



**CITY OF SALISBURY
SPECIAL MEETING AGENDA**

MONDAY, SEPTEMBER 19, 2022

5:00 p.m.

Government Office Building, Room 306, Salisbury, Maryland and Zoom Video Conferencing

Times shown for agenda items are estimates only.

5:00 p.m. CALL TO ORDER

5:01 p.m. ADOPTION OF SPECIAL MEETING AGENDA

5:02 p.m. ORDINANCES - City Attorney Ashley Bosche

- **Ordinance No. 2740**- 1st reading- budget amendment to appropriate additional funds for the construction of the Street Scaping Division Circle project
- **Ordinance No. 2741**- 1st reading- amending Chapter 2.04 of the Salisbury City Code entitled "Ethics" for the purposed of incorporating amendments enacted by the Maryland General Assembly

5:10 p.m. ADJOURNMENT

Copies of the agenda items are available for review in the City Clerk's Office, Room 305 – City/County Government Office Building, 410-548-3140 or on the City's website at www.salisbury.md. City Council meetings are conducted in Open session unless otherwise indicated. All or part of the Council's meetings can be held in Closed Session under the authority of the Maryland Open Meetings Law, Annotated Code of Maryland General Provisions Article § 3-305(b), by vote of the City Council.

Next Council Meeting – September 26, 2022

- Resolution No._ - to authorize a Quit Claim Deed with respect to Victoria Park Drive
- Ordinance No. 2738- 2nd reading- to fund construction of the Waterside parking lot
- Ordinance No. 2739- 2nd reading- to accept a donation in the amount of \$9,500 from the Salisbury Skatepark Committee, Inc. and to approve a budget amendment to appropriate these funds for Salisbury Skatepark Ph 2
- **Public Hearing**- Ordinance No._ - 2nd reading- to permit townhouse developments in general commercial districts
- **Public Hearing**- Ordinance No._ - 2nd reading- Zoning Code Text Amendment to permit Animal Hospitals in Shopping Centers
- Ordinance No. 2741- 2nd reading- to amend Ethics Ordinance
- Ordinance No. 2740- 2nd reading- budget amendment for additional funds to construct the Street Scaping Division Circle project
- Ordinance No._ - 1st reading- budget amendment for fuel at Marina
- Ordinance No._ - 1st reading- to accept grant funds for the Homeless Services Case Specialist Position



City of
Salisbury
 Jacob R. Day, Mayor

To: Julia Glanz, City Administrator
 From: Richard Baldwin, Director of Infrastructure & Development
 Date: September 15, 2022
 Re: Budget Amendment for Funding Street Scaping-Division Circle Project

The Department of Infrastructure and Development (DID) is requesting the approval of a budget amendment in the amount of \$533,859.64 to providing funding equal to the estimated cost of construction for the Downtown Street Scaping- Division Circle project (Town Square).

Downtown Street Scaping has been identified as a key Capital and Infrastructure improvement. The Main Street Master Plan improvements have already been completed, leaving surplus funding available for reallocation. The Urban Greenway objectives encourage walking and inviting people to enjoy neighboring destinations. The Division Circle project is to create a landscaped and pedestrian-friendly green space in the Downtown area.

Increase Decrease	Account Type	Account Description	Project Description	Account	Amount
Decrease	Revenue	Debt Proceeds	MainStreet Masterplan	98019-469313-48022	135,000.00
Decrease	Expense	Construction	MainStreet Masterplan	98119-513026-48022	135,000.00
Decrease	Revenue	Debt Proceeds	Urban Greenway Phase 2	98019-469313-48048	398,859.64
Decrease	Expense	Construction	Urban Greenway Phase 2	98119-513026-48048	398,859.64
Increase	Revenue	Debt Proceeds	Street Scaping-Division Circle	98019-469313-48043	533,859.64
Increase	Expense	Construction	Street Scaping-Division Circle	98119-513026-48043	533,859.64

Rising construction and material costs require adjustments to be made to the total project cost of construction. Sufficient funds to cover the estimated cost of construction are necessary to put this project out for bid.

Thank you for your consideration on this request.

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ORDINANCE NO. 2740

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING A BUDGET AMENDMENT OF THE GENERAL CAPITAL PROJECTS FUND BUDGET TO APPROPRIATE ADDITIONAL FUNDS REQUIRED FOR CONSTRUCTION OF THE STREET SCAPING DIVISION CIRCLE PROJECT.

WHEREAS, the City identified Downtown Street Scaping as a key Capital and Infrastructure improvement; and

WHEREAS, Town Square is envisioned as an open outdoor Community Space that invites people to walk; and

WHEREAS, construction costs have continued to increase; and

WHEREAS, Main Street Master Plan improvements were completed with funds available; and

WHEREAS, Urban Greenway objectives include encouraging walking and inviting people to enjoy neighboring destinations; and

WHEREAS, the budget amendment as provided herein must be made upon the recommendation of the Mayor and the approval of four-fifths of the Council of the City of Salisbury.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND:

Section 1. The City of Salisbury’s Capital Projects Fund Budget be and is hereby amended as follows:

Increase Decrease	Account Type	Account Description	Project Description	Account	Amount
Decrease	Revenue	Debt Proceeds	MainStreet Masterplan	98019-469313-48022	135,000.00
Decrease	Expense	Construction	MainStreet Masterplan	98119-513026-48022	135,000.00
Decrease	Revenue	Debt Proceeds	Urban Greenway Phase 2	98019-469313-48048	398,859.64
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Increase	Expense	Construction	Street Scaping-Division Circle	98119-513026-48043	533,859.64

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BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND:

Section 2. It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Ordinance shall be deemed independent of all other provisions herein.

Section 3. It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

Section 4. The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such

43 recitals were specifically set forth at length in this Section 4.

44

45 **Section 5.** This Ordinance shall take effect from and after the date of its final passage.

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47 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury
48 held on the _____ day of _____, 2022 and thereafter, a statement of the substance of the Ordinance
49 having been published as required by law, in the meantime, was finally passed by the Council of the City of
50 Salisbury on the _____ day of _____, 2022.

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52 **ATTEST:**

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Kimberly R. Nichols, City Clerk

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60 Approved by me, this _____ day of _____, 2022.

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65 _____
Jacob R. Day, Mayor

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_____ **John R. Heath, City Council President**



City of
Salisbury
Jacob R. Day, Mayor

MEMORANDUM

TO: City Council
FROM: Kim Nichols, City Clerk
SUBJECT: Revisions to Chapter 2.04 of the City's Ethics code
DATE: September 15, 2022

The City of Salisbury Ethics Commission met on September 13, 2022 with City Attorney Ashley Bosche to discuss amendments to Chapter 2.04, Ethics, that were enacted by the Maryland General Assembly.

Prior to the September 13, 2022 meeting, Ms. Bosche provided a copy of the amendments to the Maryland State Ethics Commission for review and, having reviewed the amendments, they have preliminarily approved them as being compliant with the requirements of the amended Maryland Public Ethics law.

Attached, for your review, is the ordinance to amend Chapter 2.04, Ethics.

1 **ORDINANCE NO. 2741**

2 **AN ORDINANCE OF THE CITY OF SALISBURY AMENDING CHAPTER 2.04 OF THE**
3 **SALISBURY CITY CODE, ENTITLED “ETHICS,” FOR THE PURPOSE OF**
4 **INCORPORATING AMENDMENTS ENACTED BY THE MARYLAND GENERAL**
5 **ASSEMBLY.**

6 **WHEREAS**, the ongoing application, administration and enforcement of the City of Salisbury Municipal
7 Code (the “**Salisbury City Code**”) demonstrates a need for its periodic review, evaluation and amendment, in
8 order to comply with present community standards and values, and promote the public safety, health and welfare
9 of the citizens of the City of Salisbury (the “**City**”);

10 **WHEREAS**, the Mayor and Council of the City of Salisbury (the “**Mayor and Council**”) are authorized
11 by MD Code, Local Government, § 5-202, as amended, to adopt such ordinances, not contrary to the Constitution
12 of Maryland, public general law or public local law, as the Mayor and Council deem necessary to assure the good
13 government of the municipality, to preserve peace and order, to secure persons and property from damage and
14 destruction, and to protect the health, comfort and convenience of the citizens of the City;

15 **WHEREAS**, the Mayor and Council may amend Title 2 of the Salisbury City Code pursuant to the
16 authority granted in § SC 2-15 of the Salisbury City Charter;

17 **WHEREAS**, MD Code, General Provisions, § 5-807 requires each municipal corporation to enact
18 provisions, equivalent to the provisions applicable to State officials, to govern the public ethics of local officials
19 relating to conflicts of interest, financial disclosure, and lobbying;

20 **WHEREAS**, the Mayor and Council find that amendments to Chapter 2.04 of the Salisbury City Code
21 are desirable to update and clarify ethics provisions governing officials and employees of the City and to bring
22 them in accord with the Maryland Public Ethics Law (*see* MD Code, General Provisions, § 5-801, et seq.), as
23 amended;

24 **WHEREAS**, pursuant to § 2.04.030(e) of the Salisbury City Code, the Mayor and Council may amend
25 Chapter 2.04 subject to review and recommendation of the City Ethics Commission with respect to any such
26 amendment;

27 **WHEREAS**, on September 13, 2022, the City Ethics Commission, in accordance with the provisions of
28 § 2.04.030(e) of the Salisbury City Code, convened in public session to review the amendments to Chapter 2.04
29 set forth herein and to hear public comment, if any, with respect to such amendments;

30 **WHEREAS**, at the conclusion of the September 13, 2022 meeting of the City Ethics Commission, the
31 Ethics Commission, by unanimous vote, recommended the Mayor and Council approve for passage amendments
32 to Chapter 2.04 set forth in this Ordinance;

33 **WHEREAS**, prior to the September 13, 2022 meeting of the City Ethics Commission, the City, through
34 its City Solicitor, provided a copy of the amendments to Chapter 2.04 set forth in this Ordinance to the Maryland
35 State Ethics Commission for review to ensure compliance with the requirements of the Maryland Public Ethics
36 law, as amended; and

37 **WHEREAS**, the Mayor and Council have determined that the amendments to Chapter 2.04 of the
38 Salisbury City Code set forth below shall be adopted as set forth herein.

39 **NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY COUNCIL OF THE CITY OF**
40 **SALISBURY, MARYLAND**, that Chapter 2.04 of the Salisbury City Code is hereby amended by adding the
41 bolded and underlined language and deleting the strikethrough language as follows:

42 **Section 1.** Chapter 2.04 of the Salisbury City Code, entitled “ETHICS,” is amended by repealing Chapter
43 2.04 and reenacting Chapter 2.04 as follows:

44 **Chapter 2.04 ETHICS**

45 **2.04.010 Short Title**

46 ~~This chapter may be cited as the "City of Salisbury Public Ethics Ordinance."~~

47 (Ord. No. 2211, 7-23-2012)

48 **2.04.020 Applicability.**

49 The provisions of this chapter apply to all city elected officials, employees, and appointees, boards and
50 commissions of the city.

51 (Ord. No. 2211, 7-23-2012)

52 **2.04.030 Ethics commission.**

53 (a) ~~There is a city ethics commission that consists of five members appointed by the mayor with~~
54 ~~the advice and consent of the city council.~~

55 (b) ~~The commission shall:~~

56 (1) ~~Devise, receive and maintain all forms required by this chapter;~~

57 (2) ~~Develop procedures and policies for advisory opinion requests and provide published~~
58 ~~advisory opinions to persons subject to this chapter regarding the applicability of the~~
59 ~~provisions of this chapter to them;~~

60 (3) ~~Develop procedures and policies for processing of complaints to make appropriate~~
61 ~~determinations regarding complaints filed by any person alleging violations of this~~
62 ~~chapter; and~~

63 (4) ~~Conduct a public information program regarding the purposes and application of this~~
64 ~~chapter.~~

65 (c) ~~The city attorney shall advise the commission.~~

66 (d) ~~The commission shall certify to the state ethics commission on or before October 1 of each~~
67 ~~year that the City is in compliance with the requirements of State Government Article, Title 15,~~
68 ~~Subtitle 8, Annotated Code of Maryland for elected local officials.~~

69 (e) ~~The commission shall determine if changes to this chapter are required to be in compliance~~
70 ~~with the requirements of State Government Article, Title 15, Subtitle 8, Annotated Code of~~
71 ~~Maryland, and shall forward any recommended changes and amendments to the city council~~
72 ~~for enactment.~~

73 (f) ~~The commission may adopt other policies and procedures to assist in the implementation of the~~
74 ~~commission programs established in this chapter.~~

75 (Ord. No. 2211, 7-23-2012)

76 **2.04.040 Conflicts of Interest.**

77 (a) ~~In this section, "qualified relative" means a spouse, parent, child or sibling.~~

78 (b) ~~All city elected officials, officials appointed to city boards and commissions subject to this~~
79 ~~chapter and employees are subject to this section.~~

80 (c) ~~Participation Prohibitions. Except as permitted by commission regulation or opinion, an~~
81 ~~official or employee may not participate in:~~

82 (1) ~~Except in the exercise of an administrative or ministerial duty that does not affect the~~
83 ~~disposition or decision of the matter, any matter in which, to the knowledge of the official~~
84 ~~or employee, or a qualified relative of the official or employee has an interest.~~

85 (2) ~~Except in the exercise of an administrative or ministerial duty that does not affect the~~
86 ~~disposition or decision with respect to the matter, any matter, in which any of the~~
87 ~~following is a party:~~

- 88 (i) ~~A business entity in which the official or employee has a direct financial interest of~~
89 ~~which the official or employee may reasonably be expected to know;~~
- 90 (ii) ~~A business entity for which the official, employee, or a qualified relative of the~~
91 ~~official or employee is an officer, director, trustee, partner or employee;~~
- 92 (iii) ~~A business entity with which the official or employee or, to the knowledge of the~~
93 ~~official or employee, a qualified relative is negotiating employment or has any~~
94 ~~arrangement concerning prospective employment;~~
- 95 (iv) ~~If the contract reasonably could be expected to result in a conflict between the~~
96 ~~private interests of the official or employee and the official duties of the official or~~
97 ~~employee, a business entity that is a party to an existing contract with the official or~~
98 ~~employee, or which, to the knowledge of the official or employee, is a party to a~~
99 ~~contract with a qualified relative;~~
- 100 (v) ~~An entity, doing business with the City, in which a direct financial interest is owned~~
101 ~~by another entity in which the official or employee has a direct financial interest, if~~
102 ~~the official or employee may be reasonably expected to know of both direct~~
103 ~~financial interest; or~~
- 104 (vi) ~~A business entity that:~~
- 105 (A) ~~The official or employee knows is a creditor or obligee of the official or~~
106 ~~employee or a qualified relative of the official or employee with respect to a~~
107 ~~thing of economic value; and~~
- 108 (B) ~~As a creditor or obligee, is in a position to directly and substantially affect the~~
109 ~~interest of the official or employee or a qualified relative of the official or~~
110 ~~employee.~~
- 111 (3) ~~A case, contract or other specific matter for one calendar year after terminating their~~
112 ~~registration if they previously assisted or represented another party as a lobbyist in the~~
113 ~~matter. This provision does not apply to uncompensated or minimally compensated board~~
114 ~~or commission members.~~
- 115 (4) ~~A person who is disqualified from participating under paragraphs 1, 2, or 3 of this~~
116 ~~subsection shall disclose the nature and circumstances of the conflict and may participate~~
117 ~~or act if:~~
- 118 (i) ~~The disqualification leaves a body with less than a quorum capable of acting;~~
- 119 (ii) ~~The disqualified official or employee is required by law to act; or~~
- 120 (iii) ~~The disqualified official or employee is the only person authorized to act.~~
- 121 (5) ~~The prohibitions of paragraph 1, 2, or 3 of this subsection do not apply if participation is~~
122 ~~allowed by regulation or opinion of the commission.~~
- 123 (d) ~~Employment and Financial Interest Restrictions.~~
- 124 (1) ~~Except as permitted by regulation of the commission when the interest is disclosed or~~
125 ~~when the employment does not create a conflict of interest or appearance of conflict, an~~
126 ~~official or employee may not:~~
- 127 (i) ~~Be employed by or have a financial interest in any entity:~~
- 128 (A) ~~Subject to the authority of the official or employee of the city, agency, board,~~
129 ~~commission with which the official or employee is affiliated; or~~

- 130 ~~(B) That is negotiating or has entered a contract with the agency, board, or~~
131 ~~commission with which the official or employee is affiliated; or~~
- 132 ~~(ii) Hold any other employment relationship that would impair the impartiality or~~
133 ~~independence of judgment of the official or employee.~~
- 134 ~~(2) This prohibition does not apply to:~~
- 135 ~~(i) An official or employee who is appointed to a regulatory or licensing authority~~
136 ~~pursuant to a statutory requirement that persons subject to the jurisdiction of the~~
137 ~~authority be represented in appointments to the authority;~~
- 138 ~~(ii) Subject to other provisions of law, a member of a board or commission in regard to~~
139 ~~a financial interest or employment held at the time of appointment, provided the~~
140 ~~financial interest or employment is publically disclosed to the appointing authority~~
141 ~~and the commission;~~
- 142 ~~(iii) An official or employee whose duties are ministerial, if the private employment or~~
143 ~~financial interest does not create a conflict of interest or the appearance of a conflict~~
144 ~~of interest, as permitted and in accordance with regulations adopted by the~~
145 ~~commission; or~~
- 146 ~~(iv) Employment or financial interests allowed by regulation of the commission if the~~
147 ~~employment does not create a conflict of interest or the appearance of a conflict of~~
148 ~~interest or the financial interest is disclosed.~~
- 149 ~~(e) Post Employment Limitations and Restrictions:~~
- 150 ~~(1) A former official or employee may not assist or represent any party other than the city for~~
151 ~~compensation in a case, contract, or other specific matter involving the city if that matter~~
152 ~~is one in which the former official or employee significantly participated as an official or~~
153 ~~employee.~~
- 154 ~~(2) Until the conclusion of one year after the elected official leaves office, a former member~~
155 ~~of the city council or a former mayor may not assist or represent another party for~~
156 ~~compensation in a matter involving the city that is subject to legislative action before the~~
157 ~~mayor and city council.~~
- 158 ~~(f) Contingent Compensation. Except in a judicial or quasi-judicial proceeding, an official or~~
159 ~~employee may not assist or represent a party for contingent compensation in any matter before~~
160 ~~or involving the city.~~
- 161 ~~(g) Use of Prestige of Office.~~
- 162 ~~(1) An official or employee may not intentionally use the prestige of the office or public~~
163 ~~position for the private gain of that official or employee or the private gain of another.~~
164 ~~The prohibitions of this section include, but are not limited to:~~
- 165 ~~(i) The use of influence in the award of a City contract to a specific person or entity;~~
- 166 ~~(ii) Initiating a solicitation for a person to retain the compensated services of a particular~~
167 ~~lobbyist or firm;~~
- 168 ~~(iii) Using public resources or title to solicit a political contribution regulated in~~
169 ~~accordance with the Election Law Article of the Annotated Code of Maryland.~~
- 170 ~~(2) This subsection does not prohibit performance of usual and customary constituent~~
171 ~~services by an elected local official without additional compensation.~~
- 172 ~~(h) Solicitation and Acceptance of Gifts.~~

- 173 ~~(1) An official or employee may not solicit any gift.~~
- 174 ~~(2) An official or employee may not directly solicit or facilitate the solicitation of a gift, on~~
175 ~~behalf of another person, from an individual regulated lobbyist.~~
- 176 ~~(3) An official or employee may not knowingly accept a gift, directly or indirectly, from a~~
177 ~~person that the official or employee knows or has the reason to know:~~
- 178 ~~(i) Is doing business with or seeking to do business with the city office, agency, board,~~
179 ~~or commission with which the official or employee is affiliated;~~
- 180 ~~(ii) Has financial interests that may be substantially and materially affected, in a manner~~
181 ~~distinguishable from the public generally, by the performance or nonperformance of~~
182 ~~the official duties of the official or employee;~~
- 183 ~~(iii) Is engaged in an activity regulated or controlled by the official's or employee's~~
184 ~~governmental unit; or~~
- 185 ~~(iv) Is a lobbyist with respect to matters within the jurisdiction of the official or~~
186 ~~employee.~~
- 187 ~~(4) Notwithstanding paragraph 3. of this subsection, an official or employee may accept the~~
188 ~~following:~~
- 189 ~~(i) Meals and beverages consumed in the presence of the donor or sponsoring entity;~~
- 190 ~~(ii) Ceremonial gifts or awards that have insignificant monetary value;~~
- 191 ~~(iii) Unsolicited gifts of nominal value that do not exceed twenty dollars (\$20.00) in cost~~
192 ~~or trivial items of informational value;~~
- 193 ~~(iv) Reasonable expenses for food, travel, lodging, and scheduled entertainment of the~~
194 ~~official or the employee at a meeting which is given in return for the participation of~~
195 ~~the official or employee in a panel or speaking engagement at the meeting;~~
- 196 ~~(v) Gifts of tickets or free admission extended to an elected local official to attend a~~
197 ~~charitable, cultural, or political event, if the purpose of this gift or admission is a~~
198 ~~courtesy or ceremony extended to the elected official's office;~~
- 199 ~~(vi) A specific gift or class of gifts that the commission exempts from the operation of~~
200 ~~this subsection upon a finding, in writing, that acceptance of the gift or class of gifts~~
201 ~~would not be detrimental to the impartial conduct of the business of the city and that~~
202 ~~the gift is purely personal and private in nature;~~
- 203 ~~(vii) Gifts from a person related to the official or employee by blood or marriage, or any~~
204 ~~other individual who is a member of the household of the official or employee; or~~
- 205 ~~(viii) Honoraria for speaking to or participating in a meeting, provided that the offering of~~
206 ~~the honorarium is not related in any way to the official's or employee's official~~
207 ~~position.~~
- 208 ~~(5) The exceptions set forth in paragraph (4) shall not apply to a gift:~~
- 209 ~~(i) That would tend to impair the impartiality and the independence of judgment of the~~
210 ~~official or employee receiving the gift;~~
- 211 ~~(ii) Of significant value that would give the appearance of impairing the impartiality~~
212 ~~and independence of judgment of the official or employee; or~~

213 ~~(iii) Of significant value that the recipient official or employee believes or has reason to~~
214 ~~believe is designed to impair the impartiality and independence of judgment of the~~
215 ~~official or employee.~~

216 ~~(i) Disclosure of Confidential Information. Other than in the discharge of official duties, an~~
217 ~~official or employee may not disclose or use confidential information, that the official or~~
218 ~~employee acquired by reason of the official's or employee's public position and that is not~~
219 ~~available to the public, for the economic benefit of the official or employee or that of another~~
220 ~~person.~~

221 ~~(j) Participation in Procurement.~~

222 ~~(1) An individual, or a person that employs an individual who assists a city agency in the~~
223 ~~drafting of specifications, an invitation for bids, or a request for proposals for a~~
224 ~~procurement may not submit a bid or proposal for that procurement, or assist or represent~~
225 ~~another person, directly or indirectly, who is submitting a bid for proposal for the~~
226 ~~procurement.~~

227 ~~(2) The commission may establish exemptions from the requirements of this section for~~
228 ~~providing descriptive literature, sole source procurements, and written comments~~
229 ~~solicited by the procuring agency.~~

230 ~~(Ord. No. 2211, 7-23-2012; Ord. No. 2504, 9-10-2018)~~

231 **~~2.04.050 Financial disclosure - Local elected officials and candidates to be local elected officials~~**

232 ~~(a) [Application of Section.]~~

233 ~~(1) This section applies to all local elected officials and candidates to be local elected~~
234 ~~officials.~~

235 ~~(2) Except as provided in subsection (b) of this section, a local elected official or a candidate~~
236 ~~to be a local elected official shall file the financial disclosure statement required under~~
237 ~~this section:~~

238 ~~(i) On a form provided by the commission;~~

239 ~~(ii) Under oath or affirmation; and~~

240 ~~(iii) With the commission.~~

241 ~~(3) Deadlines for filing statements:~~

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

244 ~~(ii) An individual who is appointed to fill a vacancy in an office for which a financial~~
245 ~~disclosure statement is required and who has not already filed a financial disclosure~~
246 ~~statement, shall file a statement for the preceding calendar year within thirty (30)~~
247 ~~days after appointment.~~

248 ~~(iii) [Statement required.]~~

249 ~~(A) An individual who, other than by reason of death, leaves an office for which a~~
250 ~~statement is required shall file a statement within sixty (60) days after leaving~~
251 ~~the office.~~

252 ~~(B) The statement shall cover:~~

- 253 1. The calendar year immediately preceding the year in which the
254 individual left office, unless a statement covering that year has
255 already been filed by the individual; and
- 256 2. The portion of the current calendar year during which the individual
257 held the office.

258 (b) ~~Candidates to be Local Elected Officials.~~

- 259 (1) ~~Except for an official who has filed a financial disclosure statement under another
260 provision of this section for the reporting period, a candidate to be an elected local
261 official shall file a financial disclosure statement each year beginning with the year in
262 which the certificate of candidacy is filed through the year of the election.~~
- 263 (2) ~~A candidate to be an elected local official shall file a statement required under this
264 section:~~
- 265 (A) ~~In the year the certificate is filed, no later than the filing of the certificate of
266 candidacy;~~
- 267 (B) ~~In the year of the election, on or before the earlier of April 30 or the last day for the
268 withdrawal of candidacy; and~~
- 269 (C) ~~In all other years for which a statement is required, on or before April 30.~~
- 270 (3) ~~A candidate to be an elected official:~~
- 271 (A) ~~May file the statement required under Section 2.04.050(b)(2)(A) of this chapter with
272 the city clerk or board of election supervisors with the certificate of candidacy or
273 with the commission prior to filing the certificate of candidacy; and~~
- 274 (B) ~~Shall file the statements required under Section 2.04.050(b)(2)(B) and (C) with the
275 commission.~~
- 276 (4) ~~If a candidate fails to file a statement required by this section after written notice is
277 provided by the city clerk or board of election supervisors at least twenty (20) days before
278 the last day for the withdrawal of candidacy, the candidate is deemed to have withdrawn
279 the candidacy.~~
- 280 (5) ~~The city clerk or board of election supervisors may not accept any certificate of
281 candidacy unless a statement has been filed in proper form.~~
- 282 (6) ~~Within thirty (30) days of the receipt of a statement required under this section, the city
283 clerk or board of election supervisors shall forward the statement to the commission or
284 the office designated by the commission.~~

285 ~~[(c) Reserved.]~~

286 ~~[(d) Reserved.]~~

287 (e) ~~Public Record.~~

- 288 (1) ~~The city clerk shall maintain all financial disclosure statements filed under this section.~~
- 289 (2) ~~Financial disclosure statements shall be made available during normal office hours for
290 examination and copying by the public subject to reasonable fees and administrative
291 procedures established by the commission.~~
- 292 (3) ~~If an individual examines or copies a financial disclosure statement, the city clerk shall
293 record.~~

- 294 (i) ~~The name and home address of the individual reviewing or copying the statement;~~
295 and
- 296 (ii) ~~The name of the person whose financial disclosure statement was examined or~~
297 copied.
- 298 (4) ~~Upon request by the official or employee whose financial disclosure statement was~~
299 examined or copied, the commission or the office designated by the city clerk shall
300 provide the official with a copy of the name and address of the person who reviewed the
301 official's financial disclosure statement.
- 302 (f) ~~Retention Requirements. The commission or the office designated by the city clerk shall retain~~
303 financial disclosure statements for four years from the date of receipt.
- 304 (g) ~~Contents of Statement.~~
- 305 (1) ~~Interests in Real Property.~~
- 306 (i) ~~A statement filed under this section shall include a schedule of all interests in real~~
307 property wherever located.
- 308 (ii) ~~For each interest in real property, the schedule shall include:~~
- 309 (A) ~~The nature of the property and the location by street address, mailing address,~~
310 or legal description of the property;
- 311 (B) ~~The nature and extent of the interest held, including any conditions and~~
312 encumbrances on interest;
- 313 (C) ~~The date when, the manner in which, and the identity of the person from~~
314 whom the interest was acquired;
- 315 (D) ~~The nature and amount of the consideration given in exchange for the interest~~
316 or, if acquired other than by purchase, the fair market value of the interest at
317 the time acquired;
- 318 (E) ~~If any interest was transferred, in whole or in part, at any time during the~~
319 reporting period, a description of the interest transferred, the nature and
320 amount of the consideration received for the interest, and the identity of the
321 person to whom the interest was transferred; and
- 322 (F) ~~The identity of any other person with an interest in the property.~~
- 323 (2) ~~Interests in Corporations and Partnerships.~~
- 324 (i) ~~A statement filed under this section shall include a schedule of all interests in any~~
325 corporation, partnership, limited liability partnership, or limited liability
326 corporation, regardless of whether the corporation or partnership does business with
327 the city.
- 328 (ii) ~~For each interest reported under this paragraph, the schedule shall include:~~
- 329 (A) ~~The name and address of the principal office of the corporation, partnership,~~
330 limited liability partnership or limited liability corporation.
- 331 (B) ~~The nature and amount of the interest held, including any conditions and~~
332 encumbrances on the interest;
- 333 (C) ~~With respect to any interest transferred, in whole or in part, at any time during~~
334 the reporting period, a description of the interest transferred, the nature and

335 amount of the consideration received for the interest and, if known, the
336 identity of the person to whom the interest was transferred; and

337 ~~(D) With respect to any interest acquired during the reporting period:~~

338 1. ~~The date when, the manner in which, and the identity of the person~~
339 ~~or legal entity from whom the interest was acquired; and~~

340 2. ~~The nature and the amount of the consideration given in exchange~~
341 ~~for the interest or, if acquired, other than by purchase, the fair~~
342 ~~market value of the interest at the time acquired.~~

343 ~~(iii) An individual may satisfy the requirement to report the amount of the interest held~~
344 ~~under item (B)(ii) [sic] of this paragraph by reporting, instead of a dollar amount:~~

345 ~~(A) For an equity interest in a corporation, the number of shares held and, unless~~
346 ~~the corporation's stock is publicly traded, the percentage of equity interest~~
347 ~~held; or~~

348 ~~(B) For an equity interest in a partnership, the percentage of equity interest held.~~

349 ~~(3) Interests in Business Entities Doing Business with City.~~

350 ~~(i) A statement filed under this section shall include a schedule of all interests in any~~
351 ~~business entity that does business with the city, other than interests reported under~~
352 ~~paragraph (2) of this subsection.~~

353 ~~(ii) For each interest reported under this paragraph, the schedule shall include:~~

354 ~~(A) The name and address of the principal office of the business entity;~~

355 ~~(B) The nature and amount of the interest held, including any conditions to and~~
356 ~~encumbrances in the interest;~~

357 ~~(C) With respect to any interest transferred, in whole or in part, at any time during~~
358 ~~the reporting period, a description of the interest transferred, the nature and~~
359 ~~amount of the consideration received in exchange for the interest and, if~~
360 ~~known, the identity of the person to whom the interest was transferred; and~~

361 ~~(D) With respect to any interest acquired during the reporting period:~~

362 1. ~~The date when, the manner in which, and the identity of the person~~
363 ~~from whom the interest was acquired; and~~

364 2. ~~The nature and the amount of the consideration given in exchange~~
365 ~~for the interest or, if acquired, other than by purchase, the fair~~
366 ~~market value of the interest at the time acquired.~~

367 ~~(4) Gifts.~~

368 ~~(i) A statement filed under this section shall include a schedule of each gift in excess of~~
369 ~~twenty dollars (\$20.00) in value or a series of gifts totaling one hundred dollars~~
370 ~~(\$100.00) or more received during the reporting period from or on behalf of, directly~~
371 ~~or indirectly, any one person or legal entity who does business with or is regulated~~
372 ~~by the city.~~

373 ~~(ii) For each gift reported, the schedule shall include:~~

374 ~~(A) A description of the nature and value of the gift; and~~

375 ~~(B) The identity of the person or legal entity from whom, or on behalf of whom,~~
376 ~~directly or indirectly, the gift was received.~~

377 ~~(5) Employment With or Interests in Entities Doing Business With City.~~

378 ~~(i) A statement filed under this section shall include a schedule of all offices,~~
379 ~~directorships, and compensated employment by the individual or member of the~~
380 ~~immediate family of the individual held at any time during the reporting period with~~
381 ~~entities doing business with the city. All statements filed under this section shall~~
382 ~~disclose whether the individual or the individual's spouse is a lobbyist required to~~
383 ~~register, and, if so, they shall identify the entities that engage the lobbyist.~~

384 ~~(ii) For each position reported under this paragraph, the schedule shall include:~~

385 ~~(A) The name and address of the principal office of the business entity;~~

386 ~~(B) The title and nature of the office, directorship, or compensated employment~~
387 ~~held and the date it commenced; and~~

388 ~~(C) The name of each city agency with which the entity is involved.~~

389 ~~(6) Indebtedness to Entities Doing Business With City.~~

390 ~~(i) A statement filed under this section shall include a schedule of all liabilities,~~
391 ~~excluding retail credit accounts, to persons or legal entities doing business with the~~
392 ~~city owed at any time during the reporting period;~~

393 ~~(A) By the individual; or~~

394 ~~(B) By a member of the immediate family of the individual if the individual was~~
395 ~~involved in the transaction giving rise to the liability.~~

396 ~~(ii) For each liability reported under this paragraph, the schedule shall include:~~

397 ~~(A) The identity of the person or legal entity to whom the liability was owed and~~
398 ~~the date the liability was incurred;~~

399 ~~(B) The amount of the liability owed as of the end of the reporting period;~~

400 ~~(C) The terms of payment of the liability and the extent to which the principal~~
401 ~~amount of the liability was increased or reduced during the year; and~~

402 ~~(D) The security given, if any, for the liability.~~

403 ~~(7) A statement filed under this section shall include a schedule of the immediate family~~
404 ~~members of the individual employed by the City in any capacity at any time during the~~
405 ~~reporting period.~~

406 ~~(8) Sources of Earned Income.~~

407 ~~(i) A statement filed under this section shall include a schedule of the name and address~~
408 ~~of each place of employment and of each business entity of which the individual or~~
409 ~~member of the individual's immediate family was a sole or partial owner and from~~
410 ~~which the individual or member of the individual's immediate family received~~
411 ~~earned income, at any time during the reporting period.~~

412 ~~(ii) A minor child's employment or business ownership need not be disclosed if the~~
413 ~~agency that employs the individual does not regulate, exercise authority over, or~~
414 ~~contract with the place of employment or business entity of the minor child.~~

415 ~~(9) A statement filed under this section may also include a schedule of additional interests or~~
416 ~~information that the individual making the statement wishes to disclose.~~

417 ~~(h) For the purposes of Section 2.04.050(g)(1), (2) and (3) of this chapter, the following interests~~
418 ~~are considered to be the interests of the individual making the statement:~~

419 ~~(1) An interest held by a member of the individual's immediate family, if the interest was, at~~
420 ~~any time during the reporting period, directly or indirectly controlled by the individual.~~

421 ~~(2) An interest held by a business entity in which the individual held a thirty (30) percent or~~
422 ~~greater interest at any time during the reporting period.~~

423 ~~(3) An interest held by a trust or an estate in which, at any time during the reporting period:~~

424 ~~(i) The individual held a reversionary interest or was a beneficiary, or~~

425 ~~(ii) If a revocable trust, the individual was a settler.~~

426 ~~(i) [Compliance with Provisions.]~~

427 ~~(1) The commission shall review the financial disclosure statements submitted under this~~
428 ~~section for compliance with the provisions of this section and shall notify an individual~~
429 ~~submitting the statement of any omissions or deficiencies.~~

430 ~~(2) The city ethics commission may take appropriate enforcement action to ensure~~
431 ~~compliance with this section.~~

432 ~~(Ord. No. 2211, 7-23-2012; Ord. No. 2504, 9-10-2018)~~

433 **~~2.04.060 Financial disclosure – Employees and appointed officials.~~**

434 ~~A. This section only applies to the following appointed officials and employees:~~

435 ~~City Administrator — Deputy City Administrators~~

436 ~~City Clerk — Assistant City Clerk~~

437 ~~City Solicitor — Assistant City Solicitor~~

438 ~~Department Directors — Assistant Department Directors~~

439 ~~Members of Quasi-Judicial Boards and Commissions including, but not limited to:~~

440 ~~Members of Board of Zoning Appeals~~

441 ~~Members of Housing Board of Adjustment and Appeals~~

442 ~~Members of Building Board of Adjustment and Appeals~~

443 ~~Members of the Planning and Zoning Commission appointed by the City~~

444 ~~Members of the Ethics Commission~~

445 ~~Members of the Historic District Commission~~

446 ~~B. A statement filed under this section shall be filed with the commission under oath or~~
447 ~~affirmation.~~

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

452 ~~D.—An official or employee shall disclose employment and interests that raise conflicts of interest~~
453 ~~or potential conflicts of interest in connection with a specific proposed action by the employee~~
454 ~~or official sufficiently in advance of the action to provide adequate disclosure to the public.~~
455 ~~Officials and employees shall disclose, in all statements filed hereunder, whether they or their~~
456 ~~spouse is a lobbyist required to register and, if so, they shall identify the entities that engage~~
457 ~~the lobbyist.~~

458 ~~E.—The commission shall maintain all disclosure statements filed under this section as public~~
459 ~~records available for public inspection and copying as provided in Section 2.04.050(e) and (f)~~
460 ~~of this chapter.~~

461 ~~(Ord. No. 2211, 7-23-2012; Ord. No. 2440, 10-9-2017; Ord. No. 2504, 9-10-2018)~~

462 **2.04.070 Lobbying.**

463 ~~(a)—A person shall file a lobbying registration statement with the commission if the person:~~

464 ~~(1)—Personally appears before the city official or employee with the intent to influence that~~
465 ~~person in performance of the official duties of the official or employee; and~~

466 ~~(2)—In connection with the intent to influence expends or reasonably expects to expend in a~~
467 ~~given calendar year excess of one hundred dollars (\$100.00) on food, entertainment or~~
468 ~~other gifts for officials or employees of city.~~

469 ~~(b)—A person shall file registration statement required under this section on or before the latter of~~
470 ~~January 15 of the calendar year or within five days after first performing an act that requires~~
471 ~~registration in the calendar year.~~

472 ~~(c)—[Registration statement.]~~

473 ~~(1)—The registration statement shall identify:~~

474 ~~(i)—The registrant;~~

475 ~~(ii)—Any other person on whose behalf the registrant acts; and~~

476 ~~(iii)—The subject matter on which the registrant purposes to make appearances specified~~
477 ~~in subsection (a) of this section.~~

478 ~~(2)—The registration statement shall cover a defined registration period not to exceed one~~
479 ~~calendar year.~~

480 ~~(d)—Within thirty (30) days after the end of any calendar year during which a person was registered~~
481 ~~under this section, the person shall file a report with the commission disclosing:~~

482 ~~(1)—The value, date, and nature of any food, entertainment or other gift provided to a city~~
483 ~~official or employee; and~~

484 ~~(2)—If a gift or series of gifts to a single official or employee exceeds one hundred dollars~~
485 ~~(\$100.00) in value, the identity of the official or employee.~~

486 ~~(e)—The commission shall maintain the registrations and reports filed under this section as public~~
487 ~~records available for public inspection and copying for four years after receipt by the~~
488 ~~commission.~~

489 ~~(Ord. No. 2211, 7-23-2012)~~

490 **2.04.080 Exemptions and modifications.**

491 The commission may grant exemptions and modifications to the provisions of Sections
492 2.04.040 and 2.04.060 of this chapter to employees and to appointed members of the city boards and
493 commissions, when the commission finds that an exemption or modification would not be contrary
494 to the purposes of this chapter, and the application of this chapter would:

- 495 (a) ~~Constitute an unreasonable invasion of privacy; and~~
- 496 (b) ~~Significantly reduce the availability of qualified persons for public service.~~

497 (Ord. No. 2211, 7-23-2012)

498 **2.04.090 Enforcement.**

499 (a) ~~The Commission may:~~

500 (1) ~~Assess a late fee of twenty dollars (\$20.00) per day for five days and ten dollars (\$10.00)~~
501 ~~for each subsequent day up to a maximum of two hundred fifty dollars (\$250.00) for~~
502 ~~failure to timely file a financial disclosure statement required under Sections 2.04.060 and~~
503 ~~2.04.070 of this chapter;~~

504 (2) ~~Assess a late fee of twenty dollars (\$20.00) per day for five days and ten dollars (\$10.00)~~
505 ~~for each subsequent day up to a maximum of two hundred fifty dollars (\$250.00) for~~
506 ~~failure to file a timely lobbyist registration or lobbyist report required under Section~~
507 ~~2.04.080 of this chapter; and~~

508 (3) ~~Issue a cease and desist order against any person found to be in violation of this chapter.~~

509 (b) ~~[Violation of provisions.]~~

510 (1) ~~Upon a finding of a violation of any provision of this chapter, the commission may:~~

511 (i) ~~Issue an order of compliance directing the respondent to cease and desist from the~~
512 ~~violation;~~

513 (ii) ~~Issue a reprimand; or~~

514 (iii) ~~Recommend to the appropriate authority other appropriate discipline of the~~
515 ~~respondent, including censure or removal if that discipline is authorized by law.~~

516 (2) ~~If the commission finds that a respondent has violated Section 2.04.070 of this chapter,~~
517 ~~the commission may:~~

518 (i) ~~Require a respondent who is a registered lobbyist to file any additional reports or~~
519 ~~information that reasonably related to the information that is required under Section~~
520 ~~2.04.070 of this chapter.~~

521 (ii) ~~Impose a fine not exceeding five hundred dollars (\$500.00) for each violation; and~~

522 (iii) ~~Suspend the registration of an individual registered lobbyist if the commission finds~~
523 ~~that the lobbyist knowingly and willfully violated Section 2.04.070 of this chapter or~~
524 ~~has been convicted of a criminal offense arising from lobbying activities.~~

525 (c) ~~[Requiring compliance.]~~

526 (1) ~~Upon request of the commission, the city attorney may file a petition for injunctive or~~
527 ~~other relief in the Circuit Court for Wicomico County, or in any other court having proper~~
528 ~~venue for the purpose of requiring compliance with the provisions of this chapter.~~

529 (2) (i) ~~The court may:~~

- 530 ~~(A) Issue an order to cease and desist from the violation;~~
- 531 ~~(B) Except as provided in subparagraph (ii) of this paragraph, void an official~~
532 ~~action taken by an official or employee with a conflict of interest prohibited by~~
533 ~~this chapter when the action arises from or concerns the subject matter of the~~
534 ~~conflict and if the legal action is brought within ninety (90) days of the~~
535 ~~occurrence of the official action, if the court deems voiding the action to be in~~
536 ~~the best interest of the public; or~~
- 537 ~~(C) Impose a fine of up to five hundred dollars (\$500.00) for any violation of the~~
538 ~~provisions of this chapter, with each day upon which the violation occurs~~
539 ~~constituting a separate offense;~~
- 540 ~~(ii) A court may not void any official action appropriating public funds, levying taxes,~~
541 ~~or providing for issuance of bonds, notes, or other evidences of public obligations.~~
- 542 ~~(d) In addition to any other enforcement provisions in this chapter, a person who the commission~~
543 ~~or a court finds has violated this chapter:~~
- 544 ~~(1) Is subject to termination or other disciplinary action; and~~
- 545 ~~(2) May be suspended from receiving payment of salary or other compensation pending full~~
546 ~~compliance with the terms of an order of the commission or a court.~~
- 547 ~~(e) A city official or employee found to have violated this chapter is subject to disciplinary or~~
548 ~~other appropriate personnel action, including removal from office, disciplinary action,~~
549 ~~suspension of salary, or sanction.~~
- 550 ~~(f) Violations of Section 2.04.070 of this chapter shall be a misdemeanor subject to a fine of up to~~
551 ~~five hundred dollars (\$500.00) or imprisonment of up to one year.~~
- 552 ~~(g) A finding of a violation of this chapter by the commission is public information.~~
- 553 ~~(Ord. No. 2211, 7-23-2012)~~

554 **2.04.010 - Short title.**

555 **This chapter may be cited as the “City of Salisbury Public Ethics Ordinance.”**

557 **2.04.020 - Statement of purpose and policy.**

558 **(a) The City, recognizing that our system of representative government is dependent in part**
559 **upon the people maintaining the highest trust in their public officials and employees, finds**
560 **and declares that the people have a right to be assured that the impartiality and independent**
561 **judgment of public officials and employees will be maintained.**

563 **(b) It is evident that this confidence and trust is eroded when the conduct of the City's business**
564 **is subject to improper influence and even the appearance of improper influence.**

566 **(c) For the purpose of guarding against improper influence, the City Council enacts this**
567 **Public Ethics Ordinance to require City elected officials, officials, and certain employees and**
568 **individuals appointed to boards and commissions to disclose their financial affairs and to set**
569 **minimum standards for the conduct of local government business.**

571 **(d) It is the intention of the City Council that this chapter, except its provisions for criminal**
572 **sanctions, be liberally construed to accomplish this purpose.**

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2.04.030 - Definitions.

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

(a) (1) "Business entity" means 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.

(2) Business entity does not include a governmental entity.

(b) "Commission" means the City Ethics Commission established under §4(a) of this chapter.

(c) (1) "Compensation" means 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.

(2) For the purposes of §8 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.

(d) "Designated second home" means:

(1) If an individual owns one second home, the individual's second home; or

(2) If an individual owns more than one second home, any one second home the individual identifies to the Commission as the individual's designated second home.

(e) "Doing business with" means:

(1) Having or negotiating a contract that involves the commitment, either in a single or combination of transactions, of \$5,000 or more of the City's controlled funds in one calendar year;

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

(3) Being registered as a lobbyist under §8 of this chapter.

(f) (1) "Elected official" means any individual who holds an elective office of the City.

(2) "Elected official" does not include the Sheriff, State's Attorney, Register of Wills, or Clerk of the Court.

(g) (1) "Employee" means an individual who is employed by the City.

(2) "Employee" does not include an elected local official.

(3) "Employee" does not include an employee of:

(i) The offices of the Sheriff, State's Attorney, Register of Wills, or Clerk of the Court;

(ii) The County Health Department; or

(iii) The County Department of Social Services.

(h) "Financial interest" means:

617 (1) Ownership of any interest as the result of which the owner has received, within
618 the past 3 years, or is presently receiving, or in the future is entitled to receive, more
619 than \$1,000 per year; or

620 (2) Ownership, or the ownership of securities of any kind representing or convertible
621 into ownership, of more than 3 percent of a business entity by a City official or
622 employee, or the spouse of an official or employee.

623
624 (i) (1) "Gift" means the transfer of anything of economic value, regardless of the form,
625 without adequate and lawful consideration.

626 (2) "Gift" does not include a contribution as defined in Election Law Article,
627 Annotated Code of Maryland.

628
629 (j) "Home address" means the address of an individual's:

630 (1) Principal home; and

631 (2) Designated second home, if any.

632
633 (k) "Immediate family" means a spouse and dependent children.

634
635 (l) (1) "Interest" means a legal or equitable economic interest, whether or not subject to
636 an encumbrance or a condition, that is owned
637 or held, in whole or in part, jointly or severally, directly or indirectly.

638 (2) For purposes of §6 of this chapter, "interest" includes any interest held at any
639 time during the reporting period.

640 (3) "Interest" does not include:

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

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

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

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

652 (v) A college savings plan under the Internal Revenue Code; or

653 (vi) A mutual fund or exchange-traded fund that is publicly traded on a
654 national scale unless the mutual fund or exchange traded fund is composed
655 primarily of holdings of stocks and interests in a specific sector or area that is
656 regulated by the individual's governmental unit.

657
658 (m) "Lobbyist" means a person required to register and report expenses related to lobbying
659 under §8 of this chapter.

660
661 (n) "Lobbying" means:

662 (1) Communicating in the presence of a City official or employee with the intent to
663 influence any official action of that official or employee; or

664 (2) Engaging in activities with the express purpose of soliciting others to communicate
665 with a City official or employee with the intent to influence that official or employee.
666

667 (o) "Official" means an elected official, an employee of the City, or a person appointed
668 to or employed by the City or any City agency, board, commission, or similar entity:

669 (1) Whether or not paid in whole or in part with City funds; and

670 (2) Whether or not compensated.
671

672 (p) "Person" includes an individual or business entity.
673

674 (q) "Principal home" means the sole residential property that an individual occupies as the
675 individual's primary residence, whether owned or rented by the individual.
676

677 (r) "Qualified relative" means a spouse, parent, child, brother, or sister.
678

679 (s) "Quasi-governmental entity" means an entity that is created by State statute, that
680 performs a public function, and that is supported in whole or in part by the State but is
681 managed privately.
682

683 (t) "Quasi-judicial board" means any board or commission that conducts proceedings or who
684 can adjudicate the rights of persons through adjudication or rulemaking.
685

686 (u) "Respondent" means any of the following who is the subject of a complaint before the
687 Commission, including an official, employee, candidate, or any other person subject to the
688 provisions of this ordinance.
689

690 (v) "Second home" means a residential property that:

691 (1) An individual occupies for some portion of the filing year; and

692 (2) Is not a rental property or a time share.
693

694 2.04.040 - Administration.

695 (a) (1) There is a Commission that consists of 5 members, appointed by the Mayor with
696 the advice and consent of the City Council.

697 (2) The Commission members shall serve 4 year overlapping terms.

698 (3) A Commission member may serve until a successor is appointed and qualifies.
699

700 (b) (1) The Commission shall elect a chairman from among its members.

701 (2) The term of the chairman is one year.

702 (3) The chairman may be reelected.
703

704 (c) (1) The City Attorney shall assist the Commission in carrying out the Commission's
705 duties.

706 (2) If a conflict of interest under §5 of this chapter or other conflict prohibits the City
707 Attorney from assisting the Commission in a matter, the City shall provide sufficient
708 funds for the Commission to hire independent counsel for the duration of the conflict.
709

710 **(d) The Commission is the advisory body responsible for interpreting this chapter and**
711 **advising persons subject to this chapter regarding its application.**

712
713 **(e) The Commission shall hear and decide, with the advice of the City Attorney or other legal**
714 **counsel if appropriate, all complaints filed regarding alleged violations of this chapter by any**
715 **person.**

716
717 **(f) The Commission or an office designated by the Commission shall retain as a public record**
718 **all forms submitted by any person under this chapter for at least four years after receipt by**
719 **the Commission.**

720
721 **(g) The Commission shall conduct a public information and education program regarding**
722 **the purpose and implementation of this chapter.**

723
724 **(h) The Commission shall certify to the State Ethics Commission on or before October 1 of**
725 **each year that the City, is in compliance with the requirements of General Provisions Article,**
726 **Title 5, Subtitle 8, Annotated Code of Maryland, for elected local officials.**

727
728 **(i) The Commission shall:**

729 **(1) Determine if changes to this chapter are required to be in compliance with the**
730 **requirements of General Provisions Article, Title 5, Subtitle 8, Annotated Code of**
731 **Maryland; and**

732 **(2) Shall forward any recommended changes and amendments to the City Council for**
733 **enactment.**

734
735 **(j) (1) Any person subject to this chapter may request an advisory opinion from the**
736 **Commission concerning the application of this chapter.**

737 **(2) The Commission shall respond promptly to a request for an advisory opinion and**
738 **shall provide interpretations of this chapter based on the facts provided or reasonably**
739 **available to the Commission within 60 days of the request.**

740 **(3) In accordance with all applicable State and City laws regarding public records,**
741 **the Commission shall publish or otherwise make available to the public copies of the**
742 **advisory opinions, with the identities of the subjects deleted.**

743 **(4) The Commission may adopt additional policies and procedures related to the**
744 **advisory opinion request process.**

745
746 **(k) (1) Any person may file a complaint with the Commission alleging a violation of any**
747 **of the provisions of this chapter.**

748 **(2) A complaint shall be in writing and under oath.**

749 **(3) The Commission may refer a complaint to the City Attorney, or other legal counsel**
750 **if appropriate, for investigation and review.**

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

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

757 (6) A final determination of a violation resulting from the hearing shall include
758 findings of fact and conclusions of law.

759 (7) Upon finding of a violation, the Commission may take any enforcement action
760 provided for in §9 of this chapter.

761 (8) (i) After a complaint is filed and until a final finding of a violation by the
762 Commission, all actions regarding a complaint are confidential.

763 (ii) A finding of a violation is public information.

764 (9) The Commission may adopt additional policies and procedures related to
765 complaints, complaint hearings, the use of independent investigators and staff, the
766 use of witness and document subpoenas, and cure and settlement agreements.

767
768 (l) The Commission may grant exemptions to or modifications of the conflict of interest and
769 financial disclosure provisions of this chapter to officials or employees serving as members of
770 City boards and commissions, when the Commission finds that the exemption or modification
771 would not be contrary to the purposes of this chapter, and the application of this chapter
772 would:

773 (1) Constitute an unreasonable invasion of privacy; and

774 (2) Significantly reduce the availability of qualified persons for public service.

775
776 (m) The Commission may:

777 (1) Assess a late fee of \$5 per day up to a maximum of \$500 for a failure to timely file
778 a financial disclosure statement required under §6 or 7 of this chapter; and

779 (2) Assess a late fee of \$10 per day up to a maximum of \$1,000 for a failure to file a
780 timely lobbyist registration or lobbyist report required under §8 of this chapter.

781
782 **2.04.050 - Prohibited conduct and interests.**

783 **(a) Participation prohibitions.**

784 **(1) Except as permitted by Commission regulation or opinion, an official or employee**
785 **may not participate in:**

786 **(i) any matter in which, to the knowledge of the official or employee, the**
787 **official or employee or a qualified relative of the official or employee has an**
788 **interest, unless it involves the exercise of an administrative or ministerial duty**
789 **that does not affect the disposition or decision of the matter.**

790 **(ii) any matter in which any of the following is a party, unless it involves the**
791 **exercise of an administrative or ministerial duty that does not affect the**
792 **disposition or decision with respect to the matter:**

793 **(A) A business entity in which the official or employee has a direct**
794 **financial interest of which the official or employee may reasonably be**
795 **expected to know;**

796 **(B) A business entity for which the official, employee, or a qualified**
797 **relative of the official or employee is an officer, director, trustee,**
798 **partner, or employee;**

799 **(C) A business entity with which the official or employee or, to the**
800 **knowledge of the official or employee, a qualified relative is**
801 **negotiating employment or has any arrangement concerning**
802 **prospective employment;**

803 (D) If the contract reasonably could be expected to result in a conflict
804 between the private interests of the official or employee and the
805 official duties of the official or employee, a business entity that is a
806 party to an existing contract with the official or employee, or which,
807 to the knowledge of the official or employee, is a party to a contract
808 with a qualified relative;

809 (E) An entity, doing business with the City, in which a direct financial
810 interest is owned by another entity in which the official or employee
811 has a direct financial interest, if the official or employee may be
812 reasonably expected to know of both direct financial interests; or

813 (F) A business entity that:

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

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

820 (2) A person who is disqualified from participating under paragraph (1) of this
821 subsection shall disclose the nature and circumstances of the conflict and may
822 participate or act if:

823 (i) The disqualification leaves a body with less than a quorum capable of
824 acting;

825 (ii) The disqualified official or employee is required by law to act; or

826 (iii) The disqualified official or employee is the only person authorized to act.

827 (3) The prohibitions of paragraph 1 of this subsection do not apply if participation is
828 allowed by regulation or opinion of the Commission.

829 (4) A former regulated lobbyist who is or becomes subject to this chapter as an
830 employee or official, other than an elected official or an appointed official, may not
831 participate in a case, contract, or other specific matter as an employee or official,
832 other than an elected official or appointed official, for one calendar year after the
833 termination of the registration of the former regulated lobbyist if the former
834 regulated lobbyist previously assisted or represented another party for compensation
835 in the matter.

836
837 **(b) Employment and financial interest restrictions.**

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

841 (i) Be employed by or have a financial interest in any entity:

842 (A) Subject to the authority of the official or employee or the City
843 agency, board, or commission with which the official or employee is
844 affiliated; or

845 (B) That is negotiating or has entered a contract with the agency,
846 board, or commission with which the official or employee is affiliated;
847 or

848 (ii) Hold any other employment relationship that would impair the
849 impartiality or independence of judgment of the official or employee.

850 (2) The prohibitions of paragraph (1) of this subsection do not apply to:

- 851 (i) An official or employee who is appointed to a regulatory or licensing
852 authority pursuant to a statutory requirement that persons subject to the
853 jurisdiction of the authority be represented in appointments to the authority;
854 (ii) Subject to other provisions of law, a member of a board or commission in
855 regard to a financial interest or employment held at the time of appointment,
856 provided the financial interest or employment is publicly disclosed to the
857 appointing authority and the Commission;
858 (iii) An official or employee whose duties are ministerial, if the private
859 employment or financial interest does not create a conflict of interest or the
860 appearance of a conflict of interest, as permitted and in accordance with
861 regulations adopted by the Commission; or
862 (iv) Employment or financial interests allowed by regulation of the
863 Commission if the employment does not create a conflict of interest or the
864 appearance of a conflict of interest or the financial interest is disclosed.

865
866 **(c) Post-employment limitations and restrictions.**

867 (1) A former official or employee may not assist or represent any party other than the
868 City for compensation in a case, contract, or other specific matter involving the City
869 if that matter is one in which the former official or employee significantly participated
870 as an official or employee.

871 (2) A former elected official may not assist or represent another party for
872 compensation in a matter that is the subject of legislative action for one calendar year
873 after the elected official leaves office.

874
875 **(d) Contingent compensation. Except in a judicial or quasi-judicial proceeding, an official or**
876 **employee may not assist or represent a party for contingent compensation in any matter**
877 **before or involving the City.**

878
879 **(e) Use of prestige of office.**

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

882 (a) For the private gain of that official or employee or the private gain
883 of another; or

884 (b) To influence, except as part of the official duties of the official or
885 employee or as a usual and customary constituent service without
886 additional compensation, the award of a state or local contract to a
887 specific person.

888 (ii) An official may not directly or indirectly initiate a solicitation for a person
889 to retain the compensated services of a particular regulated lobbyist or
890 lobbying firm.

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

893 (3) (i) An official, other than an elected official, or employee may not use public
894 resources or the title of the official or employee to solicit a contribution as that
895 term is defined in the Election Law Article.

896 (ii) An elected official may not use public resources to solicit a contribution as
897 that term is defined in the Election Law Article.

899 **(f) Solicitation and acceptance of gifts.**

900 **(1) An official or employee may not solicit any gift.**

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

903 **(3) Except as provided in paragraph (4) of this subsection, an official or employee**
904 **may not knowingly accept a gift, directly or indirectly, from a person that the official**
905 **or employee knows or has reason to know:**

906 **(i) Is doing business with or seeking to do business with the City office, agency,**
907 **board, or commission with which the official or employee is affiliated;**

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

911 **(iii) Is engaged in an activity regulated or controlled by the official's or**
912 **employee's governmental unit;**

913 **(iv) Is a lobbyist with respect to matters within the jurisdiction of the official**
914 **or employee; or**

915 **(v) Is an association, or any entity acting on behalf of an association that is**
916 **engaged only in representing counties or municipal corporations.**

917 **(4) Notwithstanding paragraph (3) of this subsection, an official or employee may**
918 **accept a gift if it:**

919 **(i) would not intend to impair the impartiality and the independence of**
920 **judgment of the official or employee receiving the gift; and**

921 **(ii) was not of such significant value that it would give the appearance of**
922 **impairing the impartiality and independence of judgment of the official or**
923 **employee; or**

924 **(iii) was not of such significant value that the recipient official or employee**
925 **believes or has reason to believe is designed to impair the impartiality and**
926 **independence of judgment of the official or employee.**

927 **(5) Notwithstanding paragraph (3) of this subsection, an official or employee may**
928 **accept the following:**

929 **(i) Meals and beverages consumed in the presence of the donor or sponsoring**
930 **entity;**

931 **(ii) Ceremonial gifts or awards that have insignificant monetary value;**

932 **(iii) Unsolicited gifts of nominal value that do not exceed \$20 in cost or trivial**
933 **items of informational value;**

934 **(iv) Reasonable expenses for food, travel, lodging, and scheduled**
935 **entertainment of the official or the employee at a meeting which is given in**
936 **return for the participation of the official or employee in a panel or speaking**
937 **engagement at the meeting;**

938 **(v) Gifts of tickets or free admission extended to an elected official to attend**
939 **a charitable, cultural, or political event, if the purpose of this gift or admission**
940 **is a courtesy or ceremony extended to the elected official's office;**

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

945 (vii) Gifts from a person related to the official or employee by blood or
946 marriage, or any other individual who is a member of the household of the
947 official or employee; or

948 (viii) Honoraria for speaking to or participating in a meeting, provided that
949 the offering of the honorarium is in no way related to the official's or
950 employee's official position.

951
952 (g) Disclosure of confidential information. Other than in the discharge of official duties, an
953 official or employee or former official or employee may not disclose or use confidential
954 information, that the official or employee acquired by reason of the individual's public
955 position or former public position and that is not available to the public, for the economic
956 benefit of the official or employee or that of another person.

957
958 (h) An official or employee may not retaliate against an individual for reporting or
959 participating in an investigation of a potential violation of the local ethics law or ordinance.

960
961
962 **2.04.060 - Financial disclosure — elected officials, officials, and employees.**

963 (a) This section applies to all elected officials, all candidates to be elected officials, and City
964 employees at or above the rank of Deputy Director or their equivalents.

965
966 (b) Except as provided in subsection (d) of this section, an elected official, employee, or
967 candidate to be an elected official shall file the financial disclosure statement required under
968 this subsection:

969 (1) On a form provided by the Commission;

970 (2) Under oath or affirmation; and

971 (3) With the Commission.

972
973 (c) Deadlines for filing statements.

974 (1) An incumbent official or employee shall file a financial disclosure statement
975 annually no later than April 30 of each year for the preceding calendar year.

976 (2) An official or employee who is appointed to fill a vacancy in an office for which a
977 financial disclosure statement is required and who has not already filed a financial
978 disclosure statement shall file a statement for the preceding calendar year within 30
979 days after appointment.

980 (3) (i) An individual who, other than by reason of death, leaves an office for which
981 a statement is required shall file a statement within 60 days after leaving the
982 office.

983 (ii) The statement shall cover:

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

987 (B) The portion of the current calendar year during which the
988 individual held the office.

989
990 (d) Candidates to be elected officials.

991 (1) Except for an official or employee who has filed a financial disclosure statement
992 under another provision of this section for the reporting period, a candidate to be an
993 elected official shall file a financial disclosure statement each year beginning with the
994 year in which the certificate of candidacy is filed through the year of the election.

995 (2) A candidate to be an elected official shall file a statement required under this
996 section:

997 (i) In the year the certificate of candidacy is filed, no later than the filing of
998 the certificate of candidacy;

999 (ii) In the year of the election, on or before the earlier of April 30 or the last
1000 day for the withdrawal of candidacy; and

1001 (iii) In all other years for which a statement is required, on or before April 30.

1002 (3) A candidate to be an elected official:

1003 (i) May file the statement required under §6(d)(2)(i) of this chapter with the
1004 City Clerk with the certificate of candidacy or with the Commission prior to
1005 filing the certificate of candidacy; and

1006 (ii) Shall file the statements required under §6(d)(2)(ii) and (iii) of this chapter
1007 with the Commission.

1008 (4) If a statement required by a candidate is overdue and not filed within 8 days after
1009 written notice of the failure to file is provided by the City Clerk, the candidate is
1010 deemed to have withdrawn the candidacy.

1011 (5) The City Clerk or City Election Board may not accept any certificate of candidacy
1012 unless a statement required under this section has been filed in proper form.

1013 (6) Within 30 days of the receipt of a statement required under this section, the City
1014 Clerk shall forward the statement to the Commission, or an office designated by the
1015 Commission.

1016
1017 (e) Public record.

1018 (1) The Commission or office designated by the Commission shall maintain all
1019 financial disclosure statements filed under this section.

1020 (2) The Commission or office designated by the Commission shall make financial
1021 disclosure statements available during normal office hours for examination and
1022 copying by the public, subject to reasonable fees and administrative procedures
1023 established by the Commission.

1024 (3) If an individual examines or copies a financial disclosure statement, the
1025 Commission or the office designated by the Commission shall record:

1026 (i) The name and home address of the individual reviewing or copying the
1027 statement; and

1028 (ii) The name of the person whose financial disclosure statement was
1029 examined or copied.

1030 (4) Upon request by the individual whose financial disclosure statement was examined
1031 or copied, the Commission or the office designated by the Commission shall provide
1032 the official or employee with a copy of the name and home address of the person who
1033 reviewed the official's or employee's financial disclosure statement.

1034 (5) For statements filed after January 1, 2019, the Commission or the office designated
1035 by the Commission may not provide public access to an individual's home address
1036 that the individual has designated as the individual's home address.

1037 (6) The Commission or office designated by the Commission shall not provide public
1038 access to information related to consideration received from:

- 1039 (i) The University of Maryland Medical System;
1040 (ii) A governmental entity of the State or a local government in the State; or
1041 (iii) A quasi-governmental entity of the State or local government in the State.

1042
1043 (f) Retention requirements. The Commission or the office designated by the Commission shall
1044 retain financial disclosure statements for four years from the date of receipt.

1045
1046 (g) An individual who is required to disclose the name of a business under this section shall
1047 disclose any other names that the business is trading as or doing business as.

1048
1049 (h) Contents of statement.

1050 (1) Interests in real property.
1051 (i) A statement filed under this section shall include a schedule of all interests
1052 in real property wherever located.

1053 (ii) For each interest in real property, the schedule shall include:
1054 (A) The nature of the property and the location by street address,
1055 mailing address, or legal description of the property;
1056 (B) The nature and extent of the interest held, including any
1057 conditions and encumbrances on the interest;
1058 (C) The date when, the manner in which, and the identity of the person
1059 from whom the interest was acquired;
1060 (D) The nature and amount of the consideration given in exchange for
1061 the interest or, if acquired other than by purchase, the fair market
1062 value of the interest at the time acquired;
1063 (E) If any interest was transferred, in whole or in part, at any time
1064 during the reporting period, a description of the interest transferred,
1065 the nature and amount of the consideration received for the interest,
1066 and the identity of the person to whom the interest was transferred;
1067 and
1068 (F) The identity of any other person with an interest in the property.

1069 (2) Interests in corporations and partnerships.
1070 (i) A statement filed under this section shall include a schedule of all interests
1071 in any corporation, partnership, limited liability partnership, or limited
1072 liability corporation, regardless of whether the corporation or partnership
1073 does business with the City.

1074 (ii) For each interest reported under this paragraph, the schedule shall
1075 include:
1076 (A) The name and address of the principal office of the corporation,
1077 partnership, limited liability partnership, or limited liability
1078 corporation;
1079 (B) The nature and amount of the interest held, including any
1080 conditions and encumbrances on the interest;
1081 (C) With respect to any interest transferred, in whole or in part, at
1082 any time during the reporting period, a description of the interest
1083 transferred, the nature and amount of the consideration received for
1084 the interest, and, if known, the identity of the person to whom the
1085 interest was transferred; and

1086 (D) With respect to any interest acquired during the reporting period:
1087 1. The date when, the manner in which, and the identity of the
1088 person from whom the interest was acquired; and
1089 2. The nature and the amount of the consideration given in
1090 exchange for the interest or, if acquired other than by
1091 purchase, the fair market value of the interest at the time
1092 acquired.
1093 (iii) An individual may satisfy the requirement to report the amount of the
1094 interest held under item (ii)(B) of this paragraph by reporting, instead of a
1095 dollar amount:
1096 (A) For an equity interest in a corporation, the number of shares held
1097 and, unless the corporation's stock is publicly traded, the percentage
1098 of equity interest held; or
1099 (B) For an equity interest in a partnership, the percentage of equity
1100 interest held.
1101 (3) Interests in business entities doing business with City.
1102 (i) A statement filed under this section shall include a schedule of all interests
1103 in any business entity that does business with the City, other than interests
1104 reported under paragraph (2) of this subsection.
1105 (ii) For each interest reported under this paragraph, the schedule shall
1106 include:
1107 (A) The name and address of the principal office of the business entity;
1108 (B) The nature and amount of the interest held, including any
1109 conditions to and encumbrances on the interest;
1110 (C) With respect to any interest transferred, in whole or in part, at
1111 any time during the reporting period, a description of the interest
1112 transferred, the nature and amount of the consideration received in
1113 exchange for the interest, and, if known, the identity of the person to
1114 whom the interest was transferred; and
1115 (D) With respect to any interest acquired during the reporting period:
1116 1. The date when, the manner in which, and the identity of the
1117 person from whom the interest was acquired; and
1118 2. The nature and the amount of the consideration given in
1119 exchange for the interest or, if acquired other than by
1120 purchase, the fair market value of the interest at the time
1121 acquired.
1122 (4) Gifts.
1123 (i) A statement filed under this section shall include a schedule of each gift in
1124 excess of \$20 in value or a series of gifts totaling \$100 or more received during
1125 the reporting period from or on behalf of, directly or indirectly, any one
1126 person who does business with the City or from an association, or any entity
1127 acting on behalf of an association that is engaged only in representing counties
1128 or municipal corporations
1129 (ii) For each gift reported, the schedule shall include:
1130 (A) A description of the nature and value of the gift; and
1131 (B) The identity of the person from whom, or on behalf of whom,
1132 directly or indirectly, the gift was received.
1133 (5) Employment with or interests in entities doing business with City.

1134 (i) A statement filed under this section shall include a schedule of all offices,
1135 directorships, and salaried employment by the individual or member of the
1136 immediate family of the individual held at any time during the reporting
1137 period with entities doing business with the City.

1138 (ii) For each position reported under this paragraph, the schedule shall
1139 include:

1140 (A) The name and address of the principal office of the business entity;

1141 (B) The title and nature of the office, directorship, or salaried
1142 employment held and the date it commenced; and

1143 (C) The name of each City agency with which the entity is involved as
1144 indicated by identifying one or more of the three categories of "doing
1145 business", as defined in §3(d) of this chapter.

1146 (6) Indebtedness to entities doing business with or regulated by the individual's City
1147 unit or department.

1148 (i) A statement filed under this section shall include a schedule of all liabilities,
1149 excluding retail credit accounts, to persons doing business with or regulated
1150 by the individual's City unit or department owed at any time during the
1151 reporting period:

1152 (A) By the individual; or

1153 (B) By a member of the immediate family of the individual if the
1154 individual was involved in the transaction giving rise to the liability.

1155 (ii) For each liability reported under this paragraph, the schedule shall
1156 include:

1157 (A) The identity of the person to whom the liability was owed and the
1158 date the liability was incurred;

1159 (B) The amount of the liability owed as of the end of the reporting
1160 period;

1161 (C) The terms of payment of the liability and the extent to which the
1162 principal amount of the liability was increased or reduced during the
1163 year; and

1164 (D) The security given, if any, for the liability.

1165 (7) Employment with City. A statement filed under this section shall include a
1166 schedule of the immediate family members of the individual employed by the City in
1167 any capacity at any time during the reporting period.

1168 (8) Sources of earned income.

1169 (i) A statement filed under this section shall include a schedule of the name
1170 and address of each place of employment and of each business entity of which
1171 the individual or a member of the individual's immediate family was a sole or
1172 partial owner and from which the individual or member of the individual's
1173 immediate family received earned income, at any time during the reporting
1174 period.

1175 (ii) A minor child's employment or business ownership need not be disclosed
1176 if the agency that employs the individual does not regulate, exercise authority
1177 over, or contract with the place of employment or business entity of the minor
1178 child.

1179 (iii) For a statement filed on or after January 1, 2019, if the individual's spouse
1180 is a lobbyist regulated by the City, the individual shall disclose the entity that
1181 has engaged the spouse for lobbying purposes.

1182 (9) Relationship with University of Maryland Medical System, State or Local
1183 Government, or Quasi-Governmental Entity.

1184 (i) An individual shall disclose the information specified in General Provisions
1185 Article §5-607(j)(1), Annotated Code of Maryland, for any financial or
1186 contractual relationship with:

1187 (A) The University of Maryland Medical System;

1188 (B) A governmental entity of the State or a local government in the
1189 State; or

1190 (C) A quasi-governmental entity of the State or local government in
1191 the State.

1192 (ii) For each financial or contractual relationship reported, the schedule shall
1193 include:

1194 (A) A description of the relationship;

1195 (B) The subject matter of the relationship; and

1196 (C) The consideration.

1197 (10) A statement filed under this section may also include a schedule of additional
1198 interests or information that the individual making the statement wishes to disclose.

1199 (i) For the purposes of §6(h)(1), (2), and (3) of this chapter, the following
1200 interests are considered to be the interests of the individual making the
1201 statement:

1202 (1) An interest held by a member of the individual's immediate family,
1203 if the interest was, at any time during the reporting period, directly or
1204 indirectly controlled by the individual.

1205 (2) An interest held, at any time during the applicable period, by:

1206 (i) A business entity in which the individual held a 10% or
1207 greater interest;

1208 (ii) A business entity described in section (i) of this subsection
1209 in which the business entity held a 25% or greater interest;

1210 (iii) A business entity described in section (ii) of this subsection
1211 in which the business entity held a 50% or greater interest;
1212 and

1213 (iv) A business entity in which the individual directly or
1214 indirectly, though an interest in one or a combination of other
1215 business entities, holds a 10% or greater interest.

1216 (3) An interest held by a trust or an estate in which, at any time during
1217 the reporting period:

1218 (i) The individual held a reversionary interest or was a beneficiary; or

1219 (ii) If a revocable trust, the individual was a settlor.

1220
1221 (j) (1) The Commission shall review the financial disclosure statements submitted under
1222 this section for compliance with the provisions of this section and shall notify an
1223 individual submitting the statement of any omissions or deficiencies.

1224 (2) The Commission may take appropriate enforcement action to ensure compliance
1225 with this section.

1226

1227 2.04.070 - Financial disclosure — appointed members of boards and commissions.

1228

- 1229 (a) (1) The City appointed officials listed in paragraph (b) of this section shall file the
1230 statement required by §6 of this chapter.
1231 (2) The appointed officials shall be required to disclose the information specified in
1232 §6(g) of this chapter only with respect to those interests, gifts, compensated positions,
1233 and liabilities that may create a conflict, as provided in §5 of this chapter, between
1234 the member’s personal interests and the member’s official local duties.
1235 (3) An official shall file a statement required under this section annually, not later
1236 than April 30 of each calendar year during which the official holds office.

1237
1238 (b) Appointed officials required to file: All persons sitting on a quasi-judicial board of the
1239 City.

1240
1241 (c) The Commission shall maintain all disclosure statements filed under this section as public
1242 records available for public inspection and copying as provided in §6(e) of this chapter.

1243
1244 **2.04.080 - Lobbying.**

1245 (a) Except as provided in subsections (b) and (c) of this section, a person or entity who engages
1246 in lobbying as defined in §2.04.030(l) shall file a lobbying registration with the Commission if
1247 the person or entity, during the calendar year:

- 1248 (1) Expends, exclusive of personal travel and subsistence expenses, in excess of \$100
1249 in furtherance of this activity; or
1250 (2) Is compensated in excess of \$100 in connection with this activity.

1251
1252 (b) The following activities are exempt from regulation under this section:

- 1253 (1) Professional services in drafting bills or in advising and rendering opinions to
1254 clients as to the construction and effect of proposed or pending Council actions when
1255 these services do not otherwise constitute lobbying activities;
1256 (2) Appearances before the Council upon its specific invitation or request if the person
1257 or entity
1258 engages in no further or other activities in connection with the passage or defeat of
1259 Council actions;
1260 (3) Appearances before a City agency upon the specific invitation or request of the
1261 agency if the person or entity engages in no further or other activities in connection
1262 with the passage or defeat of any agency executive action;
1263 (4) Appearance as part of the official duties of a duly elected or appointed official or
1264 employee of the State or a political subdivision of the State, or of the United States,
1265 and not on behalf of any other entity;
1266 (5) Actions of a publisher or working member of the press, radio, or television in the
1267 ordinary course of the business of disseminating news or making editorial comment
1268 to the general public who does not engage in further or other lobbying that would
1269 directly and specifically benefit the economic, business, or professional interests of
1270 the person or entity or the employer of the person
1271 or entity;
1272 (6) Appearances by an individual before the Council at the specific invitation or
1273 request of a registered lobbyist if the person performs no other lobbying act and
1274 notifies the Council that the person or entity is testifying at the request of the lobbyist;

1275 (7) Appearances by an individual before a government agency at the specific
1276 invitation or request of a registered lobbyist if the person or entity performs no other
1277 lobbying act and notifies agency that the person or entity is testifying at the request
1278 of the lobbyist;

1279 (8) The representation of a bona fide religious organization solely for the purpose of
1280 protecting the right of its own members to practice the doctrine of the organization;
1281 and

1282 (9) Appearance as part of the official duties of an officer, director, member, or
1283 employee of an association engaged exclusively in lobbying for counties and
1284 municipalities and not on behalf of any other entity.

1285
1286 (c) Limited exemption — employer of a lobbyist.

1287 (1) A person or entity who compensates one or more lobbyists and who would
1288 otherwise be required to register as a lobbyist is not required to file a registration and
1289 submit lobbying reports if the person or entity reasonably believes that all expenses
1290 incurred in connection with the lobbying activities will be reported by a properly
1291 registered person or entity acting on behalf of the person or entity.

1292 (2) A person or entity exempted under this subsection becomes subject to this section
1293 immediately upon failure of the lobbyist to report any information required under
1294 this section.

1295
1296 (d) (1) The registration filed under this section shall be filed on or before the later of the
1297 beginning of the calendar year in which the person or entity expects to lobby and
1298 within five days of first engaging in lobbying activities in the calendar year.

1299 (2) The registration filed under this section:

1300 (i) Shall be dated and on a form developed by the Commission;

1301 (ii) Shall include:

1302 (A) The lobbyist's full and legal name and permanent address;

1303 (B) The name, address, and nature of business of any person or entity
1304 on whose behalf the lobbyist acts; and

1305 (C) The written authorization of any person or entity on whose behalf
1306 the lobbyist acts or an authorized officer or agent, who is not the
1307 lobbyist, of the person or entity on whose behalf the lobbyist acts;

1308 (iii) A statement of whether the person or entity on whose behalf the lobbyist
1309 acts is exempt from registration under subsection (c) of this section;

1310 (iv) The identification, by formal designation, if known, of matters on which
1311 the lobbyist expects to act;

1312 (v) Identification of the period of time within a single calendar year during
1313 which the lobbyist is authorized to engage in these activities, unless
1314 terminated sooner; and

1315 (vi) The full legal signature of the lobbyist and, when appropriate, the person
1316 or entity on whose behalf the lobbyist acts or an agent or authorized officer
1317 of the person or entity on whose behalf the lobbyist acts.

1318 (e) A lobbyist shall file a separate registration for each person or entity that has engaged or
1319 employed the lobbyist for lobbying purposes.

1320

1321 (f) A lobbyist may terminate the lobbyist's registration by providing written notice to the
1322 Commission and submitting all outstanding reports and registrations.

1323
1324 (g) A person or entity may not engage in lobbying activities on behalf of another person or
1325 entity for compensation that is contingent upon the passage or defeat of any action by the
1326 Council or other or the outcome of any executive action.

1327
1328 (h) Activity report.

1329 (1) A lobbyist shall file with the Commission or the office designated by the
1330 Commission:

1331 (i) By July 31, one report concerning the lobbyist's lobbying activities
1332 covering the period beginning January 1 through June 30; and

1333 (ii) By January 31, one report covering the period beginning July 1 through
1334 December 31.

1335 (2) A lobbyist shall file a separate activity report for each person or entity on whose
1336 behalf the lobbyist acts.

1337 (3) If the lobbyist is not an individual, an authorized officer or agent of the entity shall
1338 sign the form.

1339 (4) The report shall include:

1340 (i) A complete and current statement of the information required to be
1341 supplied with the lobbyist's registration form.

1342 (ii) Total expenditures on lobbying activities in each of the following
1343 categories:

1344 (A) Total compensation paid to the lobbyist not including expenses
1345 reported under items (B)—(I) of this subparagraph;

1346 (B) Office expenses of the lobbyist;

1347 (C) Professional and technical research and assistance not reported in
1348 item (i) of this subparagraph;

1349 (D) Publications which expressly encourage persons to communicate
1350 with City officials or employees;

1351 (E) Names of witnesses, and the fees and expenses paid to each
1352 witness;

1353 (F) Meals and beverages for City officials and employees;

1354 (G) Reasonable expenses for food, lodging, and scheduled
1355 entertainment of City officials or employees for a meeting which is
1356 given in return for participation in a panel or speaking engagement at
1357 the meeting;

1358 (H) Other gifts to or for officials or employees or their spouses or
1359 dependent children; and

1360 (I) Other expenses.

1361
1362 (i) Special gift report.

1363 (1) (i) With the six-month activity report required under subsection (h) of this
1364 section, a lobbyist shall report, except for gifts reported in item (h)(4)(ii)(G)
1365 of this section, gifts from the lobbyist with a cumulative value of \$75 or more
1366 during the reporting period to an official, employee, or member of the
1367 immediate family of an official or employee.

1368 (ii) The lobbyist shall report gifts under this paragraph regardless of whether
1369 the gift was given in connection with lobbying activities.

1370 (2) The report shall include the date, beneficiary, amount or value, and nature of the
1371 gift.

1372
1373 (j) Notification to official and confidentiality.

1374 (1) If any report filed under this section contains the name of an official or employee
1375 or a member of the immediate family of an official or employee, the Commission shall
1376 notify the official or employee within 30 days.

1377 (2) The Commission shall keep the report confidential for 60 days following receipt
1378 by the Commission.

1379 (3) Within 30 days of the notice required under paragraph (1) of this subsection, the
1380 official or employee may file a written exception to the inclusion in the report of the
1381 name of the official, employee, or member of the immediate family of the official or
1382 employee.

1383
1384 (k) The Commission may require a lobbyist to submit other reports the Commission
1385 determines to be necessary.

1386
1387 (l) The Commission or office designated by the Commission shall maintain all registrations
1388 and reports filed under this section.

1389
1390 (m) (1) The Commission shall review the registrations and reports filed under this section
1391 for compliance with this section and shall notify persons engaging in lobbying
1392 activities of any omissions or deficiencies.

1393 (2) The Commission may take appropriate enforcement action to ensure compliance
1394 with this section.

1395
1396 (n) Annual report.

1397 (1) The Commission shall compute and make available a subtotal under each of the
1398 ten required categories in subparagraph (h)(4)(ii) of this section.

1399 (2) The Commission shall compute and make available the total amount reported by
1400 all lobbyists for their lobbying activities during the reporting period.

1401
1402 (o) The Commission shall make lobbying registrations and reports available during normal
1403 business hours for examination and copying subject to reasonable fees and procedures
1404 established by the Commission.

1405
1406 2.04.090 - Enforcement.

1407 (a) (1) Upon a finding of a violation of any provision of this chapter, the Commission
1408 may:

1409 (i) Issue an order of compliance directing the respondent to cease and desist
1410 from the violation;

1411 (ii) Issue a reprimand; or

1412 (iii) Recommend to the appropriate authority other appropriate discipline of
1413 the respondent, including censure or removal if that discipline is authorized
1414 by law.

1415 (2) If the Commission finds that a respondent has violated §2.04.080 of this chapter,
1416 the Commission may:

1417 (i) Require a respondent who is a registered lobbyist to file any additional
1418 reports or information that reasonably related to the information that is
1419 required under §2.04.080 of this chapter;

1420 (ii) Impose a fine not exceeding \$5,000 for each violation; and

1421 (iii) Suspend the registration of an individual registered lobbyist if the
1422 Commission finds that the lobbyist has knowingly and willfully violated §8 of
1423 this chapter or has been convicted of a criminal offense arising from lobbying
1424 activities.

1425

1426 (b) (1) Upon request of the Commission, the City Attorney may file a petition for
1427 injunctive or other relief in the Circuit Court of Wicomico County, or in any other
1428 court having proper venue for the purpose of requiring compliance with the
1429 provisions of this chapter.

1430 (2) (i) The court may:

1431 (A) Issue an order to cease and desist from the violation;

1432 (B) Except as provided in subparagraph (ii) of this paragraph, void
1433 an official action taken by an official or employee with a conflict of
1434 interest prohibited by this chapter when the action arises from or
1435 concerns the subject matter of the conflict and if the legal action is
1436 brought within 90 days of the occurrence of the official action, if the
1437 court deems voiding the action to be in the best interest of the public;
1438 or

1439 (C) Impose a fine of up to \$5,000 for any violation of the provisions of
1440 this chapter, with each day upon which the violation occurs
1441 constituting a separate offense.

1442 (ii) A court may not void any official action appropriating public funds,
1443 levying taxes, or providing for the issuance of bonds, notes, or other evidences
1444 of public obligations.

1445

1446 (c) (1) Any person who knowingly and willfully violates the provisions of §2.04.080 of this
1447 chapter is guilty of a misdemeanor, and upon conviction, is subject to a fine of not
1448 more than \$1,000 or imprisonment for not more than 1 year, or both.

1449 (2) If the person is a business entity and not a natural person, each officer and partner
1450 of the business entity who knowingly authorized or participated in the violation is
1451 guilty of a misdemeanor and, upon conviction, is subject to the same penalties as the
1452 business entity.

1453

1454 (d) In addition to any other enforcement provisions in this chapter, a person who the
1455 Commission or a court finds has violated this chapter:

1456 (1) Is subject to termination or other disciplinary action; and

1457 (2) May be suspended from receiving payment of salary or other compensation
1458 pending full compliance with the terms of an order of the Commission or a court.

1459

1460 (e) (1) A person who is subject to the provisions of this chapter shall obtain and preserve
1461 all accounts, bills, receipts, books, papers, and documents necessary to complete and

1462 substantiate a report, statement, or record required under this chapter for three years
1463 from the date of filing the report, statement, or record.

1464 (2) These papers and documents shall be available for inspection upon request by the
1465 Commission or the Council after reasonable notice.

1466
1467 **2.04.100 - Severability.**
1468 **If any section, sentence, clause, or phrase of this chapter is held invalid or unconstitutional by any**
1469 **court of competent jurisdiction, the ruling shall not affect the validity of the remaining portions of**
1470 **this chapter.**

1471
1472 **BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF**
1473 **SALISBURY, MARYLAND, as follows:**

1474 **Section 2.** It is the intention of the Mayor and Council of the City of Salisbury that each provision
1475 of this Ordinance shall be deemed independent of all other provisions herein.

1476 **Section 3.** It is further the intention of the Mayor and Council of the City of Salisbury that if any
1477 section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid,
1478 unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication
1479 shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other
1480 provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

1481 **Section 4.** The recitals set forth hereinabove are incorporated into this section of the Ordinance as
1482 if such recitals were specifically set forth at length in this Section 4.

1483 **Section 5.** This Ordinance shall take effect from and after the date of its final passage.

1484 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City
1485 of Salisbury held on the _____ day of _____, 2022 and thereafter, a statement of the substance of
1486 the Ordinance having been published as required by law, in the meantime, was finally passed by the Council
1487 of the City of Salisbury on the _____ day of _____, 2022

1488
1489 **ATTEST:**

1490
1491 _____
1492 **Kimberly R. Nichols, City Clerk** _____
1493 **John R. Heath, City Council President**

1494 Approved by me, this _____ day of _____, 2022.

1495
1496 _____
1497 **Jacob R. Day, Mayor**