



Takoma Park City Council Meeting – September 26, 2018 Agenda Item 3

Voting Session

Second Reading Ordinance Amending Chapter 3.04, Ethics, of the Takoma Park Code

Recommended Council Action

Adopt the ordinance.

Context with Key Issues

Maryland law requires that municipalities such as the City of Takoma Park adopt public ethics laws regarding lobbying and conflicts of interest that are at least as stringent as the Maryland Code provisions governing State employees and officials. The General Assembly recently amended the Maryland Code, resulting in required amendments to the Ethics Chapter of the Takoma Park Code. The State Ethics Commission also recommended optional amendments to local ethics laws that incorporate the State Ethics Commission's existing interpretation of current law so that the meaning of the law is clearer on its face. The Takoma Park Ethics Commission has reviewed the proposed amendments and recommends that the Council adopt them.

Council Priorities

Fiscally Sustainable Government; Engaged, Responsive, Service-Oriented Government

Environmental Considerations

Not applicable.

Fiscal Considerations

Not applicable.

Racial Equity Considerations

Not applicable.

Attachments and Links

- Proposed Ordinance

Introduced by: Councilmember Kostiuk

First Reading: September 19, 2018

Second Reading:

Effective Date:

CITY OF TAKOMA PARK, MARYLAND

ORDINANCE NO. 2018-37

Ethics Chapter Amendments

WHEREAS, adherence to the highest ethical standards by City officials and employees is necessary for the efficient and effective operation of the City government; and

WHEREAS, Title 5, Part II, of the General Provisions Article of the Annotated Code of Maryland requires local governments to enact conflict of interest and financial disclosure provisions for public officials and employees that are at least as stringent as the provisions applicable to State government officials; and

WHEREAS, the General Assembly amended the Maryland Public Ethics Law in 2017 to impose additional requirements, clarify existing provisions, modify the definition of interests that must be reported on financial disclosure statements and that may cause conflicts of interest, and protect the privacy of public employees and officials; and

WHEREAS, the City must amend its ethics law to incorporate the new requirements and privacy protections and may amend its ethics law to take advantage of the clarifications and modified definition of interests that must be reported and may cause conflicts of interest.

WHEREAS, the City of Takoma Park Ethics Commission has considered and endorsed the proposed amendment of the Takoma Park Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, that, effective immediately, Chapter 3, Ethics, of the Takoma Park Code is hereby amended as follows:

**Chapter 3.04
ETHICS**

3.04.040 Definitions.

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

* * *

“Interest” does not include:

* * *

6. A mutual fund or exchange-traded fund that is publicly traded on a national scale, unless the mutual fund or exchange-traded fund is composed primarily of holdings of stocks and interests in a specific sector or area that is regulated by the individual’s City of Takoma Park governmental unit.

* * *

3.04.070 Prohibited conduct and interests.

A. Participation Prohibitions. A covered person may not participate in:

* * *

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 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.

B. If a disqualification pursuant to ~~subsections~~subsections (A)(1) or (2) of this section leaves any body with less than a quorum capable of acting, or if the disqualified covered person is required by law to act or is the only person authorized to act, the disqualified person shall disclose the nature and circumstances of the conflict and may participate or act.

* * *

E. Use of Prestige of Office. A covered person may not intentionally use the prestige of his or her office for his or her own private gain or that of another. The performance of usual and customary constituent or citizen services, without additional compensation, does not constitute the use of the prestige of office for a covered person’s private gain or that of another.

1. An official, other than an elected official, or employee may not use public resources or the title of the official or employee to solicit a contribution as that term is defined in the Election Law Article of the Maryland Code.

2. An elected official may not use public resources to solicit a contribution as that term is defined in the Election Law Article of the Maryland Code.

* * *

J. Former Officials and Employees.

1. A former official or employee may not assist or represent any party other than the City for compensation in a case, contract, or other specific matter involving the City if that matter is one in which the former official or employee significantly participated as an official or employee.

~~2. Until the conclusion of the next regular Council term that begins after the elected official leaves office, a~~ former member of the City Council may not assist or represent another party for compensation in a matter that is the subject of legislative action for one calendar year after the elected official leaves office .

3.04.080 Financial disclosure—Elected officials and candidates.

* * *

E. Public Record.

* * *

5. For statements filed after January 1, 2019, the City may not provide public access to an individual's home address that the individual has designated as the individual's home address.

G. Contents of Statement.

8. Sources of Earned Income.

* * *

c. For a statement filed on or after January 1, 2019, 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.

* * *

3.04.085 Financial disclosure—Employees and appointed officials.

* * *

5. For statements filed after January 1, 2019, the City may not provide public access to an individual's home address that the individual has designated as the individual's home address.

Note: Deleted text is shown with strikeout and new text is underlined.

Adopted this _____ th day of _____ 2018, by roll-call vote as follows:

Aye:

Nay:

Absent:

Abstain: