

**POST-EMPLOYMENT RESTRICTIONS  
DEFINITION OF “NEXT REGULAR SESSION”  
OF SECTION (4)(g)2**

**CITY OF CAMBRIDGE ETHICS COMMISSION**

**ADVISORY OPINION  
OPINION NO. 02-2013**

**DATED: January 23, 2013**

The Ethics Commission for the City of Cambridge received a request for an advisory opinion on the issue of post-employment limitations and restrictions as codified in Section 2-14 (4)(g)2 of the City’s Ethics Code. The specific question presented is: For what period of time is an elected official prohibited from assisting or representing another party for compensation after the elected official formally leaves office.

Section (4)(g)2 of the City’s Ethics Code states: “Until the conclusion of the next regular session that begins after the elected official leaves office, a former mayor or member of the city council may not assist or represent another party for compensation in a matter that is the subject of legislative action.”

The term “session” is defined in Black’s Law Dictionary (Abridged Fifth Edition) as the period of time, within any one day, during which a legislative body is assembled in form and engaged in the transaction of business, or in a more extended sense, the whole space of time from its first assembly to its adjournment. The Cambridge City Council presently meets on the second and fourth Mondays of each month. The mayor and city council members are elected to four year terms. Regular meetings of the city council last approximately two to three hours.

To apply a strict interpretation to the term “session” as meaning the period of time the council meets on any give day, would result in a meaningless standard of a three-hour city council session, equivalent to a standard city council meeting. To apply a liberal interpretation as meaning the entire four-year term of office that an elected councilman serves, would result in an unreasonable standard.

Because the city’s ethics code was modeled after the ethics code for the State of Maryland, and was, in fact, adopted pursuant to state mandate, as set forth in Senate Bill 315 (“SB 315”), and codified in Title 15, Section 8 of the State Government Article,

Annotated Code of Maryland, we find it appropriate to apply the meaning of "session" as applicable to the State Legislature.

The State's legislative session is defined in Section 15(1) of the Constitution of Maryland as a period not longer than ninety days in each year, which ninety days shall be consecutive unless otherwise provided by law.

We conclude that the term "next regular session" as set forth in Section (4)(g)2 of the City's Ethics Code means ninety (90) consecutive days. Therefore, the mayor and members of the city council may not assist or represent another party for compensation in a matter that is the subject of legislative action [of the city council] for a period of ninety consecutive days after the elected official leaves office.

Pursuant to Section 3-5 of the City Charter, a Commissioner serves "for a term of four years and until their successors are duly elected and qualified." Pursuant to Section 3-18 of the Charter, in order to qualify for office, a person elected as a City Commissioner is required to take the oath of office as required by the state constitution. Similar provisions are applicable to the office of mayor (Section 3-20 and 3-21, City Charter).

Accordingly, we further find that the ninety-day prohibition period commences upon the date that the incoming elected official takes his/her oath of office.

Issued this 23<sup>rd</sup> day of JANUARY, 2013.



Stephen Rideout  
Chairperson  
Ethics Commission, City of Cambridge

\*NOTE: As a reminder, the Commission would also emphasize that the other statutory restriction on post-employment representation is set forth in Section 2-14(4)(g)1, which states: "A former city official or employee subject to this section may not assist or represent any party other than the City of Cambridge for compensation in a case, contract, or other specific matter involving the city if that matter is one in which the former official or employee significantly participated as an official or employee."