

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor

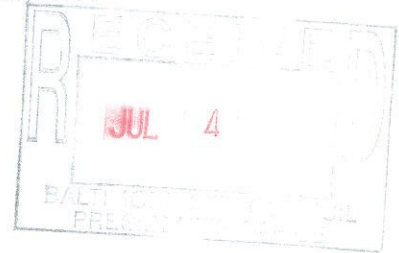


DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor
101 City Hall
Baltimore, Maryland 21202

July 13, 2011

Honorable President and Members
of the City Council of Baltimore
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202



Attn: Karen Randle Executive Secretary

Re: City Council Bill No. 11-0701 – Public Ethics Law – Compliance with
State Requirements

Dear President and City Council Members:

You have requested the advice of the Law Department regarding City Council Bill 11-0701. City Council Bill 701 amends the City's Ethics Code to comply with the recently enacted changes to the State's ethics law. The bill makes the following changes:

- expands the definition of "gift to include services and requires that consideration be "identifiable."
- amends the Conflicts of Interest-Prohibited Interests section to preclude employment by an entity that is a party to a contract that binds or purports to bind the City if the public servant's duties for the City include matters substantially related to the contract and the City will pay in excess of \$100 under the contract.
- changes the post-employment restrictions section by adding a provision that prohibits former city council members from assisting or representing another party for compensation in any matter that is the subject of legislative action. The restriction applies for the term immediately following the councilperson's departure from elected office. The restriction does not apply to representation of a municipal corporation, county or state governmental agency;
- allows the Ethics Board to define "insignificant" or "significant" monetary value for the purpose of exemption from the acceptance of gifts provisions.
- requires official to disclose employment and interests that raise a potential conflict of interest in connection with a specific proposed action by the official. The disclosure must be in advance of the action with sufficient time for adequate public disclosure.

The Maryland State Ethics Law requires that ethics codes adopted by local subdivisions be



City Council Bill 11-0701

July 13, 2011

Page 2

similar to the State law with respect to conflicts of interest, financial disclosure and lobbying. See Md. Ann. Code, State Government Art., Sections 15-804, 15-805 and 15-806. Furthermore, provisions applicable to local elected officials must be equivalent to or exceed the requirements of the State law. The local ethics laws can however “be modified to the extent necessary to make the provisions relevant to the prevention of conflicts of interest in that jurisdiction.” Id. The Maryland General Assembly enacted changes to the State ethics law in the 2011 session regarding conflicts of interest and financial disclosure. City Council Bill 701 is designed to bring the City Ethics Code in compliance with the requirements of the State law. State law requires local boards to certify to the State Board compliance with state law regarding local elected officials.

The bill brings the City Ethics Code into compliance with State law. Accordingly, the Law Department approves City Council Bill 10-0701 for form and legal sufficiency.

Sincerely yours,



Elena R. DiPietro
Chief Solicitor

cc: George A. Nilson, City Solicitor
Angela Gibson, City Council Liaison, Mayor's Office
Hilary Ruley
Ashlea Brown
Victor Tervalá