

LEGISLATIVE RESOLUTION 18-0-04

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, Sections 12-102, "Definitions", 12-104, "Conflicts of Interest" and 12-105, "Required disclosures by elected Town officials and candidates to be elected Town officials" to conform to recent changes to the Maryland Public Ethics Law to exempt exchange traded funds from the definition of interest, clarify post-employment restrictions, prohibit directly or indirectly initiating a solicitation for a person to retain the compensated services of a particular regulated lobbyist or lobbying firm prohibit influencing the award of a contract to a specific person and prohibit providing public access to an individual's home address that the individual has designated as the individual's home address.

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and Common Council of the Town of University Park that Chapter 12 "Public Ethics", Section 12-102 "Definitions" be repealed, re-enacted and amended to read as follows: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:

(a) – (e) * * *

(f) "Interest" means:

1. – 2. * * * *

3. "Interest" does not include:

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

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

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

C. An interest in an insurance policy, endowment policy or annuity contract under which an insurer promises to pay a fixed amount of money either in a lump sum or periodically for life or a specified period;

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 under the internal revenue code; or

E. A college savings plan under the internal revenue code.

F. A mutual fund OR EXCHANGE-TRADED FUND that is publicly traded on a national scale unless the mutual fund OR EXCHANGE-TRADED FUND is composed primarily of holdings of stocks and interests in a specific sector or area that is regulated by the Town.

(g) – (h) * * * *

Section 2. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 12 “Public Ethics”, Section 12-104 “Conflicts of interest” be repealed, re-enacted and amended to read as follows:

Section 12-104. Conflicts of interest.

(a) through (d) * * * *

(e) Post-employment limitations and restrictions.

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

(2) [~~Until the conclusion of the next regular session that begins after the elected official leaves office, a~~] A FORMER MAYOR OR former member of the Town Council may not assist or represent another party for compensation in a matter that is the subject of legislative action FOR ONE CALENDAR YEAR AFTER THE MAYOR OR COUNCIL MEMBER LEAVE OFFICE.

(f) * * * *

(g) Use of prestige of office.

- (1) An official or employee may 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, OR 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 CONTRACT TO A SPECIFIC PERSON.
- (2) This subsection does not prohibit the performance of usual and customary constituent services by a local elected official without additional compensation.
- (3) AN OFFICIAL MAY NOT DIRECTLY OR INDIRECTLY INITIATE A SOLICITATION FOR A PERSON TO RETAIN THE COMPENSATED SERVICES OF A PARTICULAR REGULATED LOBBYIST OR LOBBYING FIRM.

(h) through (j)* * * *

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”, Section 12-105 “Required 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) through (d) * * * *

(e) Public record.

- (1) The Commission or office designated by the Commission shall maintain all financial disclosure statements filed under this section.
- (2) Financial disclosure statements shall be made available during normal office hours for examination and copying by the public subject to reasonable fees and administrative procedures established by the Commission.
- (3) If an individual examines or copies a financial disclosure statement, the Commission or the office designated by the Commission shall record:
 - (i) The name and home address of the individual reviewing or copying the statement; and

- (ii) The name of the person whose financial disclosure statement was examined or copied.
- (4) Upon request by the official or employee whose financial disclosure statement was examined or copied, the Commission or the office designated by the Commission shall provide the official with a copy of the name and home address of the person who reviewed the official's financial disclosure statement.
- (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.

(f) through (j) * * * *

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 and approval by the Maryland State Ethics Commission.

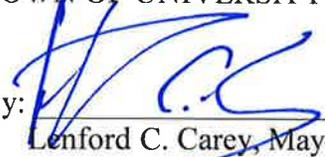
Section 5: Be it further resolved that a complete and exact copy of this proposed Ordinance shall be posted on the entrance door of the Town Building of University Park, Maryland, for a period of not less than ten (10) days, and a fair summary of this Ordinance shall be published at least once in a newspaper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

APPROVED this 7th day of May, 2018.

ATTEST:



MAYOR AND COMMON COUNCIL
TOWN OF UNIVERSITY PARK

By: 

Lenford C. Carey, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


Suellen M. Ferguson, Town Attorney