

THE TOWN OF SYKESVILLE

ORDINANCE NO. 2022-07

AN ORDINANCE OF THE COUNCIL OF THE TOWN OF SYKESVILLE AMENDING CHAPTER 12, “ETHICS”, OF THE CODE OF THE TOWN OF SYKESVILLE TO INCORPORATE CHANGES REQUIRED BY STATE LAW REGARDING CONFLICT OF INTEREST AND FINANCIAL DISCLOSURE PROVISIONS AND CHANGES TO REFER TO THE TOWN GENERALLY RATHER THAN ITS AGENCIES, BOARDS AND COMMISSIONS

WHEREAS, pursuant to Md. Code Ann., Local Gov’t. Article, § 5-202 the Council of the Town of Sykesville has the authority to pass such ordinances as it deems necessary to assure the good government of the Town; protect and preserve the Town’s rights, property, and privileges; and preserve peace and good order; 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 Town of Sykesville enacted Chapter 12 “Ethics” of the Code of the Town of Sykesville; 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 Town of Sykesville desires to make the required amendments to the Town’s Ethics Ordinance to incorporate revisions to State law.

Section 1. NOW THEREFORE BE IT ORDAINED AND ENACTED by the Mayor and Council of the Town of Sykesville, that Sykesville Town Code, Chapter 12, “Ethics,” § 12-1 “Applicability; definitions,” shall be and hereby is amended as follows:

§ 12-1 Applicability; definitions.

- A. The provisions of this chapter apply to all Town elected officials, employees, and appointees to boards and commissions of the Town except as otherwise expressly provided herein.
- B. In this chapter, the following terms shall have the meanings indicated:

* * *

QUALIFIED RELATIVE

A spouse, parent, child, brother or sister.

QUASI-GOVERNMENTAL ENTITY

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 Town of North Beach, that North Beach Town Code, Chapter 12, “Ethics”, § 12-3, “Conflicts of Interest”, shall be and hereby is amended as follows:

§ 12-3 Conflict of Interest.

* * *

D. Employment and financial interest restrictions.

(1) Except as permitted by regulation of the Ethics 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:

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

[1] Subject to the authority of the official or employee ~~or the Town agency, board, or commission with which the official or employee is affiliated;~~ or

[2] That is negotiating or has entered a contract with the ~~agency, board, or commission with which the official or employee is affiliated~~ TOWN.

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

* * *

H. Solicitation and acceptance of gifts.

* * *

(3) An official or employee may not knowingly accept a gift, directly or indirectly, from a person that the official or employee knows or has reason to know:

UNDERLINED SMALL CAPS: Indicate language added to the existing law.
*** Asterisks: Indicate language contained in the existing law that remains unchanged and is not reproduced in the ordinance.
~~Strikethrough:~~ Indicates language deleted from the existing law.

- (a) Is doing business with or seeking to do business with the Town ~~office, agency, board, or commission with which the official or employee is affiliated;~~
- (b) Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the official duties of the official or employee;
- (c) Is engaged in an activity regulated or controlled by the ~~official's or employee's governmental unit~~ TOWN; or
- (d) IS AN ASSOCIATION OR ANY ENTITY ACTING ON BEHALF OF AN ASSOCIATION THAT IS ENGAGED ONLY IN REPRESENTING COUNTIES OR MUNICIPAL CORPORATIONS.

* * *

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

J. Participation in procurement.

- (1) An individual or a person that employs an individual who assists ~~a~~THE Town ~~agency~~ in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement may not ~~subject~~ SUBMIT a bid or proposal for that procurement or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.
- (2) The Ethics Commission may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments solicited by the ~~procuring agency~~ TOWN.

K. 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.

Section 3. BE IT FURTHER ORDAINED AND ENACTED by the Council of the Town of North Beach, that North Beach Town Code, Chapter 12, "Ethics", § 12-4, "Financial Disclosure for local elected officials and candidates to be local elected officials", shall be and hereby is amended as follows:

UNDERLINED SMALL CAPS: Indicate language added to the existing law.
 *** Asterisks: Indicate language contained in the existing law that remains unchanged and is not reproduced in the ordinance.
 Strikethrough: Indicates language deleted from the existing law.

§12-4 Financial Disclosure: local elected officials and candidates to be local elected officials.

* * *

C. Public Record.

* * *

(6) 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.

* * *

E. Contents of statement.

* * *

(4) Gifts.

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

~~[(b)]~~(b) For each gift reported, the schedule shall include:

~~[a]~~ [1] A description of the nature and value of the gift; and

~~[b]~~ [2]The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.

* * *

(5) Employment with or interests in entities doing business with the Town.

(a) A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the

UNDERLINED SMALL CAPS: Indicate language added to the existing law.

*** Asterisks: Indicate language contained in the existing law that remains unchanged and is not reproduced in the ordinance.

~~Strikethrough:~~ Indicates language deleted from the existing law.

immediate family of the individual held at any time during the reporting period with entities doing business with the Town.

(b) For each position reported under this subsection the schedule shall include:

[1] The name and address of the principal office of the business entity; AND

[2] The title and nature of the office, directorship, or salaried employment and the date it commenced; ~~and~~

~~[3] The name of each Town agency with which the entity is involved.~~

(6) Indebtedness to entities doing business with the Town.

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

[1] By the individual; or

[2] By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.

*

*

*

(8) Sources of earned income.

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

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

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

(I) AN INDIVIDUAL SHALL DISCLOSE THE INFORMATION SPECIFIED IN GENERAL

UNDERLINED SMALL CAPS: Indicate language added to the existing law.

*** Asterisks:

Indicate language contained in the existing law that remains unchanged and is not reproduced in the ordinance.

~~Strikethrough:~~

Indicates language deleted from the existing law.

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.

F. For the purposes of § 12-4 E(1), (2) and (3) of this chapter, the following interests are considered to be interests of the individual making the statement:

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

(2) An interest held, ~~by a business entity in which the individual held a thirty percent 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:

UNDERLINED SMALL CAPS: Indicate language added to the existing law.

*** Asterisks: Indicate language contained in the existing law that remains unchanged and is not reproduced in the ordinance.

~~Strikethrough:~~ Indicates language deleted from the existing law.

- (a) The individual held a reversionary interest or was a beneficiary; or
- (b) If a revocable trust, the individual was a settlor.

G. 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.

H. The Ethics Commission:.

* * *

Section 4. BE IT FURTHER ORDAINED that, the Town 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.

THIS ORDINANCE IS ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF SYKESVILLE THIS _____ DAY OF _____, 2022

ATTEST:

Kerry Kavaloski, Town Clerk

Stacy Link, Mayor

Anna Carter, Council President

Mark Dyer, Council Member

Al Grasley, Council Member

UNDERLINED SMALL CAPS: Indicate language added to the existing law.
 *** Asterisks: Indicate language contained in the existing law that remains unchanged and is not reproduced in the ordinance.
~~Strikethrough:~~ Indicates language deleted from the existing law.

Elizabeth Guroff, Council Member

Leo Keenan, Council Member

Jeremiah Schofield, Council Member

DRAFT

UNDERLINED SMALL CAPS: Indicate language added to the existing law.
*** Asterisks: Indicate language contained in the existing law that remains unchanged and is not reproduced in the ordinance.
~~Strikethrough:~~ Indicates language deleted from the existing law.