

## **Administrative Codes of Conduct**

### **City Council's Code of Conduct for Council Personnel**

Note: By Resolution 95-1279, the City Council of Baltimore adopted this Code of Conduct for Council members and personnel, as recommended by the Board of Ethics, supplementing the ethics laws contained in Article 8 of the City Code.

#### **Basic Values**

The citizens of the City of Baltimore expect and are entitled to a local government that reflects uncompromising integrity and serves the public interest. This code has been developed to state clearly those standards of conduct that govern the activities of all Baltimore City Council personnel, whether elected, appointed, or members of the local civil service.

There are certain fundamental principles that underlie the ethical tone we have established in Baltimore. Absolute integrity is expected of all City Council personnel. No member of the City government should under any circumstances make any statement for any purpose that is known to be inaccurate or intended to be misleading. City Council personnel must be impartial and fair in the execution of their public responsibilities. Activities beyond governmental responsibilities must be conducted in a manner to avoid even the appearance of improper conduct.

Each member and employee of the City Council should read and observe this Code of Conduct. Questions or concerns should be directed to your supervisor or through the other means discussed in this document.

#### **Impartiality**

All City activities shall be conducted fairly and impartially. City Council personnel shall not for any reason show favoritism in carrying out the City's business. The receipt of political contributions should not in any circumstance constitute a basis for preferential treatment.

#### **Employment Practices**

All City Council personnel will be treated fairly and given an equal opportunity to succeed and advance on the basis of merit.

City Council employees involved in recruitment, selection, or hiring of other employees must be knowledgeable about and observe all laws, rules, and regulations pertaining to such recruitment, selection, or hiring.

#### **Conflicts of Interest**

All employees must avoid any situation creating a conflict or appearance of conflict between the City's interests and the personal interests of City Council personnel. A conflict of interest arises in any circumstance where one's actions as a government official may have a differential pecuniary impact on that individual or his or her family as opposed to the public at large, or

where the independence of one's actions as a government official could in any way be compromised by the individual's outside interests.

It should be recognized that participation in the activities or leadership of a non-profit organization may create a conflict of interest. Despite the potential conflict of interest participation in a non-profit organization may create, City Council personnel are encouraged to actively participate in the affairs of their community. However, it should be remembered that the below rules apply to participation in non-profit organizations. In addition, if City Council personnel solicit contributions on behalf of a non-profit organization, they must not identify themselves as City Council personnel.

Where a conflict or potential conflict of interest exists, the member or employee of the City Council involved must disqualify himself or herself immediately from participation in the matter. If a member or employee of the City Council is uncertain about whether a conflict of interest exists, he or she may request an advisory opinion from the Board of Ethics in the manner described later in this Code.

Disqualification of a member or employee of the City Council from official decision-making is required in the following situations, unless the Board of Ethics has permitted a special exception:

- a. Any City action involving a business in which the City Council personnel or a member of their family is negotiating to be or is currently an officer, director, trustee, partner or employee.
- b. Any City action involving a business in which the City Council personnel or a member of their family has a direct financial interest.
- c. Any City action involving a business owning a direct financial interest in another business in which the City Council personnel or member of their family has a direct financial interest.
- d. Any City action involving a business with which the City Council personnel or member of their family is a party to a contract and this contract could reasonably be expected to result in a conflict of interest.
- e. Any City action involving a business which is a creditor or obligee to the City Council personnel or member of their family, or which is owed money by the City Council personnel or member of their family.
- f. Any other City action in which it would be reasonable to think that a City Council member's or employee's personal interests are likely to conflict with the member's or employee's responsibilities to the City.

## **Gifts**

Being an elected or appointed City official or a member of the civil service assumes the faithful discharge of one's governmental responsibilities without one's seeking or obtaining additional material gain. Accordingly, members and employees of the City Council and their families

cannot directly or indirectly ask for or accept gifts from any person or business which is conducting a transaction with the City, or is in a position to benefit from the performance or non-performance of an employee's responsibilities. This prohibition applies even if the "gift" is solicited to support a governmental function. For the purposes of this code, gifts will be defined in the same manner as in the City Ethics Law.

A gift is defined in the City Ethics Law as: the transfer of anything of economic value, regardless of the form, without adequate and lawful consideration. "Gift" does not include the solicitation, acceptance, receipt, or disposition of political campaign contributions. The City Ethics Law provides other limited exceptions for the receipt of gifts. City Council personnel should ensure that the City Ethics Law authorizes the acceptance of the gift before accepting or soliciting anything from a business conducting a transaction with the City or a person or business in a position to benefit from the performance or non-performance of their responsibilities.

### **Outside Employment**

No City Council member or employee shall engage in or accept private employment, or render service for private interest, when such employment is incompatible with the proper discharge of his or her official duties, or would tend to impair his independence of judgment or action. More specifically, except as permitted by regulations of the Board of Ethics where an interest is disclosed or the employment does not create a conflict of interest or the appearance of a conflict, no City Council member or employee shall: (1) be employed by, or have a financial interest in, any business entity subject to the authority of that elected official, municipal employee or the City Agency with whom the employee is affiliated; or (2) be employed by or have an interest in any business entity which is negotiating or has entered into a contract for which the consideration exceeds \$5000 with the elected official or municipal employee or the City Agency with whom the employee is affiliated.

To the extent that City Council members and employees have outside interests that are consistent with these standards, members and employees must create a complete separation between individuals with whom they deal in their private business activities. Any overlap between these two groups creates a potential for impropriety or an appearance of impropriety.

### **Political and Political Fundraising Activities and other General Fundraising Activities**

No City Council member or employee shall use his or her position, authority or influence, whether possessed or anticipated, to interfere with or affect the results of an election or to obtain a political or other type of contribution. No City Council personnel should attempt to influence in any way the political or fundraising activities of their subordinates.

No City Council personnel shall seek, or attempt to use any political endorsement, in connection with any appointment to the Civil Service.

These rules are not intended to preclude City Council personnel from political fundraising activities, but to ensure that these activities are undertaken only at private initiative and expense

and not under any duress, in their roles as private citizens, and do not reflect upon the official activities of the City.

### **Use of Prestige of Office**

City Council personnel shall not ask for or accept more favorable treatment than other residents of Baltimore. Any transactions should be obtained on terms consistent with those available to the general public.

City Council employees shall not provide testimonials or endorsements that identify themselves as City Council employees. They are free to make comments as private citizens as long as they make clear that their remarks do not in any way reflect the official position of the City.

### **Use of City Property**

No City Council personnel shall engage in the unauthorized use of City property. Any questions as to the proper personal use of City property should be directed to one's supervisor.

### **Records and Confidential Information**

All information that must be reported and recorded by City Council personnel shall reflect the actual transactions and be accurate and complete.

Other than in the discharge of his or her official duties, no City Council personnel shall disclose any confidential information which was acquired by virtue of his or her position and would not normally be available to the public. No City Council personnel shall use any confidential information for any personal use.

### **Financial Disclosure**

City Council personnel must be familiar with and comply with any financial disclosure obligations they may have.

### **Special Provisions Related to Members of the City Council**

It is recognized that City Council Members are called upon to perform certain constituent service functions. Council Members should be attentive to requests made of them and the possibility for improper action that may arise from such requests. The following special provisions apply to the City Council:

1. No City Council Member should attempt to interfere with decisions of Executive Branch employees involving the administration of City laws as they pertain to particular citizens.
2. As a general rule, any communication with officials of the Judicial Branch of any level of government related to a particular case is improper.

3. Any attempt to steer, direct, or influence the award of contracts or grants by the Executive Branch of the City is improper.
4. Any attempt to influence civil service hiring decisions of the Executive Branch is improper.

### **Special Provisions Related to all Elected Officials**

No elected official shall accept any political contribution or political assistance that is offered explicitly for an official act performed or as an inducement for the performance of an official act.

### **Procedures**

Formal advisory opinions on the application of provisions of this code may be requested from the Board of Ethics and will be issued in writing. More informal inquiries may be made to the Chairman of the Board of Ethics and will receive a response.

Complaints about violations of this code may be made to the Board of Ethics, which shall either investigate such complaints or refer the complaint to the appropriate City agency for investigation.

The City Council will conduct a training session each year for all employees on the content of this code.