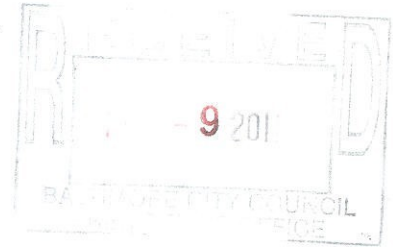


November 9, 2011

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. 11-0736 – Retirement System – Trustees
Conflicts

Dear President and City Council Members:

You have requested the advice of the Law Department regarding City Council Bill 11-0736. City Council Bill 736 amends the Baltimore City Ethics Code to provide for its express application the Board of Trustees of the Employees Retirement System, the Board of Trustees of the Elected Officials Retirement System and the Board of Trustees of the Fire and Police Employees Retirement System (the Boards) and their members and staff. The bill also provides for specific ethics rules of the Boards and their staff that are in addition to the ethics provisions applicable to public servants in general. These specific rules are as follows:

- No trustee or board employee may do business with any system or trust administered by any of the Board or by the City's Deferred Compensation Program (collectively "City Benefit Plans").
- No trustee or board employee may be employed by or have a financial interest in any person or entity doing business or seeking to do business with any City Benefit Plan.
- Subject to the qualified exemptions in Article 8, no trustee or board employee may accept any gift or payment, free admission or reimbursement for attending a conference, seminar or meeting or for any related expense food, lodging, travel or entertainment, if the gift etc. if from
 - any person or entity engaged in activity or providing a product or Service that the trustee knows or has reason to know has been marketed to a City Benefit Plan
 - any trade, professional or other association that has members engaged in activity or providing a product or service that the trustee knows or has reason to know has been marketed to a City Benefit Plan or is of the type that would reasonably be expected to be marketed to a City Benefit Plan.

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- No funds of any system, plan or trust administered by the Boards may be used to pay or attendance of a trustee or board employee at any conference or meeting or for any related food, travel lodging or entertainment unless first approved by the Board of Estimates.
- No trustee or board employee may engage in any activity that requires registration as a lobbyist with the City's Ethics Board.

The State Ethics Law requires that conflicts of interest provisions in local ethics laws be similar to the conflicts of interest provisions in State law. See Md. Ann. Code, State Gov. Art., Sec. 15-804. The conflicts provisions in City Council Bill 11-0736 are similar to those in State law. The bill is, therefore, within the authority of the City Council to enact. Accordingly, the Law Department approves City Council Bill 11-0736 for form and legal sufficiency.

Sincerely yours,

Elena R. DiPietro

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