

ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK AMENDING
CHAPTER 38, “CODE OF ETHICS”, BY REPEALING AND REENACTING § 38-4,
“DEFINITIONS”, § 38-11, “CONFLICTS OF INTEREST” AND § 38-15, “REQUIRED
DISCLOSURE – CITY ELECTED OFFICIALS AND CANDIDATES TO BE CITY
ELECTED OFFICIALS”, TO CONFORM TO RECENT CHANGES TO THE
MARYLAND PUBLIC ETHICS LAW

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 Board of Managers has determined that it is in the public interest to repeal and re-enact various provisions in Chapter 38, “Public Ethics”, to conform the code to recent amendments to the Maryland Public Ethics Law.

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Maryland that Chapter 38, “Code of Ethics”, Article I, “General Provisions”, Section 38-1, “Purpose”, be and is hereby repealed, reenacted and amended to read as follows:

§ 38-4 Definitions.

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

* * * *

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
<u>CAPS</u>	: Indicate matter added in amendment
<u>[Brackets]</u>	: Indicate matter deleted in amendment

“QUASI-GOVERNMENTAL ENTITY” MEANS AN ENTITY THAT IS CREATED BY STATE STATUTE, THAT PERFORMS A PUBLIC FUNCTION, AND THAT IS SUPPORTED IN WHOLE OR IN PART BY THE STATE BUT IS MANAGED PRIVATELY.

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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Chapter 38, “Code of Ethics”, Article III, “Prohibited Acts”, Section 38-11, “Conflicts of interest, be and is hereby repealed, reenacted and amended to read as follows: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.

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

A. – G. * * * *

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:
 - (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; [Ø]
 - (d) Is a lobbyist with respect to matters within the jurisdiction of the official or employee; OR
 - (e) IS AN ASSOCIATION, OR ANY ENTITY ACTING ON BEHALF OF AN ASSOCIATION, THAT IS ENGAGED ONLY IN REPRESENTING COUNTIES OR MUNICIPAL CORPORATIONS.

(4) Paragraph H(5) of 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 paragraph (3) of this subsection, 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 twenty dollars (\$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 local elected official to attend a charitable, cultural, or political event, 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.
- (i) 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 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 OR FORMER 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 OR FORMER 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. * * * *

K. AN OFFICIAL OR EMPLOYEE MAY NOT RETALIATE AGAINST AN INDIVIDUAL FOR REPORTING OR PARTICIPATING IN AN INVESTIGATION OF A POTENTIAL VIOLATION OF THE CITY PUBLIC ETHICS LAW.

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.

A. – C. * * * *

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.
- (5) For statements filed after January 1, 2019, the Commission or the office designated by the Commission may not provide public access to an individual’s home address that the individual has designated as the individual’s home address.
- (6) THE COMMISSION OR OFFICE DESIGNATED BY THE COMMISSION SHALL NOT PROVIDE PUBLIC ACCESS TO INFORMATION RELATED TO CONSIDERATION RECEIVED FROM:
 - (A) THE UNIVERSITY OF MARYLAND MEDICAL SYSTEM;
 - (B) A GOVERNMENTAL ENTITY OF THE STATE OR A LOCAL GOVERNMENT IN THE STATE; OR
 - (B) A QUASI-GOVERNMENTAL ENTITY OF THE STATE OR LOCAL GOVERNMENT IN THE STATE.

E. * * * *

F. Contents of statement.

(1) through (3) * * * *

(4) Gifts.

(a) A statement filed under this section shall include a schedule of each gift in excess of twenty dollars (\$20) in value or a series of gifts totaling one hundred dollars (\$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 OR FROM AN ASSOCIATION, OR ANY ENTITY ACTING ON BEHALF OF AN ASSOCIATION THAT IS ENGAGED ONLY IN REPRESENTING COUNTIES OR MUNICIPAL CORPORATIONS.

(b) * * * *

(5) through (9) * * * *

(10) RELATIONSHIP WITH UNIVERSITY OF MARYLAND MEDICAL SYSTEM, STATE OR LOCAL GOVERNMENT, OR QUASI-GOVERNMENTAL ENTITY.

(A) AN INDIVIDUAL SHALL DISCLOSE THE INFORMATION SPECIFIED IN GENERAL PROVISIONS ARTICLE §5-607(J)(1), ANNOTATED CODE OF MARYLAND, FOR ANY FINANCIAL OR CONTRACTUAL RELATIONSHIP WITH:

- (I) THE UNIVERSITY OF MARYLAND MEDICAL SYSTEM;
- (II) A GOVERNMENTAL ENTITY OF THE STATE OR A LOCAL GOVERNMENT IN THE STATE; OR
- (III) A QUASI-GOVERNMENTAL ENTITY OF THE STATE OR LOCAL GOVERNMENT IN THE STATE.

(B) FOR EACH FINANCIAL OR CONTRACTUAL RELATIONSHIP REPORTED, THE SCHEDULE SHALL INCLUDE:

- (I) A DESCRIPTION OF THE RELATIONSHIP;
- (II) THE SUBJECT MATTER OF THE RELATIONSHIP; AND
- (III) THE CONSIDERATION.

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 thirty percent (30%) or greater interest at any time during the reporting period.]~~ AT ANY TIME DURING THE APPLICABLE PERIOD, BY:

- (A) A BUSINESS ENTITY IN WHICH THE INDIVIDUAL HELD A (10)% OR GREATER INTEREST;
- (B) A BUSINESS ENTITY DESCRIBED IN SECTION (I) OF THIS SUBSECTION IN WHICH THE BUSINESS ENTITY HELD A 25% OR GREATER INTEREST;
- (C) A BUSINESS ENTITY DESCRIBED IN SECTION (II) OF THIS SUBSECTION IN WHICH THE BUSINESS ENTITY HELD A 50% OR GREATER INTEREST; AND
- (D) A BUSINESS ENTITY IN WHICH THE INDIVIDUAL DIRECTLY OR INDIRECTLY, THROUGH AN INTEREST IN ONE OR A COMBINATION OF OTHER BUSINESS ENTITIES, HOLDS A 10% OR GREATER INTEREST.

(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. * * * *

I. AN INDIVIDUAL WHO IS REQUIRED TO DISCLOSE THE NAME OF A BUSINESS UNDER THIS SECTION SHALL ALSO DISCLOSE ANY OTHER NAMES UNDER WHICH THE BUSINESS IS TRADING OR DOING BUSINESS.

Section 4. **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 13th day of December 2022, 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. That this Ordinance shall become effective twenty days after adoption 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.

If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of

the City that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

INTRODUCED by the Mayor and Council of the City of College Park at a regular meeting on the 8th day of November 2022.

ADOPTED by the Mayor and Council of the City of College Park at a regular meeting on the ____ day of _____ 2022.

EFFECTIVE the ____ day of _____, 2022.

ATTEST:

CITY OF COLLEGE PARK

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

By: _____
Patrick L. Wojahn, Mayor

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

Suellen M. Ferguson, City Attorney