



City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland 21202

Legislation Text

File #: 12-0163, **Version:** 0

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: 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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