

**CITY OF BALTIMORE
COUNCIL BILL 12-0163
(First Reader)**

Introduced by: President Young
At the request of: Board of Ethics
Introduced and read first time: November 19, 2012
Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Ethics

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Public Ethics Law – Prohibited Participation**

3 FOR the purpose of redefining “business entity”, as used in Ethics Law provisions that prohibit
4 participation in certain matters, to exclude Baltimore City or any instrumentality, unit, or
5 agency of Baltimore City under certain circumstances; providing for a special effective date;
6 and generally relating to ethics in the public sector.

7 BY repealing and reordaining, with amendments

8 Article 8 - Ethics

9 Section(s) 6-6

10 Baltimore City Code

11 (Edition 2000)

12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That the
13 Laws of Baltimore City read as follows:

14 **Baltimore City Code**

15 **Article 8. Ethics**

16 **Subtitle 6. Conflicts of Interest**

17 **§ 6-6. Prohibited participation.**

18 (A) “*BUSINESS ENTITY*” *LIMITED*.

19 IN THIS SECTION, “BUSINESS ENTITY” DOES NOT INCLUDE BALTIMORE CITY OR ANY
20 INSTRUMENTALITY, UNIT, OR AGENCY OF BALTIMORE CITY TO THE EXTENT PROVIDED BY
21 A RULE OR REGULATION OF THE ETHICS BOARD.

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

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1 (B) *WHEN PARTICIPATION PROHIBITED.*

2 Except as otherwise provided in this Part II, a public servant may not participate in and
3 must disqualify himself or herself from any matter if:

4 (1) the public servant has an interest in the matter of which the public servant might
5 reasonably be expected to know;

6 (2) to the public servant's knowledge, a disqualifying relative has an interest in the
7 matter; or

8 (3) any of the following is a party to the matter:

9 (i) any business entity in which:

10 (A) the public servant has a financial interest of which the public
11 servant might reasonably be expected to know; or

12 (B) to the public servant's knowledge, a disqualifying relative has a
13 financial interest;

14 (ii) any business entity in which:

15 (A) the public servant is a partner, officer, director, trustee, employee,
16 or agent; or

17 (B) to the public servant's knowledge, a disqualifying relative is a
18 partner, officer, director, trustee, employee, or agent;

19 (iii) any business entity with which:

20 (A) the public servant has applied for a position, is negotiating
21 employment, or has arranged prospective employment; or

22 (B) to the public servant's knowledge, a disqualifying relative has
23 applied for a position, is negotiating employment, or has arranged
24 prospective employment;

25 (iv) any business entity that is a party to a contract with:

26 (A) the public servant, if the contract could reasonably be expected to
27 result in a conflict between the private interests of the public
28 servant and the public servant's official City duties; or

29 (B) to the public servant's knowledge, a disqualifying relative, if the
30 contract could reasonably be expected to result in a conflict
31 between the private interests of the public servant or disqualifying
32 relative and the public servant's official City duties;

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- 1 (v) any business entity in which a financial interest is held by another business
2 entity in which the public servant has a financial interest, if the public
3 servant might reasonably be expected to know of both financial interests;
- 4 (vi) any business entity in which a financial interest is held by another
5 business entity in which a disqualifying relative has a financial interest, if
6 the public servant knows of both financial interests;
- 7 (vii) any business entity that has a financial interest in another business entity
8 in which the public servant also has a financial interest, if the public
9 servant might reasonably be expected to know of both financial interests;
- 10 (viii) any business entity that has a financial interest in another business entity
11 in which a disqualifying relative also has a financial interest, if the public
12 servant knows of both financial interests; or
- 13 (ix) any business entity that, to the public servant's knowledge, is a creditor or
14 obligee of the public servant or a disqualifying relative and that, as a
15 creditor or obligee, is in a position to affect directly and substantially the
16 interest of the public servant or disqualifying relative.

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

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