



City of Baltimore

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

Legislation Text

File #: 15-0568, **Version:** 0

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

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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.

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