



Legislation Details (With Text)

File #: 12-0163 **Version:** 0 **Name:** Public Ethics Law - Prohibited Participation
Type: Ordinance **Status:** Enacted
File created: 11/19/2012 **In control:** City Council
On agenda: **Final action:** 3/11/2013
Enactment date: **Enactment #:** 13-102
Title: Public Ethics Law - Prohibited Participation

FOR the purpose of redefining "business entity", as used in Ethics Law provisions that prohibit participation in certain matters, to exclude Baltimore City or any instrumentality, unit, or agency of Baltimore City under certain circumstances; providing for a special effective date; and generally relating to ethics in the public sector.

Sponsors: City Council President (Administration)

Indexes: Public Ethics

Code sections:

Attachments: 1. 12-0163 - 1st Reader.pdf, 2. Ethics - 12-0163.pdf, 3. Law - 12-0163.pdf, 4. Ethics - 12-0163.pdf, 5. 12-0163 - 3rd Reader Enrolled.pdf

Date	Ver.	Action By	Action	Result
3/11/2013	0	City Council	Enacted, pursuant to Baltimore City Charter, Art. IV, Sec. 5(c)	
2/4/2013	0	City Council	Amended	
2/4/2013	0	City Council	3rd Reader, Enrolled for Final Passage	
2/4/2013	0	City Council	Approved and Sent to the Mayor	
1/31/2013	0	Mayor	Signed by Mayor	
1/28/2013	0	Judiciary and Legislative Investigations	Recommended Favorably with Amendment	
1/28/2013	0	City Council	Advanced to 3rd Rdr., Adopted Comm. Report	
12/11/2012	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing	
11/22/2012	0	The City Council	Referred for a Report	
11/22/2012	0	The City Council	Referred for a Report	
11/19/2012	0	City Council	Assigned	
11/19/2012	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing	
11/19/2012	0	City Council	Introduced	

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

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THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: President Young
At the request of: Ethics Board

A BILL ENTITLED

AN ORDINANCE concerning
Public Ethics Law - Prohibited Participation

FOR the purpose of redefining "business entity", as used in Ethics Law provisions that prohibit participation in certain matters, to exclude Baltimore City or any instrumentality, unit, or agency of Baltimore City under certain circumstances; providing for a special effective date; and generally relating to ethics in the public sector.

BY repealing and reordaining, with amendments
Article 8 - Ethics
Section(s) 6-6
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 6. Conflicts of Interest

§ 6-6. Prohibited participation.

(A) "BUSINESS ENTITY" LIMITED.

IN THIS SECTION, "BUSINESS ENTITY" DOES NOT INCLUDE BALTIMORE CITY OR ANY INSTRUMENTALITY, UNIT, OR AGENCY OF BALTIMORE CITY TO THE EXTENT PROVIDED BY A RULE OR REGULATION OF THE ETHICS BOARD.

(B) WHEN PARTICIPATION PROHIBITED.

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:

- (1) the public servant has an interest in the matter of which the public servant might reasonably be expected to know;
- (2) to the public servant's knowledge, a disqualifying relative has an interest in the matter; or

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

(i) any business entity in which:

(A) the public servant has a 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 financial interest;

(ii) any business entity in which:

(A) the public servant is a partner, officer, director, trustee, employee, or agent; or

(B) to the public servant's knowledge, a disqualifying relative is a partner, officer, director, trustee, employee, or agent;

(iii) any business entity with which:

(A) the public servant has applied for a position, is negotiating employment, or has arranged prospective employment; or

(B) to the public servant's knowledge, a disqualifying relative has applied for a position, is negotiating employment, or has arranged prospective employment;

(iv) any business entity that is a party to a contract with:

(A) the public servant, if the contract could reasonably be expected to result in a conflict between the private interests of the public servant and the public servant's official City duties; or

(B) to the public servant's knowledge, a disqualifying relative, if the contract could reasonably be expected to result in a conflict between the private interests of the public servant or disqualifying relative and the public servant's official City duties;

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

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

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

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

(ix) any business entity that, to the public servant's knowledge, is a creditor or obligee of the public servant or a disqualifying relative and that, as a creditor or obligee, is in a position to affect directly and substantially the interest of the public servant or disqualifying relative.

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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art8/City Exempt'n/aa:me

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