



Legislation Details (With Text)

File #: 15-0568 **Version:** 0 **Name:** Public Ethics Law - Administrative Modifications
Type: Ordinance **Status:** Enacted
File created: 9/21/2015 **In control:** City Council
On agenda: **Final action:** 12/5/2016
Enactment date: **Enactment #:** 16-585

Title: Public Ethics Law - Administrative Modifications
 FOR the purpose of conforming exclusions from the definition of "interest" to those recently added to the State Public Ethics Law; clarifying certain other exclusions; modifying, updating, and clarifying provisions that require certain timely notices to newly appointed public servants; modifying, updating, and clarifying provisions that require agencies' assistance in preparing for and administering the annual filing of financial disclosure statements; updating and clarifying provisions that require a record of persons inspecting financial disclosure statements; and generally relating to administration of the City Ethics Code.

Sponsors: President Young, Sharon Green Middleton, Carl Stokes, Helen L. Holton, James B. Kraft, Rochelle Spector, Brandon M. Scott, Nick Mosby, Robert Curran, Bill Henry, William "Pete" Welch, Edward Reisinger

Indexes: Administrative Modifications, Law, Public Ethics

Code sections:

Attachments: 1. 15-0568~1st Reader, 2. Finance 15-0568, 3. Human Resources 15-0568, 4. Ethics Board 15-0568, 5. City Solicitor 15-0568, 6. 15-0568~3rd Reader

Date	Ver.	Action By	Action	Result
12/8/2016	0	Mayor	Signed by Mayor	
12/5/2016	0	City Council	Approved and Sent to the Mayor	
11/14/2016	0	City Council	3rd Reader, for final passage	
11/14/2016	0	Judiciary and Legislative Investigations	Recommended Favorably	
10/25/2016	0	Judiciary and Legislative Investigations	Recommended Favorably	Pass
10/24/2016	0	Judiciary and Legislative Investigations	Scheduled for Voting Session	
3/8/2016	0	Judiciary and Legislative Investigations		
2/1/2016	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing	
9/24/2015	0	The City Council	Refer to Dept. of Finance	
9/24/2015	0	The City Council	Refer to Board of Ethics	
9/24/2015	0	The City Council	Refer to City Solicitor	
9/24/2015	0	The City Council	Refer to Dept. of Human Resources	
9/21/2015	0	City Council	Assigned	
9/21/2015	0	City Council	Introduced	

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

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THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER
COPY.

INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

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

A BILL ENTITLED

AN ORDINANCE concerning
Public Ethics Law - Administrative Modifications

FOR the purpose of conforming exclusions from the definition of "interest" to those recently added to the State Public Ethics Law; clarifying certain other exclusions; modifying, updating, and clarifying provisions that require certain timely notices to newly appointed public servants; modifying, updating, and clarifying provisions that require agencies' assistance in preparing for and administering the annual filing of financial disclosure statements; updating and clarifying provisions that require a record of persons inspecting financial disclosure statements; and generally relating to administration of the City Ethics Code.

BY repealing and reordaining, with amendments
Article 8 - Ethics
Section(s) 2-19(b), 3-20(d), 3-24, 7-1.1, and 7-4
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:

Baltimore City Code

Article 8. Ethics

Subtitle 2. Definitions; General Provisions

◆ 2-19. ◆Interest◆.

(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 FOR some other specified period; [or]

(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) [(4)] AN INTEREST IN [a common trust fund or] 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 that: (i) has more than 25 participants; OR

[and (ii) is determined by the Internal Revenue Service to be a qualified trust under § 401 or § 501 of the Internal Revenue Code.]

(6) AN INTEREST IN A QUALIFIED TUITION PLAN UNDER § 529 OF THE INTERNAL REVENUE CODE.

Subtitle 3. Administration

§ 3-20. Training courses.

(d) Assistance.

The Department of Human Resources must provide the Ethics Board with:

(1) appropriate facilities for conducting the training course;

(2) TIMELY notice of THE APPOINTMENT OF all officials subject to the training requirements; and

(3) administrative and other assistance.

§ 3-24. Notices to new appointees.

(a) IN 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) [(1)] §§7-12 {Financial Disclosure: Appointee to vacancy}; and].

[(2) if applicable to the position:

(i) §§3-20 {Training courses}; and

(ii) §§3-21 {Conflicts affidavit}.]

(b) IN 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 [Director of Human Resources] APPOINTEE'S AGENCY HEAD or the [Director's] AGENCY HEAD'S designee.

(c) IN GENERAL When to be given.

The notice REQUIRED BY SUBSECTION (A) OF THIS SECTION must be given within 5 days after the appointment.

(D) PRE-APPOINTMENT NOTICE FOR BOARD MEMBERS.

(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

§ 7-1.1. [Certifications] REQUIRED AGENCY ASSISTANCE.

[(a) When made.]

[The certifications required by this section must be made on or before February 1 of each year.]

(A) [(b) Individuals] AGENCIES TO IDENTIFY THOSE required to file.

ON OR BEFORE FEBRUARY 28 OF EACH YEAR, [Each] EACH agency head must [annually certify] 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 personnel♦}.

(B) [(c) Procurement, legislative liaison, and enforcement positions] HR SUPPLEMENTAL LIST.

ON OR BEFORE MARCH 15 OF EACH YEAR, [The] THE Director of Human Resources must [annually certify] PROVIDE to the Ethics Board[: (1)] 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 personnel♦} of this subtitle; and

(2) [the agencies in which those positions are found] ARE NOT IDENTIFIED ON ANY OF THE AGENCY LISTS SUBMITTED UNDER SUBSECTION (A) OF THIS SECTION.

(C) [(d)] Entities doing business with City.

[(1)] ON OR BEFORE FEBRUARY 1 OF EACH YEAR, [The] THE Finance [Director] DEPARTMENT must [annually certify to the Ethics Board] POST ON ITS WEBSITE a SEARCHABLE list of all [business entities] PERSONS [doing] THAT DID business with the City FOR THE CALENDAR YEAR IMMEDIATELY PRECEDING THE CURRENT CALENDAR YEAR.

[(2) The Ethics Board must keep this list on file and available to all persons subject to this subtitle.]

(D) [(e)] Registered lobbyists.

[(1) The] ON OR BEFORE FEBRUARY 1 OF EACH YEAR, THE Ethics Board must [annually certify] POST ON ITS WEBSITE a SEARCHABLE list of all lobbyists WHO HAVE registered with [it] THE BOARD FOR THE CALENDAR YEAR IMMEDIATELY PRECEDING THE CURRENT CALENDAR YEAR.

[(2) The Ethics Board must keep this list on file and available to all persons subject to this subtitle.]

♦ 7-4. Record of inspections.

The Executive Director must:

(1) require each person who inspects [or copies] a statement filed under this subtitle to[: (1)] identify [himself] HIM- or herself; and

(2) record:

(i) [his or her] THE INSPECTING PERSON♦S name, home address, telephone number,♦and organization represented; and

(ii) the name of the person whose statement was inspected [or copied].

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.

dlr`15-1222(2)~intro/17Sep15
art8/AdminUpdates/aa:tw

dlr`15-1222(2)~intro/17Sep15
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art8/AdminUpdates/aa:tw