

CONFLICT OF INTEREST -  
IMMEDIATE FAMILY  
MEMBERS AND  
QUALIFIED RELATIVES  
SEEKING ELECTIVE  
OFFICE

CAMBRIDGE ETHICS COMMISSION  
C/O ROBERT S. COLLISON, ESQ.  
311 HIGH STREET  
CAMBRIDGE, MD 21613

ADVISORY OPINION

OPINION 05-2013

HAVING MET ON APRIL 11, 2013, AND CONSIDERED THE REQUEST FOR AN ADVISORY OPINION BY EDWARD KINNAMON, CITY CLERK, AND HAVING REVIEWED THE ETHICS CODE OF THE CITY OF CAMBRIDGE AND CONSIDERED THE LEGAL OPINION OF ROBERT S. COLLISON, ESQ., COUNSEL FOR THE ETHICS COMMISSION;

AND MR. KINNAMON HAVING ASKED ABOUT THE POTENTIAL FOR FUTURE ETHICAL ISSUES FACING COMMISSIONERS OR A MAYOR, WHEN HE OR SHE IS PERMITTED BY LAW TO VOTE OR TAKE EXECUTIVE ACTIONS ON BEHALF OF THE CITY AND A MAYOR AND A COMMISSIONER OR TWO COMMISSIONERS ARE SERVING ON THE SAME CITY COUNCIL AND ARE IMMEDIATE FAMILY MEMBERS OR QUALIFIED RELATIVES AS DEFINED BY THE CITY ORDINANCE;

AND THE ETHICS COMMISSION HAVING CONSIDERED THIS REQUEST IN THE CONTEXT OF THE CURRENT CITY CODE AND DEFINITIONS FOUND THEREIN OF "IMMEDIATE FAMILY" AND "QUALIFIED RELATIVE" AND THE ETHICAL ISSUES THAT ANY MEMBER OF THE

CITY COUNCIL WOULD BE FACED WITH VOTES OR EXECUTIVE ACTIONS THAT HE OR SHE MIGHT BE CALLED UPON TO MAKE;

THE CAMBRIDGE ETHICS COMMISSION BY UNANIMOUS VOTE HEREBY ADOPTS THE FOLLOWING AS THE OPINION OF THE COMMISSION:

THE QUESTION POSED BY MR. KINNAMON WHILE HYPOTHETICAL AS OF NOW IS NONTHELESS IMPORTANT.

UNDER THE CITY CODE THERE ARE ANY NUMBER OF BASES BY WHICH CONFLICTS OF INTEREST MAY ARISE FOR ANY ELECTED OFFICIAL.

IN THE EVENT AT SOME FUTURE DATE THAT ANY TWO OR MORE PERSONS WHO ARE "IMMEDIATE FAMILY" MEMBERS OR "QUALIFIED RELATIVE(S)" AS DEFINED BY THE CITY CODE ARE ELECTED AS MAYOR AND A CITY COMMISSIONER OR AS CITY COMMISSIONERS FROM DIFFERENT WARDS OR CITY WIDE COMMISSIONERS IN THE EVENT CITY WARDS ARE ELIMINATED IN THE FUTURE, IT IS THE OPINION OF THE ETHICS COMMISSION OF THE CITY OF CAMBRIDGE THAT SUCH AN ELECTION WILL LIKELY RESULT IN CIRCUMSTANCES IN WHICH CONFLICTS OF INTEREST WILL ROUTINELY ARISE THEREBY RESULTING IN POTENTIAL EXTRA SCRUNTINY BY THE PUBLIC AND THE PRESS FOR ANY ACTIONS TAKEN BY THOSE INDIVIDUALS ELECTED.

IN ORDER FOR THE MAYOR OR THOSE MEMBERS OF CITY COUNCIL TO ENSURE COMPLIANCE WITH POTENTIAL OR PERCEIVED CONFLICTS OF INTEREST AND TO REDUCE THE POSSIBILITY OF COMPLAINTS BEING FILED AGAINST THEM FOR ACTIONS TAKEN BY THEM IN THE ORDINARY COURSE OF THEIR DUTIES AS MAYOR AND/OR COMMISSIONER(S), THE ETHICS COMMISSION THEN IN PLACE AT THE TIME THAT TWO OR MORE MEMBERS OF AN IMMEDIATE FAMILY OR QUALIFIED RELATIVES AS DEFINED BY THE CITY CODE ARE SO ELECTED WILL NEED TO DEVELOP AND IMPLEMENT A PROCESS BASED ON THE ETHICS CODE THEN

CONTROLLING BY WHICH THOSE ELECTED OFFICIALS MUST ASK THEMSELVES QUESTIONS REGARDING POTENTIAL ETHICAL ISSUES THAT MAY PRESENT THEMSELVES WITH REGARD TO MATTERS BEFORE CITY COUNCIL AND VOTES THEY MAY BE ASKED TO TAKE AND FILE APPROPRIATE ETHICS RECUSAL FORMS DETAILING WHAT THE ISSUE IS, WHAT POTENTIAL CONFLICT OF INTEREST EXISTS, MAY EXIST, OR APPEAR TO EXIST AND WHAT DECISION EACH COMMISSIONER OR MAYOR THEN TOOK BASED ON THE SPECIFIC FACTS OF THE SITUATION PRESENTED AND THE ETHICS LAW THEN IN PLACE.

THIS PROCESS WOULD ALSO NEED TO TAKE PLACE WITH REGARD TO ANY EXECUTIVE DECISIONS THAT A MAYOR MAY BE CALLED UPON TO MAKE WHO HAS A "FAMILY MEMBER" OR "QUALIFIED RELATIVE" AS A MEMBER OF CITY COUNCIL WHERE THAT EXECUTIVE DECISION MIGHT IMPACT OR CREATE THE IMPRESSION THAT IT IMPACTS THE WARD WHERE HIS OR HER "IMMEDIATE FAMILY" MEMBER OR "QUALIFIED RELATIVE" IS THE COMMISSIONER TO THE DETRIMENT OF OTHER PARTS OF THE CITY OR TO THE CITY AS A WHOLE.

THE ETHICS COMMISSION DIRECTS THAT MR. KINNAMON, IN HIS CAPACITY AS CITY CLERK, PROVIDE A COPY OF THIS OPINION TO THE MAYOR AND EVERY MEMBER OF CITY COUNCIL AND TO ANY FUTURE CANDIDATES FOR PUBLIC OFFICE.

AND THE ETHICS COMMISSION FURTHER REQUESTS THE CLERK OF THE CITY OF CAMBRIDGE PLACE THIS OPINION ON THE WEBSITE OF THE CITY OF CAMBRIDGE AND MAKE COPIES AVAILABLE TO THE PUBLIC WHEN REQUESTED.

  
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*STEPHEN W. RIDEOUT*, COMMISSIONER  
ON BEHALF OF THE COMMISSION