

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

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

December 4, 2012

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

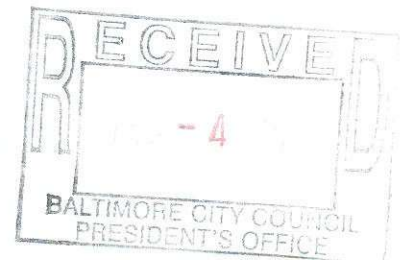
Re: City Council Bill No. 12-0142 – Public Ethics Law – Conflicts of  
Interest

Dear President and City Council Members:

You have requested the advice of the Law Department regarding City Council Bill 12-0142. City Council Bill 142 amends the City's Ethics Code to clarify the application of Sections 6-11, 6-26 and 6-27, Remove the section pertaining to honoraria and define "business with the City" for the purposes of Subtitle 7 "Financial Disclosures".

City Council Bill 12-0142 amends Sec. 6-1 to prohibit a public servant from being employed by or having a financial interest in a person who is negotiating or has entered into a contract with the City or any agency of the City if the contract is with, or for the benefit of or to be administered by the City agency with which the public servant is affiliated; the public servants duties include matters relating to or affecting the subject matter of the contract and contract is for more than \$1000.00 or; for any other contract, the public servant fails to timely disclose to the Ethics Board and the procuring agency as require by Ethics board regulations their employment by or financial interest in the person who is negotiating or has entered into the contract. The same standards would also be applicable to subcontract described in Item (2).

The bill also Sections 6-26 and 6-27 to prohibit the solicitation and acceptance of gifts by public servants form persons who engage or "seek to engage" in activity that is regulated or controlled by public servant's agency. With respect to lobbyists, the bill provides that the solicitation and acceptance of gifts from lobbyists applies to those who are currently or within the preceding 12 months have lobbied with respect to matters within the jurisdiction of the public servant. Both of these provisions are designed to promote the intent of the Ethics Code by preventing evasions of the law due to the wording of the law.



City Council Bill 12-0142  
December 4, 2012  
Page 2

Finally, the bill removes the section of the Ethics Code involving honoraria and defines "business with the City" for the purpose of financial disclosure. "Business with the City" means any 1 or combination of sales, purchases, leases or contracts that are made to, from or with a City agency or to, from or with another person in connection with a contract that is being negotiated or has been entered into by the other person with the City or an agency of the City and involves consideration of \$5000.00 or more.

The Maryland State Ethics Law requires that ethics codes adopted by local subdivisions be 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." See Sec. 15-804. City Council Bill 12-0142 is consistent with this requirement.

Accordingly, the Law Department approves City Council Bill 12-0142 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