



AMENDMENTS TO COUNCIL BILL 19-424
(1st Reader Copy)

By: Judiciary Committee
{To be offered on the Council Floor}

Amendment No. 1 {Art. 1 ("Mayor...")}

On page 1, in line 8, strike "Section" and substitute "Sections 8-3(b)(3 and"; and, on page 3, after line 30, insert:

"Subtitle 8. Whistleblower Rights and Responsibilities

§ 8-6. Complaint process.

(b) Supervisor responsibilities.

- (3) Within 60 days after the supervisor received the complaint, the supervisor must conduct an investigation and provide WRITTEN FINDINGS TO the whistleblower [with written findings, as well as] AND TO the agency head or the appropriate appointing authority.**

COMMENT: Transfers a misplaced clause for clarity."

Amendment No. 2 {Art. 2 ("Consumer Protections")}

On page 4, in line 12, strike "SECTION" and substitute "SUBTITLE".

COMMENT: Corrects misnomer in bill.

Amendment No. 3 {Art. 8 ("Ethics")}

On page 2, in line 13, after the second comma, strike "and" and substitute "7-4(a)(2)."; and, in the same line, after "7-8(34)", insert ", and 9-5.1(a), (b), (c), (d), and (e)(1)"; and, on page 7, before line 20, insert:

"§ 7-4. Public inspections.

(a) In general.

- (2) The Ethics Board may not provide public access to a portion of a statement that IS FILED ON OR AFTER JANUARY 1, 2019, AND THAT expressly identifies an individual's home address.**



COMMENT: In paragraph (2), an inadvertently omitted limitation is inserted, conforming this provision to the State law that mandated this paragraph's initial enactment by Ord. 19-239. (Cf. State General Provisions Article § 5-606(a)(3).) Absent this limitation, the paragraph's "shielding" requirement would apply to all of the thousands of statements previously filed online over the past 5 years. And, given the practical inability to "mask" each home address in those myriad statements, complying with the "shielding" requirement would likely necessitate a complete shut down of any further public viewing of the preexisting filings.

and, on page 8, after line 14, insert:

"Subtitle 9. Enforcement

§ 9-5.1. Overdue financial disclosure statements.

(a) Late fee.

- (1) The ETHICS 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 ETHICS 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 ETHICS 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 ETHICS 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:
 - (i) the public servant's agency head[.];
 - (ii) THE Director of Human Resources[.]; and
 - (iii) 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 ETHICS 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;

(iii) the Director of Human Resources; and

(iv) the City Solicitor.

(e) Referral for suspension.

(1) If a public servant has failed to file a complete financial disclosure statement within 60 days of the date required under this article, 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 from office without pay until the financial disclosure statement is filed.

COMMENT: Corrects several incomplete references to the Baltimore City Board of Ethics. (Note the difference between the standard "Ethics Board", as defined in Art. 8, § 2-10, and "Board", as defined in Art. 8, § 2-3.) Also, in subsection (c)(2), conforms the formatting to that in subsection (d)(2) and, for picturesqueness, inserts a missing "the".

Amendment No. 4 {Art. 15 ("Licensing and Regulation")}

On page 2, in line 38, before "(c)(1)", strike "and"; and, in the same line, after "(c)(1)", insert "and (d), 12-10(b),"; and, in line 39, strike "42-2(b)(2)" and substitute "42-2(b)(3)"; and, on page 13, strike line 29, in its entirety, and substitute:

"(d) Online licensee list.

The Director of Finance shall maintain and post ON THE DEPARTMENT'S WEBSITE a current list of all commercial parking facilities licensed under this subtitle [on the Department of Finance's website].

COMMENT: In subsections (a) - (c), "parking facility" is corrected to "commercial parking facility", conforming to the subtitle's new name and general usage, as defined in § 12-1. Subsection (d) is modestly restructured for clarity.

§ 12-10. Proof-of-payment required.

(b) Form.

The proof of payment required [under] BY this section may be provided in either paper or electronic form.

COMMENT: Substitutes a more precise "bv" for the vaguer and potentially misleading "under".

Amendment No. 5 {Art. 24 ("Water")}

On page 3, after line 5, insert:

"By repealing and reordaining, with amendments
Article 24 - Water
Section 2-21(i) {as amended by Ord. 19-308}
Baltimore City Code
(Edition 2000)";

and, on page 16, after line 3, insert:

"Article 24. Water

Subtitle 2. Bills

§ 2-21. Office of Customer Advocacy . . . – Appeals.

(i) Judicial and appellate review.

(1) Judicial review.

A customer or other party aggrieved by a final decision under this section may seek judicial review of that decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules OF PROCEDURE.

(2) Appellate review.

A party to the judicial review may appeal the Circuit Court's final judgment TO THE COURT OF SPECIAL APPEALS in accordance with the Maryland Rules OF PROCEDURE.

COMMENT: Restores clarifying phrases that were unnecessarily stricken by amendment to Ord. 19-308. As corrected, the language of this section is consistent with scores of like provisions found throughout the City Code."

Amendment No. 6 {Art. 28 ("Taxes")}

On page 3, in line 19, after "Sections", strike "10-30(b) and" and, in the same line, after "17-13(c)", insert "and 10-18.1(d)(intro)."; and, on page 19, after line 22, insert:

"§ 10-18.1. High-performance newly constructed dwellings.

(d) Amount of credit.

A property tax credit granted under this section shall equal the amount of property tax imposed on the real property, less the amount [on] OF any other credit applicable in that year, multiplied by:

.....

COMMENT: Corrects typographical error.":

and, on page 19, strike lines 23 through 27.

COMMENT: This last direction deletes from the bill a proposed "correction" to a section (Art. 28, § 10-30(b)) that, in the end, does not require correction.

