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**SECOND READING/ADOPTION: February 07, 2023**  
**POSTED: January 04, 2023**  
**EFFECTIVE DATE: April 06, 2023**

**CITY OF MOUNT RAINIER, MARYLAND**  
Ordinance No. 11-2022

Introduced by the Mayor & City Council

**Amending the Code of Ordinances  
of the City of Mount Rainier, Chapter 1D “Ethics” to  
Incorporate Changes Required by State Law to Local Ethics  
Ordinances Regarding Conflicts of Interest and Financial  
Disclosures and to Update References to State Law**

**WHEREAS**, pursuant to § 5-202 of the Local Government Article of the Annotated Code of Maryland, the Council of the City of Mount Rainier, Maryland (the “City Council”) has the authority to adopt such ordinances as it deems necessary to protect the health, safety and welfare of the residents of the municipality; and

**WHEREAS**, Md. Code Ann., Gen. Provisions. Art., Title 5, the Maryland Public Ethics Law, provides in § 5-807 that, each municipal corporation in the State shall enact provisions to govern the public ethics of local officials relating to conflicts of interest, financial disclosure, and lobbying; and

**WHEREAS**, pursuant to this authority, the Council of the City of Mount Rainier enacted Chapter 1D “Ethics” of the Code of the City of Mount Rainier; and

**WHEREAS**, the Maryland General Assembly passed legislation during its 2021 session that made various modifications to the State Ethics Law that require changes to local government ethics laws regarding conflicts of interest and financial disclosures for State elected officials that local governments must incorporate into their ethics ordinances; and

**WHEREAS**, the Council of the City of Mount Rainier desires to make the required amendments to the City’s Public Ethics Ordinance to incorporate revisions to State law.

**Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Council of the City of Mount Rainier, Maryland that Chapter 1D, “Ethics”, § 1D-3 “Definitions,” of the Code of Ordinances of the City of Mount Rainier shall be and hereby is amended as follows:

§ 1D-3 Definitions.

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

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\* \* \*

(p) Qualified relative means a spouse, domestic partner, parent, child, brother or sister.

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

**Section 2. BE IT FURTHER ORDAINED AND ENACTED** by the Council of the City of Mount Rainier, that Mount Rainier City Code, Chapter 1D, “Ethics”, § 1D-4, “Administration”, shall be and hereby is amended as follows:

\* \* \*

(h) The Commission shall certify to the State Ethics Commission on or before October 1 of each year that the City is in compliance with the requirements of [State Government] GENERAL PROVISIONS Article, Title [15] 5, Subtitle 8, Annotated Code of Maryland for elected local officials.

(i) The Commission shall:

(1) Determine if changes to this chapter are required to be in compliance with the requirements of [State Government] GENERAL PROVISIONS Article, Title [15] 5, Subtitle 8, Annotated Code of Maryland; and

(2) Forward any recommended changes and amendments to the City Council for enactment.

\* \* \*

**Section 3. BE IT FURTHER ORDAINED AND ENACTED** by the Council of the City of Mount Rainier, that Mount Rainier City Code, Chapter 1D, “Ethics”, § 1D-5, “Prohibited conduct and interests”, shall be and hereby is amended as follows:

§ 1D-5 Prohibited conduct and interests.

(a) Participation prohibitions.

\* \* \*

(3) A FORMER REGULATED LOBBYIST WHO IS OR BECOMES SUBJECT TO THIS CHAPTER AS AN EMPLOYEE OR OFFICIAL, OTHER THAN AN ELECTED OFFICIAL OR AN APPOINTED OFFICIAL, MAY NOT PARTICIPATE IN A CASE, CONTRACT, OR OTHER SPECIFIC MATTER AS

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AN EMPLOYEE OR OFFICIAL, OTHER THAN AN ELECTED OFFICIAL OR APPOINTED OFFICIAL, FOR ONE CALENDAR YEAR AFTER THE TERMINATION OF THE REGISTRATION OF THE FORMER REGULATED LOBBYIST IF THE FORMER REGULATED LOBBYIST PREVIOUSLY ASSISTED OR REPRESENTED ANOTHER PARTY FOR COMPENSATION IN THE MATTER.

\* \* \*

(f) Solicitation and acceptance of gifts.

\* \* \*

(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 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] CITY; [or]
- (iv) Is a lobbyist with respect to matters within the jurisdiction of the official or employee; OR

(V) IS AN ASSOCIATION OR ANY ENTITY ACTING ON BEHALF OF AN ASSOCIATION THAT IS ENGAGED ONLY IN REPRESENTING COUNTIES OR MUNICIPAL CORPORATIONS.

\* \* \*

(g) Disclosure of confidential information. Other than in the discharge of official duties, an official or employee OR FORMER OFFICIAL OR EMPLOYEE may not disclose or use confidential information[,] that the official or employee acquired by reason of the official's or employee's public position OR FORMER PUBLIC POSITION and that is not available to the public, for the economic benefit of the official or employee or that of another person.

\* \* \*

(I) AN OFFICIAL OR EMPLOYEE MAY NOT RETALIATE AGAINST AN INDIVIDUAL FOR REPORTING OR PARTICIPATING IN AN INVESTIGATION OF A POTENTIAL VIOLATION OF THE LOCAL ETHICS LAW OR ORDINANCE.

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**Section 4. BE IT FURTHER ORDAINED AND ENACTED** by the Council of the City of Mount Rainier, that the Code of the City of Mount Rainier, Chapter 1D, "Ethics", § 1D-6, "Financial Disclosure- elected officials and candidates", shall be and hereby is amended as follows:

§ 1D-6. Financial Disclosure - elected officials and candidates.

\* \* \*

(d) Candidates to be elected officials.

\* \* \*

(4) If a candidate fails to file a statement required by this section after written notice is provided by the Supervisor of Elections at least [twenty (20)] EIGHT (8) days before the last day for the withdrawal of candidacy, the candidate is deemed to have withdrawn the candidacy.

\* \* \*

(e) Public Record.

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

(2) All conflict of interest, financial disclosure and lobbying registration statements required to be filed under this chapter are public records[, except that the] FOR STATEMENTS FILED AFTER JANUARY 1, 2019, THE COMMISSION OR THE OFFICE DESIGNATED BY THE COMMISSION MAY NOT PROVIDE PUBLIC ACCESS TO AN INDIVIDUAL'S home [addresses of City officials and employees shall be redacted from such statements prior to disclosure to the public] ADDRESS THAT THE INDIVIDUAL HAS DESIGNATED AS THE INDIVIDUAL'S HOME ADDRESS.

(3) The Commission or office designated by the Commission shall make financial disclosure statements available during normal office hours, for examination and copying by the public subject to reasonable fees and administrative procedures established by the Commission. IF AN INDIVIDUAL EXAMINES OR COPIES A FINANCIAL DISCLOSURE STATEMENT, THE COMMISSION OR THE OFFICE DESIGNATED BY THE COMMISSION SHALL RECORD:

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

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

\* \* \*

(5) THE COMMISSION OR THE OFFICE DESIGNATED BY THE COMMISSION SHALL NOT PROVIDE PUBLIC ACCESS TO INFORMATION RELATED TO CONSIDERATION RECEIVED FROM:

(I) THE UNIVERSITY OF MARYLAND MEDICAL SYSTEM;

(II) A GOVERNMENTAL ENTITY OF THE STATE OR A LOCAL GOVERNMENT IN THE STATE; OR

(III) A QUASI-GOVERNMENTAL ENTITY OF THE STATE OR A LOCAL GOVERNMENT IN THE STATE.

\* \* \*

(g) Contents of statement.

\* \* \*

(4) Gifts.

(i) A statement filed under this section shall include a schedule of each gift in excess of twenty dollars (\$20) in value or a series of gifts totaling one hundred dollars (\$100) or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with the City OR FROM AN ASSOCIATION, OR ANY ENTITY ACTING ON BEHALF OF AN ASSOCIATION THAT IS ENGAGED ONLY IN REPRESENTING COUNTIES OR MUNICIPAL CORPORATIONS.

\* \* \*

(8) Sources of earned income.

\* \* \*

(iii) FOR A STATEMENT FILED ON OR AFTER JANUARY 1, 2019, [In] IF the individual's spouse is a lobbyist regulated by the City, the individual shall disclose the entity that has engaged the spouse for lobbying purposes.

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

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

(A) THE UNIVERSITY OF MARYLAND MEDICAL SYSTEM;

(B) A GOVERNMENTAL ENTITY OF THE STATE OR LOCAL GOVERNMENT IN THE STATE; OR

(C) A QUASI-GOVERNMENTAL ENTITY OF THE STATE OR LOCAL GOVERNMENT IN THE STATE.

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

(A) A DESCRIPTION OF THE RELATIONSHIP;

(B) THE SUBJECT MATTER OF THE RELATIONSHIP; AND

(C) THE CONSIDERATION.

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

(h) For the purposes of § 1D-6(g)(1), (2) and (3) of this chapter, the following interests are considered to be the interests of the individual making the statement:

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

(2) An interest held, ~~by a business entity in which the individual held a 30% or greater interest~~ at any time during the reporting period, BY:

(A) A BUSINESS ENTITY IN WHICH THE INDIVIDUAL HELD A 10% OR GREATER INTEREST;

(B) A BUSINESS ENTITY DESCRIBED IN SECTION (A) OF THIS SUBSECTION IN WHICH THE BUSINESS ENTITY HELD A 25% OR GREATER INTEREST;

(C) A BUSINESS ENTITY DESCRIBED IN SECTION (B) OF THIS SUBSECTION IN WHICH THE BUSINESS ENTITY HELD A 50% OR GREATER INTEREST; AND

(D) A BUSINESS ENTITY IN WHICH THE INDIVIDUAL DIRECTLY OR INDIRECTLY, THROUGH AN INTEREST IN ONE OR A COMBINATION OF OTHER BUSINESS ENTITIES HOLDS A 10% OR GREATER INTEREST.

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

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

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

(i) REQUIRED INFORMATION REGARDING AN IDENTIFIED BUSINESS. AN INDIVIDUAL WHO IS REQUIRED TO DISCLOSE THE NAME OF A BUSINESS UNDER THIS SECTION SHALL DISCLOSE ANY OTHER NAMES THAT THE BUSINESS IS TRADING AS OR DOING BUSINESS AS.

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

\* \* \*

**Section 5. BE IT FURTHER ORDAINED** by the Council of the City of Mount Rainier that, the City Clerk is directed to promptly transmit a copy of this Ordinance following its adoption to the Maryland State Ethics Commission to request its approval of the contents hereof.

**Section 6. BE IF FURTHER ORDAINED** by the Council of the City of Mount Rainier that this ordinance is adopted this 07 day of February, 2023 and shall take effect upon the later of its approval by the State Ethics Commission or on the 06 day of April, 2023, provided that a fair summary has been read at the meeting at which it is introduced and at which it is adopted, that a copy shall be posted at City Hall immediately after its introduction until the Council has acted upon it and for at least two weeks after it becomes effective, and that a fair summary is published at least once in a newspaper having general circulation in the City, inclusive of the City's newsletter mailed or otherwise delivered to every City household, and further provided that the Mayor and Council shall hold a public hearing on the ordinance at a meeting held not less than fourteen (14) days nor more than forty-five (45) days after its adoption.

Attest:

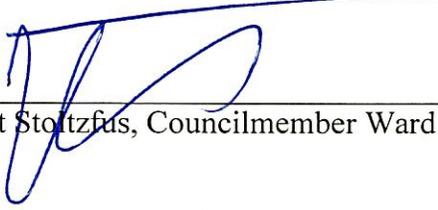
M Sam  
Melissa Sam, City Clerk

Celina R. Benitez  
Celina R. Benitez, Mayor

Luke Chesek  
Luke Chesek, Councilmember Ward 1

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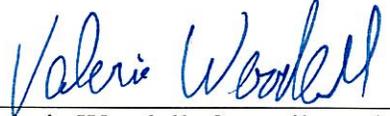
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Jarrett Stoltzfus, Councilmember Ward 2



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James Tarlau, Councilmember Ward 1



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Valerie Woodall, Councilmember Ward 2

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