



City of Havre de Grace

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

410-939-1800

Havre de Grace City Election

MAY 5, 2026

CANDIDATE APPLICATION, INSTRUCTION, and INFORMATION PACKET

- ✓ Non-Partisan Election Notice
- ✓ Campaign Sign Regulations
- ✓ Instructions

Return:

- ✓ Certificate of Candidacy Form
- ✓ Gifts Disclosure Statement
- ✓ Campaign Contributions Disclosure Statement
- ✓ Interests Disclosure Statement
- ✓ Candidate Acknowledgement Forms (#1 & #2)
- ✓ Application Fee Payment - \$50.00 - City Council

Filing for Candidacy Closes at 5:00 p.m. on March 17, 2026



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NONPARTISAN ELECTIONS

In this era of partisan politics we share a rare moment of enlightenment through our nonpartisan election process.

Nonpartisan is defined as: “not supporting or controlled by a political party, special interest group or the like”.

Havre de Grace has and maintains a nonpartisan election process, as do many municipalities throughout the State.

Our candidates are prohibited from associating with or receiving direct support from any political party or politically affiliated association.

We use this forum to remind candidates, both new and veterans of the process, to refrain from such activity.



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CANDIDATE'S GUIDE FOR POSTING SIGNS

1. Campaign signs are classified as “temporary signs” and while not requiring a permit, placement of signs and the duration of posting of temporary signs must conform with City Code §151. Signs will not be removed due to any political content. However, signs located in City right-of-way (ROW) will be removed by City Code Enforcement Officials if they are in violation of the City Code or visually interfere with the safety of pedestrians or vehicular traffic. They may be reclaimed by calling City Hall. Signs that are confiscated and not claimed will be disposed of after 7 days following the date of the event or election, to which they relate.
2. City ROW's vary but for the main arteries into and out of the City, typically the ROW measure 35 feet from the centerline of the street. More narrow interior streets within the City measure less but some ROW's extend up to or include the front of the structure on some properties. In these instances, signs should be placed as close to the front of the structure as possible. The entity, or person in charge of placement of a temporary sign shall first obtain the permission of the immediate property owner or occupant adjacent to the City right-of-way where the sign is to be located.
3. Temporary signs may be located on private property without a sign permit or fee provided they do not interfere with pedestrian/traffic safety or create visual clutter. In these instances, Code Enforcement will request property owners to relocate or remove the signs.
4. Temporary signs on private property cannot be larger than 8 square feet (e.g., 24” x 48”).
5. Per City Code, the sign cannot be erected more than 45 days prior to the event or election to which it relates and the sign will not remain more than 7 days after the event or election. In no event shall a temporary sign placement exceed 90 days.
6. If you have any questions or concerns please contact the Department of Planning for assistance.



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INSTRUCTIONS

PLEASE REVIEW THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING AND SUBMITTING YOUR FORMS:

- **CERTIFICATE OF CANDIDACY;**
- **GIFTS DISCLOSURE STATEMENT;**
- **CAMPAIGN CONTRIBUTIONS DISCLOSURE STATEMENT;**
- **INTERESTS DISCLOSURE STATEMENT; AND**
- **CANDIDATE ACKNOWLEDGMENTS (2).**

A. Certificate of Candidacy

Page 1 - Fill in your name as it is to appear on the ballot.

Provide your home address and telephone numbers.

Indicate whether you are a candidate for Mayor or City Council

Provide requested documentation.

Page 2 - Sign and date where indicated before a notary public.

Provide payment of \$100.00 or \$50.00 by cash or check.

ATTACH the following forms and bring to the Director of Administration at City Hall, 711 Pennington Avenue, Havre de Grace, Maryland 21078.

1. Gifts Disclosure Statement
2. Campaign Contributions Disclosure Statement
3. Interests Disclosure Statement
4. Candidate Acknowledgement #1
5. Candidate Acknowledgement #2

B. Gifts Disclosure Statement

Page 1 - Fill in your name, address, phone number and email.

Indicate whether you are a candidate for Mayor or City Council.

Describe each gift and its fair market value, or just list cash value if gift is by cash, check, or other monetary transfer. You only need to identify gifts received in excess of \$20 individually, or in a series exceeding \$100 if received from someone, directly or indirectly, who does business with or is regulated by the City.

Do not include campaign contributions on this form.

If no gifts are required to be disclosed, mark your initials on the line indicated.

Sign and date the form where indicated.

C. Campaign Contributions Disclosure Statement

Page 1 - Fill in your name, address, phone number and email.

Indicate whether you are a candidate for Mayor and City Council.

You only need to disclose certain campaign contributions. Specifically, only those from individuals who do business with the City, the Mayor, City Council members or City officials; or who is regulated by the City; or who contracts with the City, whether proposed or approved, for \$5,000 or more; or who has financial interests distinguishable from the general public that may substantially or materially affect the performance of elected or City officials; or that you know has an employment relationship which could impair your impartiality or judgment. This would apply to contributions made by individuals directly or indirectly by business entities or other interests controlled by them.

List any such contributions received by month/year, name of contributor and the amount received.

D. Interests Disclosure Statement

Interests clarified - Pursuant to Ethics Code Section 67-4(H), the following are "interests" required to be disclosed:

- (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 elected official or candidate.
- (2) An interest held, at any time during the applicable period, by:
 - (a) A business entity in which the elected official or candidate held a 10% or greater interest;
 - (b) A business entity described in Subsection H(2)(a) in which the business entity held a 25% or greater interest;
 - (c) A business entity described in Subsection H(2)(b) 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:
 - (a) The elected official or candidate held a reversionary interest or was a beneficiary, or
 - (b) If a revocable trust, the elected official or candidate was a settlor.
- (4) An "interest" shall not include exchange traded funds, or ETFs, such as a diversified collection of assets like a mutual fund that trades on an exchange.
- (5) 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.

PAGE 1 - Fill in your name, address, phone number and email.

Indicate whether you are a candidate for Mayor or City Council.

Date and sign the certification.

Disclose your ownership in real property. If no legal address, use a description (Smith Farm on Jones Road) and deed liber/folio reference.

Examples of "nature of interest" would be fee simple ownership, life estate, tenant in common, remainderman, or joint ownership.

Conditions or encumbrances would include mortgages or significant deed restrictions which would hinder property development.

Other persons with interests in the property could be tenants in common, joint tenants, or remaindermen in a life estate.

All submitted Statements are available for public inspection during regular business hours. (City Ethics Code 67-4(B)(2)) with the exception of certain redactions where disclosure is prohibited by State law.

If an individual requests inspection of the Interests Disclosure Statement, the Commission shall record (City Ethics Code 67-4(B)(4) and (5)):

1. The name, home address, telephone number and email address of the individual reviewing or copying the statement.
2. The name of the person whose Interest Disclosure Statement was examined.
3. The reason for the request.

The Commission shall provide the candidate with a copy of the requestor's information if requests to examine the Statements are made.

Before public review, the home address of any candidate shall be redacted. (City Ethics Code 67-4 (6)).

Statements shall be retained for two years from the date of receipt or completion. (City Ethics Code 67-4(C)).

REPORTING PERIOD: The reporting period shall include the entire prior calendar year and is to include current information through the filing date.

QUALIFIED RELATIVE: A spouse, parent, child, or sibling. (City Ethics Code 67-1, Definitions).



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Certificate of Candidacy

I hereby certify, under penalties of perjury that my name is:

I reside at (effective January 1, 2019, address is to be redacted from public disclosure):

Street number, Street, Post Office Box, City, State and Zip

Phone: _____ Email: _____

I consent to the release of the following contact information to organizations/publications hosting candidate forums or publicizing candidates' platforms/questionnaire:

Phone Email Home Address

I hereby request that you place my name on the ballot as hereon designated:

(No nicknames or titles) Given name or names, plus the initial letter of other given names, if any, and surname on the official ballot to be used in the City Election to be held on the first Tuesday after the first Monday of May in the year two thousand and twenty-six.

I am a candidate seeking the office of (check one): _____ Mayor _____ Council

In accordance with the City Charter Sections 17 for Mayoral candidates or 21 for Council candidates, I acknowledge the following qualifications:

1. I am at least twenty-five (25) years of age
2. I am a citizen of the United States for at least two (2) years
3. I am a resident of the City of Havre de Grace for not less than two (2) years immediately preceding the election date
4. I am a qualified City voter at the time of filing for candidacy.

In order to verify that I have met the requirements of citizenship for the position that I am seeking, I am providing proof with one of the following documents:

- U.S. Passport/Passport Card (valid or expired)
- Birth Certificate
- Certificate of Naturalization (Form N-550 or N-570)
- Certificate of Citizenship (Form N-560 or N-561)
- Consular Report of Birth Abroad (Form FS-240, DS-1350 or FS-545)
- Tribal Documents

In order to verify that I have met the requirements of residency and qualified City voter for the position that I am seeking, I am providing proof of registered voter status (such as a voter's registration card) and one of the following documents:

- Valid Driver's License
- Driving Record Maintained by the Motor Vehicle Administration
- U.S. Postal Service Records
- Land Records as maintained in City Hall or Circuit Court
- Other _____

There is a non-transferable filing fee of \$100.00 for Mayor or \$50.00 for City Council that is submitted herewith. Checks must be made payable to the City of Havre de Grace.

I further certify that I meet the qualifications for the above-mentioned office as set forth in the Constitution of Maryland or the Charter of this City and that I am not currently a candidate for any other public office.

Signature of Candidate

Date of this Certificate of Candidacy: _____

State of Maryland
County of _____

Subscribed and sworn before me this ____ day of _____, _____

Notary Public or other authorized person to administer oath

SEAL: _____
Notary Public

For office use only:

In accordance with the City Charter, the Director of Administration must deliver this form to the Board of Election Supervisors on the Friday following the third Tuesday in March.

Certification Received by: _____

Date Received: _____

Amount Paid: \$100.00 \$50.00 Check Number: _____ or Cash received: _____

Forms received:

Gifts Disclosure Campaign Contributions Disclosure Interests Disclosure

Candidate Acknowledgement Form #1 & #2

Date Candidacy form and required statements were delivered to the **Ethics Commission**:

By: _____

Director of Administration

Date Candidacy form and required statements were delivered to the **Board of Election Supervisors**:

By: _____

Director of Administration

Date Candidacy form and required statements received by the **Ethics Commission**:

Signature Ethics Commission Chair or Designated Representative

ETHICS COMMISSION REVIEW

Candidacy form and required statements were reviewed by the Ethics Commission and were

_____ accepted _____ returned to the candidate for more complete information

on this _____ day of _____, 20____.

Signature of Ethics Commission Chair

Date supplemental forms were received by Ethics Commission: _____

Supplemental forms are: _____ accepted _____ rejected

CERTIFICATION BY BOARD OF ELECTION SUPERVISORS

The Certificate of Candidacy has been verified based on the documentation provided and the above-named candidate has hereby been certified to run for the office indicated.

I hereby declare this candidacy:

_____ accepted _____ rejected

If rejected, reason for rejection: _____

Signature of Board of Election Supervisor

Date

In accordance with the City Charter, within ten (10) days of the original receipt of this form, the Board shall notify those candidates whose certification of candidacy was rejected stating the reason for the rejection. The candidate has ten (10) days from the date of rejection to either remedy the rejection or to appeal the decision by the Board of Election Supervisors to the City Council.



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GIFTS DISCLOSURE STATEMENT

Complete and Return on or before April 30th during each year official or employee holds office.

Name of Appointed Official or Employee: _____

OR

This Form MUST BE FILED with the Certificate of Candidacy Form

Name of Elected Official or Candidate: _____

Address: _____
[home address must be redacted before public disclosure]

Phone Number: _____ Email: _____

Candidate for: _____ Mayor _____ Council

INSTRUCTIONS

City Code - Ethics §67-1 defines GIFT as "The transfer of anything of economic value, regardless of the form, without adequate and lawful consideration. "Gift" does not include the solicitation, acceptance, receipt or regulation of political campaign contributions regulated in accordance with the provisions of the Election Article of the Annotated Code of Maryland, or any other provision of state or Harford County law regulating the conduct of elections or the receipt of political campaign contributions. Notwithstanding the above, gift includes any transfer in the aggregate from one person greater than \$100 for the reporting period to any elected official or candidate for elected office in a City election. Campaign contributions are a separate form of gift that elected officials or candidates for elected office shall disclose."

You must disclose, for the previous calendar year any gift, which was not a campaign contribution that was in excess of \$20.00 in value, or in a series of gifts totaling \$100.00 or more, and received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with or who is regulated by the City, or from an association that is engaged in representing counties or municipal organizations. (See City Ethics Code §67-4(E) and Md. Code Annotated, Ethics, Section 5-607(e)(3)).



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CAMPAIGN CONTRIBUTIONS DISCLOSURE STATEMENT

This Form MUST BE FILED with the Certificate of Candidacy Form

Name of Elected Official or Candidate: _____

Address: _____
[home address must be redacted before public disclosure]

Phone Number: _____ Email: _____

Candidate for: _____ Mayor _____ Council

List all campaign contributions received if the donation exceeds \$50.00 in value, or if a series of contributions exceeds \$100, during the reporting period (see City Code Ethics Code §67-4(F)) from an individual (directly or indirectly) who:

- (a) does business with the City, members of City Council or Mayor, or any City Official;
- (b) is regulated by the City;
- (c) contracts, whether approved or proposed, with the City for \$5,000 or more;
- (d) has financial interests distinguishable from the general public that may be substantially and materially affected by the performance of the City, Mayor, City Council, or any City Official; or
- (e) the candidate knows or reasonably should know has an employment relationship with any member of the City Council or the Mayor or City Official which could impair the impartiality or independent judgment of the candidate.

Month/Year Received	Name of Contributor	Amount Received

[attach additional sheet if needed]

I hereby certify, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge, information and belief.

Dated: _____
Signature



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INTERESTS DISCLOSURE STATEMENT

Name of Elected Official or Candidate: _____

Address: _____
[home address must be redacted before public disclosure]

Phone Number: _____ Email: _____

Candidate for: _____ Mayor _____ Council

The following interest disclosure statements are required under the City Ethics Code §67-4. I solemnly swear and affirm under penalties of perjury that the following interest disclosures are true and correct to the best of my knowledge and information.

Dated: _____
Signature

A. Disclosure of interests in real property pursuant to City Ethics Code §67-4(D)(1):

1. List ALL interests in Real Property, wherever located, owned at the time the Certificate of Candidacy is filed:

Property 1

Street Address	
Mailing Address (if different)	
Legal Description (if no physical address)	
Nature of interest held	
Conditions or encumbrances	
Date Acquired	
Name of Person Acquired From	
Purchase Price, or fair market price at time acquired if a gift	
Identity of other persons with interests in the property	

Property 2

Street Address	
Mailing Address (if different)	
Legal Description (if no physical address)	
Nature of interest held	

Conditions or encumbrances	
Date Acquired	
Name of Person Acquired From	
Purchase Price, or fair market price at time acquired if a gift	
Identity of other persons with interests in the property	

For additional properties, please attach additional sheet.

2. List ALL interests in Real Property owned but transferred during the reporting period:

Description of the Interest transferred	
Nature and amount of consideration received, or if a gift, the fair market value at the time of transfer	
Person to whom property transferred	
Identity of other persons with an interest in the property	
Date property transferred	

For additional properties, please attach additional sheet.

B. Disclosure of interests in corporations, partnerships, or business entities pursuant to City Ethics Code §67-4(D)(2).

List ALL interests in any corporation, partnership, limited liability partnership, limited liability company, or business entity that is regulated by or does business with the City or an agency, board, or commission of the City.

For each business entity in which you own any interest state:

Name of Entity	
Address of Principal Office	
Type of Entity	
Nature and Amount of interest held	
Conditions or encumbrances	
Number of shares or percent of interest held, or the dollar value of the interest held	

For any such business interests transferred in whole or in part during the reporting period:

Description of the interest transferred	
Nature and amount of consideration received	
Identity to whom interest transferred (if known)	
Date of transfer	
Number of shares or percent of interest transferred, or the dollar value of the interest transferred	

For any such business interests acquired during the reporting period:

Date interest acquired	
Manner of acquisition	
Identity of person from whom acquired	
Nature and amount of consideration given, or if a gift, the fair market value of the interest at the time of acquisition	
Number of shares or percent of interest acquired, or the dollar value of the interest acquired	

For additional interests in corporations, partnerships or business entities, please attach additional sheet.

C. Disclosure of any interests or employment with entities doing business with the City (see City Ethics Code §67-4(D)(3))

Identify each position held by the candidate or a qualified relative (as defined in City Code - Ethics §67-1) at any time during the reporting period with entities doing business with the City:

Title or office or salaried position held	
Name of entity with whom position is held	
Address of principal office	
Description of position	
Date position commenced	
Name of City agency, board or commission with which the entity does business	

For additional positions, please attach additional sheet.

D. Disclosure of indebtedness to persons or business entities doing business with the City. City Ethics Code §67-4(D)(4).

List ALL liabilities owed by the candidate or qualified relative (excluding retail credit or credit card accounts) to persons or business entities doing business with the City at any time during the reporting period.

For each liability identify:

Name of Person or Entity to which liability is owed	
Date liability incurred	
Amount of liability at end of reporting period	
Terms of Payment	
Extent to which Principal Increased/Decreased during the reporting period	
Description of security given, if any, for the liability	

For additional indebtedness, please attach additional sheet.

E. Disclosure of qualified relatives employed by the City. (Ethics Code §67-4(D)(5))

Identify each qualified relative of the elected official or candidate employed by the City in any capacity at any time during the reporting period.

Name of qualified relative	
Position held at the City	
Date position commenced	

For additional qualified relatives employed by the City, please attach additional sheet.

F. Disclosure of Sources of Earned Income (Ethics Code §67-4(D)(6))

Identify the name and address of the place of employment for the elected official or candidate and for each qualified relative, and each business entity in which the elected official or candidate or his/her qualified relatives were a sole or partial owner and from which they received earned income, at any time during the reporting period.

Name of Employer	
Address of Employer	
Were you a sole owner of entity from which you received earned income? (yes or no)	
Were you a partial owner of the entity from which you received earned income? (yes or no)	
Name of Employer for qualified relative	
Address of employer for qualified relative	
Was your qualified relative a sole owner of the entity from which they received earned income? (yes or no)	
Was your qualified relative a partial owner of the entity from which they received earned income? (yes or no)	

For additional employer information, please attach additional sheet.

G. Disclosure of judgments, lawsuits, criminal cases and traffic record (Ethics Code §67-4(D)(7)).

List each judgment, lawsuit, criminal case and traffic record by providing the information below:

Description (unpaid money judgment, pending suits for money judgment, criminal or traffic record, etc.)	
Name of Court and County	
Case number	
Outcome or expected resolution date	

For additional suit or judgment information, please attach additional sheet.

THIS INTERESTS DISCLOSURE FORM IS TO BE SUBMITTED WITH YOUR
CERTIFICATE OF CANDIDACY, THE CANDIDACY ACKNOWLEDGMENT FORM, THE
GIFTS DISCLOSURE STATEMENT, AND CAMPAIGN CONTRIBUTION DISCLOSURE
STATEMENT TO:

Director of Administration
c/o City of Havre de Grace
711 Pennington Avenue
Havre de Grace, Maryland 21078.



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CANDIDATE ACKNOWLEDGEMENT #1

(City Code: Ethics §67-4(A)(2))

THIS CANDIDATE ACKNOWLEDGEMENT MUST BE FILED
WITH THE CERTIFICATE OF CANDIDACY

I, _____ (Candidate's name),
hereby acknowledge receipt of a copy of the “Interests Disclosure Form”, “Campaign
Contribution Disclosure Statement” and the “Gifts Disclosure Form” for the City of Havre de
Grace.

Dated: _____

Candidate’s Signature



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CANDIDATE ACKNOWLEDGEMENT #2

PROHIBITED CONDUCT AND CONFLICTS OF INTEREST

(City Code: Ethics §67-3)

THIS CANDIDATE ACKNOWLEDGEMENT MUST BE FILED
WITH THE CERTIFICATE OF CANDIDACY

I, _____ (Candidate's name),
hereby acknowledge receipt of a copy of the City Code: Ethics §67 (attached hereto as Exhibit
A) and agree to adhere to the Ethical guidelines as set forth therein.

Dated: _____

Candidate's Signature

EXHIBIT A

Chapter 67 - Ethics

§ 67-1. Definitions.

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

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

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

COMMISSION — The Havre de Grace Ethics Commission established pursuant to this chapter.

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

DOING BUSINESS WITH —

- A. Having or negotiating a contract that involves the commitment or receipt of City or City- controlled funds; or
- B. Being regulated by or otherwise under the authority of the City.

FINANCIAL INTEREST —

- A. Ownership of any interest as the result of which the owner has received \$1,000, within the past year, or is presently receiving, or in the future is entitled to receive, compensation; or
- B. Ownership, or the ownership of securities of any kind representing or convertible into ownership, of more than 3% of a business entity.

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

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

- A. An interest held in the capacity of a personal agent, representative, custodian, fiduciary or trustee, unless the holder has an equitable interest therein;
- B. An interest in a time or demand deposit in a financial institution;
- C. An interest in an insurance policy, endowment policy or annuity contract under which an insurance company promises to pay a fixed number of dollars either in a lump sum or periodically for life or some other specified period; or
- D. A common trust fund or a trust which forms part of a pension or profit-sharing plan

which has more than 25 participants and which has been determined by the Internal Revenue Service to be a qualified trust or college savings plan.

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

PERSON — Includes an individual or business entity.

QUALIFIED RELATIVE — A spouse, parent, child or sibling.

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.

§ 67-2. Ethics Commission; filing complaints; amendments.

- A. There is a Havre de Grace Ethics Commission which shall consist of five citizen voting members, appointed by the Mayor with the consent of the City Council and three nonvoting members: Director of Administration and a City Council member who shall serve as an ex-officio member and liaison to the City Council. A member must be a citizen of the United States for not less than 10 years and a resident and qualified voter in the City of Havre de Grace for not less than five years prior to appointment. The term of office is five years; however, the initial members will be appointed to terms of one, two, three, four and five years, respectively.
- B. The Commission shall be the advisory body responsible for interpreting this chapter and advising persons subject to it as to its application.
- C. Any official or other person subject to the provisions of this chapter may request from the Commission an advisory opinion concerning the application of this chapter. The Commission shall respond promptly to these requests, providing interpretations of this chapter based on the facts provided or reasonably available to it.
- D. The Commission shall develop procedures and policies for advisory opinion requests and provide published advisory opinions to persons subject to this chapter regarding the applicability of the provisions of this chapter to them.
- E. The Commission shall be responsible for evaluating, hearing and deciding any complaint filed regarding an alleged violation of this chapter by any person.
- F. The Commission shall develop procedures and policies for the processing of complaints to make appropriate determinations regarding complaints filed by any person alleging violations of this chapter.
- G. The Commission shall be the custodian of all forms submitted by any person in accordance with this chapter. The Commission shall draft and distribute the forms required by this chapter in conjunction with the Director of Administration and the Board of Election supervisors where applicable.
- H. The Commission shall be responsible for conducting a public information and education program regarding the purpose and implementation of this chapter.
- I. The City Attorney shall be the legal advisor for the Commission.
- J. Any person may file with the Commission a complaint alleging a violation of any of the provisions of this chapter which is alleged to have occurred within a year of the filing of the complaint. Complaints dating more than a year after the alleged event shall be dismissed. All complaints shall be written and under oath. If after an initial evaluation and preparing an investigative report, the Commission determines that there are insufficient facts upon which to base a determination of a violation, or if the complainant withdraws its complaint or fails to appear at any scheduled hearing in the matter, the Commission shall dismiss the complaint.

If after an initial evaluation the Commission determines that there is a reasonable basis for believing a violation has occurred, the subject of the complaint shall be afforded an opportunity for a hearing conducted in accordance with the City's applicable rules of procedure for actions taken on the record. Any final determination resulting from the hearing shall include findings of fact and conclusions of law. Once a complaint is filed with the Commission, all actions regarding a complaint shall be treated confidentially.

- K. 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 the State Government Article of the Annotated Code of Maryland for elected local officials.
- L. The Commission shall determine if changes to this chapter are required to be in compliance with the requirements of the State Government Article of the Annotated Code of Maryland, and shall forward any recommended changes and amendments to the City Council for enactment.
- M. The Commission may adopt other policies and procedures to assist in the implementation of this chapter.

§ 67-3. Prohibited conduct; conflicts of interest.

- A. Application. All City elected officials, City officials that are appointed or hired by the City, officials appointed to the designated City boards and commissions in this chapter and City employees are subject to this section.
- B. Participation in matters where an association is prohibited. Except where permitted by Commission regulation or permitted by opinion or except in the exercise of an administrative or ministerial duty which does not affect the disposition or decision in the matter, it shall be prohibited for an official or employee to knowingly participate in:
 - (1) Any matter of which he/she may be reasonably expected to know that concerns a qualified relative or in which a qualified relative of the official or employee has an interest.
 - (2) Any matter of which he/she may be reasonably expected to know when any of the following is a party thereto:
 - (a) Any business entity in which the official, employee or his/her qualified relative has a financial interest;
 - (b) Any business entity of which the official, employee or his/her qualified relative is an officer, director, trustee, partner or employee;
 - (c) Any business entity which is a party to an existing contract with the official, employee or his/her qualified relative if the contract could reasonably be expected to result in a conflict between the private interests of the official or employee and his/her official duties;
 - (d) Any entity, doing business with the City in which a financial interest is owned by another entity in which the official, employee or his/her qualified relative has a financial interest;
 - (e) Any business entity which the official or employee knows is a creditor or obligee of the official, employee or his/her qualified relative, with respect to a thing of economic value and which, by reason thereof, is in a position to affect directly and substantially the interest of the official, employee or his/her qualified relative; or
 - (f) A business entity with which the official, employee or his/her qualified relative is negotiating or has any arrangement concerning prospective employment.
 - (3) If a disqualification leaves any body with less than a quorum capable of acting, or if the disqualified official or employee 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.

- (4) 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.

C. Employment restrictions.

(1) Prohibitions.

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

- [1] Be employed by, or have a financial interest in, any entity subject to his/her authority or that of the City agency, board or commission with which he/she is affiliated or any entity which is negotiating or has entered a contract or contracts with the City or the agency, board or commission with which the official or employee is affiliated; or
- [2] Have or maintain any other employment relationship which would impair the impartiality or independence of judgment of the official or employee.

- (b) This prohibition does not apply to:

- [1] An official or employee who is appointed to a regulatory or licensing authority pursuant to a requirement that persons subject to the jurisdiction of the authority be represented in appointments to the authority;
- [2] Subject to other provisions of law, a member of a board or commission in regard to a financial interest or employment held at the time of appointment, provided the financial interest or employment is publicly disclosed to the appointing authority and the Commission; or
- [3] An official or employee whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted in accordance with regulations adopted by the Commission.

D. Post-employment restrictions. A former official or employee may not assist or represent another 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.

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

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

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

H. Solicitation or acceptance of gifts.

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

- (2) An official or employee shall not knowingly accept any gift, directly or indirectly,

from any person that he/she knows or has reason to know:

- (a) Is doing business with the City office, agency, board or commission with which the official or employee is affiliated; or
- (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 his/ her official duty.
- (c) Is engaged in an activity regulated or controlled by the official's or employee's governmental unit.
- (d) Is an association, or any entity acting on behalf of an association, that is engaged only in representing counties or municipal corporations.

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

- (1) Those that would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift;
- (2) Those of such significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee; or
- (3) Those of such significant value that the recipient official or employee believes or has reason to believe the gift was designed to impair the impartiality and independence of judgment of the official or employee.

J. Minor gifts that are not prohibited. An official or employee may accept the following gifts:

- (1) Meals and beverages consumed in the presence of the donor or sponsoring entity;
- (2) Ceremonial gifts or awards which have insignificant monetary value;
- (3) Unsolicited gifts of nominal value that do not exceed \$20 or trivial items of informational value;
- (4) Reasonable expenses for food, travel, lodging and scheduled entertainment of the official or the employee at a meeting which is given in return for the participation of the official or employee related to City business in a panel or speaking engagement at the meeting;
- (5) Gifts of tickets or free admission extended to an elected official to attend a charitable, cultural or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the elected official's office;
- (6) A specific gift or class of gifts which the Commission exempts from the operation of this section upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the City and that the gift is purely personal and private in nature to the official or employee;
- (7) Gifts from a qualified relative; or
- (8) Honoraria for speaking to or participating in a meeting, provided that the offering of the honorarium is not related in any way to the official duties of the official or employee.

K. Campaign contributions for City elections not prohibited. Notwithstanding anything to the contrary in this section, an official or candidate for elected office may solicit and accept campaign contributions in a City election.

L. Disclosure of confidential information. Other than in the discharge of his/her official duties, an official or employee or former official or employee shall not disclose or use confidential information acquired by reason of his/her public position or former public position, and which is not available to the public, for the economic benefit of the official or employee or that of another person.

- M. Participation in procurement, bids or proposals. An official, employee, or a person that employs an individual that participates in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement for the City or an agency, board or commission may not submit a bid or proposal for that procurement, or assist or represent another person, directly or indirectly, in the submission of a bid or proposal for the procurement. The Commission may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments requested during the procurement process.
- N. Duty to disclose or recuse. An official or employee shall disclose known conflicts of interest or potential conflicts of interest in connection with any specific proposed action by the official or employee sufficiently in advance of the action to prevent a violation or recuse himself/herself or make such other arrangements to avoid a conflict of interest and, where appropriate, make the disclosure to the public.
- O. Exemption and waiver standards. The Commission may grant exemptions or modifications of this section for any official or employee that is appointed or serving as a member of a board or commission, but not an elected official or candidate when it finds that the application of this section would constitute an unreasonable invasion of privacy; significantly reduce the availability of qualified persons for public service; and that the exemption, waiver or modification would not be contrary to the purposes of this chapter.
- P. Anti-harassment, anti-discrimination, anti-intimidation policy. It is the policy of the City of Havre de Grace, Maryland, to maintain a work and meeting environment in which all individuals are treated with respect and dignity. Harassment, whether verbal or nonverbal, physical, or environmental, is unacceptable and will not be tolerated by the City of Havre de Grace. The Mayor and City Council of Havre de Grace has adopted by resolution an anti-harassment, anti-discrimination, and anti- intimidation policy, as recommended by the Ethics Commission, which more specifically enumerates the prohibited conduct. Any violations of the policy shall be subject to enforcement and potential penalties as set forth in § 67-7G of the Ethics Code. **[Added 5-20-2019 by Ord. No. 1018]**

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

- A. Application. This section applies to all elected City officials and candidates for elected City office.
- (1) All City elected officials or a candidate to be a local elected official shall file the gifts and campaign contribution statements required under this section:
 - (a) On the forms provided by the Board of Election Supervisors and/or the Commission;
 - (b) Under oath or affirmation; and
 - (c) With the Board of Election Supervisors and/or the Commission.
 - (2) A City elected official or candidate for office subject to produce, without the need for a subpoena, an interests disclosure statement required under this section ("Interests Disclosure Form"). The Interests Disclosure Form shall be completed and produced to the Commission; the elected official or candidate will sign and date a written acknowledgement that he/she received the Interests Disclosure Form for completion.
 - (3) Deadlines for filing statements.
 - (a) An incumbent local elected official shall file the gifts and campaign contributions statements annually no later than the third Tuesday of March of each year for the preceding calendar year or with his/her certificate for candidacy, whichever is earliest.
 - (b) An individual who is appointed to fill a vacancy in an elected office shall file the gifts and campaign contributions statements for the preceding calendar year, prior

to being sworn into office.

- (c) For elected officials or a candidate for elected office, an Interests Disclosure Form for the preceding calendar year shall be produced to the Commission on the form provided by the Commission automatically.
- (4) Candidates for an elected City office.
 - (a) All candidates for an elected City office shall file the gifts and campaign contributions statements and, where applicable, the interests disclosure statement required under this section no later than the filing of the certificate of candidacy.
 - (b) The statements required under this chapter shall be filed with the Board of Election Supervisors with the certificate of candidacy.
 - (c) The Board of Election Supervisors shall not accept any certificate of candidacy unless the gifts and campaign contribution statements have been filed in proper form and the candidate has signed and dated the written acknowledgment that he/she received the Interests Disclosure Form.
 - (d) Within 10 days of the receipt of a statement required under this section, the Board of Election Supervisors shall forward the statement to the Commission or the office designated by the Commission.

B. Record of disclosure statements and maintenance.

- (1) The Commission or office designated by the Commission and the Board of Election Supervisors shall maintain all disclosure statements filed under this section: Gifts Disclosure Form; Campaign Contribution Disclosure Form and Interests Disclosure Form.
- (2) Gifts disclosure forms, campaign contribution forms and interests disclosure forms are available for public inspection during normal business hours. Home addresses of any person required to submit any of the disclosure and/or contribution forms shall be redacted from the documents available for public inspection. The remaining requirements for disclosure apply.
- (3) To examine the Gifts Disclosure Form, Campaign Contribution Form or the Interests Disclosure Form, an individual must appear in person before the Commission or its designee and comply with any other reasonable requirements or procedures established by the Commission.
- (4) Where an individual requests to examine an Interests Disclosure Form, the Commission or the office designated by the Commission shall record:
 - (a) The name, home address, telephone number and email address of the individual reviewing or copying the statement;
 - (b) The name of the person whose Interests Disclosure Form was examined or copied; and
 - (c) The reason for the request.
- (5) Where any type of form was requested to be examined, the Commission or the office designated by the Commission shall provide the official with a copy of the name, home address, telephone number and email address of the person who requested to review the official's form.
- (6) Effective January 1, 2019, the home address on the filing or disclosure statement of any candidate for office shall be redacted from public disclosure.
- (7) The Commission or office designated by the Commission shall not provide public access to information related to consideration received from:

- (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.
- C. Retention requirements. The Commission or the office designated by the Commission or the official or candidate shall retain Interests Disclosure Forms and Gifts Disclosure Forms and Campaign Contribution Disclosure Forms for two years from the date of receipt or completion.
- D. Contents of the Interests Disclosure Form for elected officials and candidates. On forms provided by the Commission, the following shall be listed:
- (1) Interests in real property.
 - (a) A statement filed under this section shall include a schedule of all interests in real property, wherever located.
 - (b) For each interest in real property, the schedule shall include:
 - [1] The nature of the property and the location by street address, mailing address, or legal description of the property;
 - [2] The nature and extent of the interest held, including any conditions and encumbrances on the interest;
 - [3] The date when, the manner in which, and the identity of the person from whom the interest was acquired;
 - [4] The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;
 - [5] If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and
 - [6] The identity of any other person with an interest in the property.
 - (2) Interests in corporations, partnerships, or business entities.
 - (a) All interests in any corporation, partnership, limited-liability partnership, limited-liability corporation, or business entity that is regulated by or does business with the City or any agency, board or commission of the City, providing:
 - [1] The name and address of the principal office of the corporation, partnership, limited-liability partnership, or limited-liability corporation;
 - [2] The nature and amount of the interest held, including any conditions and encumbrances on the interest;
 - [3] With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest and, if known, the identity of the person to whom the interest was transferred; and
 - [4] With respect to any interest acquired during the reporting period:
 - [a] The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
 - [b] The nature and the amount of the consideration given in exchange for

the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

- (b) An individual may satisfy the requirement to report the amount of the interest held under this subsection by reporting, instead of a dollar amount:
 - [1] For an equity interest in a corporation, the number of shares held and, unless the corporation's stock is publicly traded, the percentage of equity interest held; or
 - [2] For an equity interest in a partnership, the percentage of equity interest held.
- (3) Interests or employment within entities doing business with City.
 - (a) A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or a qualified relative, but not siblings, held at any time during the reporting period with entities doing business with the City.
 - (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;
 - [2] The title and nature of the office, directorship, or salaried employment held and the date it commenced; and
 - [3] The name of each City agency, board or commission with which the entity is involved.
- (4) Indebtedness to persons or business entities doing business with City.
 - (a) A statement filed under this section shall include a schedule of all liabilities owed, excluding retail credit or credit card accounts, to persons or business entities doing business with the City at any time during the reporting period:
 - [1] By the elected official or candidate; or
 - [2] By a qualified relative, but not siblings, of the individual elected official or candidate involved in the transaction giving rise to the liability.
 - (b) For each liability reported under this subsection, the list shall include:
 - [1] The identity of the person or business entity to which the liability was owed and the date the liability was incurred;
 - [2] The amount of the liability owed as of the end of the reporting period;
 - [3] The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and
 - [4] The security given, if any, for the liability.
- (5) Qualified relatives employed by the City. A list of the qualified relatives of the elected official or candidate employed by the City in any capacity at any time during the reporting period shall be disclosed.
- (6) Sources of earned income.
 - (a) A list of the name and address of the place of employment for the elected official or candidate and for each qualified relative, but not siblings, and each business entity which the elected official or candidate or his/her qualified relatives, but not siblings, were a sole or partial owner and from which they received earned income, at any time during the reporting period.
 - (b) A minor child's employment or business ownership need not be disclosed.

- (7) Judgments, suits, criminal and traffic record. A list of all unpaid money judgments, pending suits for money judgments, criminal and traffic cases providing case name, case number, jurisdiction and outcome shall be provided.
- E. Gifts disclosure form contents.
- (1) 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 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.
 - (2) For each gift reported, the schedule shall include:
 - (a) A description of the nature and value of the gift; and
 - (b) The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.
- F. Campaign Contributions Disclosure Form contents.
- (1) A statement filed under this section shall include a schedule of each gift which was not campaign contributions in excess of \$50 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:
 - (a) Does business with the City or the members of City Council or Mayor or any official of the City; or
 - (b) Is regulated by the City; or
 - (c) Contracts with the City for \$5,000 or more; or
 - (d) Has financial interests distinguishable from the general public, that may be substantially and materially affected by the performance of the City or the Mayor and City Council or the Mayor or any official of the City, or from any official of the City; or
 - (e) The candidate knows or reasonably should know has an employment relationship with any member of the City Council or the Mayor or any official of the City which would impair the impartiality or independent judgment of the candidate.
 - (2) For each contribution reported, the schedule shall include:
 - (a) The month the contribution was received;
 - (b) The name of the contributor; and
 - (c) The amount of the contribution.
- G. Voluntary disclosure. A statement filed under this section may also include a schedule of additional interests or information that the elected official or candidate wishes to disclose.
- H. Interests clarified. For the purposes of this chapter, the following interests are considered to be the interests of the elected official or candidate:
- (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 elected official or candidate.
 - (2) An interest held, at any time during the applicable period, by:
 - (a) A business entity in which the elected official or candidate held a 10% or greater interest;
 - (b) A business entity described in Subsection H(2)(a) in which the business entity held

- a 25% or greater interest;
 - (c) A business entity described in Subsection H(2)(b) 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:
- (a) The elected official or candidate held a reversionary interest or was a beneficiary, or
 - (b) If a revocable trust, the elected official or candidate was a settlor.
- (4) An "interest" shall not include exchange traded funds, or ETFs, such as a diversified collection of assets like a mutual fund that trades on an exchange.
- (5) 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.
- I. Review of disclosure forms. After receipt of any disclosure statements, the Commission shall privately review the disclosure statements submitted under this section for compliance with the provisions of this section and shall timely and privately notify an individual submitting the statement of any omissions or deficiencies.
- J. Enforcement. The City Ethics Commission may take appropriate enforcement action to ensure compliance with this section.

§ 67-5. Financial disclosure.

- A. Application. This section only applies to the following appointed officials and employees:
- (1) Director of Administration.
 - (2) Director of Finance.
 - (3) Director of Planning.
 - (4) Director of Public Works.
 - (5) Chief of Police.
 - (6) City Attorney.
 - (7) Any Hearing Examiner.
 - (8) Any Special Counsel appointed.
 - (9) Members of the following City boards and commissions: Board of Appeals, Ethics Commission, Marina Commission, Planning Commission, R.A.D. Loan Application Review Commission, Water and Sewer Commission.
- B. Gifts disclosed. A separate Gifts Disclosure Form provided by the Commission shall be filed by these appointed officials and employees with the Commission, under oath or affirmation, disclosing gifts in the same manner as elected officials.
- C. Due date. On or before April 30 of each year during which an official or employee holds office, an official or employee shall file a Gifts Disclosure Form statement disclosing gifts received during the preceding calendar year from any person or business entity that contracts with or is regulated by City, including the name of the donor of the gift and the approximate retail value at the time of receipt.
- D. Conflict of interest/ongoing duty. An official or employee shall disclose employment and financial interests that raise conflicts of interest or potential conflicts of interest during the calendar year in connection with any specific proposed action by the employee or official sufficiently in advance of the action to provide adequate disclosure to the public or the opportunity to recuse or make such other arrangements to avoid a conflict of interest.

- E. Record of statements. The Commission shall maintain all disclosure statements filed under this section. The same process and procedure for examination of disclosure statements provided for elected officials shall apply to the Gifts Disclosure Form under this section. Disclosure statements filed under this section shall be discarded after two years.
- F. Additional disclosures. The Commission may require the appointed officials and employees to complete and produce an Interests Disclosure Form, or any portion thereof, after receipt and evaluation of a complaint and a showing by the complainant that a reasonable basis for believing a violation of this section has occurred.
- G. 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. Relationship with University of Maryland Medical System, state or local government, or quasi- governmental entity.
 - (1) An individual shall disclose the information specified in the General Provisions Article of the Annotated Code of Maryland, § 5-607(j)(1), for any financial or contractual relationship with:
 - (a) The University of Maryland Medical System;
 - (b) A governmental entity of the state or a local government in the state; or
 - (c) A quasi-governmental entity of the state or local government in the state.
 - (2) 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.

§ 67-6. Lobbying.

The City has received an exemption from the State Ethics Commission; no lobbying law is required at this time.

§ 67-7. Enforcement; violations and penalties.

- A. The Commission, after initially evaluating a claim where the claimant must show that there is a reasonable basis for believing that a violation has occurred, and after conducting a hearing where the complainant has appeared and where the respondent has appeared or waived the right to appear and where clear and convincing evidence of a violation was shown by the complainant and found by the Commission by a unanimous vote, may:
 - (1) Assess a late fee of \$2 per day up to a maximum of \$250 for a failure to timely file a financial disclosure statement required under this chapter;
 - (2) Issue a cease and desist order against any person;
 - (3) Issue an order of compliance directing the respondent to submit all required disclosures;
 - (4) Issue a reprimand; or
 - (5) Recommend to the appropriate authority other appropriate discipline of the respondent, including censure or removal if that discipline is authorized by law.
- B. Upon unanimous request of the Commission, the City Attorney or an appointed special counsel may file a petition for injunctive or other relief in the Circuit Court of Harford County, or in any other court having proper venue for the purpose of requiring compliance with the provisions of this chapter.
- C. The Commission may file a declaratory action requesting that the court:

- (1) Issue an order to cease and desist from the violation;
 - (2) Void an official action taken by an official or employee with a conflict of interest prohibited by this chapter when the action arises from or concerns the subject matter of the conflict and if the legal action is brought within 90 days of the occurrence of the official action; or
 - (3) Impose a fine of up to \$5,000 for any violation of the provisions of this chapter, with each day upon which the violation occurs constituting a separate offense;
- D. Notwithstanding the above, the Commission may not request or seek to void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidences of public obligations.
- E. Additional enforcement provisions.
- (1) In addition to any other enforcement provisions in this chapter, a person whom the Commission or a court finds has violated this chapter:
 - (a) Is subject to suspension, termination, removal from office, removal from the ballot or other disciplinary action; and
 - (b) May be suspended from receiving payment of salary or other compensation pending full compliance with the terms of an order of the Commission or a court.
 - (2) A City official or employee found to have violated this chapter may be subject to disciplinary or other appropriate personnel action, including removal from office, disciplinary action, suspension of salary, or other sanction.
 - (3) The findings of the Commission are public information, after the appeal time of the Commission's decision has expired.
- F. The Commission may take no action and grant a waiver or exemption, even retroactively, from the provisions pursuant to the standard set in this section, where the violation was not intentional and the respondent complies with this section within the time provided by the Commission.
- G. The anti-harassment, anti-discrimination, anti-intimidation policy ("policy") shall be enforced in the following manner:
- (1) A complaint regarding a violation of the Code of Conduct may be filed with the Mayor, the Ethics Commission Chair or member, Human Resources Officer, the Director of Administration, or the City Attorney.
 - (2) Upon receiving a complaint, the person receiving the complaint must forward the complaint to the Director of Administration for safekeeping. The Director of Administration will notify the Chairman of Ethics Commission to schedule an Ethics Commission meeting and review. The Ethics Commission may take one of the following actions, depending on the circumstances of the alleged violations of law or policy:
 - (a) Take no action; or
 - (b) Initiate an investigation of the allegations before considering any discipline identified in this subsection; or
 - (c) Based upon substantive evidence, take one of the disciplinary actions identified in this subsection after finding a violation of this subsection occurred:
 - [1] Admonition. A warning or reminder that the conduct is in violation of the policy. An admonishment may be issued by the Ethics Commission subsequent to a review for legal sufficiency by the City Attorney (subject to recusal) before any findings of fact regarding allegations, and because it is a warning or reminder, it would not necessarily require an investigation or separate hearings. This form of action may be applied to all elected and/or

appointed City officials, reminding them that a particular type of behavior is in violation of the policy.

- [2] **Sanction.** A sanction is defined as a penalty or punishment provided as a means of enforcing obedience to the policy. A sanction may be directed to a particular elected and/or appointed City official based on a particular action (or set of actions) that is determined to be in violation of the policy. A sanction may be issued based upon an Ethics Commission review, subject to a legal review for sufficiency by the City Attorney (subject to recusal) and consideration of a written allegation of a policy violation. The member accused of a violation will have an opportunity to provide a written response to the allegation.
 - [3] **Censure.** Censure is an official reprimand, condemnation or rebuke. It is a formal disciplinary procedure and is a drastic step reserved for a serious situation. The Ethics Commission may recommend censure to the City Council after consideration of a written allegation of a policy violation. The recommendation is subject to a review for legal sufficiency by the City Attorney (subject to recusal). It may be applied to the elected and/or appointed City officials. Censure is a punitive action, which serves as a penalty imposed for wrongdoing, but it carries no fine or suspension of the rights of the member as an elected and/or appointed official. To protect the overriding right to freedom of speech, the Ethics Commission cannot recommend censure of elected and/or appointed City officials solely for the exercise of his or her First Amendment rights. However, nothing can be construed to prohibit the Ethics Commission from collectively condemning and expressing their strong disapprobation of such remarks.
 - [a] Because of the severity of censure, a decision to censure requires the adoption of a resolution stating the findings with regard to the specific charges, based on substantial evidence, and approved by the eligible voting City Council members in the affirmative with no more than one negative vote or abstention.
 - [b] In the event the complaint is against a City Council member, a decision to censure requires the adoption of a resolution stating the findings with regard to the specific charges, based on substantial evidence, and unanimous approval by the City Council voting members, with the accused City Council member abstaining from the vote.
 - [c] The recommendation to censure by the Ethics Commission shall be voted upon by the City Council within 30 days of the date of the Commission's decision. In the event that either party has additional pertinent facts, the Ethics Commission may reconsider its recommendation prior to the City Council vote. If an additional or amended recommendation is issued by the Ethics Commission, then the thirty-day period shall commence from the date of the additional or amended recommendation.
- (3) If the City Council censures one of its members, or an elected and/or appointed City official, it can also take the following actions:
- (a) Remove the Council member or elected and/or appointed City official from a City board or commission; or
 - (b) Remove the Council member or elected and/or appointed City official from an independent board or commission other than the City if allowed by the by-laws of that board or commission (e.g., regional boards); or

- (c) Request an apology to the Mayor, City Council and/or the appointed official, the complainant, or all the above;
- (d) Remove access privileges to City Hall other than for areas that are publicly accessible; and
- (e) Such additional actions that may be available through judicial intervention.