

**ORDINANCE**  
**OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, MARYLAND,**  
**AMENDING CHAPTER 38, “CODE OF ETHICS”, BY REPEALING AND**  
**REENACTING ARTICLE I, “GENERAL PROVISIONS”, SECTION 38-2,**  
**“APPLICABILITY”, SECTION 38-4, “DEFINITIONS”, AND ARTICLE II, “ETHICS**  
**COMMISSION”, SECTION 38-6, “DUTIES AND POWERS”, SECTION 38-9,**  
**“PENALTIES”, AND SECTION 38-10, “EXEMPTIONS AND MODIFICATIONS”,**  
**ARTICLE III, “PROHIBITED ACTS”, SECTION 38-11, “CONFLICTS OF INTEREST”,**  
**AND ARTICLE IV, “REQUIRED DISCLOSURES” AND SECTION 38-18, “LOBBYING**  
**ACTIVITIES”, ADDING ARTICLE IV, SECTION 38-15, “FINANCIAL DISCLOSURE –**  
**LOCAL ELECTED OFFICIALS AND CANDIDATES”, SECTION 38-16 “FINANCIAL**  
**DISCLOSURE – EMPLOYEES AND APPOINTED OFFICIALS”, AND SECTION 38-17**  
**“ADDITIONAL CONFLICT OF INTEREST STATEMENTS REQUIRED”, REPEALING**  
**ARTICLE III, SECTION 38-13 “ABUSE OF POSITION” SECTION 38-14**  
**“DISCLOSURE OF CONFIDENTIAL INFORMATION” AND SECTION 38-17**  
**“DISCLOSURE OF CONFLICTS OF INTEREST” AND RENUMBERING VARIOUS**  
**SECTIONS TO AMEND THE ETHICS CODE TO CONFORM TO CURRENT STATE**  
**LAW.**

**WHEREAS**, pursuant to Md. Code Ann., Art. 23A, §2, the City of College Park, Maryland (hereinafter, the “City”) has the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the citizens of the municipality and to prevent and remove nuisances; and

**WHEREAS**, the City has adopted a Code of Ethics as required by §15-801 et seq. of the State Government Article, Annotated Code of Maryland; and

**WHEREAS**, recent changes to the Public Ethics law of the State of Maryland have required that the City of College Park amend its Code of Ethics; and

**WHEREAS**, the Mayor and Council have determined that it is in the public interest to adopt certain amendments to the Code of Ethics.

CAPS	: Indicate matter added to existing law.
[Brackets]	: Indicate matter deleted from law.
Asterisks * * *	: Indicate matter remaining unchanged in existing law but not set forth in Ordinance
CAPS	:Matter added since introduction
[Brackets]	:Matter deleted since introduction

**Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park, Maryland that Chapter 38, “Code of Ethics”, Article I, “General Provisions”, Section 38-2, “Applicability”, be, and is hereby amended to read as follows:

**§ 38-2. Applicability.**

The provisions of this chapter apply to all City officials and employees, candidates for elective City office, APPOINTEES TO BOARDS AND COMMISSIONS, and persons lobbying before City officials or City bodies.

**Section 2. BE IT FURTHER ORDAINED AND ENACTED**, that Chapter 38, “Code of Ethics”, Article I, “General Provisions”, Section 38-, “Definitions”, be, and is hereby amended to read as follows:

**§ 38-4. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

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BUSINESS ENTITY - Any corporation, limited liability company, general or limited partnership, sole proprietorship (including a private consulting operation), joint venture, unincorporated association or firm, institution, trust, foundation or other organization, whether organized for profit or not. BUSINESS ENTITY DOES NOT INCLUDE A GOVERNMENTAL ENTITY.

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INTEREST - Any legal or equitable economic interest, whether or not subject to an encumbrance or condition, which is owned or held, in whole or in part, jointly or severally, directly or indirectly, by any person subject to this chapter. One who serves as an officer or director of a business entity, whether operated for profit or not, has an “interest” in that business entity. For purposes of this chapter, the term "interest" applies to any interest owned or held at any time during the calendar year for which a required statement is to be filed or made upon the record of the City Council or any City body. FOR PURPOSES OF §38-15 AND §38-16, INTEREST INCLUDES ANY INTEREST HELD AT ANY TIME DURING THE REPORTING PERIOD.

“Interest” does include:

An interest in a business entity, if the official or employee:

- A. Received \$1,000.00 or more in interest, salary, dividends, direct stock repurchases, or other consideration from that business in each of the last 3 years;
- B. Is currently receiving, or in the future is entitled to receive, \$1,000 or more per year from that business;
- C. Owns more than three percent (3%) of the business, including ownership of securities held directly or indirectly, such as through mutual funds; or
- D. Serves as an officer or director of the business.

"Interest" does not include:

- A. An interest held in the capacity of a personal agent, representative, custodian, fiduciary or trustee, unless the holder has an equitable interest therein.
- B. An interest in a time or demand deposit in a financial institution.
- C. An interest in an insurance or endowment policy or annuity contract under which an insurance company promises to pay a fixed number of dollars either in a lump sum or periodically for life or some other specified period.
- D. An interest in a common trust fund or a trust ~~[which]~~ THAT 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 or college savings plan under Internal Revenue Code ~~[of 1954]~~.

\* \* \* \* \*

LOBBYING: Communicating ~~[orally with]~~ IN THE PRESENCE OF a City official or employee with the intent to influence any official action of that official or employee, or engaging in activities having the express purpose of soliciting others to communicate with a City official or employee with the intent to influence that official or employee.

**Section 3.** BE IT FURTHER ORDAINED AND ENACTED, that Chapter 38, "Code of Ethics", Article II, "Ethics Commission", Section 38-6, "Duties and powers", be, and is hereby repealed, reenacted and amended to read as follows:

**§ 38-6. Duties and powers.**

The Ethics Commission shall have the duty and the power to:

A. through G. \* \* \* \*

H. CERTIFICATION TO STATE ETHICS COMMISSION. 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 THE STATE GOVERNMENT ARTICLE, TITLE 15, SUBTITLE 8, ANNOTATED CODE OF MARYLAND FOR ELECTED OFFICIALS.

I. THE COMMISSION SHALL DETERMINE IF CHANGES TO THIS CHAPTER ARE REQUIRED TO BE IN COMPLIANCE WITH THE REQUIREMENTS OF THE STATE GOVERNMENT ARTICLE, TITLE 15, SUBTITLE 8, ANNOTATED CODE OF MARYLAND, AND SHALL FORWARD ANY RECOMMENDED CHANGES AND AMENDMENTS TO THE CITY COUNCIL FOR ITS CONSIDERATION.

J. THE COMMISSION SHALL PROVIDE ETHICS TRAINING TO THE CITY'S ELECTED OFFICIALS, CANDIDATES FOR ELECTED OFFICE, EMPLOYEES AND BOARD AND COMMISSION APPOINTEES AS NECESSARY AND APPROPRIATE.

**Section 4.** BE IT FURTHER ORDAINED AND ENACTED, that Chapter 38, "Code of Ethics", Article II, "Ethics Commission", Section 38-9, "Penalties", be, and is hereby repealed, reenacted and amended to read as follows:

**§ 38-9. Penalties.**

If the Commission determines that a violation of this chapter or Chapter 34 has occurred, it shall determine the appropriate penalty or other relief. The Commission may receive additional testimony or statements before considering the appropriate REMEDY OR penalty, but is not required to do so. If the respondent relied upon a written advisory opinion, the commission

shall consider that fact. ~~[The following actions may be taken with respect to a respondent found in violation of this chapter or Chapter 34]~~ THE COMMISSION MAY:

A. through C. \* \* \* \*

D. ~~[Employer-s]~~ Sanctions. If the person found in violation of the provisions of this chapter or Chapter 34 is a City official or employee, the Commission shall advise the Mayor and Council of its findings regarding a City official or employee subject to the authority of the Mayor and Council and shall advise the City Manager of its findings with respect to any City employee directly subject to the authority of the City Manager. In addition to any penalties heretofore provided by this section, a City official or employee may be subject to disciplinary or other personnel action, including but not limited to termination of employment or suspension of City salary or other compensation AND REMOVAL FROM OFFICE. The Commission may include with its findings a recommendation as to the sanction deemed appropriate to the gravity of the violation.

E. ENFORCEMENT OF REQUIRED DISCLOSURES. IN ADDITION TO ANY OTHER ENFORCEMENT MECHANISM AUTHORIZED IN THIS CODE, THE ETHICS COMMISSION MAY REMOVE ANY APPOINTED CITY OFFICIAL FOR FAILURE TO FILE THE DISCLOSURES REQUIRED BY THIS ARTICLE. THE COMMISSION, OR ITS DESIGNEE, SHALL PROVIDE ANY REQUIRED DISCLOSURE FORM TO THE MEMBER WITH INSTRUCTIONS CONCERNING WHEN AND WHERE TO FILE SAME. IN THE EVENT THAT THE DISCLOSURE FORM IS NOT TIMELY FILED, THE COMMISSION SHALL TELEPHONE THE MEMBER CONCERNING THE FAILURE TO FILE, AND SHALL SEND WRITTEN NOTICE TO THE MEMBER AT HIS/HER LAST KNOWN ADDRESS, REQUIRING THAT THE MEMBER SHOW CAUSE IN WRITING

WITHIN 10 DAYS WHY HE/SHE SHOULD NOT BE REMOVED FROM HIS/HER POSITION. A COPY OF THE NOTICE SHALL BE SENT TO THE CHAIR OF ANY AFFECTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE. THE ETHICS COMMISSION MAY, BY MAJORITY VOTE, EXTEND THE TIME FOR THE FILING OF THE REQUIRED DISCLOSURE FORM, OR MAY REMOVE THE MEMBER FROM AN AUTHORITY, BOARD, COMMITTEE OR COMMISSION. ANY DECISION TO REMOVE A MEMBER FROM AN AUTHORITY, BOARD, COMMISSION OR COMMITTEE MAY BE APPEALED IN WRITING TO THE MAYOR AND COUNCIL WITHIN 30 DAYS OF NOTICE OF REMOVAL

**Section 5.** **BE IT FURTHER ORDAINED AND ENACTED**, that Chapter 38, “Code of Ethics”, Article II, “Ethics Commission”, § 38-10, “Exemptions and modifications”, be, and is hereby repealed, reenacted and amended to read as follows:

**§ 38-10 Exemptions and modifications.**

A. The Commission may grant exemptions and modifications to the provisions of Article III and Article IV, §38-17 of this chapter TO EMPLOYEES AND TO APPOINTED OFFICIALS if it determines that the application of such provisions would constitute an unreasonable invasion of privacy or significantly reduce the availability of qualified persons for public service to the City and if it also finds that the exemption or modification would not be contrary to the purposes of this chapter. Requests for an exemption or modification under this section shall be in writing, signed under oath.

B. The Commission shall notify the Mayor and Council in writing, within 30 days, of any exemptions or other modifications granted under this section.

**Section 6. BE IT FURTHER ORDAINED AND ENACTED**, that Chapter 38, “Code of Ethics”, Article III, “Prohibited Acts”, Section 38-11, “Conflicts of Interest”, be, and is hereby deleted in its entirety and amended to read as follows:

**§ 38-11. Conflicts of Interest.**

(A) IN THIS SECTION, “QUALIFIED RELATIVE” MEANS A SPOUSE, PARENT, CHILD, DOMESTIC PARTNER OR SIBLING.

(B) ALL CITY ELECTED OFFICIALS, OFFICIALS APPOINTED TO CITY BOARDS AND COMMISSIONS SUBJECT TO THIS CHAPTER AND EMPLOYEES ARE SUBJECT TO THIS SECTION.

(C) 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:

(I) 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;

(II) 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;

(III) 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.

(IV) 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;

(V) 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

(VI) A BUSINESS ENTITY THAT:

(A) 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

(B) 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 PARAGRAPHS 1 OR 2 OF THIS SUBSECTION SHALL DISCLOSE THE NATURE AND CIRCUMSTANCES OF THE CONFLICT AND MAY PARTICIPATE OR ACT IF:

(I) THE DISQUALIFICATION LEAVES A BODY WITH LESS THAN A QUORUM CAPABLE OF ACTING;

(II) THE DISQUALIFIED OFFICIAL OR EMPLOYEE IS REQUIRED BY LAW TO ACT; OR

(III) THE DISQUALIFIED OFFICIAL OR EMPLOYEE IS THE ONLY PERSON AUTHORIZED TO ACT.

(4) THE PROHIBITIONS OF PARAGRAPH 1 AND 2 OF THIS SUBSECTION DO NOT APPLY IF PARTICIPATION IS ALLOWED BY REGULATION OR OPINION OF THE COMMISSION.

(D) 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:

(I) BE EMPLOYED BY OR HAVE A FINANCIAL INTEREST IN ANY ENTITY:

(A) SUBJECT TO THE AUTHORITY OF THE OFFICIAL OR EMPLOYEE OR THE CITY AGENCY, BOARD, COMMISSION WITH WHICH THE OFFICIAL OR EMPLOYEE IS AFFILIATED; OR

(B) THAT IS NEGOTIATING OR HAS ENTERED A CONTRACT WITH THE AGENCY, BOARD, OR COMMISSION WITH WHICH THE OFFICIAL OR EMPLOYEE IS AFFILIATED; OR

(II) 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:

(I) 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;

(II) 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;

(III) 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;

(IV) 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;

(V) DECISIONS RELATING TO THE PROPERTY TAX RATE, GENERAL CITY FEES OR SERVICE CHARGES OR A COMPREHENSIVE ZONING ORDINANCE OR SIMILAR MATTER ARE NOT CONSIDERED TO HAVE DIRECT FINANCIAL IMPACT TO THE EXTENT THAT A COUNCIL MEMBER WOULD BE AFFECTED IN COMMON WITH THE GENERAL PUBLIC; OR

(VI) PARTICIPATION BY COUNCIL MEMBERS IN COUNCIL ACTION RELATING TO, AND VOTING ON, THE ANNUAL BUDGET IN ITS ENTIRETY. WHEN ONE OR MORE ITEMS IN THE ANNUAL BUDGET WOULD HAVE A DIRECT FINANCIAL IMPACT, AS DISTINGUISHED FROM THE PUBLIC GENERALLY, ON A COUNCIL MEMBER, HIS OR HER EMPLOYER, FAMILY MEMBER OR ANY BUSINESS ENTITY IN WHICH HE OR SHE HAS AN INTEREST, THE COUNCIL MEMBER MUST FIRST FILE WITH THE ETHICS COMMISSION A SWORN STATEMENT THAT DESCRIBES THE CONFLICT. COUNCIL MEMBERS MAY NOT PROPOSE, SEEK TO REMOVE, OR PARTICIPATE IN THE COUNCIL'S DISCUSSION OF ANY BUDGET ITEM THAT CREATES SUCH A CONFLICT.

(E) 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.

(F) 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.

(G) 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.

(H) SOLICITATION AND ACCEPTANCE OF GIFTS.

(1) AN OFFICIAL OR EMPLOYEE MAY NOT SOLICIT ANY GIFT.

(2) AN OFFICIAL OR EMPLOYEE MAY NOT DIRECTLY OR INDIRECTLY 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:

(I) 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;

(II) 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;

(III) IS ENGAGED IN AN ACTIVITY REGULATED OR CONTROLLED BY THE OFFICIAL'S OR EMPLOYEE'S GOVERNMENTAL UNIT; OR

(IV) IS A LOBBYIST WITH RESPECT TO MATTERS WITHIN THE JURISDICTION OF THE OFFICIAL OR EMPLOYEE.

(4) PARAGRAPH 5 OF THIS SUBSECTION DOES NOT APPLY TO A GIFT:

(I) THAT WOULD TEND TO IMPAIR THE IMPARTIALITY AND THE INDEPENDENCE OF JUDGMENT OF THE OFFICIAL OR EMPLOYEE RECEIVING THE GIFT;

(II) OF SIGNIFICANT VALUE THAT WOULD GIVE THE APPEARANCE OF IMPAIRING THE IMPARTIALITY AND INDEPENDENCE OF JUDGMENT OF THE OFFICIAL OR EMPLOYEE; OR

(III) 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 PARAGRAPH (3) OF THIS SUBSECTION, AN OFFICIAL OR EMPLOYEE MAY ACCEPT THE FOLLOWING:

(I) MEALS AND BEVERAGES CONSUMED IN THE PRESENCE OF THE DONOR OR SPONSORING ENTITY;

(II) CEREMONIAL GIFTS OR AWARDS THAT HAVE INSIGNIFICANT MONETARY VALUE;

(III) UNSOLICITED GIFTS OF NOMINAL VALUE THAT DO NOT EXCEED \$ 20 IN COST OR TRIVIAL ITEMS OF INFORMATIONAL VALUE;

(IV) 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;

(V) GIFTS OF TICKETS OR FREE ADMISSION EXTENDED TO AN ELECTED LOCAL OFFICIAL TO ATTEND A 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;

(VI) 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;

(VII) 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;

(VIII) HONORARIA FOR SPEAKING TO OR PARTICIPATING IN A MEETING, PROVIDED THAT THE OFFERING OF THE HONORARIUM IS IN NOT RELATED IN ANY WAY TO THE OFFICIAL'S OR EMPLOYEE'S OFFICIAL POSITION; OR

(IX) GIFTS OF TICKETS OR FREE ADMISSION EXTENDED BY THE SPONSOR TO A CITY EMPLOYEE TO ATTEND A CHARITABLE, CULTURAL OR POLITICAL EVENT, AND GIFTS OF TICKETS OR FREE ADMISSION TO ATTEND PROFESSIONAL OR INTERCOLLEGIATE SPORTING EVENTS EXTENDED BY THE SPONSOR OF THE EVENT TO AN ELECTED CITY OFFICIAL OR EMPLOYEE, WHEN THE SPONSOR IS ANOTHER GOVERNMENTAL AGENCY OR UNIT OF THE STATE OF MARYLAND, INCLUDING THE UNIVERSITY OF MARYLAND; AND THE CITY OFFICIAL OR EMPLOYEE IS ATTENDING WITH CONSENT FROM THE CITY COUNCIL AS PART OF AN EFFORT TO MAINTAIN GOVERNMENTAL RELATIONS.

(I) 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.

(J) PARTICIPATION IN PROCUREMENT.

(1) AN INDIVIDUAL [~~CITY~~] 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.

**Section 7.** BE IT FURTHER ORDAINED AND ENACTED, that Chapter 38, "Code of Ethics", Article III, "Prohibited Acts", §38-13, "Abuse of position", be, and is hereby deleted in its entirety.

**Section 8.** BE IT FURTHER ORDAINED AND ENACTED, that Chapter 38, "Code of Ethics", Article III, "Prohibited Acts", §38-14, "Disclosure of confidential information", be, and is hereby deleted in its entirety.

**Section 9.** BE IT FURTHER ORDAINED AND ENACTED, that Chapter 38, “Code of Ethics”, Article III, “Prohibited Acts”, § 38-15, “Unauthorized use of City property”, be, and is hereby renumbered to § 38-13.

**Section 10.** BE IT FURTHER ORDAINED AND ENACTED, that Chapter 38, “Code of Ethics”, Article III, “Prohibited Acts”, § 38-16, “Discriminatory practices”, be, and is hereby renumbered to § 38-14.

**Section 11.** BE IT FURTHER ORDAINED AND ENACTED, that Chapter 38, “Code of Ethics”, Article IV, “Required Disclosures”, Section 38-17, “Disclosure of conflicts of interest”, be, and is hereby deleted in its entirety.

**Section 12.** BE IT FURTHER ORDAINED AND ENACTED, that Chapter 38, “Code of Ethics”, Article IV, “Required Disclosures”, Section 38-15, “Financial disclosure – local elected officials and candidates to be local elected officials”, be, and is hereby enacted to read as follows:

**§ 38-15. Financial disclosure – ~~[local-elected]~~ CITY officials and candidates to be ~~[local]~~ CITY elected officials.**

(A) THIS SECTION APPLIES TO ALL ~~[LOCAL]~~ CITY ELECTED OFFICIALS AND CANDIDATES TO BE ~~[LOCAL]~~ CITY ELECTED OFFICIALS.

(B) (1) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A ~~[LOCAL]~~ CITY ELECTED OFFICIAL OR A CANDIDATE TO BE A ~~[LOCAL]~~ CITY ELECTED OFFICIAL SHALL FILE THE FINANCIAL DISCLOSURE STATEMENT REQUIRED UNDER THIS SECTION:

- (I) ON A FORM PROVIDED BY THE COMMISSION;
- (II) UNDER OATH OR AFFIRMATION; AND
- (III) WITH THE COMMISSION

## (2) DEADLINES FOR FILING STATEMENTS.

(I) AN INCUMBENT [~~LOCAL~~] CITY ELECTED OFFICIAL SHALL FILE A FINANCIAL DISCLOSURE STATEMENT ANNUALLY NO LATER THAN APRIL 30<sup>TH</sup> OF EACH YEAR FOR THE PRECEDING CALENDAR YEAR.

(II) AN INDIVIDUAL WHO [~~IS APPOINTED~~] APPLIES 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 FOR THE REPORTING PERIOD, SHALL FILE A STATEMENT FOR THE PRECEDING CALENDAR YEAR AND THE PORTION OF THE CURRENT CALENDAR YEAR TO DATE OF FILING [~~WITHIN 30 DAYS AFTER~~] TOGETHER WITH THE APPLICATION FOR APPOINTMENT.

(III)(A) 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.

## (B) 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~~] CITY ELECTED OFFICIALS.

(1) A CANDIDATE TO BE AN ELECTED [~~LOCAL~~] CITY OFFICIAL SHALL FILE [~~UNDER~~] A FINANCIAL DISCLOSURE STATEMENT EACH YEAR BEGINNING WITH

THE YEAR IN WHICH THE AUTHORIZATION OF CANDIDACY IS FILED THROUGH THE YEAR OF THE ELECTION.

(2) A CANDIDATE TO BE AN ELECTED ~~LOCAL~~ CITY OFFICIAL SHALL FILE A STATEMENT REQUIRED UNDER THIS SECTION:

(A) IN THE YEAR THE AUTHORIZATION OF CANDIDACY IS FILED, NO LATER THAN THE FILING OF THE AUTHORIZATION OF CANDIDACY. THE REPORTING PERIOD SHALL BE THE CALENDAR YEAR IMMEDIATELY PRECEDING THE YEAR IN WHICH THE AUTHORIZATION IS FILED, AND THE PORTION OF THE CURRENT CALENDAR YEAR TO THE DATE THE AUTHORIZATION IS FILED;

(B) IN THE YEAR OF THE ELECTION, IF OTHER THAN THE YEAR IN WHICH THE AUTHORIZATION OF CANDIDACY IS FILED, 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 CITY OFFICIAL:

(A) SHALL FILE THE STATEMENT REQUIRED UNDER §38-15(C)(2)(A) OF THIS CHAPTER WITH THE BOARD OF ELECTION SUPERVISORS AT THE TIME OF FILING OF THE AUTHORIZATION OF CANDIDACY AND WITH THE COMMISSION PRIOR TO OR AT THE TIME OF ~~THE~~ FILING THE AUTHORIZATION OF CANDIDACY; AND

(B) SHALL FILE THE STATEMENTS REQUIRED UNDER §38-15(C)(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 ELECTION SUPERVISORS 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 ELECTION[§] SUPERVISORS 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 ELECTION[§] SUPEVISORS 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:

(I) THE NAME AND HOME ADDRESS OF THE INDIVIDUAL REVIEWING OR COPYING THE STATEMENT; AND

(II) THE NAME OF THE PERSON WHOSE FINANCIAL DISCLOSURE STATEMENT WAS EXAMINED OR COPIED.

(4) UPON REQUEST BY THE OFFICIAL, CANDIDATE 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.

(I) A STATEMENT FILED UNDER THIS SECTION SHALL INCLUDE A SCHEDULE OF ALL INTERESTS IN REAL PROPERTY WHEREVER LOCATED.

(II) FOR EACH INTEREST IN REAL PROPERTY, THE SCHEDULE SHALL INCLUDE:

(A) THE NATURE OF THE PROPERTY AND THE LOCATION BY STREET ADDRESS, MAILING ADDRESS, OR LEGAL DESCRIPTION OF THE PROPERTY;

(B) THE NATURE AND EXTENT OF THE INTEREST HELD, INCLUDING ANY CONDITIONS AND ENCUMBRANCES ON THE INTEREST;

(C) THE DATE WHEN, THE MANNER IN WHICH, AND THE IDENTITY OF THE PERSON FROM WHOM THE INTEREST WAS ACQUIRED;

(D) 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;

(E) 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

(F) THE IDENTITY OF ANY OTHER PERSON WITH AN INTEREST IN THE PROPERTY.

(2) INTERESTS IN CORPORATIONS AND PARTNERSHIPS.

(I) 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.

(II) FOR EACH INTEREST REPORTED UNDER THIS PARAGRAPH, THE SCHEDULE SHALL INCLUDE:

(A) THE NAME AND ADDRESS OF THE PRINCIPAL OFFICE OF THE CORPORATION, PARTNERSHIP, LIMITED LIABILITY PARTNERSHIP, OR LIMITED LIABILITY CORPORATION;

(B) THE NATURE AND AMOUNT OF THE INTEREST HELD, INCLUDING ANY CONDITIONS AND ENCUMBRANCES ON THE INTEREST;

(C) 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

(D) WITH RESPECT TO ANY INTEREST ACQUIRED DURING THE REPORTING PERIOD:

1. THE DATE WHEN, THE MANNER IN WHICH, AND THE IDENTITY OF THE PERSON FROM WHOM THE INTEREST WAS ACQUIRED; AND

2. 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.

(III) AN INDIVIDUAL MAY SATISFY THE REQUIREMENT TO REPORT THE AMOUNT OF THE INTEREST HELD UNDER ITEM (F)(2) OF THIS PARAGRAPH BY REPORTING, INSTEAD OF A DOLLAR AMOUNT:

(A) 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

(B) FOR AN EQUITY INTEREST IN A PARTNERSHIP, THE PERCENTAGE OF EQUITY INTEREST HELD.

(3) INTERESTS IN BUSINESS ENTITIES DOING BUSINESS WITH CITY.

(I) 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 PARAGRAPH (2) OF THIS SUBSECTION.

(II) FOR EACH INTEREST REPORTED UNDER THIS PARAGRAPH, THE SCHEDULE SHALL INCLUDE:

(A) THE NAME AND ADDRESS OF THE PRINCIPAL OFFICE OF THE BUSINESS ENTITY;

(B) THE NATURE AND AMOUNT OF THE INTEREST HELD, INCLUDING ANY CONDITIONS TO AND ENCUMBRANCES IN THE INTEREST;

(C) 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

(D) WITH RESPECT TO ANY INTEREST ACQUIRED DURING THE REPORTING PERIOD:

1. THE DATE WHEN, THE MANNER IN WHICH, AND THE IDENTITY OF THE PERSON FROM WHOM THE INTEREST WAS ACQUIRED; AND

2. 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.

(I) 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.

(II) FOR EACH GIFT REPORTED, THE SCHEDULE SHALL INCLUDE:

(A) A DESCRIPTION OF THE NATURE AND VALUE OF THE GIFT; AND

(B) 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.

(I) 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.

(II) FOR EACH POSITION REPORTED UNDER THIS PARAGRAPH, THE SCHEDULE SHALL INCLUDE:

(A) THE NAME AND ADDRESS OF THE PRINCIPAL OFFICE OF THE BUSINESS ENTITY;

(B) THE TITLE AND NATURE OF THE OFFICE, DIRECTORSHIP, OR SALARIED EMPLOYMENT HELD AND THE DATE IT COMMENCED; AND

(C) THE NAME OF EACH CITY AGENCY WITH WHICH THE ENTITY IS INVOLVED.

(6) INDEBTEDNESS TO ENTITIES DOING BUSINESS WITH THE CITY.

(I) 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:

(A) BY THE INDIVIDUAL; OR

(B) BY A MEMBER OF THE IMMEDIATE FAMILY OF THE INDIVIDUAL IF THE INDIVIDUAL WAS INVOLVED IN THE TRANSACTION GIVING RISE TO THE LIABILITY.

(II) FOR EACH LIABILITY REPORTED UNDER THIS PARAGRAPH, THE SCHEDULE SHALL INCLUDE:

(A) THE IDENTITY OF THE PERSON TO WHOM THE LIABILITY WAS OWED AND THE DATE THE LIABILITY WAS INCURRED;

(B) THE AMOUNT OF THE LIABILITY OWED AS OF THE END OF THE REPORTING PERIOD;

(C) 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

(D) 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.

(I) 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.

(II) 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 §38- 15(F)(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 A 3[0]% OR GREATER INTEREST 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:

(I) THE INDIVIDUAL HELD A REVERSIONARY INTEREST OR WAS A BENEFICIARY, OR

(II) IF A REVOCABLE TRUST, THE INDIVIDUAL WAS A SETTLOR.

(H)(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.

**Section 13.** BE IT FURTHER ORDAINED AND ENACTED, that Chapter 38, “Code of Ethics”, Article IV, “Required Disclosures”, Section 38-16, “Financial disclosure – employees and appointed officials”, be, and is hereby enacted to read as follows:

**§ 38-16. Financial disclosure – employees and appointed officials.**

(A) THIS SECTION ONLY APPLIES TO THE FOLLOWING APPOINTED OFFICIALS AND EMPLOYEES:

(1) ALL APPOINTED CITY OFFICIALS

(2) THE CITY MANAGER

(3) THE CITY ATTORNEY

(4) THE CITY CLERK

(5) ALL CITY DEPARTMENT HEADS

(6) OTHERS AS IDENTIFIED BY THE COMMISSION

(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 OF 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 §38-15(D) AND (E) OF THIS CHAPTER .

**Section 14. BE IT FURTHER ORDAINED AND ENACTED**, that Chapter 38, “Code of Ethics”, Article IV, “Required Disclosures”, Section 38-17, “Additional conflict of interest statements required”, be, and is hereby enacted to read as follows:

**§ 38-17. Additional conflict of interest statements required.**

(A) SUPPLEMENTAL DISCLOSURES REGARDING MATTERS BEFORE CITY BODIES. ANY PERSON IDENTIFIED IN §38-15 OR §38-16 OF THIS SECTION WHO HAS A CONFLICT OF INTEREST IN ANY MATTER BEFORE A CITY BODY, THE HOLDING OF WHICH REQUIRES THAT THE PERSON BE DISQUALIFIED FROM PARTICIPATION IN SUCH MATTER PURSUANT TO §38-11 OF THIS CHAPTER, AND WHICH HOLDING OR CONFLICT WAS NOT PREVIOUSLY DISCLOSED UNDER THIS SECTION, SHALL DISCLOSE SUCH FACT ON THE RECORDS OF SUCH CITY BODY AND REFRAIN FROM PARTICIPATING IN ANY DISCUSSION OR VOTING THEREON.

(B) CITY EMPLOYEES. A CITY EMPLOYEE SHALL NOTIFY IN WRITING HIS OR HER SUPERVISOR OF ANY INTEREST HE OR SHE MAY HAVE IN A PERSON, BUSINESS ENTITY OR PROPERTY, THAT WOULD BE AFFECTED BY AN EXERCISE OF DISCRETIONARY AUTHORITY BY THE CITY EMPLOYEE, AND THE SUPERVISOR SHALL REASSIGN THE MATTER. IN ADDITION, ANY EMPLOYEE WHO HAS A FINANCIAL OR OTHER PRIVATE INTEREST IN A MATTER BEFORE THE CITY COUNCIL OR ANY BOARD, COMMISSION, COMMITTEE OR AUTHORITY, THE HOLDING OF WHICH WOULD REQUIRE THAT THE PERSON BE DISQUALIFIED FROM PARTICIPATION IN SUCH MATTER PURSUANT TO §38-11 OF THIS CHAPTER, SHALL DISCLOSE SUCH FACT ON THE RECORDS OF THE COUNCIL OR SUCH CITY BODY AND REFRAIN FROM PARTICIPATING IN ANY DISCUSSION OR GIVING ANY OFFICIAL OPINION THEREON.

**Section 15. BE IT FURTHER ORDAINED AND ENACTED**, that Chapter 38, “Code of Ethics”, Article IV, “Required Disclosures”, Section 38-18, “Lobbying activities”, be, and is hereby repealed, reenacted and amended to read as follows:

§38-18. Lobbying activities.

A. Any person who personally appears before any City official or employee with the intent to influence that person in the performance of that person's official duties and who, in connection with such intent, expends or reasonably expects to expend in a given calendar year in excess of [~~\$25~~] \$100.00 on food, entertainment or other gifts for such official or employee shall file a lobbying registration statement with the Commission [~~not later than 30 days after first making any appearance~~] ON OR BEFORE THE LATTER OF JANUARY 15 OF THE CALENDAR YEAR OR WITHIN 5 DAYS AFTER FIRST PERFORMING AN ACT THAT REQUIRES REGISTRATION IN THE CALENDAR YEAR.

B. The lobbying registration statement shall include complete identification of the registrant and of any person on whose behalf the registrant proposes to act. The statement also shall identify the subject matter on which the registrant proposes to make appearances. THE REGISTRATION STATEMENT SHALL COVER A DEFINED REGISTRATION PERIOD NOT TO EXCEED ONE CALENDAR YEAR.

C. Registrants under this section shall file an annual report not later than 3[+]0 days following the end of any calendar year during which they were registered, disclosing the value, date and nature of any food, entertainment or other gifts provided to a City official or employee. When a gift or series of gifts to a single official or employee exceeds [~~\$25~~] \$20.00 in value, the official or employee also shall be identified in such annual report.

D. 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.

**Section 16. BE IT FURTHER ORDAINED** by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall publish this proposed ordinance or a fair summary thereof in a newspaper having a general circulation in the City of College Park together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing, hereby set for 7:15 P.M. on the 9th day of August, 2011, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. As soon as practicable after adoption, the City Clerk shall have a fair summary of the Ordinance and notice of its adoption published in a newspaper having a general circulation in the City of College Park and available at the City's offices. This Ordinance shall become effective on \_\_\_\_\_, 2011, provided that a fair summary of this Ordinance is published at least once prior to the date of passage and once as soon as practical after the date of passage in a newspaper having general circulation in the City.

**INTRODUCED** by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 12th day of July 2011.

**ADOPTED** by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_ 2011.

**EFFECTIVE** the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**ATTEST:**

**THE CITY OF COLLEGE PARK,  
MARYLAND**

By: \_\_\_\_\_  
Janeen S. Miller, CMC, City Clerk

By: \_\_\_\_\_  
Andrew M. Fellows, Mayor

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

\_\_\_\_\_  
Suellen M. Ferguson, City Attorney