

COUNCIL OF THE TOWN OF INDIAN HEAD

Ordinance No. 10-01-22

Introduced By:	Mayor and Council
Date Introduced:	October 3, 2022
Town Council Hearing:	None
Amendments Adopted:	None
Date Adopted:	November 7, 2022
Date Effective:	November 27, 2022

AN ORDINANCE concerning

ETHICS ORDINANCE REVISIONS

FOR the purpose of amending the ethics ordinance for the Town of Indian Head, to make certain modifications to comply with requirements of Maryland law; and matters relating to the Town of Indian Head Ethics Ordinance.

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BY repealing and reenacting, with amendments
Chapter 15 Ethics, Code of
Sections 15-4(h)(3), 15-4(i), 15-5(d)(2), 15-5(f)(4)(i), and 15-5(g)(2)
Code of the Town of Indian Head
(1990 Edition as amended)

BY adding
Chapter 15 Ethics, Code of
Sections 15-1A, 15-4(k), 15-5(j) and 15-5(f)(10)
Code of the Town of Indian Head
(1990 Edition as amended)

SECTION 1. BE IT ENACTED BY THE COUNCIL OF THE TOWN OF INDIAN HEAD, That Sections 15-4(h)(3), 15-4(i), 15-5(d)(2), 15-5(f)(4)(i), and 15-5(g)(2) of Chapter 15, Ethics, Code of, of the Code of the Town of Indian Head (1990 Edition as amended) be and they are hereby repealed and reenacted, with amendments, to read as follows:

CHAPTER 15 – ETHICS, CODE OF

15-4 Conflicts of interest.

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(H) Solicitation and acceptance of gifts.

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(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 the reason to know:

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

* * *

(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.

15-5 Financial Disclosure – Elected Officials and Candidates to be Town Elected Officials.

(d) Public record.

* * *

(2) Financial disclosure statements shall be made available during normal office hours for examination and copying by the public subject to reasonable fees established by the Town and administrative procedures established by the commission. Notwithstanding the foregoing, the commission may not make available for examination and copying by the public any portion of a financial disclosure statement that contains the home address of an individual. ADDITIONALLY, THE COMMISSION OR 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 LOCAL GOVERNMENT IN THE STATE.

* * *

(F) Contents of statement.

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(4) Gifts.

(i) 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.

* * *

(g) For the purposes of § 15-5(f)(1), (2) and (3) of this Chapter, the following interests are considered to be the interests of the individual making the statement:

* * *

(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.)) AN INTEREST HELD, AT ANY TIME DURING THE APPLICABLE PERIOD, BY:

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

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

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

(IV) 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.

* * *

SECTION 2. BE IT FURTHER ENACTED BY THE COUNCIL OF THE TOWN OF INDIAN HEAD, That new Sections 15-1A, 15-4(k), 15-5(j) and 15-5(f)(10) be and they are hereby added to Chapter 15, Ethics, Code of, of the Code of the Town of Indian Head (1990 Edition as amended), to read as follows:

CHAPTER 15 – ETHICS, CODE OF

15-1A DEFINITIONS.

IN ADDITION TO THOSE DEFINITIONS CONTAINED ELSEWHERE IN THIS CHAPTER, THE FOLLOWING TERMS HAVE THE MEANINGS SET FORTH BELOW:

(A) “QUASI-GOVERNMENTAL ENTITY” MEANS 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.

15-4 Conflicts of Interest.

(K) AN OFFICIAL OR EMPLOYEE MAY NOT RETALIATE AGAINST AN INDIVIDUAL FOR REPORTING OR PARTICIPATING IN AN INVESTIGATION OF A POTENTIAL VIOLATION OF THIS CHAPTER.

15-5 Financial Disclosure – Elected Officials and Candidates to be Town Elected Officials.

(F) Contents of statement.

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(10) 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:

(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 LOCAL GOVERNMENT IN THE STATE.

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

(I) A DESCRIPTION OF THE RELATIONSHIP;

(II) THE SUBJECT MATTER OF THE RELATIONSHIP; AND

(III) THE CONSIDERATION.

* * *

(J) 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.

SECTION 3. AND BE IT FURTHER ENACTED that this Ordinance shall become effective (i) at the expiration of twenty (20) calendar days after its approval by the Council, or (ii) upon approval by the State Ethics Commission, whichever occurs last.

INDIAN HEAD TOWN COUNCIL



Brandon Paulin, Mayor



Ron Sitoula, Vice Mayor



Cassandra Grumbine, Councilwoman

ATTEST:


Andrea Brady, Town Clerk

11/7/22
Date

EXPLANATION:
CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
((Double Parenthesis)) indicate matter deleted from existing law.

Underlining indicates amendments to bill.
Strike Out indicates matter stricken from bill by amendment or deleted from the law by amendment.
*** indicates existing text omitted from this Ordinance

General Provisions Article, Sec. 5-607(j)(1)

Financial or contractual relationship with University of Maryland Medical System, governmental entity, or quasi-governmental entity

(j)(1) The statement shall include a schedule of any financial or contractual relationship with:

- (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 local government in the State.