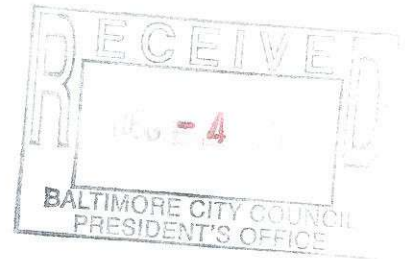




December 4, 2012

Honorable President and Members  
of the City Council of Baltimore  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202

Attn: Karen Randle Executive Secretary



Re: City Council Bill No. 12-0110 – Public Ethics Law – Gifts to Elected  
Officials

Dear President and City Council Members:

You have requested the advice of the Law Department regarding City Council Bill 12-0110. City Council Bill 110 amends the City's Ethics Code to clarify the scope of Sections 6-26 and 6-27. These provisions pertain to the solicitation and acceptance of gifts.

The changes proposed by Bill 110 are designed to clarify that the gifts provisions, as applied to elected officials, prohibit solicitation or acceptance of gifts if the elected official knows or has reason to know that the other party does or seeks to do business with **the City or any agency of the City** or engages in or seeks to engage in any activity that is regulated or controlled by **the City or any agency of the City**. This makes it clear that the prohibition is broader or elected officials than for public servants who are only prohibited from soliciting and accepting gifts from those that have dealing with their specific agency. In addition, the bill provides that the gift prohibitions with respect to lobbyists for both public servants and elected officials apply to those persons who are currently lobbyists as well as those who have been lobbyists in the preceding 12 months.

The Maryland State Ethics Law requires that ethics codes adopted by local subdivisions be similar to the State law with respect to conflicts of interest, financial disclosure and lobbying. See Md. Ann. Code, State Government Art., Sections 15-804, 15-805 and 15-806. Furthermore, provisions applicable to local elected officials must be equivalent to or exceed the requirements of the State law. The local ethics laws can however "be modified to the extent necessary to make the provisions relevant to the prevention of conflicts of interest in that jurisdiction." See Sec. 15-804. City Council Bill 12-0110 is consistent with this requirement.

F/A

The Law Department proposes one technical amendment to City Council Bill 12-0110. On

City Council Bill 12-0110

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page 3, in line 31, "solicit" should be changed to "accept" and "solicitation" should be changed to "acceptance." This change will make the language consistent with the title and the intent of Sec. 6-27. Subject to the inclusion of the suggested amendment, the Law Department approves City Council Bill 12-0110 for form and legal sufficiency.

Sincerely yours,



Elena R. DiPietro  
Chief Solicitor

cc: George A. Nilson, City Solicitor  
Angela Gibson, City Council Liaison, Mayor's Office  
Hilary Ruley  
Ashlea Brown  
Victor Tervalo

**AMENDMENTS TO CITY COUNCIL BILL 12-0110**

1. On Page 3, line 31 strike “solicit” and “solicitation” and substitute “accept” and “acceptance”.