
CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG
Mayor



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January 28, 2020

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

Re: City Council Bill 20-0483 – Public Ethics Law– Gifts to Elected Officials
and Staff

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 20-0483 for form and legal sufficiency. The bill would change Subtitle 6 on Conflicts of Interest to include Elected Officials and Staff. The bill does this by parroting existing language in the Ethics Code and expanding it to cover these individuals.

In general, the Maryland Public Ethics Law requires that the City have an Ethics Code that is similar to the provisions of the State's law. Md. Code, Gen. Prov., § 5-807. It allows for modifications to the extent necessary to make the provisions relevant to the City. Md. Code, Gen. Prov., §§ 5-808(b)(2); 5-809(b)(2); 5-810(2).

With respect to conflicts of interest (which include gifts), the changes sought by this City Council bill are in accordance with the spirit and letter of the State's law. Moreover, the state regulations make clear that the City can "adopt laws more stringent than the requirements" of the state law, especially including "conflict of interest provisions for local employees and nonelected local officials that are identical to the conflict of interest provisions for elected local officials." COMAR 19A.04.02.01.

Thus, it appears that this bill will exactly meet with what state law permits. However, it will still need official review and approval by the State Ethics Commission, which must review any amendments to local ethics laws. COMAR 19A.04.03.01 ("a county or municipality shall submit promptly a copy of any new local law or amendments or additions to a local law to the Commission for the Commission's review and approval."). This is done on or before October 1 of every year, but the local Ethics Board can submit this bill prior to final passage if it wants an advanced determination. COMAR 19A.04.03.01.01.B; COMAR 19A.04.03.02.

This bill is consistent with the state ethics law and will allow for the State Ethics Commission to review it. Therefore, the Law Department approves the bill for form and legal sufficiency.

Very truly yours,



Hilary Ruley
Chief Solicitor

cc: Andre M. Davis, City Solicitor
Dana P. Moore, Deputy City Solicitor
Matthew Stegman, Mayor's Office of Government Relations
Elena DiPietro, Chief Solicitor
Victor Terval, Chief Solicitor
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