

Introduced by: The Council President
At the request of: Baltimore City Ethics Board

Prepared by: Department of Legislative Reference **Date:** January 22, 2019

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

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

CITY COUNCIL 19-0386

A BILL ENTITLED

AN ORDINANCE concerning

Public Ethics Law – Conforming Modifications

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

BY adding
Article 8 - Ethics
Section 6-6.1
Baltimore City Code
(Edition 2000)

BY repealing and reordaining with amendments
Article 8 - Ethics
Section(s) 2-19, 6-22(b), 7-4, 7-25(a), and 7-27(b)
Baltimore City Code
(Edition 2000)

****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

_____	Baltimore City Public School System
_____	Baltimore Development Corporation
_____	City Solicitor
_____	Comptroller's Office
_____	Department of Audits
_____	Department of Finance
_____	Department of General Services
_____	Department of Housing and Community Development
_____	Department of Human Resources
_____	Department of Planning
_____	Other: _____
_____	Other: _____
_____	Other: _____
_____	Department of Public Works
_____	Department of Real Estate
_____	Department of Recreation and Parks
_____	Department of Transportation
_____	Fire Department
_____	Health Department
_____	Mayor's Office of Employment Development
_____	Mayor's Office of Human Services
_____	Mayor's Office of Information Technology
_____	Office of the Mayor
_____	Police Department
_____	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: _____
_____	Environmental Control Board
_____	Fire & Police Employees' Retirement System
_____	Labor Commissioner
_____	Parking Authority Board
_____	Planning Commission
_____	Wage Commission
_____	Other: _____
_____	Other: _____
_____	Other: _____

Boards and Commissions

Council Bill 19-0336

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

Council Bill 19-0336

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~~ A
29 PUBLIC SERVANT UNDER THIS SUBTITLE.

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

32 (B) *RECORD OF INSPECTIONS.*

33 The Executive Director must:

Council Bill 19-0336

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.

Council Bill 19-0336

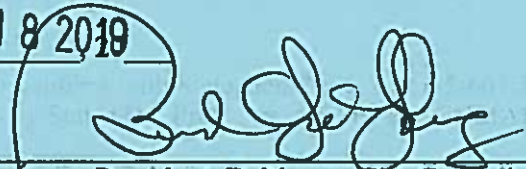
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Editor's Note: This amendment is to conform with State Gen. Prov. Art. § 5-607(i), and is required for local ethics codes by State Gen. Prov. Art. § 5-809 and COMAR 19A.04.01.03.

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 30th day after the date it is enacted.

Certified as duly passed this _____ day of MAR 18 2019



President, Baltimore City Council


Certified as duly delivered to Her Honor, the Mayor,
this _____ day of ~~MAR 18 2019~~



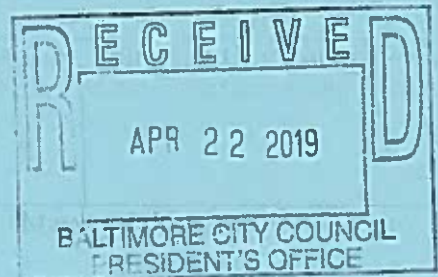
Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City
Pursuant to City Charter
Article IV, Section 5 (c),
this bill became law on
April 22, 2019, without
the Mayor's signature.

Approved For Form and Legal Sufficiency
This 17th Day of April 2019


Chief Solicitor



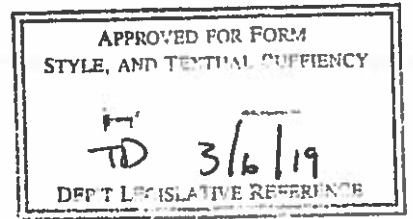
Approved For Treatment and Recovery

The

...

Chief Solicitor

AMENDMENTS TO COUNCIL BILL 19-0336
(1" Reader Copy)



By: Judiciary and Legislative Investigations Committee

Amendment No. 1

On page 3, in line 28, strike "AN OFFICIAL" and substitute "A PUBLIC SERVANT"; and, on that same page, in line 31, after "STATEMENT", insert "THAT".

ADOPTED

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

BILL#: CC-19-0336

DATE: 3/5/19

TITLE: Public Ethics Law - Conforming Modifications

MOTION BY: Scott

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reisinger, E.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott, B.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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	7	0	0	0

CHAIRPERSON: _____

C. V. Arty

COMMITTEE STAFF: Matthew L. Peters, Initials: _____

MLP

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

ANDRE M. DAVIS, City Solicitor
101 City Hall
Baltimore, Maryland 21202

March 1, 2019

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 19-0336 – Public Ethics Law – Conforming
Modifications

Dear President and City Council Members:

The Law Department has reviewed Mayor and City Council Bill 19-0336 for form and legal sufficiency. The bill is for the purpose of amending the Public Ethics Law to conform with changes to the State Ethics Law and to modify and clarify certain sections of the City Ethics Code.

In general, the Maryland Public Ethics Law, Art. 5, Subtitle 8, Part II of the General Provisions Article of the Maryland Code, requires that the City have an Ethics Code that is similar to the provisions of State Ethics Law but allows for modifications to the extent necessary to make the provisions relevant to the prevention of conflicts of interest in that jurisdiction.

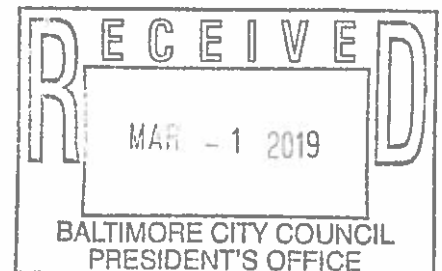
City Council Bill 15-0336 complies with the directive in State law with respect to content of local public ethics laws. The Law Department therefore approves City Council Bill 19-0336 for form and legal sufficiency.

Sincerely yours,

Elena R. DiPietro

Elena R. DiPietro
Chief Solicitor

F



**cc: Andre Davis, City Solicitor
Jeff Amoros, Mayor's Legislative Liaison
Michael Huber, Dir. Of Legislative Affairs
Hilary Ruley, Chief Solicitor
Victor Tervalo, Chief Solicitor
Ashlea Brown, Assistant Solicitor
Avery Aisenstark, Legislative Reference**

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



BOARD OF ETHICS
OF BALTIMORE CITY

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

February 26, 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 19-0336 {"Public Ethics Law – Conforming Modifications"}

You have referred Bill 19-0336 {"Public Ethics Law – Conforming Modifications"} to the Ethics Board for comment.

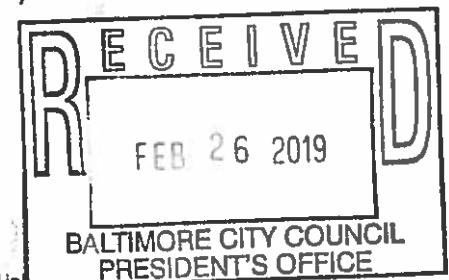
The Maryland Public Ethics Law, Md. Code Ann., General Provisions ("GP") § 5-101 *et seq.*, requires that local ethics codes adopt provisions that are "similar" or "substantially similar" to analogous provisions set forth in State law with respect to conflict of interest, financial disclosure, and lobbying. *See GP §§ 5-808(a), 5-809(b)(1), and 5-810.* Furthermore, local provisions applicable to elected officials must be "equivalent" to analogous State provisions. *See GP §§ 5-808(b) and 5-809(b)(2).*

During its 2017 Session, the General Assembly enacted Chapter 31 {"Public Integrity Act of 2017"}, which made several changes to the State Public Ethics Law that now require several conforming modifications to the City Ethics Code as well as several changes that may be adopted, but that are not expressly required. Please find attached to this report a letter from the State Ethics Commission, dated October 3, 2017, setting forth the a summary of Chapter 31, the amendments the City is required to make to its Ethics Code, and those changes that the City may make. To that end, Bill 19-0336 seeks to amend the Ethics Code to make the required modifications to comply with State law and also seeks to make several of the optional changes, as the Ethics Board finds them to be clarifying and beneficial.

Bill 19-0336 makes 4 State-required conforming modifications to the Ethics Code, which would:

- add a new § 6-6.1 {"Restrictions for former lobbyists"} prohibiting former lobbyists who later become a City public official from participating in a case, contract, or other specific matter for 1 calendar year after terminating their representation, if the former lobbyist previously assisted or represented another party in that same matter for compensation;
- extend to all elected officials an existing prohibition in § 6-22 {"Post-employment restrictions"} restricting councilmembers from assisting or representing another party for compensation in any matter that is the subject of legislative action and extend the existing 6-month "cooling-off period" to 1 calendar year from the date the elected official leaves office;

Fav of Amendments



To: Baltimore City Council
From: Tony DeFranco

February 26, 2019
Page 2

- amend § 7-4 {Financial Disclosure: "Public inspections"} to prohibit public disclosure of any portion of a person's financial disclosure that expressly identifies that person's home address;¹ and
- amend § 7-27 {Financial Disclosure: "Sources of earned income"} to require that, if an individual's spouse is a registered lobbyist in Baltimore City, the individual's financial disclosure statement include information regarding entities that have engaged the spouse for lobbying purposes in Baltimore City during the reporting period.

As mentioned above, State law also made several other changes, which the City is not required to adopt, but that the Board finds to be clarifying and beneficial. These proposed changes would:

- add mutual funds and exchange-traded funds to the list of exclusions from the definition of "interest" set forth in § 2-19 {"Interest"} for the purpose of determining what is and what is not a conflict of interest under the Code; and
- restrict, for the purposes of financial disclosures, reportable debts under § 7-25 {"Indebtedness"} to only those entities doing business with the public servant's agency, not the entire City.

The Ethics Board has attached a technical amendment for consideration and respectfully requests your consideration and approval of Bill 19-0336.

Very truly yours,



Tony DeFranco
Deputy Ethics Director

Attachments:

- (1) October 3, 2017 Letter from the State Ethics Commission, Re: "Local Government Ethics Update"
- (2) Proposed Amendments

cc: Honorable Eric Costello
Matthew Peters

¹ There has been some discussion in the media that this required amendment may make it more difficult to ensure that certain City officials are complying with the residency requirements set forth in Article I, § 7-10 of the City Code. To clarify, the Ethics Board is not the official custodian of City employee residency information nor is the Board empowered to enforce the Code's residency requirements. Cf. City Code Art. 1, § 7-7 (City employees must submit and update as necessary their current legal address to the Department of Finance, Payroll Division).

Rec'd 10/23/17

EXECUTIVE DEPARTMENT
STATE OF MARYLAND



LARRY HOGAN
GOVERNOR

COMMISSION MEMBERS:
JANET E. McILUGH, *Chair*
JAMES R. BENJAMIN, JR.
KIM L. COBLE
JACOB YOSEF MILJMAN
CRAIG D. ROSWELL

STATE ETHICS COMMISSION

45 CALVERT STREET, 3RD FLOOR
ANNAPOLIS, MARYLAND 21401
410-260-7770
Toll Free 1-877-669-6085
FAX: 410-260-7746

MICHAEL W. LORD
Executive Director
JENNIFER K. ALLGAIR
General Counsel
WILLIAM J. COLQUHOUN
Staff Counsel
KATHERINE P. THOMPSON
Assistant General Counsel

October 3, 2017

Avery Aisenstark, Director
Baltimore City Ethics Board
626 City Hall
Baltimore, Maryland 21202

Re: Local Government Ethics Update

Dear Mr. Aisenstark:

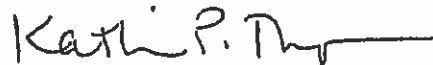
As you are aware, there were significant changes mandated to county and municipal ethics laws and county boards of education ethics regulations by legislation (SB315 – Chapter 277 of the Acts of 2010) enacted during the 2010 General Assembly session. The law became effective October 1, 2010. Counties and municipalities required to adopt a local ethics law must include conflict of interest and financial disclosure provisions for local elected officials that are at least equivalent to the State's provisions; financial disclosure provisions for candidates for local elected office that are at least equivalent to State provisions; conflict of interest and financial disclosure provisions for local employees and appointed officials that are similar to State provisions; and local lobbying provisions that are substantially similar to State provisions. The State Ethics Commission previously approved Baltimore City's local Ethics Law as being in compliance with Subtitle 8 of the Maryland Public Ethics Law (Md. Code Ann., Gen. Prov., Title 5 (Supp. 2016)).

We are writing to notify Baltimore City that the requirements under the State Ethics Law are changing. House Bill 879, enacted during the 2017 Legislative session, made multiple modifications to the State Ethics Law, some of which will change the requirements for local government ethics laws. Those changes include additional disclosures for State elected officials that local governments must incorporate into their Ethics Ordinances for their elected officials. However, a number of changes relax certain of the financial disclosure requirements, particularly for debt and stock holding disclosures, and make home addresses confidential from public disclosure. We have included an attachment describing the changes that need to be included in the new drafts of Ethics Law, highlighting the additional provisions that must be included in a law to be compliant with State law, and the changes that relax some requirements and may be adopted if desired by the County. In addition, we have also included our new model laws with the changes highlighted on our website. Most of the changes take effect October 1, 2017 and our regulations implementing these changes are in the approval process.

Commission staff is available to provide guidance and assistance to Baltimore City as you work through updating your law to incorporate the new changes. Please do not hesitate to contact us should you have any questions regarding the new local government ethics law requirements. As a reminder, any and all future changes to the ethics ordinance must be submitted to the Commission for review and approval in compliance with Subtitle 8 of the Maryland Public Ethics Law and COMAR 19A.04.

Finally, Section §5-807(b) of the Public Ethics Law requires each local jurisdiction to file the Local Government Ethics Law Annual Certification by October 1 of each year. Our office has not received Baltimore City's certification for 2017. Given the timing of these legislative changes, we do not anticipate 2017 certifications will include any of the changes discussed above, however all local governments are still required to certify for the 2017 year. A copy of the certification form is enclosed. Please complete the attached form and return to our office, along with a copy of your jurisdiction's current enacted ethics law. Please contact our office if you have any questions regarding this matter.

Sincerely,



Katherine P. Thompson
Assistant General Counsel

Enclosures

Changes that must be adopted for local government compliance with the requirements of Subtitle 8 of the Public Ethics Law or COMAR 19A.04.:

1. 5-504(d)(2). Precludes Governor, Lieutenant Governor, AG, Comptroller, Treasurer or a Member of the General Assembly from lobbying (legislative matters) for one calendar year after leaving office. *Needs to be added to the conflict of interest section covering local elected officials.*
2. 5-606(a)(3). Effective January 1, 2019, Commission may not provide public access to the portion of a financial disclosure statement that includes an individual's home address as identified by the individual (i.e. the Commission must redact the information before making it publicly available). Applies to all statements, whether posted on the Internet or viewable only in the Office. *Home addresses should be redacted from public disclosure. Local employees and elected officials don't have to worry about the public being able to see their home address on their filings submitted after January 1, 2019.*

Changes that must be adopted for local government compliance with the requirements of Subtitle 8 of the Public Ethics Law or COMAR 19A.04. for those local governments with lobbying provisions:

1. 5-501(a-1). Adds new subsection prohibiting former lobbyists who become a public official or State employee (i.e. take job with the State) from participating in a case, contract or other specific matter for 1 calendar year after terminating their registrations if they previously assisted or represented another party in the matter (a "reverse" post-employment restriction for lobbyists). Does not apply to uncompensated or minimally compensated (less than 25% of grade 16) board/commission members or elected officials. *ONLY FOR JURISDICTIONS WITH LOBBYING PROVISIONS. Needs to be added the conflict of interest provisions to cover employees compensated over a certain amount.*
2. 5-607(i). Adds another category to Schedule H – for a statement filed on or after January 1, 2019, if the filer's spouse is a regulated lobbyist, must disclose the entity that has engaged the spouse to lobby. *ONLY FOR JURISDICTIONS WITH LOBBYING PROVISIONS. Requires spouses of lobbyists to disclose the entities that engage the lobbyist spouse on their annual disclosure filings.*

Changes that may be adopted if the local government chooses:

1. 5-101(t). Removes "exchange-traded funds" from the definition of "interest". An ETF is a diversified collection of assets (like a mutual fund) that trades on an exchange (like a stock). *Now, as is the case with mutual funds, financial disclosure filers will no longer have to disclose interests they hold in ETFs.*
2. 5-506. Adds three specific circumstances that constitute violation of the prestige of office provision (influencing the award of a State or local contract to a specific person; initiating a solicitation for a person to retain the compensated services of a particular lobbyist or firm; using public resources or title to solicit a political contribution regulated in accordance with the Election Law Article). In the last situation, employees and public officials may not use title or public resources, State officials may not use public

resources. *The State Ethics Commission has already interpreted these kinds of actions to be in violation of the prestige of office provision. Local governments are able to include these specific circumstances in their law if they would like or any other for clarifying purposes.*

3. 5-607(g). Changes the Schedule F disclosure (indebtedness to entities doing business with the State) to indebtedness to entities doing business with or regulated by the individual's governmental unit. *Instead of disclosing all indebtedness to entities doing business with the local government, only debts with entities doing business with the specific governmental unit must be disclosed by filers.*
4. 5-606(a)(2). Effective January 1, 2019, Ethics Commission must provide Internet access, through an online registration program, to financial disclosure statements submitted by State officials, candidates for office as State officials, and Secretaries of a principal department of the Executive Branch. *Local governments can now decide to put the local disclosure forms online for public viewing.*
5. 5-704. Codifies disclosure requirements for lobbyists who serve on State boards and commissions. Also codifies a requirement for such a lobbyist who is disqualified from participating in a specific matter to file a statement of recusal with the board or commission. *ONLY FOR JURISDICTIONS WITH LOBBYING PROVISIONS. Requires lobbyists who serve on local boards to submit disclosure forms that mirror the forms for local elected officials.*

**AMENDMENTS TO COUNCIL BILL 19-0336
(1" Reader Copy)**

By: The Baltimore City Board of Ethics
{To be offered to the Judiciary and Legislative Investigations Committee}

Amendment No. 1

On page 3, in line 28, strike "AN OFFICIAL" and substitute "A PUBLIC SERVANT"; and, on that same page, in line 31, after "STATEMENT", insert "THAT".

City of Baltimore

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

Meeting Minutes - Final

Judiciary and Legislative Investigations

Tuesday, March 5, 2019

10:02 AM

Du Burns Council Chamber, 4th floor, City Hall

19-0336

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

Present 7 - Member Eric T. Costello, Member Mary Pat Clarke, Member Leon F. Pinkett III, Member John T. Bullock, Member Edward Reisinger, Member Brandon M. Scott, and Member Robert Stokes Sr.

ITEM SCHEDULED FOR PUBLIC HEARING

19-0336

Public Ethics Law - Conforming Modifications

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

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

Yes: 7 - Member Costello, Member Clarke, Member Pinkett III, Member Bullock, Member Reisinger, Member Scott, and Member Stokes Sr.

ADJOURNMENT

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7396
email: larry.greene@baltimorecity.gov

HEARING NOTES

Bill: 19-0336

Public Ethics Law - Conforming Modifications

Committee: Judiciary and Legislative Investigations

Chaired By: Councilmember Eric Costello

Hearing Date: March 5, 2019
Time: 10:10 AM to 10:20 AM
Location: Clarence "Du" Burns Chamber
Total Attendance: ~40

Committee Members in Attendance:

Eric Costello Mary Pat Clarke Brandon Scott
Leon Pinkett Robert Stokes Edward Reisinger John Bullock

- Bill Synopsis in the file? [X] yes [] no [] n/a
Attendance sheet in the file? [X] yes [] no [] n/a
Agency reports read? [X] yes [] no [] n/a
Hearing televised or audio-digitally recorded? [] yes [X] no [] n/a
Certification of advertising/posting notices in the file? [] yes [] no [X] n/a
Evidence of notification to property owners? [] yes [] no [X] n/a
Final vote taken at this hearing? [X] yes [] no [] n/a
Motioned by: Councilmember Scott
Seconded by: Councilmember Clarke
Final Vote: Favorable as Amended

Major Speakers

(This is not an attendance record.)

Anthony Defranco, Board of Ethics

Major Issues Discussed

1. Chairman Costello opened the proceedings.
2. The Law Department confirmed the recommendation stated in its written report.
3. Anthony Defranco from the Board of Ethics discussed the background and reasons for the bill, and the amendment proposed by the Board.
4. Councilwoman Clarke noted that some Baltimore City employees are required to live within the City, and that financial disclosure forms are the only publically available source of information to verify residency. Mr. Defranco explained that the redaction of a person's home address is required by State law, and that financial disclosures and the Ethics Board have no role in enforcing residency requirements.
5. The Committee considered and adopted the amendment proposed by the Board of Ethics.

Further Study

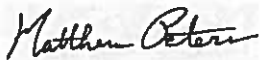
Was further study requested?

Yes No

If yes, describe. N/A

Committee Vote

E. Costello: Yea
M. Clarke: Yea
J. Bullock: Yea
L. Pinkett: Yea
E. Reisinger: Yea
B. Scott: Yea
R. Stokes: Yea



Matthew L. Peters, Committee Staff

Date: March 5, 2019

cc: Bill File
OCS Chrono File

City of Baltimore

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

Meeting Agenda - Final

Judiciary and Legislative Investigations

Tuesday, March 5, 2019

10:02 AM

Du Burns Council Chamber, 4th floor, City Hall

19-0336

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEM SCHEDULED FOR PUBLIC HEARING

19-0336

Public Ethics Law - Conforming Modifications

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

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

BILL SYNOPSIS

Committee: Judiciary and Legislative Investigations

Bill 19-0336

Public Ethics Law - Conforming Modifications

Sponsor: President Young (Administration), et al
Introduced: February 4, 2019

Purpose:

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

Effective: 30th day after the date it is enacted.

Hearing Date/Time/Location: March 5, 2019/10:02 a.m./Clarence "Du" Burns Chamber.

AGENCY REPORTS

Board of Ethics	Favorable with Amendment
City Solicitor	Favorable

ANALYSIS

Current Law

Article 8 of the Baltimore City Code ("Baltimore City Public Ethics Law") establishes, among other things, requirements and prohibitions related to conflicts of interest, financial disclosures, lobbying, and elected officials.

Title 5 of the General Provisions Article of the Maryland Code ("Maryland Public Ethics Law") establishes various State ethics requirements and prohibitions. The Maryland Public Ethics Law further requires local jurisdictions to enact provisions related to conflicts of interest, financial disclosures, lobbying, and elected officials that are substantially similar or equivalent to the provisions of State law.

In 2017, the Maryland General Assembly passed the Public Integrity Act of 2017, which made multiple modifications to the Maryland Public Ethics Law. The modifications include some that must be incorporated into local ethics codes, and others that are optional. A letter from the State Ethics Commission to the Baltimore City Ethics Board, dated October 3, 2017, and attached to the Board's report on the bill, outlines the mandatory and optional modifications.

Bill Summary

The bill amends Article 8 of the Baltimore City Code to adopt the four State-required modifications to conform to the changes made to the Maryland Public Ethics Law in 2017. Specifically the bill:

1. Adds a new § 6-6.1 {"Restrictions for former lobbyists"} prohibiting any former lobbyist who later becomes a City public official from participating in a case, contract, or other specific matter for one calendar year after terminating their representation, if the former lobbyist previously assisted or represented another party in that same matter for compensation¹;
2. Extends to all elected officials an existing prohibition in § 6-22 {"Post-employment restrictions"} restricting former councilmembers from assisting or representing another party for compensation in any matter that is the subject of legislative action, and extends the period of that restriction to one calendar year from the date the elected official leaves office;

¹ This restriction contains an exception for any former lobbyist who is an official only as a member of a board.

3. Amends § 7-4 {Financial Disclosure: "Public inspections"} to prohibit public disclosure of any portion of a person's financial disclosure that expressly identifies that person's home address; and
4. Amends § 7-27 {Financial Disclosure: "Sources of earned income"} to require that, if an individual's spouse is a registered lobbyist in Baltimore City, the individual's financial disclosure statement include information regarding entities that have engaged the spouse for lobbying purposes in Baltimore City during the reporting period.

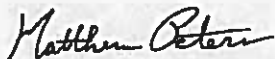
The bill also amends Article 8 of the Baltimore City Code to adopt two of the changes that the State identified as optional. Specifically the bill:

1. Adds mutual funds and exchange-traded funds to the list of exclusions from the definition of "interest" set forth in § 2-19 {"Interest"} for the purpose of financial disclosures and conflicts of interest under the Code; and
2. Restricts, for the purpose of financial disclosures, reportable debts under § 7-25 {"Indebtedness"} to only those entities doing business with the public servant's agency, not the entire City.

ADDITIONAL INFORMATION

Fiscal Note: None

Information Source(s): Maryland Code, Baltimore City Code, Public Integrity Act of 2017, Board of Ethics, City Solicitor, Bill 19-0336.



Analysis by: Matthew L. Peters
Analysis Date: March 1, 2019

Direct Inquiries to: (410) 396-1268

**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.

Council Bill 19-0336

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(i).

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

Council Bill 19-0336

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:

Council Bill 19-0336

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

(2) record:

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

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

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

§ 7-25. Indebtedness.

(a) In general.

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

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

(2) to any business entity that was:

(i) a lobbyist;

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

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

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

§ 7-27. Sources of earned income.

(b) Required specifics.

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

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

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

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

Council Bill 19-0336

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.

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____

APPROVED FOR FORM STYLE, AND TENTH SUFFICIENCY
1/22/19 - 77
INSERT LEGISLATIVE REFERENCE

Introduced by: The Council President
At the request of: Baltimore City Ethics Board

A BILL ENTITLED

AN ORDINANCE concerning

Public Ethics Law – Conforming Modifications

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

BY adding

Article 8 - Ethics
Section 6-6.1
Baltimore City Code
(Edition 2000)

BY repealing and reordaining with amendments

Article 8 - Ethics
Section(s) 2-19, 6-22(b), 7-4, 7-25(a), and 7-27(b)
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 2. Definitions; General Provisions

§ 2-19. "Interest"

(a) *In general.*

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

(b) *Exclusions.*

"Interest" does not include:

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

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

Subtitle 6. Conflicts of Interest

§ 6-6.1. RESTRICTIONS FOR FORMER LOBBYISTS.

(A) *IN GENERAL.*

EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (B) OF THIS SECTION, A FORMER LOBBYIST WHO IS OR BECOMES SUBJECT TO REGULATION UNDER THIS SUBTITLE AS AN OFFICIAL MAY NOT PARTICIPATE IN A CASE, CONTRACT, OR OTHER SPECIFIC MATTER AS AN OFFICIAL FOR 1 CALENDAR YEAR AFTER THE TERMINATION OF THE FORMER LOBBYIST'S REGISTRATION IF THE FORMER LOBBYIST PREVIOUSLY ASSISTED OR REPRESENTED ANOTHER PARTY FOR COMPENSATION IN THAT CASE, CONTRACT, OR OTHER SPECIFIC MATTER.

(B) *BOARD MEMBERS.*

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

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

§ 6-22. Post-employment restrictions.

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

- (1) Except as provided in paragraph (2) of this subsection, a former [member of the City Council] ELECTED OFFICIAL may not assist or represent another party for compensation in any matter that is the subject of legislative action [until the later of:
 - (i) the end of the Councilmanic year in which the member left office; or
 - (ii) 6 months from the date on which the member left office] FOR 1 CALENDAR YEAR FROM THE DATE THE ELECTED OFFICIAL LEAVES OFFICE.
- (2) Paragraph (1) of this subsection does not apply to a former [member's] ELECTED OFFICIAL'S representation of a municipal corporation, county, or State governmental entity.

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

Subtitle 7. Financial Disclosure

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

(A) *IN GENERAL.*

- (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE ETHICS BOARD SHALL ALLOW A PERSON TO INSPECT A FINANCIAL DISCLOSURE FILED BY AN OFFICIAL UNDER THIS SUBTITLE.
- (2) THE ETHICS BOARD MAY NOT PROVIDE PUBLIC ACCESS TO A PORTION OF A STATEMENT EXPRESSLY IDENTIFIES AN INDIVIDUAL'S HOME ADDRESS.

(B) *RECORD OF INSPECTIONS.*

The Executive Director must:

- (1) require each person who inspects a statement filed under this subtitle to identify him- or herself; and
- (2) record:
 - (i) the inspecting person's name, [home] address, telephone number, and organization represented; and
 - (ii) the name of the person whose statement was inspected.

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

§ 7-25. Indebtedness.

(a) *In general.*

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

- (1) by the public servant or, if the public servant was involved in the transaction giving rise to the debt, by the public servant's spouse, parent, child, or sibling,
- (2) to any business entity that was:
 - (i) a lobbyist;
 - (ii) regulated by the [City] PUBLIC SERVANT'S AGENCY; or
 - (iii) doing business with the [City] PUBLIC SERVANT'S AGENCY.

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

§ 7-27. Sources of earned income.

(b) *Required specifics.*

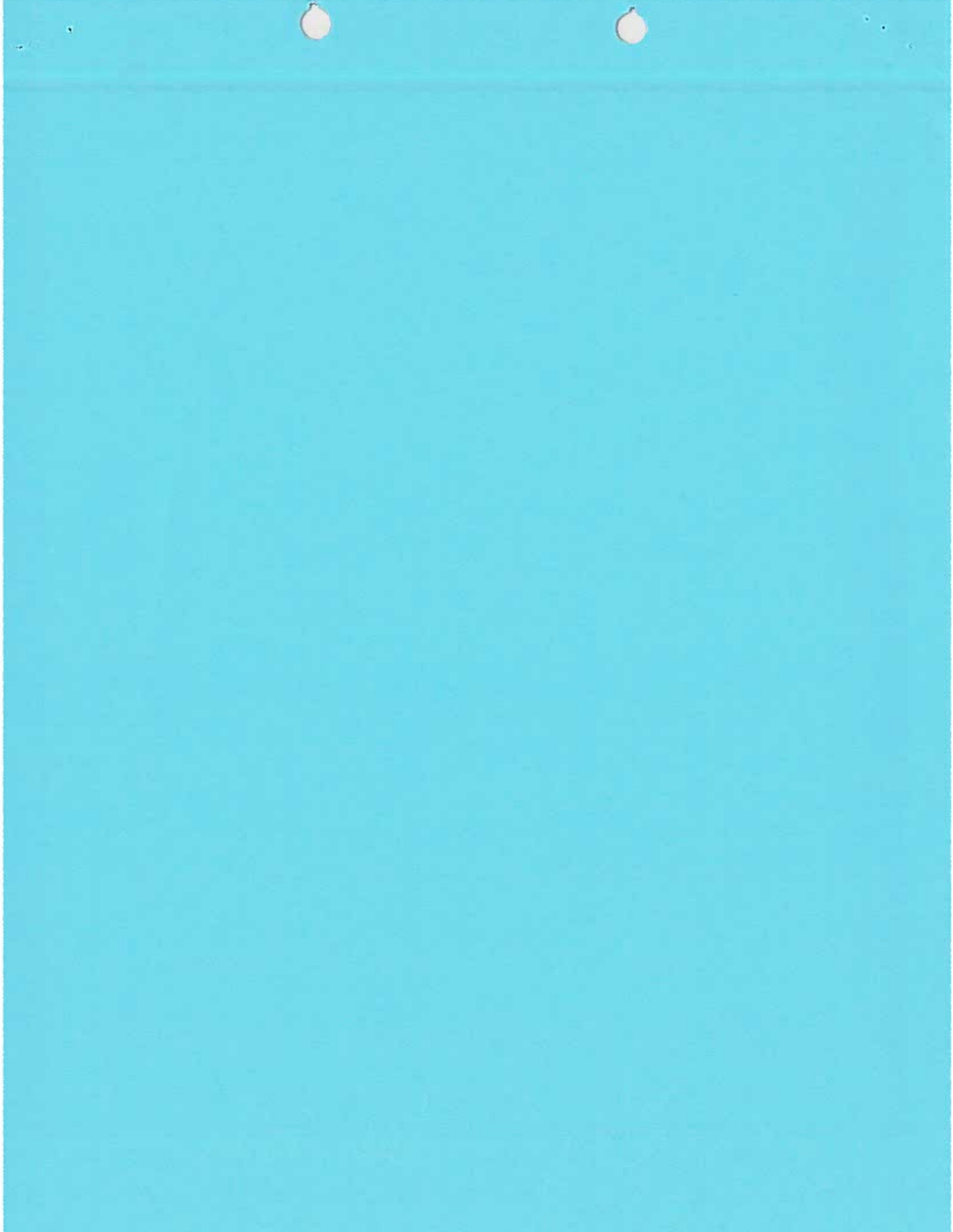
For each source of income subject to this section, the schedule must include:

- (1) the name and address of the place of salaried employment or business entity;
[and]
- (2) for each family member, that individual's name and relationship to the public servant[.]; AND
- (3) IF THE INDIVIDUAL'S SPOUSE IS A LOBBYIST, ANY ENTITY THAT HAS ENGAGED THE SPOUSE FOR LOBBYING PURPOSES.

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

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 30th day after the date it is enacted.



ACTION BY THE CITY COUNCIL

FEB 04 2019
20

FIRST READING (INTRODUCTION) _____ 20 _____

PUBLIC HEARING HELD ON March 5, 2019 _____ 20 _____

COMMITTEE REPORT AS OF March 11, 2019 _____ 20 _____

_____ FAVORABLE _____ UNFAVORABLE FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION

E. T. Curtis

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:

MAR 11 2019

20

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

THIRD READING _____ MAR 18 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.

[Signature]

President

[Signature]

Chief Clerk