


<b>FROM</b>	NAME & TITLE	David E. Scott, P.E., Director	CITY of <b>BALTIMORE</b> <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Department of Public Works 600 Abel Wolman Municipal Building		
	SUBJECT	<b>CITY COUNCIL BILL 10-0446</b>		

**TO**

DATE: February 18, 2010

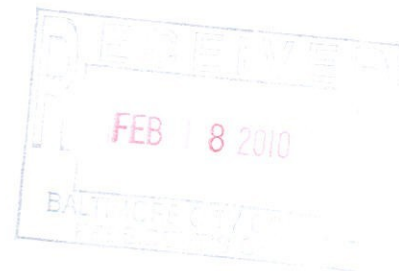
The Honorable President and Members  
of the Baltimore City Council  
c/o Karen Randle  
Room 400 - City Hall

I am herein reporting on City Council Bill 10-0446 introduced by Council Members Cole, Kraft, Curran, Henry, Branch, Clarke, Spector, Middleton, Reisinger, then Council President Rawlings Blake, and Council Members Young, Conaway, Holton and Welch.

The purpose of the Bill is to redefine and clarify certain terms as applicable to certain prohibited acts, required disclosures, and other ethics regulation; clarify and expand the scope of those whom certain prohibitions apply; correct, conform, and clarify related provisions; provide for a special effective date; and generally relating to ethics in the public sector.

The State of Maryland enacted various conflict of interest and financial disclosure laws prior to creating a comprehensive law in 1979, consolidating and expanding its public ethics law. While the law applied only to State agencies, officials and personnel, it mandated local governments to enact their own provisions similar to State law.

The City of Baltimore amended its Charter in 1963 to prohibit certain conflicts of interest between the Mayor and City Council of Baltimore and its agencies, and with elected officials, officers, employees and agents. A Board of Ethics was established to administer and enforce these provisions. Ordinance 74-654 amended the City Code to require periodic disclosure by City officials and candidates for public office of assets, income, liabilities, gifts, and other interests. In addition, a Financial Disclosure Advisory Board was established to administer and enforce the law. Shortly after the State enacted a comprehensive ethics law, Ordinances 82-806 and 82-807 amended the Baltimore City Code and Charter, consolidating and revising earlier conflicts of interest and disclosure laws into a comprehensive local law consistent with the State mandate. Baltimore's Ethics Law was amended seven times for the purposes of clarity and specificity, prior to the passage of Ordinance 04-795. This most recent ordinance was a more comprehensive revision of the Ethics Law, which included public awareness and training.



*[Handwritten mark]*

The intent of City Council Bill 10-0446 is to clarify circumstances or actions that could apply or perceive to apply undue influence on public officials in the performance of their duties. The legislation will do the following:

- Clarifies that “doing business with the City” includes a person in connection with or in the furtherance of a contract being negotiated or entered into with the City or agency of the City;
- Expands the definition of “person” as a partnership, firm, association, corporation, or other entity of any kind;
- Clarifies a conflict of interest in which a public servant may not participate to include any business entity in which that public servant or a disqualifying relative of the public servant is a partner or agent; and
- Prohibits a public servant from soliciting or facilitating the solicitation of a gift on their behalf or the behalf of another person, or from knowingly accepting, directly or indirectly, a gift from a person:
  - in connection with or furtherance of a contract being negotiated or entered into with the public servant’s agency,
  - with a lobbyist whose matters are within the jurisdiction of the public servant,
  - or an owner, partner, officer, director, trustee, employee or agent in these matters.

The Department of Public Works and certain of its employees and agents are subject to the Ethics Law, as are the members of the Architectural and Engineering Awards Commission and the Contractors Qualification Committee. While our Department looks to the guidance of the Department of Law on this legislation, we are supportive of efforts to clarify and keep relevant the City’s Ethics Law that guides elected and appointed officials and public servants in ethical behavior while in the service of our citizens.



David E. Scott, P.E.  
Director

DES/MMC:pat