

CHAPTER 1D

ETHICS

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Section 1D-101. Applicability.

The provisions of this ordinance apply to the following Mount Rainier officials and employees:

- A. All elected officials
- B. All employees
- C. All members of boards and commissions that exercise independent decision-making authority.

Section 1D-102. Duties and Powers. The City Attorney shall have the following duties and powers under this ordinance:

- A. To prescribe forms for use under this ordinance.
- B. To provide written advisory opinions to any person subject to the ordinance regarding the propriety of any matter, conduct, or function covered by this ethics ordinance; provided, however, that the City attorney may decline to render an opinion in response to a request for an advisory opinion.
- C. To receive, process, and investigate complaints filed by any person alleging violations of this ordinance, and to make determinations and issue written opinions regarding such complaints.
- D. To recommend rules and regulations to the Mayor and Council to implement this ordinance; and
- E. To conduct, develop, arrange for, or assist with such public information programs as the Mayor and Council shall direct regarding the purposes and application of this ordinance.

Section 1D-103. Disclosure of Conflict or Potential Conflict of Interest by City Attorney. If the City Attorney has or may have a conflict of interest, the appearance of a conflict of interest, or a personal interest in any matter, conduct or function covered by this ethics ordinance, then the City Attorney shall disclose the nature of the conflict or appearance of conflict of interest, or the personal interest to the Mayor and Council. A conflict of interest may include a professional or non-pecuniary interest, such as arises when the City Attorney has previously rendered an advisory opinion regarding the propriety of a matter under this ethics ordinance or is precluded from making a determination on a complaint against one official or employee because of the City Attorney's prior or pre-existing attorney-client relationship with the official or employee against whom the complaint is made or with another official or employee. In such case, the Mayor and Council may engage the services of outside council or such investigators or experts as the Mayor and Council deems necessary or desirable to carry out any or all of the City Attorney's duties and powers under this ordinance.

Section 1D-104. Conflicts of Interest. City of Mount Rainier officials and employees who are subject to this ordinance shall not;

- A. Participate on behalf of the City in any matter which would, to their knowledge, have a direct financial impact, as distinguished from the public generally, on them, their spouse, dependent child, brother or sister, or a business entity with which they are affiliated.
- B. Hold or acquire an interest of either \$1000 or 25% or greater in a business entity that has or is negotiating a contract of \$1000 or more with the City or is regulated by their agency, except as exempted by the Commission where the interest is disclosed pursuant to Section 105 of this ordinance.
- C. Be employed by a business entity that has or is negotiating a contract of more than \$1000 with the City or is regulated by their agency, except as exempted by the Commission pursuant to Section 105 of this ordinance.
- D. Hold any outside employment relationship that would impair their impartiality or independence of judgment in regards to city affairs.
- E. Represent any party, for a contingent fee, before any Mount Rainier City body.
- F. Within one year following termination of City service, act as compensated representative of another in connection with any specific matter in which he participated substantially as a City official or employee.
- G. Solicit any gift or accept gifts of greater than \$25 in value, from any person or entity that has or is negotiating a contract with the City, conducts regular business with the City, or is regulated by their agency. For purposes of this section, gift includes the transfer of

anything of economic value regardless of form without adequate and lawful consideration. However, the acceptance of gifts shall not include the purchase of a meal as part of a function related to City business.

- H. Use the prestige of their office for their own benefit or that of another.
- I. Use confidential information acquired in their official City position for their own benefit or that of another.

Section 1D-105. Financial Disclosure.

- A. The City officials and employees listed in Paragraph D of this section shall file annually not later than January 31 of each calendar year during which they hold office, a statement with the City Attorney disclosing any gifts received during the preceding calendar year from any person having a contract or doing business with the City or any person regulated by their agency. The City Attorney's statement shall be filed with the City Manager. The statement shall identify the donor of the gift and its approximate retail value at the time of receipt. If no such gifts have been received, a statement need not be filed.
- B. The City officials and employees listed in Paragraph D of this section shall also file annually not later than January 31 of each calendar year during which they hold office, a statement with the City Attorney itemizing any real property owned in whole or in part within the City of Mount Rainier. The City Attorney's statement shall be filed with the City Manager. If no such real property is owned, then a statement shall not be required.
- C. Candidates for elective offices listed in Paragraph D of this section shall file statements consistent with the requirements of Subsections A and B of this section at the time that they file their certificate of candidacy.
- D. Officials and employees of the City of Mount Rainier required to file:
 - 1. Mayor
 - 2. Each Councilmember
 - 3. City Manager
 - 4. City Attorney(s)
 - 5. City Clerk/Treasurer

6. All Department Heads
 7. All other elected officials and employees who have decision-making and policy responsibilities or who have the authority to commit the City to the expenditure of public funds.
- E. All City officials and employees or candidates for elective office to positions subject to this section shall file a statement with the City Attorney disclosing any interest or employment the holding of which would require disqualification from participation pursuant to Section 103(a) of this ordinance, sufficiently in advance of any anticipated action to allow adequate disclosure to the public.
- F. Disclosure statements filed pursuant to this section shall be maintained by the City Manager as public records available for public inspection and copying.

Section 1D-106. Lobbying Disclosure.

- A. Any person who personally appears before any City official or employee with the intent to influence the official or employee in the performance of his or her official duties or influence any legislative action and who in connection with such intent expends or reasonably expects to expend in a given calendar year in excess of two hundred dollars (\$200.00) on food, entertainment, or other gifts for such official or employee shall file a registration form as a lobbyist with the City Manager.
- B. The registration form required in Paragraph A above shall be filed with the City Manager not later than five (5) days after first performing any act requiring registration under this section and shall include complete identification of the registrant and of any other person on whose behalf the registrant acts. It shall also identify the subject matter on which the registrant proposed to conduct lobbying activities. If the registrant is not an individual, an authorized officer or agent of the registrant shall sign the form.
- C. Registrants under this paragraph shall file a report within thirty (30) days after the end of any calendar year during which they were registered, disclosing the value, date, and nature of any food, entertainment, or other gifts provided to a City official or employee. When a gift to a single official or employee exceeds fifty dollars (\$50.00) in value, the official or employee shall also be identified.
- D. All registration forms and reports filed pursuant to this section shall be maintained by the City Manager and shall be made available during normal business hours for examination and copying by the public, subject, however, to such reasonable fees and administrative procedures as the City Manager may establish from time to time. The forms shall be retained for three (3) years from the date of receipt. Any person

examining or copying these statements shall be required to record his or her name, home address, and the name of the person whose registration form or report was examined or copied.

Section 1D-107. Exemptions and Modifications.

The City Attorney may grant exemptions and modifications to the provisions of Sections 103 of this ordinance, if he or she determines that application would not be required to preserve the purpose of this ordinance..

Section 1D-108. Enforcement.

- A. The City Attorney may issue a cease and desist order against any person found to be in violation of this ordinance and may seek enforcement of this order in the Circuit Court of Prince George's County or any other appropriate court. The Court may issue a cease and desist order, impose a fine of up to \$500 for any violation of the provisions of this ordinance, order the violator to make restitution, and grant such other and further relief as is appropriate.
- B. A City official or employee found to have violated this ordinance may be subject to disciplinary or other appropriate personnel action, including suspension of City salary or other compensation.
(Ord.2-2000, 5/16/00)