City Council of the City of Glenarden, Maryland
2018 Legislation

Resolution:	**0-05-2018**
Introduced By:	**Councilman James Herring**
Co-Sponsors:	**Councilmembers Angela Ferguson & Celestine Wilson**
Session:	**Regular Session**
Date of Introduction:	**April 9, 2018**

An Emergency Ordinance to Revise Chapter 16, "Ethics"

WHEREAS, the City of Glenarden is a municipal corporation of the State of Maryland, and operating under Article XI-E of the Constitution of Maryland and §5-202 of the Annotated Code of Maryland as amended; and

WHEREAS, the Council has determined that it is appropriate to apply the same ethical standards to elected and appointed officials and City employees to avoid confusion as to what standards apply; and

WHEREAS, the Council has determined that Chapter 16, "Ethics" need to be revised;

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Glenarden, Maryland, sitting in Regular Session this **9th day of April, 2018** that Chapter 16, "Ethics", be repealed in its entirety, and that Chapter 16 "Ethics" be enacted to read as follows:

Chapter 16 ETHICS

§ 16-1 **Short title.**
This chapter may be cited as the "City of Glenarden Public Ethics Ordinance."

§ 16-2 **Statement of purpose and policy.**
A.
The City of Glenarden, recognizing that its system of representative government is dependent in part upon the people maintaining the highest trust in their public officials and employees, finds and declares that the people have a right to be assured that the impartiality and independent judgment of public officials and employees will be maintained.
B.
It is evident that this confidence and trust is eroded when the conduct of the City's business is subject to improper influence and even the appearance of improper influence.
C.
For the purpose of guarding against improper influence, the City Council enacts this Public Ethics Ordinance to require City elected officials, officials, employees, and individuals appointed

to boards and commissions to disclose their financial affairs and to set minimum standards for the conduct of local government business.

D.

It is the intention of the Council that this chapter, except its provisions for criminal sanctions, be liberally construed to accomplish this purpose.

§ 16-3 **Applicability.**

The provisions of this chapter apply to all elected officials, employees, and appointees to boards and commissions of the City of Glenarden.

§ 16-4 **Definitions.**

In this chapter, the following terms have the meanings indicated.

BUSINESS ENTITY

A.

A corporation, general or limited partnership, sole proprietorship, joint venture, unincorporated association or firm, institution, trust, foundation, or other organization, whether or not operated for profit.

B.

"Business entity" does not include a governmental entity.

COMMISSION

The City of Glenarden Ethics Commission established under § **16-5** of this chapter.

COMPENSATION

A.

Any money or thing of value, regardless of form, received or to be received by any individual covered by this chapter from an employer for service rendered.

B.

For the purposes of § **16-9** of this chapter, if lobbying is only a portion of a person's employment, compensation means a prorated amount based on the time devoted to lobbying compared to the time devoted to other employment duties.

DOING BUSINESS WITH

A.

Having or negotiating a contract that involves the commitment, either in a single or combination of transactions, of $5,000 or more of City-controlled funds; or

B.

Being regulated by or otherwise subject to the authority of the City; or

C.

Being registered as a lobbyist under § **16-9** of this chapter.

ELECTED OFFICIAL

Any individual who holds an elective office of the City.

EMPLOYEE

A.

An individual who is employed by the City.

B.
"Employee" does not include an elected local official.

FINANCIAL INTEREST

A.
Ownership of any interest as the result of which the owner has received, within the past three years, or is presently receiving, or in the future is entitled to receive, more than $1,000 per year; or

B.
Ownership, or the ownership of securities of any kind representing or convertible into ownership, of more than 3% of a business entity by a City official or employee, or the spouse of an official or employee.

GIFT

A.
The transfer of anything of economic value, regardless of the form, without adequate and lawful consideration.

B.
"Gift" does not include a political campaign contribution regulated under the Elections Article, Annotated Code of Maryland, or any other provision of state or local law regulating the conduct of elections or the receipt of political campaign contributions.

IMMEDIATE FAMILY

A spouse and dependent children.

INTEREST

A.
A legal or equitable economic interest, whether or not subject to an encumbrance or a condition, that is owned or held, in whole or in part, jointly or severally, directly or indirectly.

B.
For purposes of § 16-7 of this chapter, "interest" includes any interest held at any time during the reporting period.

C.
"Interest" does not include:

(1)
An interest held in the capacity of a personal agent, custodian, fiduciary, or personal representative, trustee, unless the holder has an equitable interest in the subject matter;

(2)
An interest in a time or demand deposit in a financial institution;

(3)
An interest in an insurance policy, endowment policy or annuity contract under which an insurer promises to pay a fixed amount of money either in a lump sum or periodically for life or a specified period;

(4)
A common trust fund or a trust which forms part of a pension or profit-sharing plan which has more than 25 participants and which has been determined by the Internal Revenue Service to be a qualified trust under the Internal Revenue Code; or

(5)
A college savings plan under the Internal Revenue Code.

LOBBYING
A.
Communicating in the presence of a City official or employee with the intent to influence any official action of that official or employee; or
B.
Engaging in activities with the express purpose of soliciting others to communicate with a City official or employee with the intent to influence that official or employee.

LOBBYIST
A person required to register and report expenses related to lobbying under § 16-9 of this chapter.

OFFICIAL
An employee of the City, or a person appointed or employed by the City or any City agency, board, commission, or similar entity:
A.
Whether or not paid, in whole or in part, with City funds; and
B.
Whether or not compensated.

PERSON
An individual or business entity.

QUALIFIED RELATIVE
A spouse, parent, child, brother or sister.

§ 16-5 **Ethics Commission established; powers and duties.**
A.
There is a Glenarden Ethics Commission that consists of **five** members appointed by the Mayor **or Council** and approved by the Council for a renewable two-year term. Members of the Ethics Commission may continue to serve in the position after the expiration of the term until they are removed or a successor is appointed and qualifies.
B.
The Commission shall:
(1)
Devise, receive and maintain all forms required by this chapter;
(2)
Develop procedures and policies for advisory opinion requests and provide published advisory opinions to persons subject to this chapter regarding the applicability of the provisions of this chapter to them;
(3)
Develop procedures and policies for the processing of complaints and to make appropriate determinations regarding complaints filed by any person alleging violations of this chapter; and
(4)
Conduct a public information program regarding the purposes and application of this chapter.
C.
The City Attorney shall advise the Commission.
D.

The Commission shall certify to the State Ethics Commission on or before October 1 of each year that the City is in compliance with the requirements of State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland, for elected local officials.

E.

The Commission shall determine if changes to this chapter are required to be in compliance with the requirements of State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland, and shall forward any recommended changes and amendments to the City Council for enactment.

F.

The Commission may adopt other policies and procedures to assist in the implementation of the Commission's programs established in this chapter.

G.

Advisory opinions.

(1)

Any person subject to this chapter may request an advisory opinion from the Commission concerning the application of this chapter.

(2)

The Commission shall respond promptly to a request for an advisory opinion and shall provide interpretations of this chapter based on the facts provided or reasonably available to the Commission.

(3)

In accordance with all applicable state and City laws regarding public records, the Commission shall publish or otherwise make available to the public copies of the advisory opinions, with the identities of the subjects deleted. The name of the person requesting the advisory opinion and the names of all persons or business entities mentioned in the opinion shall be deemed confidential information and shall not be disclosed by the members of the Commission unless each person or business entity waives such confidentiality.

(4)

The Commission may adopt additional policies and procedures related to the advisory opinion request process.

H.

Complaints.

(1)

Any person may file a complaint with the Commission alleging a violation of any of the provisions of this chapter.

(2)

A complaint shall be in writing and under oath.

(3)

The Commission may refer a complaint to the City Attorney, or other legal counsel, if appropriate, for investigation and review.

(4)

The Commission may dismiss a complaint if, after receiving an investigative report, the Commission determines that there are insufficient facts upon which to base a determination of a violation.

(5)

If there is a reasonable basis for believing a violation has occurred, the subject of the complaint shall be given an opportunity for a hearing conducted in accordance with the applicable City rules of procedure.

(6)
A final determination of a violation resulting from the hearing shall include findings of fact and conclusions of law.
(7)
Upon finding of a violation, the Commission may take any enforcement action provided for in § 16-11 of this chapter.
(8)
After a complaint is filed and until a final finding of a violation by the Commission, all actions regarding a complaint are confidential. A finding of a violation is public information.

§ 16-6 **Conflicts of interest.**
A.
All City elected officials, officials appointed to City boards and commissions subject to this chapter and employees are subject to this section.
B.
Participation prohibitions. Except as permitted by Commission regulation or opinion, an official or employee may not participate in:
(1)
Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision of the matter, any matter in which, to the knowledge of the official or employee, the official or employee, or a qualified relative of the official or employee has an interest.
(2)
Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision with respect to the matter, any matter, in which any of the following is a party:
(a)
A business entity in which the official or employee has a direct financial interest of which the official or employee may reasonably be expected to know;
(b)
A business entity for which the official, employee, or a qualified relative of the official or employee is an officer, director, trustee, partner, or employee;
(c)
A business entity with which the official or employee or, to the knowledge of the official or employee, a qualified relative is negotiating or has any arrangement concerning prospective employment;
(d)
If the contract reasonably could be expected to result in a conflict between the private interests of the official or employee and the official duties of the official or employee, a business entity that is a party to an existing contract with the official or employee, or which, to the knowledge of the official or employee, is a party to a contract with a qualified relative;
(e)
An entity, doing business with the City, in which a direct financial interest is owned by another entity in which the official or employee has a direct financial interest, if the official or employee may be reasonably expected to know of both direct financial interests; or
(f)
A business entity that:
[1]

The official or employee knows is a creditor or obligee of the official or employee or a qualified relative of the official or employee with respect to a thing of economic value; and

[2]

As a creditor or obligee, is in a position to directly and substantially affect the interest of the official or employee or a qualified relative of the official or employee.

(3)

A person who is disqualified from participating under Subsection B(1) or (2) of this section shall disclose the nature and circumstances of the conflict and may participate or act if:

(a)

The disqualification leaves a body with less than a quorum capable of acting;

(b)

The disqualified official or employee is required by law to act; or

(c)

The disqualified official or employee is the only person authorized to act.

(4)

The prohibitions of Subsection B(1) or (2) of this section do not apply if participation is allowed by regulation or opinion of the Commission.

C.

Employment and financial interest restrictions.

(1)

Except as permitted by regulation of the Commission when the interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official or employee may not:

(a)

Be employed by or have a financial interest in any entity:

[1]

Subject to the authority of the official or employee or the City agency, board, or commission with which the official or employee is affiliated; or

[2]

That is negotiating or has entered a contract with the agency, board, or commission with which the official or employee is affiliated.

(b)

Hold any other employment relationship that would impair the impartiality or independence of judgment of the official or employee.

(2)

This prohibition does not apply to:

(a)

An official or employee who is appointed to a regulatory or licensing authority pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to the authority;

(b)

Subject to other provisions of law, a member of a board or commission in regard to a financial interest or employment held at the time of appointment, provided the financial interest or employment is publicly disclosed to the appointing authority and the Commission;

(c)

An official or employee whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted and in accordance with regulations adopted by the Commission; or

(d)

Employment or financial interests allowed by regulation of the Commission if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.

D.

Post-employment limitations and restrictions.

(1)

A former official or employee may not assist or represent any party other than the City 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.

(2)

Until the conclusion of the next regular session that begins after the elected official leaves office, a former member of the City Council may not assist or represent another party for compensation in a matter that is the subject of legislative action.

E.

Contingent compensation. Except in a judicial or quasi-judicial proceeding, an official or employee may not assist or represent a party for contingent compensation in any matter before or involving the City.

F.

Use of prestige of office.

(1)

An official or employee may not intentionally use the prestige of office or public position for the private gain of that official or employee or the private gain of another.

(2)

This subsection does not prohibit the performance of usual and customary constituent services by an elected local official without additional compensation.

G.

Solicitation and acceptance of gifts.

(1)

An official or employee may not solicit any gift.

(2)

An official or employee may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual regulated lobbyist.

(3)

An official or employee may not knowingly accept a gift, directly or indirectly, from a person that the official or employee knows or has the reason to know:

(a)

Is doing business with or seeking to do business with the City office, agency, board or commission with which the official or employee is affiliated;

(b)

Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the official duties of the official or employee;

(c)

Is engaged in an activity regulated or controlled by the official's or employee's governmental unit; or

(d)

Is a lobbyist with respect to matters within the jurisdiction of the official or employee.

(4)

This subsection does not apply to a gift:

(a)

That would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift;

(b)

Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee; or

(c)

Of significant value that the recipient official or employee believes or has reason to believe is designed to impair the impartiality and independence of judgment of the official or employee.

(5)

Notwithstanding Subsection G(3) of this section, an official or employee may accept the following:

(a)

Meals and beverages consumed in the presence of the donor or sponsoring entity;

(b)

Ceremonial gifts or awards that have insignificant monetary value;

(c)

Unsolicited gifts of nominal value that do not exceed $20 in cost or trivial items of informational value;

(d)

Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or the employee at a meeting which is given in return for the participation of the official or employee in a panel or speaking engagement at the meeting;

(e)

Gifts of tickets or free admission extended to an elected local official to attend charitable, cultural, or political events, if the purpose of this gift or admission is a courtesy or ceremony extended to the elected official's office;

(f)

A specific gift or class of gifts that the Commission exempts from the operation of this subsection upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the City and that the gift is purely personal and private in nature;

(g)

Gifts from a person related to the official or employee by blood or marriage, or any other individual who is a member of the household of the official or employee; or

(h)

Honoraria for speaking to or participating in a meeting, provided that the offering of the honorarium is not related in any way to the official's or employee's official position.

H.

Disclosure of confidential information. Other than in the discharge of official duties, an official or employee may not disclose or use confidential information, that the official or employee

acquired by reason of the official's or employee's public position and that is not available to the public, for the economic benefit of the official or employee or that of another person.

I.

Participation in procurement.

(1)

An individual or a person that employs an individual who assists the City agency in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement may not submit a bid or proposal for that procurement, or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.

(2)

The Commission may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments solicited by the procuring agency.

§ 16-7 **Financial disclosure: local elected officials and candidates to be local elected officials.**

A.

This section applies to all local elected officials and candidates to be local elected officials.

B.

Filing financial disclosure statements.

(1)

Except as provided in Subsection C of this section, a local elected official or a candidate to be a local elected official shall file the financial disclosure statement required under this section:

(a)

On a form provided by the Commission;

(b)

Under oath or affirmation; and

(c)

With the Commission.

(2)

Deadlines for filing statements.

(a)

An incumbent local elected official shall file a financial disclosure statement annually no later than April 30 of each year for the preceding calendar year.

(b)

An individual who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within 30 days after appointment.

(c)

An individual who, other than by reasons of death, leaves an office for which a statement is required shall file a statement within 60 days after leaving the office. The statement shall cover:

[1]

The calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and

[2]

The portion of the current calendar year during which the individual held the office.

C.
Candidates to be local elected officials.
(1)
Except an official who has filed a financial disclosure statement under another provision of this section for the reporting period, a candidate to be an elected local official shall file a financial disclosure statement each year beginning with the year in which the certificate of candidacy is filed through the year of the election.
(2)
A candidate to be an elected local official shall file a statement required under this section:
(a)
In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy;
(b)
In the year of the election, on or before the earlier of April 30 or the last day for the withdrawal of candidacy; and
(c)
In all other years for which a statement is required, on or before April 30.
(3)
A candidate to be an elected official:
(a)
May file the statement required under § 16-7C(2)(a) of this chapter with the Board of Election Supervisors with the certificate of candidacy or with the Commission prior to filing the certificate of candidacy; and
(b)
Shall file the statements required under § 16-7C(2)(b) and (c) with the Commission.
(4)
If a candidate fails to file a statement required by this section after written notice is provided by the Board of Elections at least 20 days before the last day for the withdrawal of candidacy, the candidate is deemed to have withdrawn the candidacy.
(5)
The Board of Elections may not accept any certificate of candidacy unless a statement has been filed in proper form.
(6)
Within 30 days of the receipt of a statement required under this section, the Board of Elections shall forward the statement to the Commission or the office designated by the Commission.
D.
Public record.
(1)
The Commission or office designated by the Commission shall maintain all financial disclosure statements filed under this section.
(2)
Financial disclosure statements shall be made available during normal office hours for examination and copying by the public, subject to reasonable fees and administrative procedures established by the Commission.
(3)
If an individual examines or copies a financial disclosure statement, the Commission or the office designated by the Commission shall record:

(a)
The name and home address of the individual reviewing or copying the statement; and
(b)
The name of the person whose financial disclosure statement was examined or copied.
(4)
Upon request by the official or employee whose financial disclosure statement was examined or copied, the Commission or the office designated by the Commission shall provide the official with a copy of the name and home address of the person who reviewed the official's financial disclosure statement.
E.
Retention requirements. The Commission or the office designated by the Commission shall retain financial disclosure statements for four years from the date of receipt.
F.
Contents of statement.
(1)
Interests in real property.
(a)
A statement filed under this section shall include a schedule of all interests in real property wherever located.
(b)
For each interest in real property, the schedule shall include:
[1]
The nature of the property and the location by street address, mailing address, or legal description of the property;
[2]
The nature and extent of the interest held, including any conditions and encumbrances on the interest;
[3]
The date when, the manner in which, and the identity of the person from whom the interest was acquired;
[4]
The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;
[5]
If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and
[6]
The identity of any other person with an interest in the property.
(2)
Interests in corporations and partnerships.
(a)
A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited-liability partnership, or limited-liability corporation, regardless of whether the corporation or partnership does business with the City.
(b)
For each interest reported under this subsection, the schedule shall include:

[1]
The name and address of the principal office of the corporation, partnership, limited-liability partnership, or limited-liability corporation;
[2]
The nature and amount of the interest held, including any conditions and encumbrances on the interest;
[3]
With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest and, if known, the identity of the person to whom the interest was transferred; and
[4]
With respect to any interest acquired during the reporting period:
[a]
The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
[b]
The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.
(c)
An individual may satisfy the requirement to report the amount of the interest held under Subsection F(2) of this section by reporting, instead of a dollar amount:
[1]
For an equity interest in a corporation, the number of shares held and, unless the corporation's stock is publicly traded, the percentage of equity interest held; or
[2]
For an equity interest in a partnership, the percentage of equity interest held.
(3)
Interests in business entities doing business with City.
(a)
A statement filed under this section shall include a schedule of all interests in any business entity that does business with the City, other than interests reported under Subsection F(2) of this section.
(b)
For each interest reported under this subsection, the schedule shall include:
[1]
The name and address of the principal office of the business entity;
[2]
The nature and amount of the interest held, including any conditions to and encumbrances in the interest;
[3]
With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received in exchange for the interest and, if known, the identity of the person to whom the interest was transferred; and
[4]
With respect to any interest acquired during the reporting period:

[a]
The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
[b]
The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.
(4)
Gifts.
(a)
A statement filed under this section shall include a schedule of each gift in excess of $20 in value or a series of gifts totaling $100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with or is regulated by the City.
(b)
For each gift reported, the schedule shall include:
[1]
A description of the nature and value of the gift; and
[2]
The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.
(5)
Employment with or interests in entities doing business with the City.
(a)
A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family of the individual held at any time during the reporting period with entities doing business with the City.
(b)
For each position reported under this subsection, the schedule shall include:
[1]
The name and address of the principal office of the business entity;
[2]
The title and nature of the office, directorship, or salaried employment held and the date it commenced; and
[3]
The name of each City agency with which the entity is involved.
(6)
Indebtedness to entities doing business with the City.
(a)
A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with the City owed at any time during the reporting period:
[1]
By the individual; or
[2]
By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.
(b)
For each liability reported under this subsection, the schedule shall include:

[1]
The identity of the person to whom the liability was owed and the date the liability was incurred;
[2]
The amount of the liability owed as of the end of the reporting period;
[3]
The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and
[4]
The security given, if any, for the liability.
(7)
A statement filed under this section shall include a schedule of the immediate family members of the individual employed by the City in any capacity at any time during the reporting period.
(8)
Sources of earned income.
(a)
A statement filed under this section shall include a schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual's immediate family was a sole or partial owner and from which the individual or member of the individual's immediate family received earned income at any time during the reporting period.
(b)
A minor child's employment or business ownership need not be disclosed if the agency that employs the individual does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.
(9)
A statement filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.
G.
For the purposes of § 16-7F(1), (2) and (3) of this chapter, the following interests are considered to be the interests of the individual making the statement:
(1)
An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.
(2)
An interest held by a business entity in which the individual held an interest of 30% or greater at any time during the reporting period.
(3)
An interest held by a trust or an estate in which, at any time during the reporting period:
(a)
The individual held a reversionary interest or was a beneficiary; or
(b)
If a revocable trust, the individual was a settlor.
H.
Review of statements.
(1)

The Commission shall review the financial disclosure statements submitted under this section for compliance with the provisions of this section and shall notify an individual submitting the statement of any omissions or deficiencies.

(2)

The City Ethics Commission may take appropriate enforcement action to ensure compliance with this section.

§ 16-8 **Financial disclosure: employees and appointed officials.**

A.

This section only applies to the following appointed officials and employees:

(1)

City Manager.

(2)

Treasurer.

(3)

Department heads.

(4)

City Attorney.

(5)

Board, commission and committee members.

(6)

Other appointed officials.

B.

A statement filed under this section shall be filed with the Commission under oath or affirmation.

C.

On or before April 30 of each year during which an official or employee holds office, an official or employee shall file a statement disclosing gifts received during the preceding calendar year from any person that contracts with or is regulated by the City, including the name of the donor of the gift and the approximate retail value at the time or receipt.

D.

An official or employee shall disclose employment and interests that raise conflicts of interest or potential conflicts of interest in connection with a specific proposed action by the employee or official sufficiently in advance of the action to provide adequate disclosure to the public.

E.

The Commission shall maintain all disclosure statements filed under this section as public records available for public inspection and copying as provided in § 16-7D and E of this chapter.

§ 16-9 **Lobbying registration.**

A.

A person shall file a lobbying registration statement with the Commission if the person:

(1)

Personally appears before a City official or employee with the intent to influence that person in performance of the official duties of the official or employee; and

(2)

In connection with the intent to influence, expends or reasonably expects to expend in a given calendar year in excess of $100 on food, entertainment or other gifts for officials or employees of the City.

B.

A person shall file a registration statement required under this section on or before the latter of January 15 of the calendar year or within five days after first performing an act that requires registration in the calendar year.

C.

Contents of statement.

(1)

The registration statement shall identify:

(a)

The registrant;

(b)

Any other person on whose behalf the registrant acts; and

(c)

The subject matter on which the registrant proposes to make appearances specified in Subsection A of this section.

(2)

The registration statement shall cover a defined registration period not to exceed one calendar year.

D.

Within 30 days after the end of any calendar year during which a person was registered under this section, the person shall file a report with the Commission disclosing:

(1)

The value, date, and nature of any food, entertainment or other gift provided to a City official or employee; and

(2)

If a gift or series of gifts to a single official or employee exceeds $20 in value, the identity of the official or employee.

E.

The Commission shall maintain the registrations and reports filed under this section as public records available for public inspection and copying for four years after receipt by the Commission.

§ 16-10 **Exemptions and modifications.**

The Commission may grant exemptions and modifications to the provisions of §§ 16-6 and 16-7 of this chapter to employees and to appointed members of City Boards and Commissions when the Commission finds that an exemption or modification would not be contrary to the purposes of this chapter, and the application of this chapter would:

A.

Constitute an unreasonable invasion of privacy; and

B.

Significantly reduce the availability of qualified persons for public service.

§ 16-11 **Enforcement; violations and penalties.**

A.

The Commission may:

(1)

Assess a late fee of $2 per day up to a maximum of $250 for a failure to timely file a financial disclosure statement required under § 16-7 or § 16-8 of this chapter;

(2)

Assess a late fee of $10 per day up to a maximum of $250 for a failure to file a timely lobbyist registration or lobbyist report required under § 16-9 of this chapter; and

(3)

Issue a cease and desist order against any person found to be in violation of this chapter.

B.

Violations and penalties.

(1)

Upon a finding of a violation of any provision of this chapter, the Commission may:

(a)

Issue an order of compliance directing the respondent to cease and desist from the violation;

(b)

Issue a reprimand; or

(c)

Recommend to the appropriate authority other appropriate discipline of the respondent, including censure or removal if that discipline is authorized by law.

(2)

If the Commission finds that a respondent has violated § 16-9 of this chapter, the Commission may:

(a)

Require a respondent who is a registered lobbyist to file any additional reports or information that reasonably related to the information that is required under § 16-9 of this chapter;

(b)

Impose a fine not exceeding $1,000 for each violation; and

(c)

Suspend the registration of an individual registered lobbyist if the Commission finds that the lobbyist has knowingly and willfully violated § 16-9 of this chapter or has been convicted of a criminal offense arising from lobbying activities.

C.

Upon request by the Commission, the City Attorney may file a petition for injunctive or other relief in the Circuit Court of Prince George's County, or in any other court having proper venue, for the purpose of requiring compliance with the provisions of this chapter and for assessment of a fine not to exceed $1,000.

D.

In addition to any other enforcement provisions in this chapter, a person who the Commission or a court finds has violated this chapter:

(1)

Is subject to termination or other disciplinary action; and

(2)

May be suspended from receiving payment of salary or other compensation pending full compliance with the terms of an order of the Commission or a court.

E.
A City official or employee found to have violated this chapter is subject to disciplinary or other appropriate personnel action, including removal from office, disciplinary action, suspension of salary, or other sanction.

F.
A finding of a violation of this chapter by the Commission is public information.

NOW, THEREFORE BE IT FURTHER ORDAINED by the City Council of Glenarden, Maryland, sitting in Regular Session, on the **9th day of April, 2018** that this Ordinance is and shall become effective on the **30th day of May, 2018** following approval by the Mayor or passage by the Council over the Mayor's veto.

Date Approved: April 9, 2018

ATTEST:

Toni Taylor, Council Clerk

VETO

Edward Estes, Mayor

Per Section 308(d) The Mayor did not return legislation to Council Clerk in Six Days, Legislation is enacted. J. Taylor

City Council of Glenarden, Maryland

Deborah Eason, President

James Herring, Vice-President

Angela D. Ferguson, Councilwoman

Robin Jones, Councilwoman

Carolyn Smallwood, Councilwoman

-absent-
Donjuan Williams, Councilman

Celestine E. Wilson, Councilwoman

Votes:
Yes -6-
No -0-
Abstain -0-