

LEGISLATIVE RESOLUTION 22-0-09

RESOLUTION AND ORDINANCE OF THE TOWN OF UNIVERSITY PARK, TO REPEAL AND RE-ENACT CHAPTER 12, “PUBLIC ETHICS”, OF THE CODE OF THE TOWN OF UNIVERSITY PARK, § 12-102 “DEFINITIONS”, § 12-104 “CONFLICTS OF INTEREST”, AND § 12-105 “FINANCIAL DISCLOSURES BY ELECTED TOWN OFFICIALS AND CANDIDATES TO BE ELECTED TOWN OFFICIALS” TO CONFORM TO RECENT CHANGES TO THE MARYLAND PUBLIC ETHICS LAW

CHAPTER 12

PUBLIC ETHICS

Section 1: Be it resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 12 “Public Ethics”, § 12-102 “Definitions” be repealed, re-enacted and amended to read as follows:

Section 12-102 Definitions.

For the purpose of this Chapter, the following words have the meanings indicated:

* * * *

“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.

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Section 3. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 12 “Public Ethics”, § 12-104 “Conflicts of interest” be repealed, re-enacted and amended to read as follows:

CAPS
[Brackets]
Asterisks * * *

: Indicate matter added to existing law.
: Indicate matter deleted from law.
: Indicate matter remaining unchanged in existing law but not set forth in Ordinance

Section 12-104. Conflicts of interest.

A. – G. * * * *

H. Solicitation and acceptance of gifts.

(1) – (2) * * * *

(3) An official or employee may not knowingly accept a gift, directly or indirectly, from a person that the official or employee knows or has the reason to know:

(a) – (d).

(E) IS AN ASSOCIATION, OR ANY ENTITY ACTING ON BEHALF OF AN ASSOCIATION, THAT IS ENGAGED ONLY IN REPRESENTING COUNTIES OR MUNICIPAL CORPORATIONS.

(4) – (5) * * * *

I. Disclosure of confidential information. Other than in the discharge of official duties, an official or employee OR FORMER OFFICIAL OR EMPLOYEE may not disclose or use confidential information, that the official or employee acquired by reason of the official's or employee's public position OR FORMER PUBLIC POSITION and that is not available to the public, for the economic benefit of the official or employee or that of another person.

J. * * * *

K. AN OFFICIAL OR EMPLOYEE MAY NOT RETALIATE AGAINST AN INDIVIDUAL FOR REPORTING OR PARTICIPATING IN AN INVESTIGATION OF A POTENTIAL VIOLATION OF THE TOWN PUBLIC ETHICS LAW.

Section 3. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 12 “Public Ethics”, § 12-105 “Financial disclosures by elected Town officials and candidates to be elected Town officials” be repealed, re-enacted and amended to read as follows:

Section 12-105. Required disclosures by elected Town officials and candidates to be Town elected officials.

A - D * * * *

E. Public record.

(1) – (5) * * * *

(6) 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 A LOCAL GOVERNMENT IN THE STATE; OR
- (C) A QUASI-GOVERNMENTAL ENTITY OF THE STATE OR LOCAL GOVERNMENT IN THE STATE.

F. * * * *

G. Contents of statement.

(1) through (3) * * * *

(4) Gifts.

(a) A statement filed under this section shall include a schedule of each gift in excess of twenty dollars (\$20) in value or a series of gifts totaling one hundred dollars (\$100) or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with or is regulated by the Town OR FROM AN ASSOCIATION, OR ANY ENTITY ACTING ON BEHALF OF AN ASSOCIATION THAT IS ENGAGED ONLY IN REPRESENTING COUNTIES OR MUNICIPAL CORPORATIONS.

(b) * * * *

(5) through (9) * * * *

(10) RELATIONSHIP WITH UNIVERSITY OF MARYLAND MEDICAL SYSTEM, STATE OR LOCAL GOVERNMENT, OR QUASI-GOVERNMENTAL ENTITY.

(A) AN INDIVIDUAL SHALL DISCLOSE THE INFORMATION SPECIFIED IN GENERAL PROVISIONS ARTICLE §5-607(J)(1), ANNOTATED CODE OF MARYLAND, FOR ANY FINANCIAL OR CONTRACTUAL RELATIONSHIP WITH:

- (I) THE UNIVERSITY OF MARYLAND MEDICAL SYSTEM;
- (II) A GOVERNMENTAL ENTITY OF THE STATE OR A LOCAL GOVERNMENT IN THE STATE; OR
- (III) A QUASI-GOVERNMENTAL ENTITY OF THE STATE OR

LOCAL GOVERNMENT IN THE STATE.

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

- (I) A DESCRIPTION OF THE RELATIONSHIP;
- (II) THE SUBJECT MATTER OF THE RELATIONSHIP; AND
- (III) THE CONSIDERATION.

H. For the purposes of §12-105(G)(1), (2), and (3) of this Chapter, the following interests are considered to be the interests of the individual making the statement:

- (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 individual.
- (2) An interest held [~~by a business entity in which the individual held a thirty percent (30%) or greater interest at any time during the reporting period.~~] AT ANY TIME DURING THE APPLICABLE PERIOD, BY:

- (A) A BUSINESS ENTITY IN WHICH THE INDIVIDUAL HELD A (10)% OR GREATER INTEREST;
- (B) A BUSINESS ENTITY DESCRIBED IN SECTION (A) OF THIS SUBSECTION IN WHICH THE BUSINESS ENTITY HELD A 25% OR GREATER INTEREST;
- (C) A BUSINESS ENTITY DESCRIBED IN SECTION (B) OF THIS SUBSECTION 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 individual held a reversionary interest or was a beneficiary; or
 - (b) If a revocable trust, the individual was a settlor.

I. -J. * * * *

K. AN INDIVIDUAL WHO IS REQUIRED TO DISCLOSE THE NAME OF A BUSINESS UNDER THIS SECTION SHALL ALSO DISCLOSE ANY OTHER NAMES UNDER WHICH THE BUSINESS IS TRADING OR DOING BUSINESS.

Section 4: Be it further resolved that this resolution shall become effective twenty (20)

day after enactment by the Mayor and Common Council of University Park, Maryland. If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the Town that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

Section 5: Be it further resolved that a complete and exact copy of this proposed Ordinance shall be posted on the entrance door of the Town Building of University Park, Maryland, for a period of not less than ten (10) days, and a fair summary of this Ordinance shall be published at least once in a newspaper having general circulation in the community.

APPROVED this _____ day of _____, 2022.

ATTEST:

MAYOR AND COMMON COUNCIL
TOWN OF UNIVERSITY PARK

T'Alicandra Hegeman, Town Clerk

By: _____
Joel T. Bermann, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Suellen M. Ferguson, Town Attorney