

Introduced and Read Sept 4, 2012  
 Second Reading and Amendment \_\_\_\_\_, 2012  
 Adopted Oct 2, 2012  
 Posted Oct 3, to Oct 20, 2012

**CITY OF MOUNT RAINIER  
 ORDINANCE 4-2012**

**An ordinance amending Chapter 1D Ethics of the Mount Rainier Code.**

**WHEREAS**, the Maryland General Assembly enacted legislation requiring local governments to adopt Ethics Ordinances that are substantially similar to the Maryland ethics law applicable to State officials and employees; and

**WHEREAS**, the City of Mount Rainier adopted a revised Ethics Ordinance in Ordinance 5-2011; and

**WHEREAS**, the State Ethics Commission must review the City’s Ethics Ordinance for compliance with the requirements of State law; and

**WHEREAS**, the State Ethics Commission Staff has reviewed Ordinance 5-2011 and determined that certain changes are necessary to comply with State law;

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL** that the following shall be adopted as Chapter 1D – Ethics of the Mount Rainier *Code*.

**CHAPTER 1D—ETHICS**

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**Section 4. Administration.**

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(f) The Municipal Clerk shall retain as a public record all forms submitted by any person under this chapter for at least four years after receipt by the Commission.

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**Section 5. Prohibited conduct and interests.**

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(b) Employment and financial interest restrictions.

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

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

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

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

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

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

(i) An official or employee who is appointed to a regulatory or licensing authority pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to the authority;

(ii) Subject to other provisions of law, a member of a board or commission in regard to a financial interest or employment held at the time of appointment, provided the financial interest or employment is publicly disclosed to the appointing authority and the Commission;

(iii) An official or employee whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted and in accordance with regulations adopted by the Commission; or

(iv) Employment or financial interests allowed by regulation of the Commission if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.

~~(v)~~ (v) If authorized by an opinion or regulation of the Commission, a Council member who has only infrequent conflicts of interest or apparent conflicts of interest and who recuses him or herself from participation in any matters involving such conflicts or apparent conflicts. However, in no event shall the City contract with entities that employ a Council member in a position where the Council member is likely to receive a direct financial or professional benefit as a result of the contract with the City or entities in which a Council member has a financial interest.

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(f) Solicitation and acceptance of gifts.

(1) Solicitation. A City official or employee shall not solicit any gift, including a charitable donation, from any person that he or she knows, or has reason to know, is doing business with the City or has a financial interest that may be substantially and materially affected, in a manner

distinguishable from the public generally, by the performance or nonperformance of the covered person's official duty.

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

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

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

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

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

(iv) Is a lobbyist with respect to matters within the jurisdiction of the official or employee.

~~(4)(i) This paragraph does not apply to a gift:~~

~~(A) That would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift;~~

~~(B) Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee; or~~

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

~~(4)(i)~~ Notwithstanding paragraph (3) of this subsection, an official or employee may accept the following:

(A) Meals and beverages consumed in the presence of the donor or sponsoring entity;

(B) Ceremonial gifts or awards that have insignificant monetary value;

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

(D) Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or the employee at a meeting that is given in return for the participation of the official or employee in a panel or speaking engagement at the meeting;

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

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

(G) Gifts from a person related to the official or employee by blood or marriage or domestic partnership, or any other individual who is a member of the household of the official or employee; or

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

(ii) Paragraph (4)(i), above, does not apply to a gift:

(A) That would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift;

(B) Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee; or

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

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## **Section 6. Financial disclosure - elected officials and candidates.**

(a) This section applies to all elected officials and all candidates to be elected officials.

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

(1) On a form provided by the Commission;

(2) Under oath or affirmation; and

(3) With the Commission.

(c) Deadlines for filing statements.

(1) An incumbent elected official shall file a financial disclosure statement annually no later than April 30<sup>th</sup> of each year for the preceding calendar year.

(2) (2) A person who is appointed to fill a vacancy on the City Council and who has not already filed a financial disclosure statement under this Section shall file a statement for the preceding calendar year within 30 days after appointment.

(3)(i) An elected official who leaves office other than by reason of death, shall file a statement within 60 days after leaving the office.

(ii) The statement shall cover:

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

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

(d) Candidates to be elected officials.

~~(1) Except an official or employee who has~~ (1) A candidate to be an elected official shall file a financial disclosure statement in accordance with this subsection unless the candidate has already filed a financial disclosure statement under another provision of this section. Section for the reporting period, a candidate to be an elected official shall file a financial disclosure statement each year beginning with the year in which the certificate of nomination is filed through the year of the election.

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

(i) ~~In the year the certificate of nomination is filed,~~ no later than the filing of the certificate of nomination;

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

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

(3) A candidate to be an elected official:

(i) May file the statement required under §6(d)(2)(i) of this chapter with the Supervisor of Elections with the ~~certificate of nomination~~ nominating petition or with the Commission prior to filing the ~~certificate of nomination~~ nominating petition; and

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

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## Section 7. Financial disclosure – employees and appointed officials.

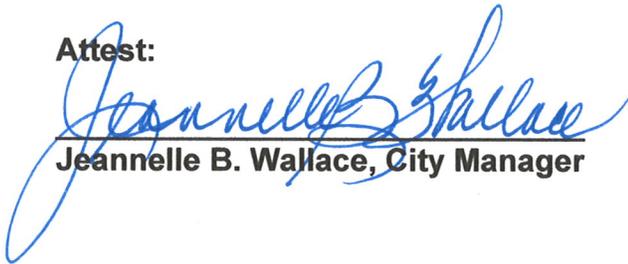
(a) This section only applies to the following appointed officials and employees:

**City Manager**  
**Assistant City Manager**  
**City Treasurer**  
**Chief of Police**  
**Code enforcement Officers**  
**Director of Public Works**  
**Assistant Director of Public Works**  
**MRTV Director**

**BE IT FURTHER ORDAINED**, that following the enactment of this Ordinance, follow-up tasks will be completed as follows:

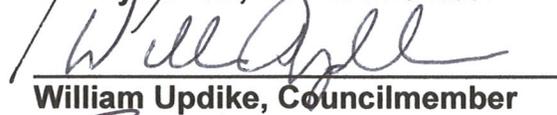
1. Revision of the Elections Handbook regarding financial disclosure statements.
2. Preparation of Rules of Procedure for Complaint Hearings.
3. Creation of a Lobbyist Registration Form.
4. Creation of a Lobbyist Report Form.

**Attest:**

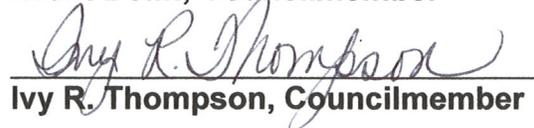
  
**Jeannelle B. Wallace, City Manager**

  
**Malinda Miles, Mayor**

  
**Jimmy Tarlau, Councilmember**

  
**William Updike, Councilmember**

  
**Brent Bolin, Councilmember**

  
**Ivy R. Thompson, Councilmember**