

AMENDED ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK AMENDING
CHAPTER 38, "CODE OF ETHICS", BY REPEALING AND REENACTING ARTICLE
I, "GENERAL PROVISIONS", § 38-4, "DEFINITIONS"; ARTICLE III, "PROHIBITED
ACTS", §38-11, "CONFLICTS OF INTEREST"; AND ARTICLE IV, "REQUIRED
DISCLOSURES", § 38-15 "REQUIRED DISCLOSURE BY CITY ELECTED
OFFICIALS AND CANDIDATES TO BE CITY ELECTED OFFICIALS" AND § 38-19
"AUTHORITY OF THE CITY CLERK TO RECEIVE DOCUMENTS"; TO EXEMPT
EXCHANGE-TRADED FUNDS FROM THE DEFINITION OF INTEREST, ENACT
ADDITIONAL RESTRICTIONS ON LOBBYIST ACTIVITY, PREVENT FORMER
ELECTED OFFICIALS FROM REPRESENTING OR ASSISTING A THIRD PARTY
FOR COMPENSATION IN A LEGISLATIVE ACTION MATTER FOR TWO
CALENDAR YEARS AFTER LEAVING OFFICE, BETTER DEFINE WHAT
CONSTITUTES USE OF PRESTIGE OF OFFICE, REQUIRE AN INDIVIDUAL
WHOSE SPOUSE IS A LOBBYIST REGULATED BY THE CITY TO DISCLOSE THE
ENTITY THAT HAS ENGAGED THE SPOUSE FOR LOBBYING PURPOSES AND
PROHIBIT PUBLIC ACCESS TO HOME ADDRESSES FOR OFFICIALS AND
EMPLOYEES

WHEREAS, pursuant to §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, 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 §5-801 *et seq.* of the General Provisions Article, Annotated Code of Maryland and its predecessor provisions, §15-801 *et seq.* of the State Government Article; and

WHEREAS, the Maryland General Assembly adopted the Public Integrity Act of 2017 (HB 879) that requires local governments to include certain provisions in the Code of Ethics; and

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	: Indicate matter added in amendment
[Brackets]	: Indicate matter deleted in amendment

WHEREAS, the City’s Ethics Commission has recommended that certain provisions in the City’s Ethics Code be amended to conform to the Public Integrity Act of 2017 (HB 879); and

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

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 38-4, “Definitions”, be and is hereby repealed, reenacted and amended to read as follows:

§ 38-4 Definitions.

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

* * *

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.

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B. For all purposes in this chapter, "interest" does not include:

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(6) A mutual fund OR EXCHANGE-TRADED FUND that is publicly traded on a national scale unless the mutual fund OR EXCHANGE-TRADED FUND is composed primarily of holdings of stocks and interests in a specific sector or area that is regulated by the City.

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Section 2. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 38, “Code of Ethics”, Article III, “Prohibited Acts”, Section 38-11, “Conflicts of interest”, be and is hereby repealed, reenacted and amended to read as follows:

§ 38-11 Conflicts of interest.

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C. Participation prohibitions. Except as permitted by commission regulation or opinion, an official or employee may not participate in:

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(5) A FORMER REGULATED LOBBYIST WHO IS OR BECOMES SUBJECT TO THIS CHAPTER AS AN EMPLOYEE OR OFFICIAL, OTHER THAN AN ELECTED OFFICIAL OR AN APPOINTED OFFICIAL, MAY NOT PARTICIPATE IN A CASE, CONTRACT, OR OTHER SPECIFIC MATTER AS AN EMPLOYEE OR OFFICIAL, OTHER THAN AN ELECTED OFFICIAL OR APPOINTED OFFICIAL, FOR ONE CALENDAR YEAR AFTER THE TERMINATION OF THE REGISTRATION OF THE FORMER REGULATED LOBBYIST IF THE FORMER REGULATED LOBBYIST PREVIOUSLY ASSISTED OR REPRESENTED ANOTHER PARTY FOR COMPENSATION IN THE MATTER.

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~~] FOR [~~ONE~~] TWO CALENDAR YEARS 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.

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G. Use of prestige of office.

(1) An official or employee may not intentionally use the prestige of office or public position

(A) F [f]or the private gain of that official or employee or the private gain of another; OR

(B) TO INFLUENCE, EXCEPT AS PART OF THE OFFICIAL DUTIES OF THE OFFICIAL OR EMPLOYEE OR AS A USUAL AND CUSTOMARY CONSTITUENT SERVICE WITHOUT ADDITIONAL COMPENSATION, THE AWARD OF A STATE OR LOCAL CONTRACT TO A SPECIFIC PERSON.

(2) AN OFFICIAL MAY NOT DIRECTLY OR INDIRECTLY INITIATE A SOLICITATION FOR A PERSON TO RETAIN THE COMPENSATED SERVICES OF A PARTICULAR REGULATED LOBBYIST OR LOBBYING FIRM.

([2]3) This subsection does not prohibit the performance of usual and customary constituent services by an elected local official without additional compensation.

(4) POLITICAL CONTRIBUTIONS.

(I) AN OFFICIAL, OTHER THAN AN ELECTED OFFICIAL, OR EMPLOYEE MAY NOT USE PUBLIC RESOURCES OR THE TITLE OF THE OFFICIAL OR EMPLOYEE TO SOLICIT A CONTRIBUTION AS THAT TERM IS DEFINED IN CHAPTER 34, ELECTIONS.

(II) AN ELECTED OFFICIAL MAY NOT USE PUBLIC RESOURCES TO SOLICIT A CONTRIBUTION AS THAT TERM IS DEFINED IN CHAPTER 34, ELECTIONS.

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Section 3. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 38, “Code of Ethics”, Article IV, “Required Disclosures”, Section 38-15, “Required disclosure by City elected officials and candidates to be City elected officials”, be and is hereby repealed, reenacted and amended to read as follows:

§ 38-15 Required disclosure by City elected officials and candidates to be City elected officials.

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F. Contents of statement.

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(8) Sources of earned income.

(a) A statement filed under this Subsection F(8) 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.

(C) IF THE INDIVIDUAL'S SPOUSE IS A LOBBYIST REGULATED BY THE CITY, THE INDIVIDUAL SHALL DISCLOSE THE ENTITY THAT HAS ENGAGED THE SPOUSE FOR LOBBYING PURPOSES.

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Section 4. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 38, "Code of Ethics", Article IV, "Required Disclosures", Section 38-19, "Authority of the City Clerk to receive documents; requests for public records", be and is hereby repealed, reenacted and amended to read as follows:

§ 38-19 Authority of the City Clerk to receive documents; requests for public records.

A. The City Clerk is authorized to receive, on behalf of the Commission, all financial disclosure, lobbying registration and conflict of interest statements, complaints, requests for advisory opinions, or other documents required or authorized to be filed under the provisions of this chapter. Except as otherwise provided, all such documents so submitted shall be deemed filed with the Commission when received by the City Clerk. All such documents shall be transmitted to the Commission without delay.

B. All conflict of interest, financial disclosure and lobbying registration statements required to be filed under this chapter are public records, EXCEPT THAT THE HOME ADDRESSES OF CITY OFFICIALS AND EMPLOYEES SHALL BE REDACTED FROM SUCH STATEMENTS PRIOR TO DISCLOSURE TO THE PUBLIC. Requests to inspect or copy these records should be made to the office of the City Clerk.

Section 5. **BE IT FURTHER ORDAINED AND ENACTED** 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 post at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, and on the City cable channel, and if time permits, in any City newsletter, the proposed ordinance or a fair summary thereof 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 7:30 P.M. on the 11th day of September, 2018, 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. This Ordinance shall become effective on October 2, 2018 provided that, as soon as practicable after adoption, the City Clerk shall post a fair summary of the Ordinance and notice of its adoption at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, on the City cable channel, and in any City newsletter.

INTRODUCED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 14th day of August, 2018.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 11th day of September 2018.

EFFECTIVE the 2nd day of October, 2018.

ATTEST:

CITY OF COLLEGE PARK

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

By: Patrick L. Wojahn
Patrick L. Wojahn, Mayor

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

Suellen M. Ferguson
Suellen M. Ferguson, City Attorney