



## Legislation Text

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**File #:** 10-0445, **Version:** 0

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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: President Rawlings-Blake

A BILL ENTITLED

AN ORDINANCE concerning  
**Public Ethics Law - Ethics Board Composition, Tenure, etc. - Ethics Training**

FOR the purpose of reconstituting the Baltimore City Board of Ethics; providing for the Board's composition and for the qualifications, tenure, and removal of its members; requiring the Board to submit certain annual and special reports; expressly including certain entities within the purview of the Public Ethics Law; expanding the requirements for mandatory ethics training to encompass certain boards, commissions, and other multi-member entities; providing for a special effective date; and generally relating to ethics in the public sector.

BY authority of

Article VII - Executive Departments  
Section(s) 108(a) and 110  
Baltimore City Charter  
(1996 Edition)

BY repealing and reordaining, with amendments

Article 8 - Ethics  
Section(s) 2-2, 2-3, 3-2, 3-3, 3-4, and 3-20(b)  
Baltimore City Code  
(Edition 2000)

BY repealing and reordaining, without amendments

Article 8 - Ethics  
Section(s) 3-20(a)  
Baltimore City Code  
(Edition 2000)

BY adding

Article 8 - Ethics  
Section(s) 3-26 and 7-8(12a), (27a), and (32a)

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

§ 2-2. “Agency”.

(a) In general.

“Agency” means any department, board, commission, council, authority, committee, office, or other unit of City government.

(b) Inclusions.

“Agency” also includes:

- (1) Baltimore City Parking Authority;
- (2) Baltimore Development Corporation;
- (3) Baltimore Police Department;
- (4) Board of Liquor License Commissioners for Baltimore City;
- (5) Enoch Pratt Free Library of Baltimore City;
- (6) Housing Authority of Baltimore City;
- (7) LOCAL DEVELOPMENT COUNCIL, SOUTH BALTIMORE VIDEO LOTTERY TERMINAL;
- (8) PIMLICO COMMUNITY DEVELOPMENT AUTHORITY; and
- (9) [(7)] any individual not embraced in a unit of City government who exercises authority comparable to that of the head of a unit of City government.

§ 2-3. “Board”.

(a) In general.

“Board” means any board, commission, council, authority, committee, or other unit of City government that comprises 2 or more members, SOME OR all of whom are appointed and serve on a part-time basis.

(b) Inclusions.

“Board” also includes:

- (1) Board of Commissioners of the Housing Authority of Baltimore City;
- (2) Board of Directors of the Baltimore City Parking Authority;
- (3) Board of Directors of the Baltimore Development Corporation;
- (4) Board of Liquor License Commissioners for Baltimore City; [and]
- (5) Civilian Review Board of Baltimore City;
- (6) LOCAL DEVELOPMENT COUNCIL, SOUTH BALTIMORE VIDEO LOTTERY TERMINAL; AND
- (7) PIMLICO COMMUNITY DEVELOPMENT AUTHORITY.

Subtitle 3. Administration

§ 3-2. Appointment and qualifications.

(a) Composition.

[The Ethics Board comprises the following 5 members:

- (1) 3 members appointed by the Mayor in accordance with Article IV, § 6 of the City Charter;
- (2) the Mayor or a public servant designated by the Mayor; and
- (3) the City Solicitor or a member of the City Solicitor’s staff designated by the City Solicitor.]

(1) THE ETHICS BOARD COMPRISES THE FOLLOWING 5 MEMBERS, APPOINTED BY THE MAYOR IN ACCORDANCE WITH CITY CHARTER ARTICLE IV, § 6:

- (I) 1 MEMBER NOMINATED BY PRESIDENT OF THE CITY COUNCIL;
- (II) 1 MEMBER NOMINATED BY THE CITY COMPTROLLER; AND

(III) 3 MEMBERS NAMED BY THE MAYOR, AT LEAST 2 OF WHOM MUST BE MEMBERS OF THE MARYLAND BAR.

(2) THE MAYOR MAY REJECT A NOMINEE OF THE PRESIDENT OR OF THE COMPTROLLER ONLY FOR CAUSE.

(b) Qualifications.

- (1) Each member of the Ethics Board must BE:

- (i) [be] an individual of known personal integrity; [and]
- (ii) [possess] SOMEONE WHO POSSESSES a recognized knowledge and interest in government and civics;  
AND

(III) A RESIDENT OF THE CITY OF BALTIMORE.

(2) [Except for the Mayor, the City Solicitor, or the designee of either, no public servant may be appointed as a member of the Ethics Board] NO PERSON MAY BE APPOINTED TO THE BOARD OR, ONCE APPOINTED, CONTINUE TO SERVE ON THE BOARD IF THE PERSON:

(I) [(3) Except for the Mayor, no member of the Ethics Board may be] IS OR BECOMES a lobbyist UNDER THE STATE PUBLIC ETHICS LAW, SUBTITLE 8 OF THIS ARTICLE, OR THE ETHICS CODE OF ANY POLITICAL SUBDIVISION OF THIS STATE;

(II) IS OR BECOMES AN OFFICER OR EMPLOYEE OF THE STATE, THE CITY, OR ANY OTHER POLITICAL SUBDIVISION OF THE STATE, OR OF ANY OF THEIR RESPECTIVE AGENCIES, INSTRUMENTALITIES, OR OTHER UNITS (OTHER THAN A STATE COLLEGE, UNIVERSITY, OR OTHER INSTITUTION OF HIGHER EDUCATION); OR

(III) [(4) No member of the Ethics Board may continue to serve if the member] IS OR becomes a candidate for elected public office of [the United States,] the State, the City, or any other political subdivision of the State.

§ 3-3. Tenure; removal.

(a) Tenure.

(1) [The] IN ACCORDANCE WITH CITY CHARTER ARTICLE VII, § 108(A), THE term of [an appointed] A member [expires at the end of the Mayor's term of office] IS 5 YEARS.

(2) [The term of the Mayor and the Solicitor, or their respective designees, expires when the Mayor or the Solicitor leaves office.] THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS FOR THE MEMBERS FIRST APPOINTED UNDER THE 2010 AMENDMENTS TO THIS SUBTITLE.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(b) Removal.

(1) The Mayor may remove an appointed member as provided in CITY CHARTER Article IV, § 6, [of the City Charter] BUT ONLY FOR THE FOLLOWING CAUSES:

(I) NEGLIGENCE OF DUTY;

(II) MISCONDUCT IN OFFICE;

(III) A DISABILITY THAT MAKES THE MEMBER UNABLE TO DISCHARGE THE POWERS AND DUTIES OF THE OFFICE; OR

(IV) A VIOLATION OF THIS ARTICLE.

(2) BEFORE SEEKING CITY COUNCIL APPROVAL FOR A REMOVAL, THE MAYOR MUST GIVE THE MEMBER:

(I) WRITTEN NOTICE OF THE CHARGES; AND

(II) AN OPPORTUNITY TO REPLY TO THE CHARGES.

§ 3-4. Officers.

(a) Chair.

(1) The [Mayor designates the Chair of the] Ethics Board MUST ELECT A CHAIR from among its appointed members.

(2) THE TERM OF THE CHAIR IS 1 YEAR.

(3) THE CHAIR MAY BE REELECTED.

(b) Others.

The Ethics Board may elect a Vice-Chair and other officers from among its members.

§ 3-20. Training courses.

(a) Board to offer.

The Ethics Board must develop and offer a training course of not less than 2 hours on the requirements of this article.

(b) Officials required to take.

(1) Except as provided in paragraph (2) of this subsection, every official must complete the training course within 6 months of his or her appointment or reappointment to office.

(2) The training requirements of this subsection do not apply to:

(i) an official who, within the 5 years preceding his or her appointment or reappointment, completed a training course provided under this section; or

(ii) an individual who is an official only [as] BY VIRTUE OF BEING a board member, UNLESS THE BOARD:

(A) IS ONE OF THE ENTITIES LISTED IN § 7-8 {[DISCLOSURES STATEMENTS] - AGENCY OFFICIALS AND STAFF} OF THIS ARTICLE; OR

(B) PERFORMS ONE OF THE FUNCTIONS DESCRIBED IN § 7-9 {[DISCLOSURE STATEMENTS] - PROCUREMENT, LEGISLATIVE LIAISON, AND ENFORCEMENT PERSONNEL} OF THIS ARTICLE.

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§ 3-26. REPORTS.

THE ETHICS BOARD MUST SUBMIT TO THE MAYOR AND THE CITY COUNCIL:

- (1) AN ANNUAL REPORT ON ITS ACTIVITIES; AND
- (2) AS APPROPRIATE FROM TIME TO TIME, BASED ON ITS INVESTIGATIONS AND STUDIES, SPECIAL REPORTS WITH RECOMMENDATIONS FOR LEGISLATION.

Subtitle 7. Financial Disclosure

§ 7-8. Persons required to file - Agency officials and staff.

Except as provided in § 7-10 {"Person filing with State"} of this subtitle, the following officials and employees must file the financial disclosure statements required by this subtitle:

(12A) FINANCE BOARD.

- (I) MEMBERS OF THE BOARD.
- (II) ALL NON-CLERICAL EMPLOYEES OF OR ASSIGNED TO THE BOARD.

(27A) LOCAL DEVELOPMENT COUNCIL, SOUTH BALTIMORE VIDEO LOTTERY TERMINAL.

- (I) MEMBERS OF THE COUNCIL.
- (II) ALL NON-CLERICAL EMPLOYEES OF OR ASSIGNED TO THE COUNCIL.

(32A) PIMLICO COMMUNITY DEVELOPMENT AUTHORITY

- (I) MEMBERS OF THE AUTHORITY.
- (II) ALL NON-CLERICAL EMPLOYEES OF OR ASSIGNED TO THE AUTHORITY.

SECTION 2. AND BE IT FURTHER ORDAINED, That of the members first appointed to the Ethics Board under this Ordinance:

- (1) the member nominated by the Council President shall be appointed for a term ending December 31, 2015;
- (2) the member nominated by the Comptroller shall be appointed for a term ending December 31, 2014; and
- (3) of the remaining 3 members:
  - (1) 1 shall be appointed for a term ending December 31, 2013;
  - (2) 1 shall be appointed for a term ending December 31, 2012; and
  - (3) 1 shall be appointed for a term ending December 31, 2011.

SECTION 3. AND BE IT FURTHER ORDAINED, That all provisions of this Ordinance are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any person or circumstances is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.

SECTION 4. 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 5. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect the later of (i) the date this Ordinance is enacted, and (ii) the date on which this Ordinance is approved by the State Ethics Commission.

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