

**CITY OF BALTIMORE
COUNCIL BILL 19-0336
(First Reader)**

Introduced by: The Council President
At the request of: Baltimore City Board of Ethics
Introduced and read first time: February 4, 2019
Assigned to: Judiciary and Legislative Investigations Committee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Public Ethics Law – Conforming Modifications**

3 FOR the purpose of conforming the City Ethics Code with the amendments to the State Ethics
4 Law made by Chapter 31, 2017 Laws of Maryland; altering the definition of “interest” to
5 exclude certain mutual funds and exchange-traded funds; adding a participation prohibition
6 for certain officials who are former lobbyists; prohibiting elected officials from assisting in
7 certain matters under certain circumstances; altering a reporting requirement for certain
8 debts; adding a requirement to report when a public official’s spouse is a lobbyist; limiting
9 access to home addresses listed in a financial disclosure statement; clarifying and conforming
10 related provisions; and generally relating to the City Ethics Code.

11 BY adding

12 Article 8 - Ethics
13 Section 6-6.1
14 Baltimore City Code
15 (Edition 2000)

16 BY repealing and reordaining with amendments

17 Article 8 - Ethics
18 Section(s) 2-19, 6-22(b), 7-4, 7-25(a), and 7-27(b)
19 Baltimore City Code
20 (Edition 2000)

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

23 **Baltimore City Code**

24 **Article 8. Ethics**

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

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

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1 § 2-19. "Interest"

2 (a) *In general.*

3 "Interest" means, except as specified in subsection (b) of this section, any legal or
4 equitable economic interest, whether or not subject to an encumbrance or a condition, that
5 is owned or held wholly or partly, jointly or severally, or directly or indirectly.

6 (b) *Exclusions.*

7 "Interest" does not include:

- 8 (1) an interest held in the capacity of a personal representative, agent, custodian,
9 fiduciary, or trustee, unless the holder has an equitable interest in the subject
10 matter;
- 11 (2) an interest in a time or demand deposit in a financial institution;
- 12 (3) an interest in an insurance policy, endowment policy, or annuity contract under
13 which an insurer promises to pay a fixed amount of money, either in a lump sum
14 or periodically for life or some other specified period;
- 15 (4) an interest in a mutual fund that is publicly traded on a national scale, unless the
16 mutual fund is composed primarily of holdings of stocks and interests in a specific
17 sector or area that is regulated by the public servant's agency;
- 18 (5) an interest in a trust that is qualified under § 401 or § 501 of the Internal Revenue
19 Code and forms part of a pension or a profit-sharing plan; [or]
- 20 (6) an interest in a qualified tuition plan under § 529 of the Internal Revenue Code[.];
21 OR
- 22 (7) A MUTUAL FUND OR EXCHANGE-TRADED FUND THAT IS PUBLICLY TRADED ON A
23 NATIONAL SCALE UNLESS THE MUTUAL FUND OR EXCHANGE-TRADED FUND IS
24 COMPOSED PRIMARILY OF HOLDINGS OF STOCKS AND INTERESTS IN A SPECIFIC
25 SECTOR OR AREA THAT IS REGULATED BY THE PUBLIC SERVANT'S AGENCY.

26 **Editor's Note:** This amendment is to conform with State Gen. Prov. Art.
27 § 5-101(t).

28 **Subtitle 6. Conflicts of Interest**

29 **§ 6-6.1. RESTRICTIONS FOR FORMER LOBBYISTS.**

30 (A) *IN GENERAL.*

31 EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (B) OF THIS SECTION, A FORMER
32 LOBBYIST WHO IS OR BECOMES SUBJECT TO REGULATION UNDER THIS SUBTITLE AS AN
33 OFFICIAL MAY NOT PARTICIPATE IN A CASE, CONTRACT, OR OTHER SPECIFIC MATTER AS AN
34 OFFICIAL FOR 1 CALENDAR YEAR AFTER THE TERMINATION OF THE FORMER LOBBYIST'S

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1 REGISTRATION IF THE FORMER LOBBYIST PREVIOUSLY ASSISTED OR REPRESENTED
2 ANOTHER PARTY FOR COMPENSATION IN THAT CASE, CONTRACT, OR OTHER SPECIFIC
3 MATTER.

4 (B) *BOARD MEMBERS.*

5 THIS SECTION DOES NOT APPLY TO A FORMER LOBBYIST WHO IS AN OFFICIAL ONLY AS A
6 MEMBER OF A BOARD.

7 **Editor's Note:** This amendment is to conform with State Gen. Prov. Art. § 5-501(a-1), and is
8 required for local ethics codes by State Gen. Prov. Art. § 5-808(a) and COMAR
9 19A.04.01.03.

10 **§ 6-22. Post-employment restrictions.**

11 (b) *Additional restrictions on former [Councilmembers] ELECTED OFFICIALS.*

12 (1) Except as provided in paragraph (2) of this subsection, a former [member of the City
13 Council] ELECTED OFFICIAL may not assist or represent another party for
14 compensation in any matter that is the subject of legislative action [until the later of:

15 (i) the end of the Councilmanic year in which the member left office; or

16 (ii) 6 months from the date on which the member left office] FOR 1 CALENDAR
17 YEAR FROM THE DATE THE ELECTED OFFICIAL LEAVES OFFICE.

18 (2) Paragraph (1) of this subsection does not apply to a former [member's] ELECTED
19 OFFICIAL'S representation of a municipal corporation, county, or State governmental
20 entity.

21 **Editor's Note:** This amendment is to conform with State Gen. Prov. Art. § 5-504(d)(2),
22 and is required for local ethics codes by State Gen. Prov. Art. § 5-808(b) and COMAR
23 19A.04.01.03.

24 **Subtitle 7. Financial Disclosure**

25 **§ 7-4. [Record of] PUBLIC inspections.**

26 (A) *IN GENERAL.*

27 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE ETHICS BOARD
28 SHALL ALLOW A PERSON TO INSPECT A FINANCIAL DISCLOSURE FILED BY AN OFFICIAL
29 UNDER THIS SUBTITLE.

30 (2) THE ETHICS BOARD MAY NOT PROVIDE PUBLIC ACCESS TO A PORTION OF A
31 STATEMENT EXPRESSLY IDENTIFIES AN INDIVIDUAL'S HOME ADDRESS.

32 (B) *RECORD OF INSPECTIONS.*

33 The Executive Director must:

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1 (1) require each person who inspects a statement filed under this subtitle to identify
2 him- or herself; and

3 (2) record:

4 (i) the inspecting person's name, [home] address, telephone number, and
5 organization represented; and

6 (ii) the name of the person whose statement was inspected.

7 **Editor's Note:** This amendment is to conform with State Gen. Prov. Art.
8 § 5-606(a)(3), and is required for local ethics codes by State Gen. Prov. Art.
9 § 5-809 and COMAR 19A.04.01.03. It also clarifies and conforms existing
10 language.

11 **§ 7-25. Indebtedness.**

12 (a) *In general.*

13 Except as specified in subsection (c) of this section, the statement must include a
14 schedule of each debt that was, at any time during the reporting period, owed:

15 (1) by the public servant or, if the public servant was involved in the transaction
16 giving rise to the debt, by the public servant's spouse, parent, child, or sibling,

17 (2) to any business entity that was:

18 (i) a lobbyist;

19 (ii) regulated by the [City] PUBLIC SERVANT'S AGENCY; or

20 (iii) doing business with the [City] PUBLIC SERVANT'S AGENCY.

21 **Editor's Note:** This amendment is to conform with State Gen. Prov. Art. § 5-607(g).

22 **§ 7-27. Sources of earned income.**

23 (b) *Required specifics.*

24 For each source of income subject to this section, the schedule must include:

25 (1) the name and address of the place of salaried employment or business entity;
26 [and]

27 (2) for each family member, that individual's name and relationship to the public
28 servant[.]; AND

29 (3) IF THE INDIVIDUAL'S SPOUSE IS A LOBBYIST, ANY ENTITY THAT HAS ENGAGED THE
30 SPOUSE FOR LOBBYING PURPOSES.

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1 **Editor's Note:** This amendment is to conform with State Gen. Prov. Art. § 5-607(i),
2 and is required for local ethics codes by State Gen. Prov. Art. § 5-809 and COMAR
3 19A.04.01.03.

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

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