



City of Havre de Grace

711 PENNINGTON AVENUE, HAVRE DE GRACE, MARYLAND 21078
WWW.HAVREDEGRACEMD.COM

410-939-1800

Notice of Public Hearing

Ordinance No. 1092 amending City Code 67: Ethics

The Mayor and City Council of Havre de Grace will hold a public hearing to receive public comment on Ordinance No. 1092.

An ordinance for the purpose of amending City Code 67: Ethics to conform the City Code chapter with the updates to the State Ethics Laws and/or to correct ambiguities in the City Code.

**PLACE OF MEETING: City Council Chambers, City Hall
711 Pennington Avenue
Havre de Grace, Maryland 21078**

TIME: 7:00 p.m.

DATE: Monday, December 19, 2022

A copy of Ordinance No. 1092 is available for review at City Hall and on the website at www.havredegracemd.com.

The meeting may be viewed live by visiting the City of Havre de Grace website at www.havredegracemd.com and click on the City Council Videos tab. The video will be available to view on the website immediately following the meeting.

CITY COUNCIL
OF
HAVRE DE GRACE, MARYLAND

ORDINANCE NO. 1092

Introduced by _____ Council Member Martin _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HAVRE DE GRACE ADOPTED PURSUANT TO THE AUTHORITY OF ARTICLE XI-E OF THE MARYLAND CONSTITUTION, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, TITLE 5 OF THE GENERAL PROVISIONS ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND SECTIONS 33 AND 34 OF THE HAVRE DE GRACE CITY CHARTER, FOR THE PURPOSE OF AMENDING CITY CODE CHAPTER 67 ETHICS

On: 12/5/2022
at: 7:00 p.m.

Ordinance introduced, read first time, ordered posted and public hearing scheduled.

PUBLIC HEARING

A Public Hearing is scheduled for 12/19/2022 at 7:00 p.m.

EXPLANATION
Underlining indicates matter added to existing law.
[Bold Brackets] indicate matter deleted from existing law.
Amendments proposed prior to final adoption will be noted on a separate page with line references or by handwritten changes on the draft legislation.

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31 **WHEREAS**, the Mayor and City Council desire to amend City Code Chapter 67 – Ethics
32 to conform the City Code chapter with the updates to the State Ethics Laws and/or to correct
33 ambiguities in the City Code; and
34

35 **WHEREAS**, on November 17, 2022, the State Ethics Commission approved the proposed
36 amendments;
37

38 **NOW THEREFORE**, be it **ORDAINED** as follows:
39

40 That City Code Chapter 67 Ethics be amended to include the additional items denoted by underline
41 and deletions denoted by **[bold brackets]**:

42
43 Chapter 67. Ethics

44
45 § 67-1. Definitions.

46
47 The words used in this chapter shall have their normal accepted meanings except as set forth below:
48

49 **BUSINESS ENTITY**

50 Any corporation, general or limited partnership, sole proprietorship, limited-liability partnership
51 or corporation, private consultant operation, joint venture, unincorporated association or firm,
52 institution, trust, foundation or other organization, whether or not operated for profit.
53

54 **CITY**

55 The Mayor and City Council of Havre de Grace, a municipal corporation of the State of Maryland.
56

57 **COMMISSION**

58 The Havre de Grace Ethics Commission established pursuant to this chapter.
59

60 **COMPENSATION**

61 Any money or thing of value, regardless of form, received or to be received by any individual
62 covered by this chapter from an employer for service rendered.
63

64 **DOING BUSINESS WITH**

65
66 A. Having or negotiating a contract that involves the commitment or receipt of City or City-
67 controlled funds; or
68

69 B. Being regulated by or otherwise under the authority of the City.
70

71 **FINANCIAL INTEREST**

72
73 A. Ownership of any interest as the result of which the owner has received \$1,000, within the
74 past year, or is presently receiving, or in the future is entitled to receive, compensation; or
75

76 B. Ownership, or the ownership of securities of any kind representing or convertible into
77 ownership, of more than 3% of a business entity.
78

79 **GIFT**

80 The transfer of anything of economic value, regardless of the form, without adequate and lawful
81 consideration. "Gift" does not include the solicitation, acceptance, receipt or regulation of political
82 campaign contributions regulated in accordance with the provisions of the Election Article of the
83 Annotated Code of Maryland, or any other provision of state or Harford County law regulating the
84 conduct of elections or the receipt of political campaign contributions. Notwithstanding the above,
85 "gift" includes any transfer in the aggregate from one person greater than \$100 for the reporting
86 period to any elected official or candidate for elected office in a City election. Campaign
87 contributions are a separate form of gift that elected officials or candidates for elected office shall
88 disclose.
89

90 **INTEREST**

91 Any legal or equitable economic interest, whether or not subject to an encumbrance or a condition,
92 which was owned or held, in whole or in part, jointly or severally, directly or indirectly. For
93 purposes of this chapter, "interest" applies to any interests held at any time during the reporting
94 period. "Interest" does not include:
95

96 A. An interest held in the capacity of a personal agent, representative, custodian, fiduciary or
97 trustee, unless the holder has an equitable interest therein;
98

99 B. An interest in a time or demand deposit in a financial institution;
100

101 C. An interest in an insurance policy, endowment policy or annuity contract under which an
102 insurance company promises to pay a fixed number of dollars either in a lump sum or periodically
103 for life or some other specified period; or
104

105 D. A common trust fund or a trust which forms part of a pension or profit-sharing plan which
106 has more than 25 participants and which has been determined by the Internal Revenue Service to
107 be a qualified trust or college savings plan.
108

109 **OFFICIAL or EMPLOYEE**

110 Any person elected to, appointed to or employed by the City or any City agency, board,
111 commission or similar entity, whether or not paid, in whole or in part, with City funds and whether
112 or not compensated.
113

114 **PERSON**

115 Includes an individual or business entity.
116

117 **QUALIFIED RELATIVE**

118 A spouse, parent, child or sibling.
119

120 QUASI-GOVERNMENTAL ENTITY

121 An entity that is created by State statute, that performs a public function, and that is supported in
122 whole or in part by the State but is managed privately.

123
124 § 67-3. Prohibited Conduct; Conflicts of Interest.

125
126 A. Application. All City elected officials, City officials that are appointed or hired by the City,
127 officials appointed to the designated City boards and commissions in this chapter and City
128 employees are subject to this section.

129
130 B. Participation in matters where an association is prohibited. Except where permitted by
131 Commission regulation or permitted by opinion or except in the exercise of an administrative or
132 ministerial duty which does not affect the disposition or decision in the matter, it shall be prohibited
133 for an official or employee to knowingly participate in:

134
135 (1) Any matter of which he/she may be reasonably expected to know that concerns a
136 qualified relative or in which a qualified relative of the official or employee has an interest.

137
138 (2) Any matter of which he/she may be reasonably expected to know when any of the
139 following is a party thereto:

140
141 (a) Any business entity in which the official, employee or his/her qualified
142 relative has a financial interest;

143
144 (b) Any business entity of which the official, employee or his/her qualified
145 relative is an officer, director, trustee, partner or employee;

146
147 (c) Any business entity which is a party to an existing contract with the official,
148 employee or his/her qualified relative if the contract could reasonably be expected
149 to result in a conflict between the private interests of the official or employee and
150 his/her official duties;

151
152 (d) Any entity, doing business with the City in which a financial interest is
153 owned by another entity in which the official, employee or his/her qualified relative
154 has a financial interest;

155
156 (e) Any business entity which the official or employee knows is a creditor or
157 obligee of the official, employee or his/her qualified relative, with respect to a thing
158 of economic value and which, by reason thereof, is in a position to affect directly
159 and substantially the interest of the official, employee or his/her qualified relative;
160 or

161
162 (f) A business entity with which the official, employee or his/her qualified
163 relative is negotiating or has any arrangement concerning prospective employment.

164

165 (3) If a disqualification leaves any body with less than a quorum capable of acting, or
166 if the disqualified official or employee is required by law to act or is the only person
167 authorized to act, the disqualified person shall disclose the nature and circumstances of the
168 conflict and may participate or act.

169
170 (4) An official or employee may not retaliate against an individual for reporting or
171 participating in an investigation of a potential violation of the local ethics law or ordinance.
172

173 C. Employment restrictions.

174
175 (1) Prohibitions.

176
177 (a) Except as permitted by regulation or opinion of the Commission, and where
178 such interest is disclosed or where the employment does not create a conflict of
179 interest or appearance of conflict, it is prohibited for an official or employee to:
180

181 [1] Be employed by, or have a financial interest in, any entity subject to
182 his/her authority or that of the City agency, board or commission with which
183 he/she is affiliated or any entity which is negotiating or has entered a
184 contract or contracts with the City or the agency, board or commission with
185 which the official or employee is affiliated; or
186

187 [2] Have or maintain any other employment relationship which would
188 impair the impartiality or independence of judgment of the official or
189 employee.
190

191 (b) This prohibition does not apply to:

192
193 [1] An official or employee who is appointed to a regulatory or licensing
194 authority pursuant to a requirement that persons subject to the jurisdiction
195 of the authority be represented in appointments to the authority;
196

197 [2] Subject to other provisions of law, a member of a board or
198 commission in regard to a financial interest or employment held at the time
199 of appointment, provided the financial interest or employment is publicly
200 disclosed to the appointing authority and the Commission; or
201

202 [3] An official or employee whose duties are ministerial, if the private
203 employment or financial interest does not create a conflict of interest or the
204 appearance of a conflict of interest, as permitted in accordance with
205 regulations adopted by the Commission.
206

207 D. Post-employment restrictions. A former official or employee may not assist or represent
208 another party other than the City for compensation in a case, contract or other specific matter
209 involving the City if that matter is one in which the former official or employee significantly
210 participated as an official or employee.

211 E. Legislative acts prohibited. The Mayor, Council President, City Attorney, Directors, City
212 Council members, or any appointed official may not, for one calendar year after leaving office,
213 assist or represent another party for compensation in a matter that is the subject of legislative
214 action.

215
216 F. Contingent or percentage fee restrictions. An official or employee may not assist or
217 represent a party for contingent compensation or a percentage fee in any matter before or involving
218 the City other than in a judicial or quasi-judicial proceeding.

219
220 G. Use of prestige of office. An official or employee shall not intentionally use the prestige of
221 office or public position for the private gain of that official or employee or the private gain of
222 another. This subsection does not prohibit performance of usual and customary constituent services
223 by an elected official, without additional direct compensation.

224
225 H. Solicitation or acceptance of gifts.

226
227 (1) An official or employee shall not solicit any gift.

228
229 (2) An official or employee shall not knowingly accept any gift, directly or indirectly,
230 from any person that he/she knows or has reason to know:

231
232 (a) Is doing business with the City office, agency, board or commission with
233 which the official or employee is affiliated; or

234
235 (b) Has financial interests that may be substantially and materially affected, in
236 a manner distinguishable from the public generally, by the performance or
237 nonperformance of his/her official duty.

238
239 (c) Is engaged in an activity regulated or controlled by the official's or
240 employee's governmental unit.

241
242 (d) Is an association, or any entity acting on behalf of an association that is
243 engaged only in representing counties or municipal corporations.

244
245 I. Significant gifts prohibited. Notwithstanding the terms of this chapter, receipt of the
246 following gifts is prohibited:

247
248 (1) Those that would tend to impair the impartiality and the independence of judgment
249 of the official or employee receiving the gift;

250
251 (2) Those of such significant value that would give the appearance of impairing the
252 impartiality and independence of judgment of the official or employee; or

253
254 (3) Those of such significant value that the recipient official or employee believes or
255 has reason to believe the gift was designed to impair the impartiality and independence of
256 judgment of the official or employee.

- 257 J. Minor gifts that are not prohibited. An official or employee may accept the following gifts:
258
259 (1) Meals and beverages consumed in the presence of the donor or sponsoring entity;
260
261 (2) Ceremonial gifts or awards which have insignificant monetary value;
262
263 (3) Unsolicited gifts of nominal value that do not exceed \$20 or trivial items of
264 informational value;
265
266 (4) Reasonable expenses for food, travel, lodging and scheduled entertainment of the
267 official or the employee at a meeting which is given in return for the participation of the
268 official or employee related to City business in a panel or speaking engagement at the
269 meeting;
270
271 (5) Gifts of tickets or free admission extended to an elected official to attend a
272 charitable, cultural or political event, if the purpose of this gift or admission is a courtesy
273 or ceremony extended to the elected official's office;
274
275 (6) A specific gift or class of gifts which the Commission exempts from the operation
276 of this section upon a finding, in writing, that acceptance of the gift or class of gifts would
277 not be detrimental to the impartial conduct of the business of the City and that the gift is
278 purely personal and private in nature to the official or employee;
279
280 (7) Gifts from a qualified relative; or
281
282 (8) Honoraria for speaking to or participating in a meeting, provided that the offering
283 of the honorarium is not related in any way to the official duties of the official or employee.
284
285 K. Campaign contributions for City elections not prohibited. Notwithstanding anything to the
286 contrary in this section, an official or candidate for elected office may solicit and accept campaign
287 contributions in a City election.
288
289 L. Disclosure of confidential information. Other than in the discharge of his/her official
290 duties, an official or employee or former official or employee shall not disclose or use confidential
291 information acquired by reason of his/her public position or former public position and which is
292 not available to the public, for the economic benefit of the official or employee or that of another
293 person.
294
295 M. Participation in procurement, bids or proposals. An official, employee, or a person that
296 employs an individual that participates in the drafting of specifications, an invitation for bids, or a
297 request for proposals for a procurement for the City or an agency, board or commission may not
298 submit a bid or proposal for that procurement, or assist or represent another person, directly or
299 indirectly, in the submission of a bid or proposal for the procurement. The Commission may
300 establish exemptions from the requirements of this section for providing descriptive literature, sole
301 source procurements, and written comments requested during the procurement process.
302

303 N. Duty to disclose or recuse. An official or employee shall disclose known conflicts of
304 interest or potential conflicts of interest in connection with any specific proposed action by the
305 official or employee sufficiently in advance of the action to prevent a violation or recuse
306 himself/herself or make such other arrangements to avoid a conflict of interest and, where
307 appropriate, make the disclosure to the public.
308

309 O. Exemption and waiver standards. The Commission may grant exemptions or modifications
310 of this section for any official or employee that is appointed or serving as a member of a board or
311 commission, but not an elected official or candidate when it finds that the application of this section
312 would constitute an unreasonable invasion of privacy; significantly reduce the availability of
313 qualified persons for public service; and that the exemption, waiver or modification would not be
314 contrary to the purposes of this chapter.
315

316 P. Anti-harassment, anti-discrimination, anti-intimidation policy. It is the policy of the City
317 of Havre de Grace, Maryland, to maintain a work and meeting environment in which all individuals
318 are treated with respect and dignity. Harassment, whether verbal or nonverbal, physical, or
319 environmental, is unacceptable and will not be tolerated by the City of Havre de Grace. The Mayor
320 and City Council of Havre de Grace has adopted by resolution an anti-harassment, anti-
321 discrimination, and anti-intimidation policy, as recommended by the Ethics Commission, which
322 more specifically enumerates the prohibited conduct. Any violations of the policy shall be subject
323 to enforcement and potential penalties as set forth in § 67-7G of the Ethics Code.
324

325 § 67-4. Interests, gifts and campaign contribution disclosure.
326

327 A. Application. This section applies to all elected City officials and candidates for elected City
328 office.
329

330 (1) All City elected officials or a candidate to be a local elected official shall file the
331 gifts and campaign contribution statements required under this section:
332

333 (a) On the forms provided by the Board of Election Supervisors and/or the
334 Commission;
335

336 (b) Under oath or affirmation; and
337

338 (c) With the Board of Election Supervisors and/or the Commission.
339

340 (2) A City elected official or candidate for office subject to produce, without the need
341 for a subpoena, an interests disclosure statement required under this section ("Interests
342 Disclosure Form"). The Interests Disclosure Form shall be completed and produced to the
343 Commission; the elected official or candidate will sign and date a written
344 acknowledgement that he/she received the Interests Disclosure Form for completion.
345

346 (3) Deadlines for filing statements.
347

348 (a) An incumbent local elected official shall file the gifts and campaign
349 contributions statements annually no later than the third Tuesday of March of each
350 year for the preceding calendar year or with his/her certificate for candidacy,
351 whichever is earliest.

352
353 (b) An individual who is appointed to fill a vacancy in an elected office shall
354 file the gifts and campaign contributions statements for the preceding calendar year,
355 prior to being sworn into office.

356
357 (c) For elected officials or a candidate for elected office, an Interests Disclosure
358 Form for the preceding calendar year shall be produced to the Commission on the
359 form provided by the Commission automatically.

360
361 (4) Candidates for an elected City office.

362
363 (a) All candidates for an elected City office shall file the gifts and campaign
364 contributions statements and, where applicable, the interests disclosure statement
365 required under this section no later than the filing of the certificate of candidacy.

366
367 (b) The statements required under this chapter shall be filed with the Board of
368 Election Supervisors with the certificate of candidacy.

369
370 (c) The Board of Election Supervisors shall not accept any certificate of
371 candidacy unless the gifts and campaign contribution statements have been filed in
372 proper form and the candidate has signed and dated the written acknowledgment
373 that he/she received the Interests Disclosure Form.

374
375 (d) Within 10 days of the receipt of a statement required under this section, the
376 Board of Election Supervisors shall forward the statement to the Commission or
377 the office designated by the Commission.

378
379 B. Record of disclosure statements and maintenance.

380
381 (1) The Commission or office designated by the Commission and the Board of Election
382 Supervisors shall maintain all disclosure statements filed under this section: Gifts
383 Disclosure Form; Campaign Contribution Disclosure Form and Interests Disclosure Form.

384
385 (2) Gifts disclosure forms, campaign contribution forms and interests disclosure forms
386 are available for public inspection during normal business hours. Home addresses of any
387 person required to submit any of the disclosure and/or contribution forms shall be redacted
388 from the documents available for public inspection. The remaining requirements for
389 disclosure apply.

390
391 (3) To examine the Gifts Disclosure Form, Campaign Contribution Form or the
392 Interests Disclosure Form, an individual must appear in person before the Commission or

393 its designee and comply with any other reasonable requirements or procedures established
394 by the Commission.

395
396 (4) Where an individual requests to examine an Interests Disclosure Form, the
397 Commission or the office designated by the Commission shall record:

398
399 (a) The name, home address, telephone number and email address of the
400 individual reviewing or copying the statement;

401
402 (b) The name of the person whose Interests Disclosure Form was examined or
403 copied; and

404
405 (c) The reason for the request.

406
407 (5) Where any type of form was requested to be examined, the Commission or the
408 office designated by the Commission shall provide the official with a copy of the name,
409 home address, telephone number and email address of the person who requested to review
410 the official's form.

411
412 (6) Effective January 1, 2019, the home address on the filing or disclosure statement
413 of any candidate for office shall be redacted from public disclosure.

414
415 (7) The Commission or office designated by the Commission shall not provide public
416 access to information related to consideration received from:

417
418 (a) The University of Maryland Medical System;

419
420 (b) A governmental entity of the State or local government in the State; or

421
422 (c) A quasi-governmental entity of the State or local government in the State.

423
424 C. Retention requirements. The Commission or the office designated by the Commission or
425 the official or candidate shall retain Interests Disclosure Forms and Gifts Disclosure Forms and
426 Campaign Contribution Disclosure Forms for two years from the date of receipt or completion.

427
428 D. Contents of the Interests Disclosure Form for elected officials and candidates. On forms
429 provided by the Commission, the following shall be listed:

430
431 (1) Interests in real property.

432
433 (a) A statement filed under this section shall include a schedule of all interests
434 in real property, wherever located.

435
436 (b) For each interest in real property, the schedule shall include:

437

- 438 [1] The nature of the property and the location by street address, mailing
439 address, or legal description of the property;
- 440
- 441 [2] The nature and extent of the interest held, including any conditions
442 and encumbrances on the interest;
- 443
- 444 [3] The date when, the manner in which, and the identity of the person
445 from whom the interest was acquired;
- 446
- 447 [4] The nature and amount of the consideration given in exchange for
448 the interest or, if acquired other than by purchase, the fair market value of
449 the interest at the time acquired;
- 450
- 451 [5] If any interest was transferred, in whole or in part, at any time during
452 the reporting period, a description of the interest transferred, the nature and
453 amount of the consideration received for the interest, and the identity of the
454 person to whom the interest was transferred; and
- 455
- 456 [6] The identity of any other person with an interest in the property.
- 457
- 458 (2) Interests in corporations, partnerships, or business entities.
- 459
- 460 (a) All interests in any corporation, partnership, limited-liability partnership,
461 limited-liability corporation, or business entity that is regulated by or does business
462 with the City or any agency, board or commission of the City, providing:
- 463
- 464 [1] The name and address of the principal office of the corporation,
465 partnership, limited-liability partnership, or limited-liability corporation;
- 466
- 467 [2] The nature and amount of the interest held, including any conditions
468 and encumbrances on the interest;
- 469
- 470 [3] With respect to any interest transferred, in whole or in part, at any
471 time during the reporting period, a description of the interest transferred, the
472 nature and amount of the consideration received for the interest and, if
473 known, the identity of the person to whom the interest was transferred; and
- 474
- 475 [4] With respect to any interest acquired during the reporting period:
- 476
- 477 [a] The date when, the manner in which, and the identity of the
478 person from whom the interest was acquired; and
- 479
- 480 [b] The nature and the amount of the consideration given in
481 exchange for the interest or, if acquired other than by purchase, the
482 fair market value of the interest at the time acquired.
- 483

484 (b) An individual may satisfy the requirement to report the amount of the
485 interest held under this subsection by reporting, instead of a dollar amount:

486
487 [1] For an equity interest in a corporation, the number of shares held
488 and, unless the corporation's stock is publicly traded, the percentage of
489 equity interest held; or

490
491 [2] For an equity interest in a partnership, the percentage of equity
492 interest held.

493
494 (3) Interests or employment within entities doing business with City.

495
496 (a) A statement filed under this section shall include a schedule of all offices,
497 directorships, and salaried employment by the individual or a qualified relative, but
498 not siblings, held at any time during the reporting period with entities doing
499 business with the City.

500
501 (b) For each position reported under this subsection, the schedule shall include:

502
503 [1] The name and address of the principal office of the business entity;

504
505 [2] The title and nature of the office, directorship, or salaried
506 employment held and the date it commenced; and

507
508 [3] The name of each City agency, board or commission with which the
509 entity is involved.

510
511 (4) Indebtedness to persons or business entities doing business with City.

512
513 (a) A statement filed under this section shall include a schedule of all liabilities
514 owed, excluding retail credit or credit card accounts, to persons or business entities
515 doing business with the City at any time during the reporting period:

516
517 [1] By the elected official or candidate; or

518
519 [2] By a qualified relative, but not siblings, of the individual elected
520 official or candidate involved in the transaction giving rise to the liability.

521
522 (b) For each liability reported under this subsection, the list shall include:

523
524 [1] The identity of the person or business entity to which the liability
525 was owed and the date the liability was incurred;

526
527 [2] The amount of the liability owed as of the end of the reporting
528 period;

529

530 [3] The terms of payment of the liability and the extent to which the
531 principal amount of the liability was increased or reduced during the year;
532 and

533
534 [4] The security given, if any, for the liability.
535

536 (5) Qualified relatives employed by the City. A list of the qualified relatives of the
537 elected official or candidate employed by the City in any capacity at any time during the
538 reporting period shall be disclosed.

539 (6) Sources of earned income.

540 (a) A list of the name and address of the place of employment for the elected
541 official or candidate and for each qualified relative, but not siblings, and each
542 business entity which the elected official or candidate or his/her qualified relatives,
543 but not siblings, were a sole or partial owner and from which they received earned
544 income, at any time during the reporting period.
545

546 (b) A minor child's employment or business ownership need not be disclosed.
547

548 (7) Judgments, suits, criminal and traffic record. A list of all unpaid money judgments,
549 pending suits for money judgments, criminal and traffic cases providing case name, case
550 number, jurisdiction and outcome shall be provided.
551

552
553
554 E. Gifts disclosure form contents.
555

556 (1) A statement filed under this section shall include a schedule of each gift [**which**
557 **was not campaign contributions**] in excess of \$20 in value or a series of gifts totaling
558 \$100 or more received during the reporting period from or on behalf of, directly or
559 indirectly, any one person who does business with [**or is regulated by**] the City or from an
560 association, or any entity acting on behalf of an association that is engaged only in
561 representing counties or municipal corporations.
562

563 (2) For each gift reported, the schedule shall include:

564 (a) A description of the nature and value of the gift; and

565 (b) The identity of the person from whom, or on behalf of whom, directly or
566 indirectly, the gift was received.
567

568
569
570 F. Campaign Contributions Disclosure Form contents.
571

572 (1) A statement filed under this section shall include a schedule of each gift which was
573 not campaign contributions in excess of \$50 in value or a series of gifts totaling \$100 or
574 more received during the reporting period from or on behalf of, directly or indirectly, any
575 one person who:

- 576
577 (a) Does business with the City or the members of City Council or Mayor or
578 any official of the City; or
579
580 (b) Is regulated by the City; or
581
582 (c) Contracts with the City for \$5,000 or more; or
583
584 (d) Has financial interests distinguishable from the general public, that may be
585 substantially and materially affected by the performance of the City or the Mayor
586 and City Council or the Mayor or any official of the City, or from any official of
587 the City; or
588
589 (e) The candidate knows or reasonably should know has an employment
590 relationship with any member of the City Council or the Mayor or any official of
591 the City which would impair the impartiality or independent judgment of the
592 candidate.
593
594 (2) For each contribution reported, the schedule shall include:
595
596 (a) The month the contribution was received;
597
598 (b) The name of the contributor; and
599
600 (c) The amount of the contribution.
601
602 G. Voluntary disclosure. A statement filed under this section may also include a schedule of
603 additional interests or information that the elected official or candidate wishes to disclose.
604
605 H. Interests clarified. For the purposes of this chapter, the following interests are considered
606 to be the interests of the elected official or candidate:
607
608 (1) An interest held by a **[qualified relative, but not a sibling]** member of the
609 individual's immediate family, if the interest was, at any time during the reporting period,
610 directly or indirectly controlled by the elected official or candidate.
611
612 (2) An interest held, at any time during the applicable period, by:
613
614 (a) a business entity in which the elected official or candidate held a **[30]** 10%
615 or greater interest [at any time during the reporting period.];
616
617 (b) A business entity described in (a) of this subsection in which the business
618 entity held a 25% or greater interest;
619
620 (c) A business entity described in section (b) of this subsection in which the
621 business entity held a 50% or greater interest; and

622 (d) A business entity in which the individual directly or indirectly, through an
623 interest in one or a combination of other business entities, holds a 10% or greater
624 interest.

625
626 (3) An interest held by a trust or an estate in which, at any time during the reporting
627 period:

628
629 (a) The elected official or candidate held a reversionary interest or was a
630 beneficiary, or

631
632 (b) If a revocable trust, the elected official or candidate was a settlor.

633
634 (4) An "interest" shall not include exchange traded funds, or ETFs, such as a diversified
635 collection of assets like a mutual fund that trades on an exchange.

636
637 (5) An individual who is required to disclose the name of a business under this section
638 shall disclose any other names that the business is trading as or doing business as.

639
640 I. Review of disclosure forms. After receipt of any disclosure statements, the Commission
641 shall privately review the disclosure statements submitted under this section for compliance with
642 the provisions of this section and shall timely and privately notify an individual submitting the
643 statement of any omissions or deficiencies.

644
645 J. Enforcement. The City Ethics Commission may take appropriate enforcement action to
646 ensure compliance with this section.

647
648 § 67-5. Financial disclosure.

649
650 A. Application. This section only applies to the following appointed officials and employees:

651 (1) Director of Administration.

652
653 (2) Director of Finance.

654
655 (3) Director of Planning.

656
657 (4) Director of Public Works.

658
659 (5) Chief of Police.

660
661 (6) City Attorney

662
663 .
664 (7) Any Hearing Examiner.

665
666 (8) Any Special Counsel appointed.

667

668 (9) Members of the following City boards and commissions: Board of Appeals, Ethics
669 Commission, Marina Commission, Planning Commission, R.A.D. Loan Application
670 Review Commission, Water and Sewer Commission.
671

672 B. Gifts disclosed. A separate Gifts Disclosure Form provided by the Commission shall be
673 filed by these appointed officials and employees with the Commission, under oath or affirmation,
674 disclosing gifts in the same manner as elected officials.
675

676 C. Due date. On or before April 30 of each year during which an official or employee holds
677 office, an official or employee shall file a Gifts Disclosure Form statement disclosing gifts received
678 during the preceding calendar year from any person or business entity that contracts with or is
679 regulated by City, including the name of the donor of the gift and the approximate retail value at
680 the time or receipt.
681

682 D. Conflict of interest/ongoing duty. An official or employee shall disclose employment and
683 financial interests that raise conflicts of interest or potential conflicts of interest during the calendar
684 year in connection with any specific proposed action by the employee or official sufficiently in
685 advance of the action to provide adequate disclosure to the public or the opportunity to recuse or
686 make such other arrangements to avoid a conflict of interest.
687

688 E. Record of statements. The Commission shall maintain all disclosure statements filed under
689 this section. The same process and procedure for examination of disclosure statements provided
690 for elected officials shall apply to the Gifts Disclosure Form under this section. Disclosure
691 statements filed under this section shall be discarded after two years.
692

693 F. Additional disclosures. The Commission may require the appointed officials and
694 employees to complete and produce an Interests Disclosure Form, or any portion thereof, after
695 receipt and evaluation of a complaint and a showing by the complainant that a reasonable basis for
696 believing a violation of this section has occurred.
697

698 G. An individual who is required to disclose the name of a business under this section shall
699 disclose any other names that the business is trading as or doing business as.
700

701 H. Relationship with University of Maryland Medical System, State or Local Government, or
702 Quasi-Government Entity.
703

704 (1) An individual shall disclose the information specified in General Provisions of the
705 Annotated Code of Maryland Section 5-607(j)(1) for any financial or contractual
706 relationship with:
707

708 (a) The University of Maryland Medical System;
709

710 (b) A governmental entity of the State or a local government in the State, or
711

712 (c) A quasi-governmental entity of the State or local government in the State.
713

714 (2) For each financial or contractual relationship reported, the schedule shall include:

715

716 (a) A description of the relationship;

717

718 (b) The subject matter of the relationship; and

719

720 (c) The consideration

721

722 **NOW THEREFORE**, it is determined, decided, and ordained by the City Council that
723 amendments to City Code Chapter 67 Ethics as set forth above are hereby approved.

724

725 ADOPTED by the City Council of Havre de Grace, Maryland this ___ day of _____, 2022.

726

727 SIGNED by the Mayor and attested by the Director of Administration this ___ day of _____,
728 2022.

729

730

731 ATTEST:

732

733

734

735 _____
736 Stephen J. Gamatoria

737 Director of Administration

738

739

740 Introduced/First Reading: 12/5/2022

741 Public Hearing: 12/21/2022

742 Second Reading/Adopted:

743

744 Effective Date:

745

746

747

748 Legislative History

749 Ordinance No. 962 As Amended, enacted 4/6/2015

750 Ordinance No. 998, As Amended, enacted 3/5/2018

751 Ordinance No. 1018, As Amended, enacted 5/20/2019

752 Ordinance No. 1023, enacted 9/3/2019

Ordinance No. 1032, As Amended, enacted 3/16/2020

THE MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE, MARYLAND

William T. Martin
Mayor