

**CITY OF BALTIMORE  
COUNCIL BILL 10-0446  
(First Reader)**

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Introduced by: Councilmembers Cole, Kraft, Curran, Henry, Branch, Clarke, Spector,  
Middleton, Reisinger, President Rawlings-Blake, Councilmembers Young, Conaway,  
Holton, Welch

Introduced and read first time: January 25, 2010

Assigned to: Judiciary and Legislative Investigations Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Board of Ethics, Department of Housing and Community Development, Department of Public Works, Baltimore Development Corporation, Baltimore City Parking Authority Board, Board of Liquor License Commissioners, Enoch Pratt Free Library, Commission for Historical and Architectural Preservation, Health Department, Fire Department, Police Department, Department of Transportation, Baltimore City Public School System, Department of Recreation and Parks, Department of Comptroller, Labor Commissioner, Department of Finance, Department of Human Resources

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Public Ethics Law –**  
3 **Clarifications and Expanded Coverage**

4 FOR the purpose of redefining and clarifying certain terms as applicable to certain prohibited  
5 acts, required disclosures, and other ethics regulation; clarifying and expanding the scope of  
6 those to whom certain prohibitions apply; correcting, conforming, and clarifying related  
7 provisions; providing for a special effective date; and generally relating to ethics in the  
8 public sector.

9 BY authority of  
10 Article VII - Executive Departments  
11 Section(s) 110  
12 Baltimore City Charter  
13 (1996 Edition)

14 BY repealing and reordaining, without amendments  
15 Article 8 - Ethics  
16 Section(s) 1-2 and 2-16  
17 Baltimore City Code  
18 (Edition 2000)

19 BY repealing and reordaining, with amendments  
20 Article 8 - Ethics  
21 Section(s) 2-5, 2-22, 6-6(3)(i), (ii), and (v) to (viii), 6-26(a), and 6-27  
22 Baltimore City Code  
23 (Edition 2000)

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

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

3                                        **Baltimore City Code**

4                                        **Article 8. Ethics**

5                                        **Subtitle 1. Findings; Policy; Short Title**

6        **§ 1-2. Goals; purpose.**

7        To guard against improper influence or even the appearance of improper influence, and to  
8 ensure public trust in the government, the Mayor and City Council of Baltimore enacts this  
9 article to:

- 10                                        (1) set minimum ethical standards of conduct for City officials and employees;
- 11                                        (2) require certain officials and employees to disclose their financial interests;
- 12                                        (3) require persons engaged in lobbying activities to register and disclose those activities;  
13    and
- 14                                        (4) generally protect the public welfare.

15                                        **Subtitle 2. Definitions; General Provisions**

16        **§ 2-5. “Business with City”.**

17                                        (a) *In general.*

18                                        “Business with the City” means any 1 or combination of sales, purchases, leases, or  
19 contracts:

20                                        (1) THAT ARE MADE:

21    (I) to, from, or with the City or [any] AN agency [that:] OF THE CITY; OR

22    (II) TO, FROM, OR WITH ANOTHER PERSON IN CONNECTION WITH OR IN  
23    FURTHERANCE OF A CONTRACT THAT IS BEING NEGOTIATED OR HAS BEEN  
24    ENTERED INTO BY THE OTHER PERSON WITH THE CITY OR AN AGENCY OF  
25    THE CITY;

26    [(1) is made or entered into during the reporting period for which a disclosure  
27    statement is required by Subtitle 7 {“Financial Disclosure”} of this article;] and

28    (2) [involves] INVOLVE consideration of \$5,000 or more on a cumulative basis.

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1 (b) *Determining consideration.*

2 For purposes of this section, the total consideration committed to be paid as of the award  
3 or execution of a contract or lease, to the extent then ascertainable, is included, regardless  
4 of the period over which payments are to be made.

5 **§ 2-16. “Financial interest”.**

6 “Financial interest” means ownership of:

- 7 (1) more than 3% of a business entity;
- 8 (2) securities of any kind that represent or are convertible into ownership of more than  
9 3% of a business entity; or
- 10 (3) any interest as the result of which the owner:
  - 11 (i) received more than \$1,000 in any 1 of the preceding 3 calendar years; or
  - 12 (ii) is entitled to receive more than \$1,000 in the current or any subsequent  
13 calendar year.

14 **§ 2-22. “Person”.**

15 “Person” means:

- 16 (1) an individual;
- 17 (2) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY KIND;
- 18 (3) a receiver, trustee, guardian, personal representative, fiduciary, or representative of  
19 any kind;
- 20 [(3) a partnership, firm, association, corporation, or other entity of any kind;] and
- 21 (4) except as used in Subtitle 9 {“Enforcement”} of this article for the imposition of  
22 criminal penalties, a governmental entity or an instrumentality or unit of a  
23 governmental entity.

24 **Subtitle 6. Conflicts of Interest**

25 ***Part II. Restrictions on Participation***

26 **§ 6-6. Prohibited participation.**

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

29 . . . .

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

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- 1 (i) any business entity in which:
  - 2 (A) the public servant has a [direct] financial interest of which the public
  - 3 servant might reasonably be expected to know; or
  - 4 (B) to the public servant’s knowledge, a disqualifying relative has a
  - 5 [direct] financial interest;
- 6 (ii) any business entity in which:
  - 7 (A) the public servant is [an] A PARTNER, officer, director, trustee,
  - 8 [partner, or] employee, OR AGENT; or
  - 9 (B) to the public servant’s knowledge, a disqualifying relative is [an] A
  - 10 PARTNER, officer, director, trustee, [partner, or] employee, OR AGENT;
  - 11 . . . .
- 12 (v) any business entity in which a [direct] financial interest is held by another
- 13 business entity in which the public servant has a [direct] financial interest, if
- 14 the public servant might reasonably be expected to know of both financial
- 15 interests;
- 16 (vi) any business entity in which a [direct] financial interest is held by another
- 17 business entity in which a disqualifying relative has a [direct] financial
- 18 interest, if the public servant knows of both financial interests;
- 19 (vii) any business entity that has a [direct] financial interest in another business
- 20 entity in which the public servant also has a [direct] financial interest, if the
- 21 public servant might reasonably be expected to know of both financial
- 22 interests;
- 23 (viii) any business entity that has a [direct] financial interest in another business
- 24 entity in which a disqualifying relative also has a [direct] financial interest, if
- 25 the public servant knows of both financial interests; or
- 26 . . . .

***Part IV. Gifts***

**§ 6-26. Solicitation prohibited.**

**(a) *In general.***

30 Except as permitted under subsection (b) of this section, a public servant may not solicit  
31 or facilitate the solicitation of a gift, whether on the public servant’s own behalf or on  
32 behalf of another person, from any person who:

33 (1) does or seeks to do business of any kind, regardless of amount:

34 (i) with the public servant’s agency; or

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1 (ii) WITH ANOTHER PERSON IN CONNECTION WITH OR IN FURTHERANCE OF A  
2 CONTRACT THAT IS BEING NEGOTIATED OR HAS BEEN ENTERED INTO BY  
3 THE OTHER PERSON WITH THE PUBLIC SERVANT’S AGENCY [if the public  
4 servant is a member or employee of the City Council, with the City  
5 Council];

6 (2) engages in an activity that is regulated or controlled by the public servant’s  
7 agency;

8 (3) IS A LOBBYIST WITH RESPECT TO MATTERS WITHIN THE JURISDICTION OF THE  
9 PUBLIC SERVANT;

10 (4) [(3)] has a financial interest that might be substantially and materially affected, in  
11 a manner distinguishable from the public generally, by the performance or  
12 nonperformance of the public servant’s official duties; or

13 (5) [(4)] is [a lobbyist with respect to matters within the jurisdiction of the public  
14 servant] AN OWNER, PARTNER, OFFICER, DIRECTOR, TRUSTEE, EMPLOYEE, OR  
15 AGENT OF ANY PERSON DESCRIBED IN ITEMS (1) THROUGH (4) OF THIS SUBSECTION.

16 **§ 6-27. Acceptance prohibited.**

17 Except as otherwise provided in this Part IV, a public servant may not knowingly accept any  
18 gift, directly or indirectly, from any person that the public servant knows or has reason to  
19 know:

20 (1) does or seeks to do business of any kind, regardless of amount:

21 (i) with the public servant’s agency; or

22 (ii) WITH ANOTHER PERSON IN CONNECTION WITH OR IN FURTHERANCE OF A  
23 CONTRACT THAT IS BEING NEGOTIATED OR HAS BEEN ENTERED INTO BY  
24 THE OTHER PERSON WITH THE PUBLIC SERVANT’S AGENCY [if the public  
25 servant is a member or employee of the City Council, with the City  
26 Council];

27 (2) engages in an activity that is regulated or controlled by the public servant’s  
28 agency;

29 (3) IS A LOBBYIST WITH RESPECT TO MATTERS WITHIN THE JURISDICTION OF THE  
30 PUBLIC SERVANT;

31 (4) [(3)] has a financial interest that might be substantially and materially affected, in  
32 a manner distinguishable from the public generally, by the performance or  
33 nonperformance of the public servant’s official duties; or

34 (5) [(4)] is [a lobbyist with respect to matters within the jurisdiction of the public  
35 servant] AN OWNER, PARTNER, OFFICER, DIRECTOR, TRUSTEE, EMPLOYEE, OR  
36 AGENT OF ANY PERSON DESCRIBED IN ITEMS (1) THROUGH (4) OF THIS SECTION.

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

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