



Legislation Details (With Text)

File #: 19-0336 **Version:** 0 **Name:** Public Ethics Law - Conforming Modifications
Type: Ordinance **Status:** Enacted
File created: 2/4/2019 **In control:** Mayor
On agenda: **Final action:** 4/22/2019
Enactment date: **Enactment #:** 19-239

Title: 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.

Sponsors:

Indexes: Conforming, Law, Modifications, Public Ethics

Code sections:

Attachments: 1. 19-0336~1st Reader, 2. Ethics Board 19-0336, 3. Law 19-0336, 4. 2nd Reader Committee Amendments 19-0336, 5. 19-0336~3rd Reader, 6. Completed File_19-0336

Date	Ver.	Action By	Action	Result
4/22/2019	0	City Council	Enacted, pursuant to Baltimore City Charter, Art. IV, Sec. 5(c)	
3/18/2019	0	City Council	Approved and Sent to the Mayor	
3/11/2019	0	City Council	3rd Reader, for final passage	
3/11/2019	0	Judiciary and Legislative Investigations	Recommended Favorably with Amendment	
3/5/2019	0	Judiciary and Legislative Investigations	Recommended Favorably with Amendment	Pass
2/11/2019	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing	
2/7/2019	0	The City Council	Refer to City Solicitor	
2/7/2019	0	The City Council	Refer to Board of Ethics	
2/4/2019	0	City Council	Assigned	
2/4/2019	0	City Council	Introduced	

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.

Introductory*

**City of Baltimore
Council Bill**

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:

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.