

COMPTROLLER

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OFFICE OF THE COMPTROLLER

Department of Audits
Department of Real Estate
Municipal Post Office
Municipal Telephone Exchange
Harbor Master

MEMORANDUM

TO: The Honorable James B. Kraft, Chair, Judiciary and Legislative
Investigations Committee

FROM: Honorable Joan M. Pratt, CPA *JM Pratt*
Comptroller

RE: Council Bill 10-0446 Public Ethics Law – Clarifications and Expanded
Coverage

DATE: February 24, 2010

I support legislation to redefine and clarify certain terms, prohibited acts, required disclosures, etc., of Council Bill 10-0446 Public Ethics Laws – Clarifications and Expanded Coverage, with the following comments and requests for clarification, or further review:

1. Article 8, Section 2-5(a)(1)(II) further defines “Business with the City” to include sales, purchases, leases, or contracts made “to, from, or with another person in connection with or in furtherance of a contract that is being negotiated or has been entered into by the other person with the city or an agency of the City.”

In this clause, the phrase “in connection with or in furtherance of a contract that is being negotiated” may not be clear to the reader, and may result in varying interpretations. I recommend this clause be reviewed and rewritten to prevent misinterpretation of “Business with the City.” Some persons or entities may be unaware that their contract is in “connection with or in furtherance of a contract that is being negotiated or has been negotiated with the City.”

2. Article 8, Section 6-26 (a)(1)(ii) uses the same phrase referenced in the comment on Section 2-5 (a)(1)(II).
3. Article 8, Section 6-27 (1)(ii) uses the same phrase referenced in the comment on Section 2-5(a)(1)(II).

The Office of the Comptroller’s comment on #1 above also applies to numbers 2 and 3.

FLA