

ENROLLED

**CITY OF BALTIMORE
ORDINANCE ____
Council Bill 11-0701**

Introduced by: The Council President
At the request of: The Administration (City Ethics Board)
Introduced and read first time: May 16, 2011
Assigned to: Judiciary and Legislative Investigations Committee
Committee Report: Favorable with amendments
Council action: Adopted
Read second time: August 15, 2011

AN ORDINANCE CONCERNING

Public Ethics Law – Compliance with State Requirements

FOR the purpose of modifying provisions of the Ethics Code to comply with new requirements of State law; redefining certain terms; prohibiting certain interests; limiting a certain exception to the prohibition against accepting gifts from certain persons; extending and imposing certain post-employment restrictions; modifying certain financial disclosure requirements; requiring officials to file disclosures of certain proposed actions; conforming, clarifying, and correcting related language; providing for a special effective date; and generally relating to ethics in the public sector.

By repealing and reordaining, with amendments

Article 8 - Ethics

Section(s) 2-17(a), 6-11, 6-22, 6-28(2) and (4), 6-29, ~~and~~ 7-3, 7-23(a)

Baltimore City Code
(Edition 2000)

By adding

Article 8 - Ethics

Section(s) 7-3

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:

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.
Underlined italics indicate matter added to the bill by amendment after printing for third reading.

Council Bill 11-0701

Baltimore City Code

Article 8. Ethics

Subtitle 2. Definitions; General Provisions

§ 2-17. “Gift”.

(a) *In general.*

“Gift” means, except as specified in subsection (b) of this section, the transfer of [anything] ANY THING OR ANY SERVICE of economic value, regardless of the form, without adequate, IDENTIFIABLE, and lawful consideration.

Editor’s Note: To conform to proposed COMAR 19A.04.02.04H(4)(a).

Subtitle 6. Conflicts of Interest

§ 6-11. Prohibited interests.

(A) *IN GENERAL.*

Except as otherwise provided in this Part III, a public servant may not:

(1) be employed by or have a financial interest in any person that is subject to the authority of that public servant or of the City agency with which the public servant is affiliated;

(2) be employed by or have a financial interest in any person that is negotiating or has entered into:

(i) a contract with the City agency with which the public servant is affiliated;
or

(ii) a subcontract on a contract that is being negotiated or has been entered into with that City agency; or

(3) hold any other employment relationship that would impair the impartiality and independent judgment of the public servant.

(B) *ENTITIES CONTRACTING WITH CITY.*

A PUBLIC SERVANT MAY NOT BE EMPLOYED BY AN ENTITY THAT IS A PARTY TO A CONTRACT THAT BINDS OR PURPORTS TO BIND THE CITY IF:

(1) THE PUBLIC SERVANT’S DUTIES FOR THE CITY INCLUDE MATTERS SUBSTANTIALLY RELATING TO OR AFFECTING THE SUBJECT MATTER OF THE CONTRACT; AND

(2) THE CONTRACT BINDS OR PURPORTS TO BIND THE CITY TO PAY MORE THAN \$1,000.

Council Bill 11-0701

Editor’s Note: To conform to State Government Art. § 15-503(b) and COMAR 19A.04.02.04C(1)(a).

§ 6-22. Post-employment restrictions.

(A) *IN GENERAL.*

For 2 years after AFTER leaving office or terminating employment, a former public servant may not assist or represent a party, other than the City, in a case, contract, or other specific matter for compensation if:

- (1) the matter involves City government; and
- (2) the former public servant significantly participated in the same matter as a public servant.

(B) *FORMER COUNCILMEMBER.*

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ~~UNTIL THE CONCLUSION OF THE NEXT COUNCILMANIC YEAR THAT BEGINS AFTER THE MEMBER LEAVES OFFICE,~~ A FORMER MEMBER OF THE CITY COUNCIL MAY NOT ASSIST OR REPRESENT ANOTHER PARTY FOR COMPENSATION IN ANY MATTER THAT IS THE SUBJECT OF LEGISLATIVE ACTION UNTIL THE LATER OF:

- (1) THE END OF THE COUNCILMANIC YEAR IN WHICH THE MEMBER LEFT OFFICE; OR
- (2) 6 MONTHS FROM THE DATE ON WHICH THE MEMBER LEFT OFFICE.

(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO A FORMER MEMBER’S REPRESENTATION OF A MUNICIPAL CORPORATION, COUNTY, OR STATE GOVERNMENTAL ENTITY.

Editor’s Note: To conform to State Government Art. § 15-504(d) and COMAR 19A.04.02.04E(1).

§ 6-28. Qualified exemptions.

Subject to § 6-29 {“Exemption limitations”} of this subtitle, the prohibitions in § 6-27 {“Acceptance prohibited”} of this subtitle do not apply to the unsolicited receipt of:
. . . .

- (2) gifts or awards that have insignificant monetary value, AS DEFINED BY RULE OR REGULATION OF THE BOARD;
-

Editor’s Note: To permit administrative compliance.

(4) tickets or free admission given to an elected official to attend a specific charitable, cultural, [sporting,] or political event, if given by the person sponsoring or conducting the event as a courtesy or ceremony to the office;

Council Bill 11-0701

Editor's Note: To conform to SG Art. § 15-505(c)(2)(viii) and accompanying regulations.

§ 6-29. Exemption limitations.

The exemptions specified in § 6-28 {"Qualified exemptions"} of this subtitle do not apply to any gift if:

(1) the gift would tend to impair the recipient's impartiality and independent judgment;
or

(2) for a gift of significant value, AS DEFINED BY RULE OR REGULATION OF THE BOARD :

(i) the gift would give the appearance of impairing the recipient's impartiality and independent judgment; or

(ii) the recipient believes or has reason to believe that the gift is designed to impair his or her impartiality and independent judgment.

Editor's Note: To permit administrative compliance.

Subtitle 7. Financial Disclosure

§ 7-3. STATEMENT BY OFFICIAL OF PROPOSED ACTION.

AN OFFICIAL MUST 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 MADE SUFFICIENTLY IN ADVANCE OF THE ACTION TO PROVIDE ADEQUATE DISCLOSURE TO THE PUBLIC.

Editor's Note: To conform to COMAR 19A.04.02.05C(1)(b).

§ 7-4. [§ 7-3.] Record of inspections.

The Executive Director must require each person who inspects or copies a statement filed under this subtitle to:

(1) identify himself or herself; and

(2) record:

(i) his or her name, home address, telephone number, and organization represented; and

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

Editor's Note: Section renumbered to accommodate the addition of new § 7-3.

Council Bill 11-0701

1 **§ 7-23. Gifts.**

2 (a) “Significant gift” defined.

3 (1) In this section, “significant gift” means, except as specified in paragraph (2) of this
4 subsection:

5 (i) any gift with a value of more than [~~\$50~~] \$20; and

6 (ii) any gift in a series of gifts with a cumulative value of [~~\$150~~] \$100 or more
7 given by or on behalf of the same person during the reporting period.

8 (2) “Significant gift” does not include any of the following, regardless of value:

9 (i) a gift from a spouse, parent, child, or sibling;

10 (ii) a campaign contribution that is otherwise reported as required by law; or

11 (iii) tickets or free admission given to an elected official to attend a specific
12 charitable, cultural, /sporting,/ or political event, if given by the person
13 sponsoring or conducting the event as a courtesy or ceremony to the office.

14 **Editor’s Note:** To conform to COMAR 19A.04.04(Appendix A, at § 5(e)(4)). Cf.. State
15 Government Art. §§ 15-505(c)(2)(iv) and 15-607(e)(3)(i).

16 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
17 are not law and may not be considered to have been enacted as a part of this or any prior
18 Ordinance.

19 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect the later of
20 (i) the date this Ordinance is enacted, and (ii) the date on which this Ordinance is approved by
21 the State Ethics Commission.

Council Bill 11-0701

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City