

**PART III. RESTRICTIONS ON EMPLOYMENT AND INTERESTS**

**§ 6-11. Prohibited employment, interests.**

Except as otherwise provided in this Part III, a public servant may not:

- (1) be employed by or have a financial interest in any person that is subject to the authority of that public servant or of the City agency with which the public servant is affiliated;
- (2) be employed by or have a financial interest in any person that is negotiating or has entered into:
  - (i) a contract with the City or an agency of the City, if:
    - (A) the contract is with, for the benefit of, or to be administered by the agency with which the public servant is affiliated;
    - (B) the public servant’s duties for the City include matters substantially relating to or affecting the subject matter of the contract and the contract binds or purports to bind the City to pay more than \$1,000; or
    - (C) for any other contract, the public servant fails to timely disclose to the Ethics Board and the procuring agencies, as required by rule or regulation of the Ethics Board, his or her employment by or financial interest in the person who is negotiating or has entered into the contract; or
  - (ii) a subcontract on a contract described in this item (2); or
- (3) hold any other employment relationship that would impair the impartiality and independent judgment of the public servant.

*(Ord. 04-795; Ord. 11-484; Ord. 15-374.)*

**EDITOR’S NOTE**

Section 2 of Ordinance 15-374 provides that the preceding § 6-11(2), as amended by Ord. 15-374, “does not prohibit continued employment or financial interest if:

- (1) the employment or financial interest was entered into before the enactment of this Ordinance; and
- (2) the employment or financial interest did not violate then-§ 6-11, as in effect before the enactment of this Ordinance, and conformed to all other then-applicable laws, rules, and standards of conduct.”

Ord. 15-374 was enacted and became immediately effective on June 11, 2015.

**Defined terms:**

<i>Agency</i>	§2-2	<i>May not</i>	<i>cf.</i> §2-36
<i>Financial interest</i>	§2-16	<i>Person</i>	§2-22
<i>Include</i>	§2-18	<i>Public servant</i>	§2-23

**§ 6-12. Exceptions – Board regulation.**

The prohibitions in § 6-11 {“Prohibited interests”} of this subtitle do not apply to an employment or financial interest that is allowed by a rule or regulation of the Ethics Board if:

- (1) in the case of employment, the employment does not create a conflict of interest or the appearance of a conflict of interest; and
- (2) in the case of a financial interest, the interest is disclosed in the manner required by the rule or regulation.

**EDITOR’S NOTE**

Board Regulation R 06.12.1 establishes exemptions under this § 6-12 for: (i) outside employment as an adjunct faculty member of an accredited college or university; and (ii) a board member appointed under a requirement that the member represent certain industries, classes, etc. Regulation R 06.12.2, in turn, provides for certain additional employment exemptions that, subject to certain criteria, may be approved by the Board on individual application.

*(Ord. 04-795.)*

**Defined terms:**

<i>Ethics Board</i>	§2-10	<i>Financial interest</i>	§2-16
---------------------	-------	---------------------------	-------

**§ 6-13. Exceptions – Industry representatives.**

The prohibitions in § 6-11 {“Prohibited interests”} of this subtitle do not apply to an individual who is appointed to a regulatory or licensing unit pursuant to a requirement that persons subject to the jurisdiction of the unit be represented in appointments to it.

*(Ord. 04-795.)*

**Defined terms:**

<i>Person</i>	§2-22
---------------	-------

**§ 6-14. Exceptions – New board members.**

(a) *In general.*

The prohibitions in § 6-11 {“Prohibited interests”} of this subtitle do not apply to a board member who holds the employment or financial interest at the time of his or her appointment, if that employment or financial interest is publicly disclosed to the appointing authority, the Ethics Board, and, if applicable, the City Council before confirmation.

(b) *Disclosure by affidavit.*

The disclosure must be made by an affidavit, under penalties of perjury, in the form that the Ethics Board requires.

*(Ord. 04-795.)*

**Defined terms:**

<i>Board</i>	§2-3	<i>Financial interest</i>	§2-16
<i>Ethics Board</i>	§2-10		

**§ 6-15. Exceptions – Service on City’s behalf.**

The prohibitions in § 6-11 {“Prohibited interests”} of this subtitle do not apply to the service of a public servant as a trustee or director of a business entity in accord with and subject to the limitations specified in § 6-9 {“Service ... on City’s behalf”} of this subtitle.  
(Ord. 04-795.)

**Defined terms:**

*Business entity* §2-4     *Public servant* §2-23

**§ 6-16. Extraordinary exemptions.**

(a) *In general.*

Subject to subsection (b) of this section, the Ethics Board may exempt a public servant from the prohibitions of § 6-11 {“Prohibited interests”} of this subtitle or modify the applicability of those prohibitions to a public servant if the Board determines that failure to grant the exemption or modification would limit the City’s ability to:

- (1) recruit and hire highly qualified or uniquely qualified professionals for public service; or
- (2) assure the availability of competent services to the public.

(b) *Criteria for granting.*

(1) The Ethics Board may grant an exemption or modification under this section only:

- (i) in extraordinary circumstances;
- (ii) at the request of the City agency involved; and
- (iii) with the Mayor’s approval of that request.

(2) The Ethics Board must apply this section as consistently as possible under similar facts and circumstances.

(Ord. 04-795.)

**Defined terms:**

*Agency* §2-2     *Must* cf. §2-36  
*Ethics Board* §2-10     *Public servant* §2-23  
*May* cf. §2-36

**§ 6-17. Permitted transactions.**

The prohibitions of § 6-11 {“Prohibited interests”} of this subtitle do not prevent:

- (1) an elected official from appearing, without compensation, before any City agency or legislative body on behalf of constituents or in the performance of any public, official, or civic obligation or duty;

- (2) a public servant from accepting or receiving any benefit or facility that is provided for or made available to citizens or residents under any housing or other general welfare legislation or in the exercise of the police power, but only if the public servant does not exercise any responsibility or authority with respect to authorizing that benefit or facility for himself or herself; or
- (3) a public servant from entering into a contract with the City for the City’s acquisition of real property, if:
  - (i) the amount to be paid for the property does not exceed the property’s value, as established by at least 2 competent real estate appraisers selected by the City; and
  - (ii) all records of the City relating to the transaction are open to public inspection at all times during regular business hours.

(Ord. 04-795.)

**Defined terms:**

<i>Agency</i>	§2-2	<i>Elected official</i>	§2-8
<i>Compensation</i>	§2-7	<i>Public servant</i>	§2-23

**§§ 6-18 to 6-20. {Reserved}**

**§ 6-21. Contingent compensation.**

A public servant may not assist or represent a party for contingent compensation in any matter before or involving any City agency.

(Ord. 04-795.)

**Defined terms:**

<i>Agency</i>	§2-2	<i>May not</i>	cf. §2-36
<i>Compensation</i>	§2-7	<i>Public servant</i>	§2-23

**§ 6-22. Post-employment restrictions.**

(a) *Former public servants generally.*

After leaving office or terminating employment, a former public servant may not assist or represent a party, other than the City, in a case, contract, or other specific matter for compensation if:

- (1) the matter involves City government; and
- (2) the former public servant significantly participated in the same matter as a public servant.

(b) *Additional restrictions on former elected officials.*

- (1) Except as provided in paragraph (2) of this subsection, a former elected official may not assist or represent another party for compensation in any matter that is the subject of legislative action for 1 calendar year from the date the elected official leaves office.

(2) Paragraph (1) of this subsection does not apply to a former elected official's representation of a municipal corporation, county, or State governmental entity.  
(*Ord. 04-795; Ord. 11-484; Ord. 19-239.*)

**Defined terms:**

<i>Compensation</i>	§2-7	<i>May not</i>	<i>cf.</i> §2-36
<i>Elected official</i>	§2-8	<i>Public servant</i>	§2-23

**§§ 6-23 to 6-25. {Reserved}**