



# CITY OF LAUREL, MARYLAND

## ORDINANCE NO. 2013

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF LAUREL, MARYLAND TO AMEND LAUREL CITY CODE CHAPTER 2, ADMINISTRATION, ARTICLE IV PUBLIC ETHICS SECTIONS, 2-53. “DEFINITIONS”, 2-54 “ADMINISTRATION”, 2-55 “PROHIBITED CONDUCT AND INTERESTS”, 2-56 “FINANCIAL DISCLOSURE-ELECTED OFFICIALS, APPOINTED OFFICIALS, CANDIDATES AND EMPLOYEES”, 2-59 “ENFORCEMENT”, AND PROVIDING FOR AN EFFECTIVE DATE.**

*Sponsored by the President at the request of the Administration.*

**WHEREAS**, the Mayor and City Council of Laurel adopted Ordinance Number 752 on May 14, 1984, approving a recodification of the ordinances for the City of Laurel City Code; and

**WHEREAS**, the City Code includes Chapter 2, Administration, Article IV Public Ethics, establishing laws and regulations related to the ethical behavior of elected officials and others who seek elective office, and who take positions of responsibility in the City; and

**WHEREAS**, the State of Maryland has recently revised State Ethics Laws that will apply to all Maryland government jurisdictions; and

**WHEREAS**, the Mayor and City Council wish to amend its local ethics laws to be in compliance with State Law;

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED**, by the Mayor and City Council of Laurel, Maryland that Laurel City Code, Chapter 2, Administration, Article IV Public Ethics, Sections, 2-53. “Definitions”, 2-54. “Administration”, 2-55. “Prohibited conduct and interests”, 2-56. “Financial disclosure—Elected officials, appointed officials, candidates, and employees”, and 2-59. “Enforcement” is hereby amended as follows:

\* \* \*

**Sec. 2-53. Definitions.**

\* \* \*

Designated second home means:

- (1) If an individual owns one second home, the individual's second home; or
- (2) If an individual owns more than one second home, any one second home the individual identifies to the Commission as the individual's designated second home.

\* \* \*

*Financial interest means:*

- (1) Ownership of any interest as the result of which the owner has received, within the past three (3) years, or is presently receiving, or in the future is entitled to receive, more than one ~~thousand~~ thousand dollars (\$1,000.00) per year; or

\* \* \*

Home Address means the address of an individual's:

- (1) Principal Home; and
- (2) Designated second home, if any.

\* \* \*

Principal home means the sole residential property that an individual occupies as the individual's primary residence, whether owned or rented by the individual.

\* \* \*

Quasi-Governmental Entity means an entity that is created by State statute, that performs a public function, and that is supported in whole or in part by the State but is managed privately.

Underlining indicates new language added.

Strikethroughs indicate language deleted.

\* \* \* Asterisks indicate intervening language and section unchanged.

Second Home means a residential property that:

- (1) An individual occupies for some portion of the filing year; and
- (2) Is not a rental property or a time share.

**Sec. 2-54. Administration.**

\* \* \*

- (h) The commission shall certify to the State Ethics Commission on or before October 1 of each year that the Ceity is in compliance with the requirements of the General Provisions Article of the Annotated Code of Maryland, Title 5, Maryland Public Ethics Law, for elected local officials.
- (i) The Commission shall:
  - (1) Determine if changes to this article are required to be in compliance with the requirements of the General Provisions Article of the Annotated Code of Maryland, Title 5, Maryland Public Ethics Law; and

\* \* \*

- (j)
  - (4) The Commission may ~~adopted~~ adopt additional policies and procedures related to the advisory opinion process.

\* \* \*

- (m) The Commission may:
  - (1) Assess a late fee ~~to of five two~~ of five two dollars (\$5 2.00) per day up to a maximum of five two hundred ~~five~~ dollars (\$2500.00) for a failure to timely file a financial disclosure statement required under section 2-56 or section 2-57; and
  - (2) Assess a late fee of ten dollars (\$10.00) per day up to a maximum of one thousand ~~five hundred~~ dollars (~~\$500.00~~) (\$1,000.00) for a failure to file a timely lobbyist registration or lobbyist report required under section 2-58.

\* \* \*

**Sec. 2-55. Prohibited conduct and interests.**

\* \* \*

- (c) *Post-employment limitations and restrictions.*

Underlining indicates new language added.

~~Strikethroughs indicate language deleted.~~

\* \* \* Asterisks indicate intervening language and section unchanged.

- (1) A former elected official, appointed official or employee may not assist or represent any party other than the City for compensation in a case, contract, or other specific matter involving the City if that matter is one in which the former official or employee significantly participated as an official or employee.
- (2) A former elected official, appointed official, or employee may not assist or represent another party for compensation in a matter that is the subject of legislative action for two one calendar years after the elected official leaves office.
- ~~(2) — Until the conclusion of the next regular session that begins after the elected official leaves office, a mayor or a former member of the city council may not assist or represent another party for compensation in a matter that is the subject of legislative action.~~

\* \* \*

(e) *Use of prestige of office.*

\* \* \*

- (2) To influence, except as part of the official duties of the official or employee or as a usual and customary constituent service without additional compensation, the award of a state or local contract to a specific person.
- (3) An official may not directly or indirectly initiate a solicitation for a person to retain the compensated services of a particular lobbyist or lobbying firm.
- (4) This subsection does not prohibit the performance of usual and customary constituent services by an elected official without additional compensation.
- (5) An official, other than an elected official, or employee may not use public resources or the title of the official or employee to solicit a contribution as that term is defined in the Election Law Article.
- (6) An elected official may not use public resources to solicit a contribution as that term is defined in the Election Law Article.
- (7) An elected official may not use the City seal or reference their City title in advertising a sponsored event.
- (8) An elected official may not participate in a sponsored event that includes a party who is currently running for public office or advocates for a political position.
- (9) An elected official is required to pay all normal and customary fees associated with renting any City facility when participating in a sponsored event.

Underlining indicates new language added.

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\* \* \* Asterisks indicate intervening language and section unchanged.

(f) *Solicitation and acceptance of gifts.*

\* \* \*

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

\* \* \*

(ii) Notwithstanding paragraph (3) of this subsection, an official or employee may accept the following:

a. Meals and beverages consumed in the presence of the donor or sponsoring entity at an open and widely attended event;

\* \* \*

d. 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 in a panel or speaking engagement at the meeting; and that has been approved in writing, in advance by the City Administrator or the Mayor;

\* \* \*

(h) 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.

~~(h)~~ *Participation in procurement.*

\* \* \*

~~(h)~~ *Anti-nepotism.*

\* \* \*

~~(j-k)~~ *Abuse of position.*

\* \* \*

**Sec. 2-56. Financial disclosure—Elected officials, appointed officials, candidates, and employees.**

\* \* \*

(d) Candidates for elected office.

\* \* \*

- (3) The board may not accept any certificate of candidacy unless a financial disclosure statement required under this section has been filed in proper form by the close of business on the deadline for filing certificates of candidacy. Proper form is defined as completely filled out, signed and notarized. ~~A candidate to be an elected official:~~
- (4) The board shall within 30 days of receipt of the statement required under this section forward the financial disclosure statements to the City Ethics Commission ("Commission") for review. The Commission shall have seven (7) calendar days from the date of transmittal to review the financial disclosure statements and advise the board in writing whether the statements are in proper form, need clarification, or present potential ethical issues. In the event the commission determines that a statement is deficient, the board, within two (2) business days of receiving notice from the Commission, shall notify the individual who filed the statement why the statement is deficient, and provide the individual with twenty (20) calendar days from the date of notification to correct the issue. Within two (2) business days of receipt of any amended statement, the board shall forward the statement to the Commission. The Commission shall advise the board whether the amended statement is in proper form within seven (7) calendar days of receipt of the amended notice.

\* \* \*

- (5) For statements filed after January 1, 2019, the Commission or the office designated by the Commission may not provide public access to an individual's home address that the individual has designated as the individual's home address.
- (6) The Commission or office designated by the Commission shall not provide public access to information related to consideration received from:
- (i) The University of Maryland Medical Systems;
  - (ii) A governmental entity of the State or a local government in the State; or
  - (iii) A quasi-governmental entity of the State or local government in the State.

\* \* \*

(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.g) Contents of statement.

\* \* \*

(4) Gifts.

(i) A statement filed under this section shall include a schedule of each gift in excess of twenty dollars (\$20.00) in value or a series of gifts totaling one hundred dollars (\$100.00) or more received during the reporting period from or on behalf of, directly or indirectly, any one (1) 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.

\* \* \*

(6) Indebtedness to entities doing business with City or regulated by the individual's City unit or department.

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

\* \* \*

(iii) For a statement filed on or after January 1, 2019, if the individual's spouse is a lobbyist regulated by the City, the individual shall disclose the entity that has engaged the spouse for lobbying purposes.

(9) Relationship with University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity.

Underlining indicates new language added.

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\* \* \* Asterisks indicate intervening language and section unchanged.

- (i) An individual shall disclose the information specified in General Provisions Article §5-607(j)(1), Annotated Code of Maryland, for any financial or contractual relationship with:
  - (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.
- (ii) For each financial or contractual relationship reported, the schedule shall include
  - (A) A description of the relationship.
  - (B) The subject matter of the relationship; and
  - (C) The consideration.

(910) A statement filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.

(h) For the purposes of subsection (g)(1), (2), and (3) of this section, the following interests are considered to be the interests of the individual making the statement:

\* \* \*

- (2) ~~An interest held by a business entity in which the individual held a thirty (30) percent or greater interest at any time during the reporting period.~~ An interest held, at any time during the application period by:
  - (i) A business entity in which the individual held a (10) % or greater interest;
  - (ii) A business entity described in section (i) of this subsection in which the business entity held a 25% or greater interest;
  - (iii) A business entity described in section (ii) of this subsection in which the business entity held a 50% or greater interest; and
  - (iv) A business entity in which the individual directly or indirectly, though an interest in one or a combination of other business entities, holds a 10% or greater interest.

\* \* \*

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(j k) (1) The Commission shall review the financial disclosure statement submitted under this section for compliance with the provision of this section and shall notify an individual submitting the statement of any omissions or deficiencies.

\* \* \*

**Sec. 2-59. Enforcement**

\* \* \*

(b) (1) Upon request of the Commission, the Ceity Ssolicitor or Ethics Counsel may file a petition for injunctive or other relief in the Circuit Court of Prince George's County, or in any other court having proper venue for the purpose of requiring compliance with the provisions of this article.

\* \* \*

**AND, BE IT FURTHER ENACTED AND ORDAINED**, this Ordinance shall take effect on the date of its passage.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**ATTEST:**

\_\_\_\_\_  
**SARA A. GREEN, CMC**  
City Clerk

\_\_\_\_\_  
**BRENCIS D. SMITH**  
President of the City Council

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
**CRAIG A. MOE**  
Mayor

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