



Legislation Details (With Text)

File #: 10-0446 **Version:** 0 **Name:** Public Ethics Law - Clarifications and Expanded Coverage

Type: Ordinance **Status:** Enacted

File created: 1/25/2010 **In control:** City Council

On agenda: **Final action:** 3/24/2010

Enactment date: **Enactment #:** 10-267

Title: Public Ethics Law - Clarifications and Expanded Coverage

FOR the purpose of redefining and clarifying certain terms as applicable to certain prohibited acts, required disclosures, and other ethics regulation; clarifying and expanding the scope of those to whom certain prohibitions apply; correcting, conforming, and clarifying related provisions; providing for a special effective date; and generally relating to ethics in the public sector.

Sponsors: William H. Cole, IV, James B. Kraft, Robert Curran, Bill Henry, Warren Branch, Mary Pat Clarke, Rochelle Spector, Sharon Green Middleton, Edward Reisinger, Stephanie Rawlings Blake, Belinda Conaway, Helen L. Holton, President Young, Agnes Welch

Indexes: Clarification, Coverage, Ethics, Law

Code sections:

Attachments: 1. 10-0446 - 1st Reader.pdf, 2. Fire - 10-0446.pdf, 3. Human Resources - 10-0446.pdf, 4. Health - 10-0446.pdf, 5. CHAP - 10-0446.pdf, 6. DPW - 10-0446.pdf, 7. BDC - 10-0446.pdf, 8. Ethics - 10-0446.pdf, 9. Law - 10-0446.pdf, 10. HCD - 10-0446.pdf, 11. Planning - 10-0446.pdf, 12. Labor Comm. - 10-0446.pdf, 13. Police - 09-0446.pdf, 14. Parking Authority - 10-0446.pdf, 15. Transportation - 10-0446.pdf, 16. Baltimore Mental Health System - 10-0446.pdf, 17. BMZA - 10-0446.pdf, 18. Recreation and Parks - 10-0446.pdf, 19. EPFL - 10-0446.pdf, 20. Comptroller - 10-0446.pdf, 21. 09-0446 - 3rd Reader.pdf

Date	Ver.	Action By	Action	Result
3/24/2010	0	Mayor	Signed by Mayor	
3/22/2010	0	City Council	Approved and Sent to the Mayor	
3/8/2010	0	Judiciary and Legislative Investigations	Recommended Favorably with Amendment	
3/8/2010	0	City Council	Advanced to 3rd Rdr., Adopted Comm. Report	
1/28/2010	0	The City Council	Referred for a Report	
1/28/2010	0	The City Council	Referred for a Report	
1/28/2010	0	The City Council	Referred for a Report	
1/28/2010	0	The City Council	Referred for a Report	
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1/28/2010	0	The City Council	Referred for a Report
1/28/2010	0	The City Council	Referred for a Report
1/28/2010	0	The City Council	Referred for a Report
1/25/2010	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing
1/25/2010	0	City Council	Introduced
1/25/2010	0	City Council	Assigned

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

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: Councilmember Cole

A BILL ENTITLED

AN ORDINANCE concerning
Public Ethics Law - Clarifications and Expanded Coverage

FOR the purpose of redefining and clarifying certain terms as applicable to certain prohibited acts, required disclosures, and other ethics regulation; clarifying and expanding the scope of those to whom certain prohibitions apply; correcting, conforming, and clarifying related provisions; providing for a special effective date; and generally relating to ethics in the public sector.

BY authority of
Article VII - Executive Departments
Section(s) 110
Baltimore City Charter
(1996 Edition)

BY repealing and reordaining, without amendments
Article 8 - Ethics
Section(s) 1-2 and 2-16
Baltimore City Code

(Edition 2000)

BY repealing and reordaining, with amendments

Article 8 - Ethics

Section(s) 2-5, 2-22, 6-6(3)(i), (ii), and (v) to (viii), 6-26(a), and 6-27

Baltimore City Code

(Edition 2000)

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

Baltimore City Code

Article 8. Ethics

Subtitle 1. Findings; Policy; Short Title

§ 1-2. Goals; purpose.

To guard against improper influence or even the appearance of improper influence, and to ensure public trust in the government, the Mayor and City Council of Baltimore enacts this article to:

- (1) set minimum ethical standards of conduct for City officials and employees;
- (2) require certain officials and employees to disclose their financial interests;
- (3) require persons engaged in lobbying activities to register and disclose those activities; and
- (4) generally protect the public welfare.

Subtitle 2. Definitions; General Provisions

§ 2-5. "Business with City".

(a) In general.

"Business with the City" means any 1 or combination of sales, purchases, leases, or contracts:

- (1) THAT ARE MADE:
 - (I) to, from, or with the City or [any] AN agency [that:] OF THE CITY; OR
 - (II) 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;

[(1) is made or entered into during the reporting period for which a disclosure statement is required by Subtitle 7 {"Financial Disclosure"} of this article;] and

(2) [involves] INVOLVE consideration of \$5,000 or more on a cumulative basis.

(b) Determining consideration.

For purposes of this section, the total consideration committed to be paid as of the award or execution of a contract or lease, to the extent then ascertainable, is included, regardless of the period over which payments are to be made.

§ 2-16. “Financial interest”.

“Financial interest” means ownership of:

- (1) more than 3% of a business entity;
- (2) securities of any kind that represent or are convertible into ownership of more than 3% of a business entity;
or
- (3) any interest as the result of which the owner:
 - (i) received more than \$1,000 in any 1 of the preceding 3 calendar years; or
 - (ii) is entitled to receive more than \$1,000 in the current or any subsequent calendar year.

§ 2-22. “Person”.

“Person” means:

- (1) an individual;
- (2) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY KIND;
- (3) a receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind;
[(3) a partnership, firm, association, corporation, or other entity of any kind;] and
- (4) except as used in Subtitle 9 {“Enforcement”} of this article for the imposition of criminal penalties, a governmental entity or an instrumentality or unit of a governmental entity.

Subtitle 6. Conflicts of Interest

Part II. Restrictions on Participation

§ 6-6. Prohibited participation.

Except as otherwise provided in this Part II, a public servant may not participate in and must disqualify himself or herself from any matter if:

....

- (3) any of the following is a party to the matter:

(i) any business entity in which:

(A) the public servant has a [direct] financial interest of which the public servant might reasonably be expected to know; or

(B) to the public servant's knowledge, a disqualifying relative has a [direct] financial interest;

(ii) any business entity in which:

(A) the public servant is [an] A PARTNER, officer, director, trustee, [partner, or] employee, OR AGENT; or

(B) to the public servant's knowledge, a disqualifying relative is [an] A PARTNER, officer, director, trustee, [partner, or] employee, OR AGENT;

.....

(v) any business entity in which a [direct] financial interest is held by another business entity in which the public servant has a [direct] financial interest, if the public servant might reasonably be expected to know of both financial interests;

(vi) any business entity in which a [direct] financial interest is held by another business entity in which a disqualifying relative has a [direct] financial interest, if the public servant knows of both financial interests;

(vii) any business entity that has a [direct] financial interest in another business entity in which the public servant also has a [direct] financial interest, if the public servant might reasonably be expected to know of both financial interests;

(viii) any business entity that has a [direct] financial interest in another business entity in which a disqualifying relative also has a [direct] financial interest, if the public servant knows of both financial interests; or

.....

Part IV. Gifts

§ 6-26. Solicitation prohibited.

(a) In general.

Except as permitted under subsection (b) of this section, a public servant may not solicit or facilitate the solicitation of a gift, whether on the public servant's own behalf or on behalf of another person, from any person who:

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

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

(ii) 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 PUBLIC SERVANT'S AGENCY [if the public servant is a member or employee of the City Council, with the City Council];

(2) engages in an activity that is regulated or controlled by the public servant's agency;

(3) IS A LOBBYIST WITH RESPECT TO MATTERS WITHIN THE JURISDICTION OF THE PUBLIC SERVANT;

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

(5) [(4)] is [a lobbyist with respect to matters within the jurisdiction of the public servant] AN OWNER, PARTNER, OFFICER, DIRECTOR, TRUSTEE, EMPLOYEE, OR AGENT OF ANY PERSON DESCRIBED IN ITEMS (1) THROUGH (4) OF THIS SUBSECTION.

§ 6-27. Acceptance prohibited.

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

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

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

(ii) 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 PUBLIC SERVANT'S AGENCY [if the public servant is a member or employee of the City Council, with the City Council];

(2) engages in an activity that is regulated or controlled by the public servant's agency;

(3) IS A LOBBYIST WITH RESPECT TO MATTERS WITHIN THE JURISDICTION OF THE PUBLIC SERVANT;

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

(5) [(4)] is [a lobbyist with respect to matters within the jurisdiction of the public servant] AN OWNER, PARTNER, OFFICER, DIRECTOR, TRUSTEE, EMPLOYEE, OR AGENT OF ANY PERSON DESCRIBED IN ITEMS (1) THROUGH (4) OF THIS SECTION.

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

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

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