new requirements concerning notifying employees about filing and failure to file disclosures. The current online filing systems needs to be updated to meet new State regulations; ensuring that these updates are made as needed could be added to the scope of work under a contract to implement the updates that would be needed under this bill. DLS has attempted to assess fees around late filings under the current financial disclosure regulations but has had to work around limitations within the current online filing system.

The Department of Human Resources (DHR) would not require significant additional resources to implement the new requirements of this bill, however the Recruitment Division has advised that the requirement that all public servants making over \$60,000 must complete disclosure statements may impact City recruiting efforts. The current filing requirement is limited to employees doing specific types of tasks; expanding the filing requirement to all employees making over \$60,000 in gross income would result in a large increase in the number of employees required to file and subject them to applicable fines for non-compliance. DHR has also stated that with proper management and implementation of the new ERP system, the new requirements outlined in this bill would be easier and more efficient.

The Department of Finance (Finance) has advised that any additional resources needed to implement the requirements of this bill and any fines or late fees collected per the new requirements would be minimal. The City currently compiles a list of all entities doing business with the City on or before February 1 for the preceding calendar year that is searchable by merging information from CitiBuy, City Dynamics, and Purchase Card data using existing staff resources within the Accounting, Procurement, and Finance Administration Departments. Finance notes that there is limited information currently available on the number of individuals who have historically filed financial disclosure statements and how many of those have filed the statements late. Regardless, Finance advises that it is anticipated that the proposed changes under this bill would have minimal operational impact on the department with regards to the collection of fines for non-compliance. The Bureau of Revenue Collections or the Bureau of Accounts and Payroll Services would need to implement a collections system to collect these fines in partnership with DLS.

Conclusion

The Department of Finance does not object to City Council Bill 19-0376.

cc: Henry Raymond
Jeffrey Amoros

CITY OF BALTIMORE

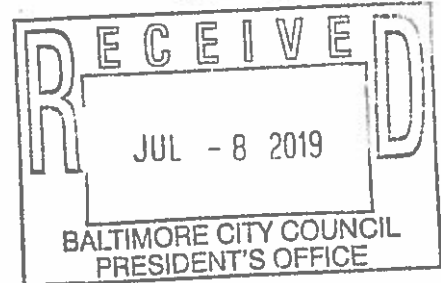


BOARD OF ETHICS
OF BALTIMORE CITY

LINDA B. "LU" PIERSON, Chair
AVERY AISENSTARK, Director
626 City Hall
Baltimore, Maryland 21202

July 3, 2019

The Honorable President and Members
of the Baltimore City Council
Fourth Floor, City Hall
Baltimore, Maryland 21202
c/o Natawna Austin, Executive Secretary



Re: Bill No. 19-0376 {"Financial Disclosures - Fixing Filers, Filing, and Filings"}

You have referred the above-referenced bill to the Board of Ethics (the "Board") for its report. While the Board is broadly supportive of the goals of the bill to clarify and provide more accountability within the financial disclosure statement process, the Board is concerned that these new requirements, especially expanding the class of employees who are required to file disclosure statements and establishing a notification process for late-filed disclosures, would place an unsustainable administrative burden on its staff, which are not dedicated to the Board and primarily serve as staff to the Baltimore City Department of Legislative Reference ("DLR"). To be sure, Baltimore City is the only major jurisdiction in Maryland without dedicated staff or a dedicated budget for its State-mandated local ethics commission.

This Board currently receives and processes approximately 2,100 financial disclosure statements per year;¹ by way of comparison, in 2019, the Montgomery County Ethics Commission expects to receive and process 1,723 statements. For FY2019, the total approved operating budget for the Montgomery County Ethics Commission was \$463,283 and included 3 full-time employees dedicated to its administration;² by way of comparison, the City Board has no operating budget and has 0 full-time employees. The requirements set forth in this bill, while founded in solid public policy principles, would exacerbate an already tenuous balance with the staff's allocation of time between their primary DLR duties and their ancillary Board duties.

As drafted, the bill makes several amendments to the City Ethics Code's provisions regarding the filing of financial disclosure statements, focusing on three areas: the individuals required to file and how they are informed of those requirements; the contents of the statements themselves; and the consequences for not filing a required disclosure. In relevant part, if passed, this ordinance would:

¹ This number is an approximation because the Board does not have access to its financial disclosure database due to the ransomware attack.

² Source: <https://apps.montgomerycountymd.gov/BASISOPERATING/Common/Department.aspx?ID=19D>

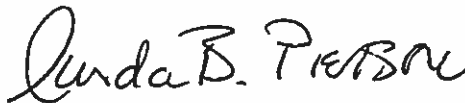
Fav w/ Comm.

- Require that newly-appointed City employees sign and file with the Board a notice formally acknowledging, among other things, their duty to file a financial disclosure statement;
- require agencies to identify, prior to filling, those newly-created or vacant positions for which an individual would be required to file a financial disclosure statement and provide that information to the Board;
- require any employee earning more than \$60,000 per year to file a financial disclosure statement; and
- establish a notification and disciplinary procedure for City employees who have failed to file a required financial disclosure statement.

While the Board believes that the first two measures would help to allay the confusion that some employees have as to whether the filing requirements apply to them, the latter two components of this bill would likely greatly add to the Board's administrative workload and would be untenable without dedicated funding for additional staffing.

Noting these caveats, the Board cautiously supports Council Bill 19-0376.

Very truly yours,

A handwritten signature in black ink that reads "Linda B. Pierson". The signature is written in a cursive, flowing style.

Linda Pierson, Chair
Baltimore City Board of Ethics

May 23, 2019

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, MD 21202

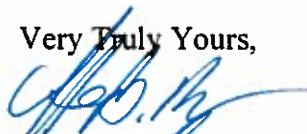
Re: City Council Bill 19-0376 – Financial Disclosures

Dear President and City Council Members:

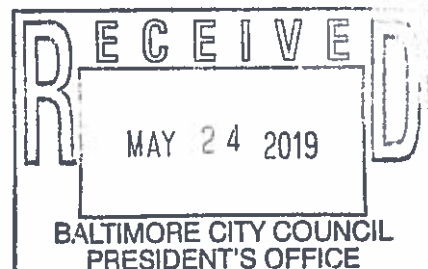
The Law Department has reviewed City Council Bill 19-0376 for form and legal sufficiency. It would make changes to the Ethics Article of the Baltimore City Code. Currently, someone appointed to fill a vacancy is given a notice of ethics requirements. City Code, Art. 8, §3-24. This bill would require the appointee to sign the notice and for that notice to be in the appointee's personnel file. The bill would also require that, in addition to the existing requirement of agency heads to identify those individuals who must file certain yearly ethics forms, the agency head must identify which newly created positions also require ethics filings. The bill would also require any public servant earning over \$60,000 to file financial disclosure statements, and require all those filing the disclosure statements to identify any directorships the public servant holds. Finally, the bill would increase late fees for failing to file certain statements, require that the Ethics Board send certain notices when those statements are overdue, and require agency heads to place those notices in the public servant's personnel file and/or contemplate disciplinary action.

In general, the Maryland Public Ethics Law requires that the City have an Ethics Code that is similar to the provisions of the State Ethics Law but allows for modifications to make those laws relevant to the issues of the jurisdiction. Md. Code, Gen. Prov., § 5-804, *et. seq.* These changes would comport with that mandate. However, the requirement that certain documents be placed in a personnel file at certain times may not be immediately enforceable if a union has negotiated a different discipline or personnel practice in a current contract. U.S. Const., Art. I, §10.; *see, e.g., Board of Trustees of the Employee Retirement System of Baltimore v. Mayor and City Council of Baltimore, et. al.*, 317 Md. 72, 100 (1989). In addition, unions may claim that they have the right to bargain about these terms. Charter, Art. II, §(55)(a)(6). For these reasons, the provisions may be deemed unenforceable or inapplicable to certain employees who are union members. Nevertheless, the Law Department can approve the bill for form and legal sufficiency.

Very Truly Yours,


Hilary Ruley
Chief Solicitor

Cc: Andre M. Davis, City Solicitor
Jeffrey Amoros, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Victor Terval, Chief Solicitor
Ashlea Brown, Assistant Solicitor



↙

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Minutes - Final

Judiciary and Legislative Investigations

Tuesday, July 9, 2019

10:00 AM

Du Burns Council Chamber, 4th floor, City Hall

19-0376

Rescheduled from 6/18/19

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

- Present** 4 - Member Eric T. Costello, Member Mary Pat Clarke, Member John T. Bullock, and Member Robert Stokes Sr.
- Absent** 2 - Member Leon F. Pinkett III, and Member Edward Reisinger

ITEMS SCHEDULED FOR PUBLIC HEARING

19-0376

Financial Disclosures - Fixing Filers, Filing, and Filings

For the purpose of requiring that appointees sign notices evidencing their understanding of certain requirements under the City Ethics Code; requiring that agencies identify certain positions required to file financial disclosure statements prior to filling a newly-created or vacant position; requiring that agencies include within certain job postings and advertisements whether the position is required to file a financial disclosure statement; including certain public servants within the general requirement to file financial disclosure statements; expanding the directorships that certain public servants are required to disclose on their financial disclosure statements; establishing processes for the Board of Ethics with regard to certain public servants who fail to file their financial disclosure statement by the required date; conforming and clarifying related provisions; providing for a special effective date; and generally relating to the City Ethics Code.

Sponsors: Ryan Dorsey, Sharon Green Middleton, Bill Henry, Isaac "Yitzy" Schleifer, Brandon M. Scott, Robert Stokes, Sr., Eric T. Costello, Leon F. Pinkett, III, Zeke Cohen, Kristerfer Burnett, Mary Pat Clarke, Edward Reisinger, John T. Bullock, Shannon Sneed

A motion was made by Member Bullock, seconded by Member Clarke, that this Ordinance be Recommended Favorably with Amendment. The motion carried by the following vote:

- Yes:** 4 - Member Costello, Member Clarke, Member Bullock, and Member Stokes Sr.
- Absent:** 2 - Member Pinkett III, and Member Reisinger

ADJOURNMENT



HEARING NOTES

Bill: 19-0376

Financial Disclosures - Fixing Filers, Filing, and Filings

Committee: Judiciary and Legislative Investigations

Chaired by: Councilmember Eric T. Costello

Hearing Date: July 9, 2019

Time (Beginning): 10:00 a.m.

Time (Ending): 10:35 a.m.

Location: Clarence "Du" Burns Council Chamber

Total Attendance: Approximately 20 people

Committee Members in Attendance:

Eric Costello Mary Pat Clarke John Bullock
Robert Stokes

- Bill Synopsis in the file? YES NO N/A
- Attendance sheet in the file? YES NO N/A
- Agency reports read? YES NO N/A
- Hearing televised or audio-digitally recorded? YES NO N/A
- Certification of advertising/posting notices in the file? YES NO N/A
- Evidence of notification to property owners? YES NO N/A
- Final vote taken at this hearing? YES NO N/A
- Motioned by: **Councilmember Bullock**
- Seconded by: **Councilmember Clarke**
- Final Vote: **Fav. with Amendments**

Major Speakers

(This is not an attendance record.)

Lu Pierson, Board of Ethics
Hillary Ruley, Department of Law
Daniel Ramos, Department of Finance

Major Issues Discussed

1. Chairman Costello called the hearing to order and introduced the committee members in attendance.
2. Councilman Dorsey summarized the bill, and explained his reasons for introducing it. Specifically, Councilman Dorsey noted the need to clarify up front who is required to file financial disclosure statements, provide meaningful penalties for failing to file, and expand the board memberships that filers must disclose.
3. Councilman Dorsey and committee staff explained two proposed amendments to the bill (see attached). Amendment No. 1 removed the provision of the bill that would have required all public servants earning over \$60,000 per year to file financial disclosure statements. Amendment No. 2 added a provision to the bill to expand the reporting requirements to include interests held by public servants indirectly through multiple business entities.
4. City agencies confirmed the recommendations in their written reports, and noted their support for Councilman Dorsey's amendments.
5. The representative from the Board of Ethics noted that the Board would need additional resources for technology to implement the ordinance.
6. Councilman Stokes asked if the bill would change the current process for filing financial disclosure statements. A representative from the Board of Ethics explained the current process, and noted that the bill would not significantly change the process for filers.
7. The Committee considered and adopted Councilman Dorsey's amendments.

Further Study

Was further study requested?

Yes No

If yes, describe.

Committee Vote:

E. Costello: **Yea**
M. Clarke: **Yea**
R. Stokes: **Yea**
J. Bullock: **Yea**
L. Pinkett: **Absent**
E. Reisinger: **Absent**

Matthew Peters

Matthew L. Peters, Committee Staff

Date: July 9, 2019

Cc: Bill File
OCS Chrono File

**AMENDMENTS TO COUNCIL BILL 19-0376
(1st Reader Copy)**

Proposed by: Councilmember Dorsey
(To be offered to the Judiciary and Legislative Investigations Committee)

Amendment No. 1

On page 1, in line 8, strike “including” down through and including “statements;” in line 9; and, on that same page, in line 16, strike “7-9;”; and, on page 4, strike lines 11 through 33 in their entireties.

Amendment No. 2

On page 1, in line 9, before “expanding”, insert “clarifying the provisions related to certain interests attributable to public servants for the purposes of inclusion within financial disclosure statements;” and, on that same page, in line 16, before “and”, insert “7-17;”; and, on page 5, after line 1, insert:

“§ 7-17. Attributable interests.

(a) In general.

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

(b) Certain interests held by spouse, etc.

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

- (1) held by a spouse, parent, child, or sibling of the public servant; and
- (2) directly or indirectly controlled by the public servant.

(c) Interests held by certain business entities.

- (1) An interest is attributable to the public servant if, at any time during the reporting period, it was held by a business entity in which [the public servant

held] an equity interest of 30% or more WAS HELD BY OR OTHERWISE
ATTRIBUTABLE UNDER THIS SECTION TO THE PUBLIC SERVANT.

(2) This subsection does not limit:

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

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

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Agenda - Final

Judiciary and Legislative Investigations

Tuesday, July 9, 2019

10:00 AM

Du Burns Council Chamber, 4th floor, City Hall

19-0376

Rescheduled from 6/18/19

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEMS SCHEDULED FOR PUBLIC HEARING

19-0376

Financial Disclosures - Fixing Filers, Filing, and Filings

For the purpose of requiring that appointees sign notices evidencing their understanding of certain requirements under the City Ethics Code; requiring that agencies identify certain positions required to file financial disclosure statements prior to filling a newly-created or vacant position; requiring that agencies include within certain job postings and advertisements whether the position is required to file a financial disclosure statement; including certain public servants within the general requirement to file financial disclosure statements; expanding the directorships that certain public servants are required to disclose on their financial disclosure statements; establishing processes for the Board of Ethics with regard to certain public servants who fail to file their financial disclosure statement by the required date; conforming and clarifying related provisions; providing for a special effective date; and generally relating to the City Ethics Code.

Sponsors:

Ryan Dorsey, Sharon Green Middleton, Bill Henry, Isaac "Yitzy" Schleifer, Brandon M. Scott, Robert Stokes, Sr., Eric T. Costello, Leon F. Pinkett, III, Zeke Cohen, Kristerfer Burnett, Mary Pat Clarke, Edward Reisinger, John T. Bullock, Shannon Sneed

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC



**CITY OF BALTIMORE
CITY COUNCIL HEARING ATTENDANCE RECORD**

Committee: Judiciary and Legislative Investigations

Chairperson: Eric Costello

Date: July 9, 2019

Time: 10:00 AM

Place: Clarence "Du" Burns Chambers

Subject: Ordinance - Financial Disclosures - Fixing Filers, Filing, and Filings

CC Bill Number: 19-0376

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE CHECK HERE



FIRST NAME	LAST NAME	St. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	TESTIFY	FOR	AGAINST	YES	NO	WHAT IS YOUR POSITION ON THIS BILL?	LOBBYIST: ARE YOU REGISTERED IN THE CITY?
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Lu	Pierson		Board of Ethics		Lu.Pierson@verizon.net	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>

(**) NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730. FAX: 410-396-8483.



BILL SYNOPSIS

Committee: Judiciary and Legislative Investigations

Bill 19-0376

Financial Disclosures - Fixing Filers, Filing, and Filings

Sponsor: Councilmember Dorsey, et al

Introduced: April 22, 2019

Purpose:

For the purpose of requiring that appointees sign notices evidencing their understanding of certain requirements under the City Ethics Code; requiring that agencies identify certain positions required to file financial disclosure statements prior to filling a newly-created or vacant position; requiring that agencies include within certain job postings and advertisements whether the position is required to file a financial disclosure statement; including certain public servants within the general requirement to file financial disclosure statements; expanding the directorships that certain public servants are required to disclose on their financial disclosure statements; establishing processes for the Board of Ethics with regard to certain public servants who fail to file their financial disclosure statement by the required date; conforming and clarifying related provisions; providing for a special effective date; and generally relating to the City Ethics Code.

Effective: 180th day after the date it is enacted

Hearing Date/Time/Location: July 9, 2019/10:00 AM/Clarence 'Du' Burns Chamber

AGENCY REPORTS

City Solicitor	Favorable
Board of Ethics	Favorable
Department of Finance	

ANALYSIS

Current Law

Title 5 of the General Provisions Article of the Maryland Code establishes State requirements for financial disclosure statements and requires local jurisdictions to enact provisions that are similar or equivalent to the provisions of State law.

Article 8 of the Baltimore City Code ("Ethics Code") establishes various requirements for Baltimore City officials and employees related to ethics and conflicts of interest, including the filing of financial disclosure statements.

Under the Ethics Code, certain elected officials and staff, certain agency officials and staff, and all public servants involved in procurement, whose functions include influencing legislative action, or whose official duties include enforcement of laws, rules, or regulations that affect the rights of the public are required to file financial disclosure statements. Financial disclosure statements must list, among other things, each office, directorship, salaried employment, and other interest held by the public servant in any business entity that is a lobbyist, is regulated by the City, or that is doing business with the City.

Each covered official or employee must file an entry financial disclosure statement within 30 days of appointment and an annual statement by April 30 of each year. The Ethics Board currently assess a penalty of \$2 per day, not to exceed \$250 total, for failing to file the required statement.

The Ethics Code further requires agency heads or their designees to provide written notice of the requirements for training courses, conflicts affidavits, and financial disclosure statements to individuals appointed to fill vacancies within five days after the appointment. Agency heads and the Director of Human Resources must also provide the names and position numbers of all public servants who are required to file financial disclosure statements to the Ethics Board by certain dates each year.

Bill Summary

The bill amends Article 8 of the Baltimore City Code to, among other things, require more public servants to file financial disclosure statements, expand the directorships that must be disclosed in the statements, and provide new enforcement procedures and penalties for anyone who fails to file a statement by the required date.

Public Servants Required to File

The bill extends the requirement to file financial disclosure statements to all public servants whose gross annual compensation from the City is over \$60,000. Based on publicly available salary data from Open Baltimore, there were nearly 6,350 City employees whose gross compensation exceeded \$60,000 in fiscal year 2018.

Disclosure of All Directorships

The bill requires public servants to disclose each directorship that they held in any business entity. This expands on the existing requirement to disclose each directorship in any business entity that is a lobbyist, is regulated by the City, or that is doing business with the City.

Enforcement Procedures and Penalties

The bill provides for escalating sanctions for public servants who fail to file the required financial disclosure statements, including written notices, referrals for investigation and suspension without pay, and financial penalties.

If a public servant fails to file the required statement within **5 days** of the due date, the Ethics Board must notify the public servant in writing and inform them of the potential consequences of continued noncompliance.

If the public servant has still failed to file the required statement **15 days** after the due date, the Ethics Board must again notify the public servant in writing and provide a copy of the notice to the public servant's agency head, the Director of Human Resources, and the City Solicitor.

If the public servant has still failed to file the required statement **30 days** after the due date, the Ethics Board must refer the matter in writing to the Office of the Inspector General for investigation. The Board must also send a copy of the referral to the public servant, their agency head, the Director of Human Resources, and the City Solicitor.

If the public servant has still failed to file the required statement **60 days** after the due date, the Ethics Board may refer the matter to the public servant's agency head, the Director of Human Resources, and the City Solicitor with a recommendation that the public servant be suspended without pay until they file the statement. The suspension provision does not apply to elected officials.

The bill further provides that the Ethics Board may assess a late fee of \$10 per day, up to \$1000 total, for failing to submit the statement by the required date. Public servants may ask the Board to waive the late fee for good cause within 30 days after the assessment.

Other Changes

In addition to the changes discussed above, the bill amends Article 8 of the Baltimore City Code to:

- Require new appointees and the official providing the appointee with written notice of the appointee's responsibilities under the Ethics Code to sign the notice to evidence receipt and understanding. Within 5 days the signed notice must be placed in the appointee's personnel file and provided to the Ethics Board.
- Provide that, prior to filling a new or vacant position, the agency head must identify whether the position will require filing of financial disclosure statements. If so, any advertisement of the position must include a statement that financial disclosure statements will be required. The agency head must also provide the name and position number of the appointee to the Ethics Board within 10 days of filling the position.
- Change the deadlines for agency heads and the Director of Human Resources to submit the names and position numbers of all public servants who are required to file financial disclosure statements to the Ethics Board from February 28 and March 15, respectively, to January 1 and February 1, respectively.

ADDITIONAL INFORMATION

Fiscal Note: None

Information Source(s): Baltimore City Code; Maryland Code; Baltimore City Board of Ethics; Open Baltimore, Baltimore City Employee Salaries FY2018; Bill 19-0376.



Analysis by: Matthew L. Peters
Analysis Date: July 5, 2019

Direct Inquiries to: (410) 396-1268

**CITY OF BALTIMORE
COUNCIL BILL 19-0376
(First Reader)**

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

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Financial Disclosures - Fixing Filers, Filing, and Filings**

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

14 BY repealing and reordaining, with amendments

15 Article 8 - Ethics
16 Sections 3-24, 7-1.1, 7-9, and 7-24
17 Baltimore City Code
18 (Edition 2000)

19 BY adding

20 Article 8 - Ethics
21 Section 9-5.1
22 Baltimore City Code
23 (Edition 2000)

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

26 **Baltimore City Code**

27 **Article 8. Ethics**

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

Council Bill 19-0376

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.

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

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

Council Bill 19-0376

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

3 **Subtitle 7. Financial Disclosure**

4 ***PART I. GENERAL PROVISIONS***

5 **§ 7-1.1. Required agency assistance.**

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

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

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

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

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

13 (A) INCLUDE A DISCLOSURE OF THE FINANCIAL DISCLOSURE REQUIREMENT
14 IN ANY ADVERTISEMENT OR JOB LISTING SEEKING APPLICANTS FOR
15 THAT POSITION; AND

16 (B) PROVIDE THE BOARD WITH THE APPOINTEE'S NAME AND POSITION
17 NUMBER WITHIN 10 DAYS OF FILLING THAT POSITION.

18 (2) *ANNUAL REPORTING.*

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

23 (1) § 7-7 { "Elected officials and staff"};

24 (2) § 7-8 {"Agency officials and staff"}; or

25 (3) § 7-9 {"Procurement, legislative liaison, [and] enforcement, AND OTHER
26 personnel"}.

27 (b) *HR supplemental list.*

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

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

Council Bill 19-0376

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

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

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

7 (d) *Registered lobbyists.*

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

11 **§ 7-9. Persons required to file – Procurement, legislative liaison, [and] enforcement, AND**
12 **OTHER personnel.**

13 The following public servants must file the financial disclosure statements required by this
14 subtitle:

15 (1) *Procurement employees.*

16 All non-clerical employees whose functions include:

17 (i) the drafting, development, or issuance of specifications, invitations for bids,
18 requests for proposals, requests for qualifications, or other related documents
19 for the procurement of supplies, materials, or services;

20 (ii) the review or evaluation of bids, proposals, qualifications, or contracts for the
21 procurement of supplies, materials, or services; or

22 (iii) the inspection, monitoring, or other enforcement of contract standards and
23 specifications.

24 (2) *Legislative liaisons.*

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

27 (3) *Enforcement personnel.*

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

31 (4) *PUBLIC SERVANTS EARNING OVER \$60,000.*

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

Council Bill 19-0376

PART III. CONTENTS OF STATEMENTS

§ 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.

Council Bill 19-0376

Subtitle 9. Enforcement

PART II. ADMINISTRATIVE SANCTIONS

§ 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;

Council Bill 19-0376

1 (III) THE DIRECTOR OF HUMAN RESOURCES; AND

2 (IV) THE CITY SOLICITOR.

3 (E) *REFERRAL FOR SUSPENSION.*

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

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

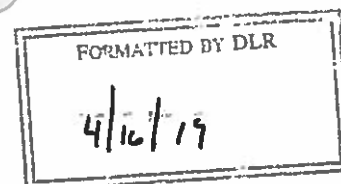
12 (3) REGARDLESS OF WHETHER ANY ACTION IS TAKEN AGAINST THE PUBLIC SERVANT, A
13 COPY OF THE BOARD'S REFERRAL MUST BE INCLUDED IN THE PUBLIC SERVANT'S
14 AGENCY PERSONNEL FILE.

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

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

19 SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 180th
20 day after the date it is enacted.

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____



Introduced by: Councilmember Dorsey

A BILL ENTITLED

AN ORDINANCE concerning

Financial Disclosures - Fixing Filers, Filing, and Filings

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

BY repealing and reordaining, with amendments

Article 8 - Ethics
Sections 3-24, 7-1.1, 7-9, and 7-24
Baltimore City Code
(Edition 2000)

BY adding

Article 8 - Ethics
Section 9-5.1
Baltimore City Code
(Edition 2000)

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

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

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

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.

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

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

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

Subtitle 7. Financial Disclosure

PART I. GENERAL PROVISIONS

§ 7-1.1. Required agency assistance.

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

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

PRIOR TO FILLING A NEWLY-CREATED OR VACANT POSITION:

- (I) EACH AGENCY HEAD MUST IDENTIFY WHETHER THE POSITION WILL BE REQUIRED TO FILE A STATEMENT UNDER THIS SUBTITLE; AND
- (II) IF THE AGENCY HEAD IDENTIFIES THE POSITION AS BEING REQUIRED TO FILE A STATEMENT UNDER THIS SUBTITLE, EACH AGENCY HEAD MUST:
- (A) INCLUDE A DISCLOSURE OF THE FINANCIAL DISCLOSURE REQUIREMENT IN ANY ADVERTISEMENT OR JOB LISTING SEEKING APPLICANTS FOR THAT POSITION; AND
- (B) PROVIDE THE BOARD WITH THE APPOINTEE'S NAME AND POSITION NUMBER WITHIN 10 DAYS OF FILLING THAT POSITION.

(2) *ANNUAL REPORTING.*

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

- (1) § 7-7 {"Elected officials and staff"};
- (2) § 7-8 {"Agency officials and staff"}; or
- (3) § 7-9 {"Procurement, legislative liaison, [and] enforcement, AND OTHER personnel"}.

(b) *HR supplemental list.*

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

- (1) hold positions of the types described in § 7-9 {"Procurement, legislative liaison, [and] enforcement, AND OTHER personnel"} of this subtitle; and
- (2) are not identified on any of the agency lists submitted under subsection (a) of this section.

(c) *Entities doing business with City.*

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

(d) *Registered lobbyists.*

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

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

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

(1) *Procurement employees.*

All non-clerical employees whose functions include:

- (i) the drafting, development, or issuance of specifications, invitations for bids, requests for proposals, requests for qualifications, or other related documents for the procurement of supplies, materials, or services;
- (ii) the review or evaluation of bids, proposals, qualifications, or contracts for the procurement of supplies, materials, or services; or
- (iii) the inspection, monitoring, or other enforcement of contract standards and specifications.

(2) *Legislative liaisons.*

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

(3) *Enforcement personnel.*

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

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

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

PART III. CONTENTS OF STATEMENTS

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

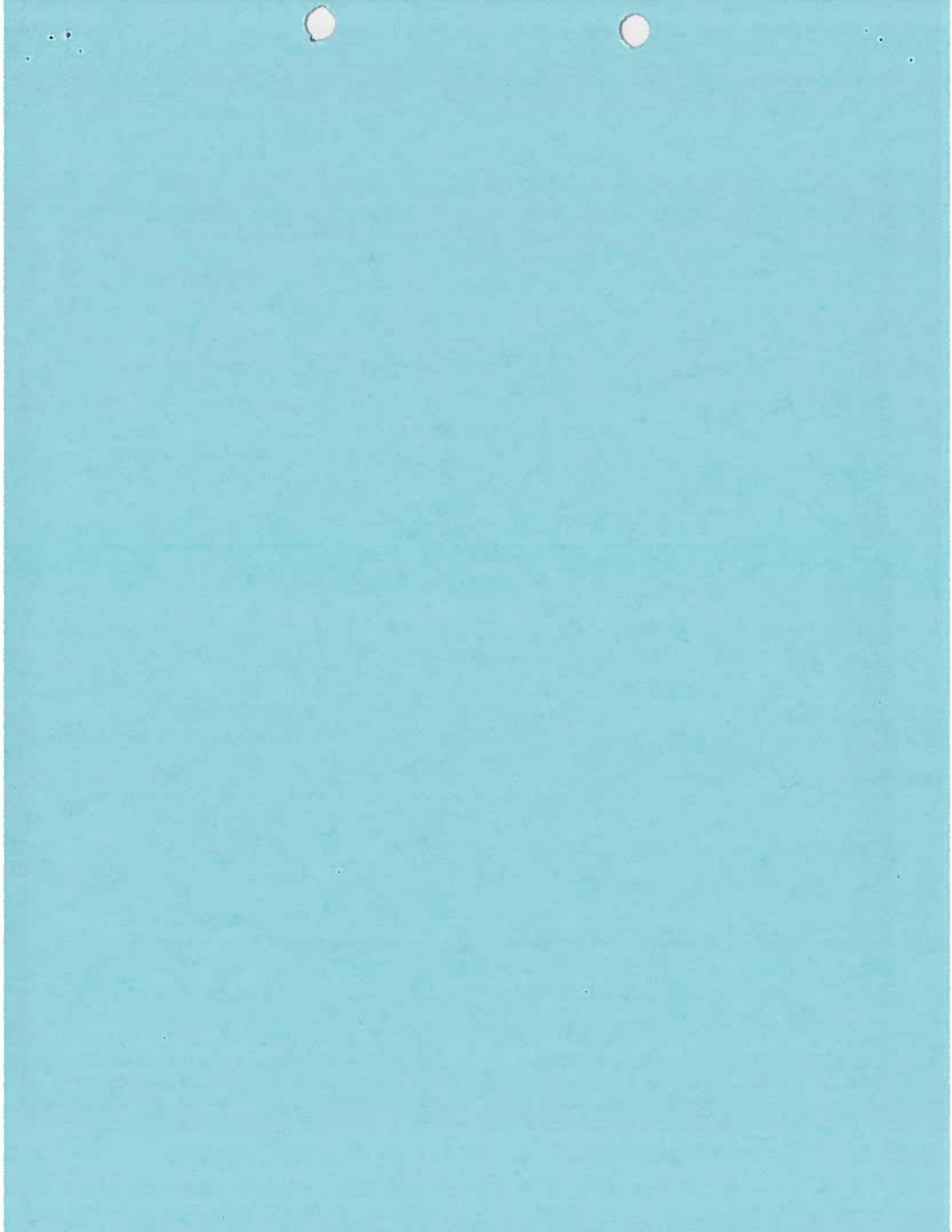
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 - (III) THE DIRECTOR OF HUMAN RESOURCES; AND
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(E) REFERRAL FOR SUSPENSION.

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- (3) REGARDLESS OF WHETHER ANY ACTION IS TAKEN AGAINST THE PUBLIC SERVANT, A COPY OF THE BOARD'S REFERRAL MUST BE INCLUDED IN THE PUBLIC SERVANT'S AGENCY PERSONNEL FILE.**
- (4) THIS SUBSECTION DOES NOT APPLY TO ELECTED OFFICIALS.**

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

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 180th day after the date it is enacted.



ACTION BY THE CITY COUNCIL

APR 22 2019

FIRST READING (INTRODUCTION) _____ 20 _____

PUBLIC HEARING HELD ON July 9, 2019 _____ 20 _____

COMMITTEE REPORT AS OF July 22, 2019 _____ 20 _____

_____ FAVORABLE _____ UNFAVORABLE FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION

C. V. Lewis

Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

JUL 22 2019

Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING _____ AUG 19 2019 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ 20 _____

WITHDRAWAL _____ 20 _____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

President

Chief Clerk