

**CITY OF BALTIMORE
COUNCIL BILL 11-0701
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (City Ethics Board)
Introduced and read first time: May 16, 2011
Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Ethics

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Public Ethics Law – Compliance with State Requirements**

3 FOR the purpose of modifying provisions of the Ethics Code to comply with new requirements of
4 State law; redefining certain terms; prohibiting certain interests; imposing certain post-
5 employment restrictions; requiring officials to file disclosures of certain proposed actions;
6 providing for a special effective date; and generally relating to ethics in the public sector.

7 BY repealing and reordaining, with amendments

8 Article 8 - Ethics
9 Section(s) 2-17(a), 6-11, 6-22, 6-28(2), 6-29, and 7-3
10 Baltimore City Code
11 (Edition 2000)

12 BY adding

13 Article 8 - Ethics
14 Section(s) 7-3
15 Baltimore City Code
16 (Edition 2000)

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

19 **Baltimore City Code**

20 **Article 8. Ethics**

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

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

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1 **§ 2-17. “Gift”.**

2 (a) *In general.*

3 “Gift” means, except as specified in subsection (b) of this section, the transfer of
4 [anything] ANY THING OR ANY SERVICE of economic value, regardless of the form,
5 without adequate, IDENTIFIABLE, and lawful consideration.

6 **Editor’s Note:** To conform to proposed COMAR 19A.04.02.04H(4)(a).

7 **Subtitle 6. Conflicts of Interest**

8
9 **§ 6-11. Prohibited interests.**

10 (A) *IN GENERAL.*

11 Except as otherwise provided in this Part III, a public servant may not:

12 (1) be employed by or have a financial interest in any person that is subject to the
13 authority of that public servant or of the City agency with which the public
14 servant is affiliated;

15 (2) be employed by or have a financial interest in any person that is negotiating or
16 has entered into:

17 (i) a contract with the City agency with which the public servant is affiliated;
18 or

19 (ii) a subcontract on a contract that is being negotiated or has been entered
20 into with that City agency; or

21 (3) hold any other employment relationship that would impair the impartiality and
22 independent judgment of the public servant.

23 (B) *ENTITIES CONTRACTING WITH CITY.*

24 A PUBLIC SERVANT MAY NOT BE EMPLOYED BY AN ENTITY THAT IS A PARTY TO A
25 CONTRACT THAT BINDS OR PURPORTS TO BIND THE CITY IF:

26 (1) THE PUBLIC SERVANT’S DUTIES FOR THE CITY INCLUDE MATTERS SUBSTANTIALLY
27 RELATING TO OR AFFECTING THE SUBJECT MATTER OF THE CONTRACT; AND

28 (2) THE CONTRACT BINDS OR PURPORTS TO BIND THE CITY TO PAY MORE THAN \$1,000.

29 **Editor’s Note:** To conform to State Government Art. § 15-503(b) and
30 COMAR 19A.04.02.04C(1)(a).

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§ 6-22. Post-employment restrictions.

(A) *IN GENERAL.*

For 2 years after leaving office or terminating employment, a former public servant may not assist or represent a party, other than the City, in a case, contract, or other specific matter for compensation if:

- (1) the matter involves City government; and
- (2) the former public servant significantly participated in the same matter as a public servant.

(B) *FORMER COUNCILMEMBER.*

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, UNTIL THE CONCLUSION OF THE NEXT COUNCILMANIC YEAR THAT BEGINS AFTER THE MEMBER LEAVES OFFICE, A FORMER MEMBER OF THE CITY COUNCIL MAY NOT ASSIST OR REPRESENT ANOTHER PARTY FOR COMPENSATION IN ANY MATTER THAT IS THE SUBJECT OF LEGISLATIVE ACTION.

(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO A FORMER MEMBER'S REPRESENTATION OF A MUNICIPAL CORPORATION, COUNTY, OR STATE GOVERNMENTAL ENTITY.

Editor's Note: To conform to State Government Art. § 15-504(d) and COMAR 19A.04.02.04E(1).

§ 6-28. Qualified exemptions.

Subject to § 6-29 {"Exemption limitations"} of this subtitle, the prohibitions in § 6-27 {"Acceptance prohibited"} of this subtitle do not apply to the unsolicited receipt of:

....

- (2) gifts or awards that have insignificant monetary value, AS DEFINED BY RULE OR REGULATION OF THE BOARD;

....

Editor's Note: To permit administrative compliance.

§ 6-29. Exemption limitations.

The exemptions specified in § 6-28 {"Qualified exemptions"} of this subtitle do not apply to any gift if:

- (1) the gift would tend to impair the recipient's impartiality and independent judgment;
or

- (2) for a gift of significant value, AS DEFINED BY RULE OR REGULATION OF THE BOARD :

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- 1 (i) the gift would give the appearance of impairing the recipient’s impartiality
- 2 and independent judgment; or
- 3 (ii) the recipient believes or has reason to believe that the gift is designed to
- 4 impair his or her impartiality and independent judgment.

5 **Editor’s Note:** To permit administrative compliance.

6 **Subtitle 7. Financial Disclosure**

7 **§ 7-3. STATEMENT BY OFFICIAL OF PROPOSED ACTION.**

8 AN OFFICIAL MUST DISCLOSE EMPLOYMENT AND INTERESTS THAT RAISE A POTENTIAL
9 CONFLICT OF INTEREST IN CONNECTION WITH A SPECIFIC PROPOSED ACTION BY THE OFFICIAL.
10 THE DISCLOSURE MUST BE MADE SUFFICIENTLY IN ADVANCE OF THE ACTION TO PROVIDE
11 ADEQUATE DISCLOSURE TO THE PUBLIC.

12 **Editor’s Note:** To conform to COMAR 19A.04.02.05C(1)(b).

13 **§ 7-4. [§ 7-3.] Record of inspections.**

14 The Executive Director must require each person who inspects or copies a statement filed
15 under this subtitle to:

- 16 (1) identify himself or herself; and
- 17 (2) record:
 - 18 (i) his or her name, home address, telephone number, and organization
 - 19 represented; and
 - 20 (ii) the name of the person whose statement was inspected or copied.

21 **Editor’s Note:** Section renumbered to accommodate the addition of new § 7-3.

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

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