

February 11, 2003
Re: IO-03-12

You inquired generally about the ethics law restrictions on your participation in legislative activity involving the police department, since your relative is a police officer and the recently elected president of the police sergeants' organization, a collective bargaining unit.

This response will address specifically only the proposed binding arbitration legislation for which a work session is scheduled today, February 11, 2003. When time permits, I will forward to you a compilation of opinions issued by the ethics commission that pertain to your inquiry. In addition to providing you with that information, the ethics commission will always respond to specific questions you may have as issues arise.

The ethics law, §3-102(b)(2), creates a presumption that a "personal interest tends to impair a Councilmember's independence of judgment" in certain circumstances. One of those circumstances, set forth in §3-102(b)(2)(iv), exists where a relative of the council member has an interest in a matter that will be affected by a council member's vote on proposed legislation. Section 1-101 (t) defines a relative to include an relative, or as in your case, the spouse of your aunt.

An interest is defined in § 1-1 O 1(n) as "any legal or equitable economic interest." For purposes of conflict of interest rules, the ethics commission has interpreted this provision to include either a legal or economic interest.

In the present case, your relative has a clear legal, and probably an economic interest in the binding arbitration process, since it establishes a framework wherein the compensation and other conditions of his employment may be conclusively decided. As president of the sergeants' association, he has the added fiduciary responsibility to promote the interests of that organization in pursuing the arbitration process. Because of your relative's interest in the binding arbitration legislation, the ethics law, §3-102(a) prohibits you from "voting on any question or attempting to influence any legislation to which it [the "personal interest"] relates." This prohibition would include your participation in any work session pertaining to this legislation.

Thank you for your inquiry. The ethics commission appreciates your attendance at its meeting last night, and the thoughtful comments you offered.

Sincerely,

Betsy K. Dawson
Executive Director