

CITY OF BALTIMORE
COUNCIL BILL 20-0483
(First Reader)

Introduced by: President Scott, Councilmembers Henry, Schleifer, Costello, Burnett, Pinkett,
Cohen, Dorsey, Clarke, Middleton, Sneed, Stokes, Bullock, Reisinger

Introduced and read first time: January 13, 2020

Assigned to: Judiciary Committee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

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

3 FOR the purpose of expanding certain provisions to prohibit elected officials and their staff from
4 soliciting or accepting certain gifts in enumerated circumstances; correcting, clarifying, and
5 conforming related provisions; and generally relating to ethics in the public sector.

6 BY repealing and reordaining, with amendments

7 Article 8 - Ethics

8 Section(s) 6-26 and 6-27

9 Baltimore City Code

10 (Edition 2000)

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

13 **Baltimore City Code**

14 **Article 8. Ethics**

15 **Subtitle 6. Conflicts of Interest**

16 **§ 6-26. Solicitation prohibited.**

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

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

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

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

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

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1 (ii) with another person in connection with or in furtherance of a contract that
2 is being negotiated or has been entered into by the other person with the
3 public servant’s agency;

4 (2) engages or seeks to engage in an activity that is regulated or controlled by the
5 public servant’s agency;

6 (3) is or, within the preceding 12 months, has been a lobbyist with respect to matters
7 within the jurisdiction of the public servant;

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

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

13 (B) *ELECTED OFFICIALS AND STAFF.*

14 EXCEPT AS PERMITTED UNDER SUBSECTION (C) OF THIS SECTION, AN ELECTED OFFICIAL OR
15 ANY PUBLIC SERVANT EMPLOYED WITHIN THE OFFICE OF AN ELECTED OFFICIAL MAY NOT
16 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 matters
23 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 AND STAFF.*

30 EXCEPT AS OTHERWISE PROVIDED IN THIS PART IV, AN ELECTED OFFICIAL OR ANY PUBLIC
31 SERVANT EMPLOYED WITHIN THE OFFICE OF AN ELECTED OFFICIAL MAY NOT KNOWINGLY
32 ACCEPT ANY GIFT, DIRECTLY OR INDIRECTLY, FROM ANY PERSON THAT THE PUBLIC
33 SERVANT 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 on the 30th day
21 after the date it is enacted.