

**CITY OF BALTIMORE
COUNCIL BILL 12-0110
(First Reader)**

Introduced by: President Young, Councilmembers Kraft, Cole, Branch, Henry, Reisinger, Scott,
Clarke, Welch, Curran, Mosby

At the request of: Ethics Board

Introduced and read first time: July 16, 2012

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Ethics Board

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Public Ethics Law – Gifts to Elected Officials**

3 FOR the purpose of expanding certain provisions to prohibit elected officials from soliciting or
4 accepting certain gifts from any person who does or seeks to do business with the City,
5 engages or seeks to engage in an activity regulated or controlled by the City, or is or recently
6 has been a lobbyist; correcting, clarifying, and conforming related provisions; providing for a
7 special effective date; and generally relating to ethics in the public sector.

8 BY repealing and reordaining, with amendments

9 Article 8 - Ethics
10 Section(s) 6-26 and 6-27
11 Baltimore City Code
12 (Edition 2000)

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

15 **Baltimore City Code**

16 **Article 8. Ethics**

17 **Subtitle 6. Conflicts of Interest**

18 **§ 6-26. Solicitation prohibited.**

19 (a) [*In general*] *PUBLIC SERVANTS GENERALLY.*

20 Except as permitted under subsection [(b)] (C) of this section, a public servant may not
21 solicit or facilitate the solicitation of a gift, whether on the public servant's own behalf or
22 on behalf of another person, from any person that the public servant knows or has reason
23 to know:

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

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

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- 1 (i) with the public servant’s agency; or
- 2 (ii) with another person in connection with or in furtherance of a contract that
- 3 is being negotiated or has been entered into by the other person with the
- 4 public servant’s agency;
- 5 (2) engages OR SEEKS TO ENGAGE in an activity that is regulated or controlled by the
- 6 public servant’s agency;
- 7 (3) is OR, WITHIN THE PRECEDING 12 MONTHS, HAS BEEN a lobbyist with respect to
- 8 matters within the jurisdiction of the public servant;
- 9 (4) has a financial interest that might be substantially and materially affected, in a
- 10 manner distinguishable from the public generally, by the performance or
- 11 nonperformance of the public servant’s official duties; or
- 12 (5) is an owner, partner, officer, director, trustee, employee, or agent of any person
- 13 described in items (1) through (4) of this subsection.

14 (B) *ELECTED OFFICIALS.*

15 EXCEPT AS PERMITTED UNDER SUBSECTION (C) OF THIS SECTION, AN ELECTED OFFICIAL
16 MAY NOT SOLICIT OR FACILITATE THE SOLICITATION OF A GIFT, WHETHER ON THE ELECTED
17 OFFICIAL’S OWN BEHALF OR ON BEHALF OF ANOTHER PERSON, FROM ANY PERSON THAT
18 THE ELECTED OFFICIAL KNOWS OR HAS REASON TO KNOW:

- 19 (1) DOES OR SEEKS TO DO BUSINESS OF ANY KIND, REGARDLESS OF AMOUNT:
 - 20 (I) WITH THE CITY OR ANY AGENCY OF THE CITY; OR
 - 21 (II) WITH ANOTHER PERSON IN CONNECTION WITH OR IN FURTHERANCE OF A
 - 22 CONTRACT THAT IS BEING NEGOTIATED OR HAS BEEN ENTERED INTO BY
 - 23 THE OTHER PERSON WITH THE CITY OR AN AGENCY OF THE CITY;
- 24 (2) ENGAGES OR SEEKS TO ENGAGE IN AN ACTIVITY THAT IS REGULATED OR
- 25 CONTROLLED BY THE CITY OR AN AGENCY OF THE CITY;
- 26 (3) IS OR, WITHIN THE PRECEDING 12 MONTHS, HAS BEEN ENGAGED IN AN ACTIVITY
- 27 THAT REQUIRES REGISTRATION UNDER SUBTITLE 8 {“LOBBYING”} OF THIS
- 28 ARTICLE;
- 29 (4) HAS A FINANCIAL INTEREST THAT MIGHT BE SUBSTANTIALLY AND MATERIALLY
- 30 AFFECTED, IN A MANNER DISTINGUISHABLE FROM THE PUBLIC GENERALLY, BY THE
- 31 PERFORMANCE OR NONPERFORMANCE OF THE ELECTED OFFICIAL’S OFFICIAL
- 32 DUTIES; OR
- 33 (5) IS AN OWNER, PARTNER, OFFICER, DIRECTOR, TRUSTEE, EMPLOYEE, OR AGENT OF
- 34 ANY PERSON DESCRIBED IN ITEMS (1) THROUGH (4) OF THIS SUBSECTION.

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1 (C) [(b)] *Exception.*

2 The [prohibition] PROHIBITIONS in [subsection] SUBSECTIONS (a) AND (B) of this section
3 [does] DO not apply to a solicitation if:

4 (1) it is for the benefit of an official governmental program or activity or a City-
5 endorsed charitable function or activity; and

6 (2) it either:

7 (i) is expressly allowed by a rule or regulation of the Ethics Board; or

8 (ii) otherwise has been approved in advance by the Ethics Board, on the
9 written request of the public servant and his or her agency.

10 **§ 6-27. Acceptance prohibited.**

11 (A) *PUBLIC SERVANTS GENERALLY.*

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

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

16 (i) with the public servant's agency; or

17 (ii) with another person in connection with or in furtherance of a contract that
18 is being negotiated or has been entered into by the other person with the
19 public servant's agency;

20 (2) engages OR SEEKS TO ENGAGE in an activity that is regulated or controlled by the
21 public servant's agency;

22 (3) is OR, WITHIN THE PRECEDING 12 MONTHS, HAS BEEN a lobbyist with respect to
23 matters within the jurisdiction of the public servant;

24 (4) has a financial interest that might be substantially and materially affected, in a
25 manner distinguishable from the public generally, by the performance or
26 nonperformance of the public servant's official duties; or

27 (5) is an owner, partner, officer, director, trustee, employee, or agent of any person
28 described in items (1) through (4) of this subsection.

29 (B) *ELECTED OFFICIALS.*

30 EXCEPT AS OTHERWISE PROVIDED IN THIS PART IV, AN ELECTED OFFICIAL MAY NOT
31 SOLICIT OR FACILITATE THE SOLICITATION OF A GIFT, WHETHER ON THE ELECTED
32 OFFICIAL'S OWN BEHALF OR ON BEHALF OF ANOTHER PERSON, FROM ANY PERSON THAT
33 THE ELECTED OFFICIAL KNOWS OR HAS REASON TO KNOW:

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1 (1) DOES OR SEEKS TO DO BUSINESS OF ANY KIND, REGARDLESS OF AMOUNT:

2 (I) WITH THE CITY OR ANY AGENCY OF THE CITY; OR

3 (II) WITH ANOTHER PERSON IN CONNECTION WITH OR IN FURTHERANCE OF A
4 CONTRACT THAT IS BEING NEGOTIATED OR HAS BEEN ENTERED INTO BY
5 THE OTHER PERSON WITH THE CITY OR AN AGENCY OF THE CITY;

6 (2) ENGAGES OR SEEKS TO ENGAGE IN AN ACTIVITY THAT IS REGULATED OR
7 CONTROLLED BY THE CITY OR AN AGENCY OF THE CITY;

8 (3) IS OR, WITHIN THE PRECEDING 12 MONTHS, HAS BEEN ENGAGED IN AN ACTIVITY
9 THAT REQUIRES REGISTRATION UNDER SUBTITLE 8 {"LOBBYING"} OF THIS
10 ARTICLE;

11 (4) HAS A FINANCIAL INTEREST THAT MIGHT BE SUBSTANTIALLY AND MATERIALLY
12 AFFECTED, IN A MANNER DISTINGUISHABLE FROM THE PUBLIC GENERALLY, BY THE
13 PERFORMANCE OR NONPERFORMANCE OF THE ELECTED OFFICIAL'S OFFICIAL
14 DUTIES; OR

15 (5) IS AN OWNER, PARTNER, OFFICER, DIRECTOR, TRUSTEE, EMPLOYEE, OR AGENT OF
16 ANY PERSON DESCRIBED IN ITEMS (1) THROUGH (4) OF THIS SUBSECTION.

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.