



Legislation Details (With Text)

File #: O-13-19 **Version:** 1 **Name:**
Type: Ordinance **Status:** Adopted
File created: 4/6/2019 **In control:** City Council
On agenda: 6/10/2019 **Final action:** 6/10/2019
Title: Office of Law - For the purpose of clarifying the functions of the Office of Law; clarifying the functions of the City Clerk; making technical corrections; and making stylistic changes.
Sponsors: Gavin Buckley, Sheila Finlayson
Indexes: Rules and City Government Committee
Code sections:
Attachments: 1. O-13-19 Office of Law Ordinance First Reader.pdf, 2. O-13-19 Staff Report and Fiscal Impact Note.pdf, 3. O-13-19 SIGNED.pdf

Date	Ver.	Action By	Action	Result
6/10/2019	1	City Council	adopt on second reader	Pass
6/10/2019	1	City Council	adopt on third reader	Pass
4/29/2019	1	City Council	declare the public hearing closed	
4/22/2019	1	Finance Committee	recommend favorably	Pass
4/8/2019	1	City Council	adopt on first reader	Pass
4/8/2019	1	City Council	refer to Annapolis Education Commission	

Office of Law - For the purpose of clarifying the functions of the Office of Law; clarifying the functions of the City Clerk; making technical corrections; and making stylistic changes.

CITY COUNCIL OF THE City of Annapolis

Ordinance 13-19

Introduced by: Mayor Buckley and Alderwoman Finlayson

Referred to
Rules and City Government Committee

AN ORDINANCE concerning

Office of Law

FOR the purpose of clarifying the functions of the Office of Law; clarifying the functions of the City Clerk; making technical corrections; and making stylistic changes.

BY repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis,

2019 Edition
1.01.010
1.08.020
1.16.010
2.08.030
2.08.050
2.08.051
2.08.070
2.12.040
2.12.050
4.20.130
7.12.090
7.44.010
22.28.020

SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the Code of the City of Annapolis shall be amended to read as follows:

TITLE 1 - GENERAL PROVISIONS

Chapter 1.01 - CODE ADOPTION

Section 1.01.010 - Adoption.

The "Code of the City of Annapolis (1996 Edition)," as compiled, codified, edited, and published by Book Publishing Company, Seattle, Washington, a copy of which is on file in the ~~Office of the City Clerk~~LAW and incorporated by reference in the ordinance codified in this chapter, is adopted as the code of laws of general application and continuing force in the City, from and after October 1, 1996. In addition to those matters published in the code, all ordinances adopted on and after July 26, 1996, and before October 1, 1996, amending the Annapolis City Code (1986 Edition and Supplements) but not printed in this 1996 code also are adopted as part of this code and shall be codified and published in the first supplement to this code. Until these ordinances are recodified in the first supplement to this code, they shall be construed and interpreted in conjunction with their corresponding provisions in this code.

Chapter 1.08 - CITY EMBLEMS

Section 1.08.020 - City seal-Custodian.

The City Clerk shall have the custody of the seal of the City, and the seal shall be carefully preserved and maintained at all times in the ~~Office of the City Clerk~~LAW.

Chapter 1.16 - ELECTION WARDS

Section 1.16.010 - Division of City.

The City shall be laid off and divided into eight wards, the boundaries of which are shown by description and on a map on file in the ~~Office of the City Clerk~~LAW. The descriptions of the ward boundaries are as set out in this chapter.

TITLE 2 - ADMINISTRATION

Chapter 2.08 - PUBLIC ETHICS AND FINANCIAL DISCLOSURE

Section 2.08.030 - Ethics Commission.

- A. Composition and appointment. The City Ethics Commission is composed of five City resident members who are nominated by the Mayor and confirmed by a majority vote of the City Council within thirty days of a nomination. Each member of the Commission shall serve for a term of one to five years from the date of confirmation so member terms are overlapping. No member of the eCommission shall be an elected or appointed official of the City, or any individual who is otherwise subject to the provisions of this section of the code. Upon occurrence of a vacancy on the Commission for any reason, the Mayor shall nominate an individual to fill that position for a term of up to five years. A Commission member may serve until re-appointed or a successor is appointed. Nothing herein shall preclude the nomination and confirmation of a member to serve successive terms.
- B. The Commission shall elect a Chairman and Vice Chairman for one year terms from among its members. They must be elected annually in February and may be reelected. The Chairman shall provide the Mayor and City Council an annual report by January 31 for the prior calendar year.
- C. Duties and responsibilities. The Commission shall be assisted in carrying out its duties and responsibilities by the ~~City Attorney~~OFFICE OF LAW or, in situations where there is a potential conflict of interest, ~~may use~~ other legal counsel. The Ethics Commission has the following duties and responsibilities:
1. To develop all forms required by this chapter. Completed copies of ~~such~~THE forms shall be reviewed by the Commission for compliance with this chapter and retained by the ~~City Attorney's~~ eOffice OF LAW;
 2. To receive and respond to written requests from any person who is subject to or who may be subject to the provisions of this chapter for an opinion, assistance, or guidance in interpreting the requirements of this chapter. Advisory opinions may also be provided in response to questions from any person interested in maintaining high ethical standards of conduct within the City government. ~~Such a~~ Advisory opinions of the Ethics Commission shall be provided in a timely manner in writing with a copy filed in the ~~City Attorney's~~ eOffice of ILaw. Extracts from or summaries of advisory opinions may be made public at the discretion of the Ethics Commission. The Commission shall redact the opinion by deleting the name of the person subject to the opinion and, to the fullest extent possible, any other information that may identify the person who is the subject of the opinion if ~~such~~THE information is not material. If an advisory opinion is not made public by the Ethics Commission, the opinion and the identity of the person subject to the opinion shall be confidential and may not ~~otherwise~~ be revealed. Any official or employee who in good faith relies on an advisory opinion of the Commission shall not be disciplined if the action is found thereafter to be a violation of this chapter;
 3. To expeditiously process, investigate, and make determinations as to complaints initiated by the majority of the Commission or filed by any person alleging violation of the provisions of this chapter;
 4. To issue subpoenas, administer oaths, and compel the attendance of witnesses and THE production of documents at its proceedings;
 5. To take enforcement actions as are authorized by the provisions of Section 2.08.100;
 6. To provide the City's Office of Human Resources with information concerning the purpose and implementation of this chapter so they may ensure that all City officials and employees are aware of their responsibility ~~for maintaining~~TO MAINTAIN high ethical standards in conducting the business of the City;
 7. The Ethics Commission shall meet at least once per year with the Human Resources Manager for the purpose of reviewing the steps being taken to ensure that all eCity officials and employees are aware of their responsibility ~~for maintaining~~TO MAINTAIN high ethical standards in conducting the City's business;
 8. The Ethics Commission shall adopt procedures for the conduct of its business in accordance with this chapter, and ~~such~~THE procedures shall be available to the public; and

9. The Ethics Commission, ~~or City Attorney~~ WITH ASSISTANCE FROM THE OFFICE OF LAW IF NEEDED, shall certify to the State Ethics Commission on or before October 1 of each year that the City of Annapolis is in compliance with the requirements of the Annotated Code of Maryland, General Provisions Article, Title 5, Subtitle 1, for elected local officials.

Section 2.08.050 - Financial disclosure for elected officials and candidates for elected office.

- A. This section applies to all elected officials and candidates for elected office:
- B. Except as provided in subsection D. of this section, an elected official or a candidate to be an elected official shall file WITH THE COMMISSION the financial disclosure statement required under this subsection:
 1. On a form provided by the Commission; AND
 2. Under oath or affirmation; ~~and~~
 3. ~~With the Commission.~~
- C. Deadlines for filing statements.
 1. An incumbent official shall file a financial disclosure statement annually no later than January 31 of each year for the preceding calendar year.
 2. An official who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within ~~thirty~~30 days after appointment.
 3. Officials leaving office.
 - a. An individual who, other than by reason of death, leaves an office for which a statement is required shall file a statement within ~~sixty~~60 days after leaving the office.
 - b. The statement shall cover:
 - (1) The calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and
 - (2) The portion of the current calendar year during which the individual held the office.
- D. Candidates to be elected officials.
 1. Except for an official who has filed a financial disclosure statement under another provision of this section for the reporting period, a candidate to be an elected official shall file a financial disclosure statement each year beginning with the year in which the certificate of candidacy is filed through the year of the election.
 2. A candidate to be an elected official shall file a statement required under this section:
 - a. In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy;
 - b. In the year of the election, on or before the earlier of April 30 or the last day for the withdrawal of candidacy; and
 - c. In all other years for which a statement is required, on or before April 30.
 3. A candidate to be an elected official:
 - a. May file the statement required under subsection D.2.a. of this section with the City Clerk or Board of Election supervisors with the certificate of candidacy or with the Commission prior to filing the certificate of candidacy; and
 - b. Shall file the statements required under subsection D.2.b. and D.2.c. of this section with the Commission.
 4. If a candidate fails to file a statement required by this section after written notice is provided by the City Clerk or Board of Election Supervisors at least ~~twenty~~20 days before the last day for the withdrawal of candidacy, the candidate is deemed to have withdrawn the candidacy.
 5. The City Clerk or Board of Election Supervisors may not accept any certificate of candidacy unless a statement required under this section has been filed in proper form.
 6. Within ~~thirty~~30 days ~~of the~~ AFTER receipt of a statement required under this section, the City Clerk or

Board of Election Supervisors shall forward the statement to the Commission.

E. Public record.

1. The ~~City Attorney's~~ Office of Law shall maintain all financial disclosure statements filed under this section.
2. The ~~City Attorney's~~ Office of Law shall make financial disclosure statements available during normal office hours for examination by the public.
3. If an individual examines a financial disclosure statement, the ~~City Attorney's~~ Office of Law shall:
 - a. Redact any portion of a statement, filed after January 1, 2019, that includes the home address of the person whose financial disclosure statement was examined;
 - b. Record the name and address of the individual reviewing the statement;
 - c. Record the name of the person whose financial disclosure statement was examined; and
 - d. Notify the person whose financial disclosure statement was examined of the information recorded in paragraph 3.b. above.

F. Retention requirements. The ~~City Attorney's~~ Office of Law shall retain financial disclosure statements for four years ~~from~~ AFTER the date of receipt.

G. Contents of statement.

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 and partnerships.
 - a. A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with the City.
 - b. For each interest reported under this paragraph, the schedule shall include:
 - (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:
 - (I) The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
 - (II) 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.
- c. An individual may satisfy the requirement to report the amount of the interest held under item b.(2) of this paragraph 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 in business entities doing business with THE City.
- a. A statement filed under this section shall include a schedule of all interests in any business entity that does business with the City, other than interests reported under paragraph 2. of this subsection.
 - b. For each interest reported under this paragraph, the schedule shall include:
 - (1) The name and address of the principal office of the business entity;
 - (2) The nature and amount of the interest held, including any conditions to and encumbrances on the interest;
 - (3) With respect to any interest transferred, in whole or in part, AND at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received in exchange 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:
 - (I) The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
 - (II) 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.
4. Gifts.
- a. 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~~ person who does business with the City.
 - b. For each gift reported, the schedule shall include:
 - (1) A description of the nature and value of the gift; and
 - (2) The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.
5. Employment with or interests in 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 member of the immediate family of the individual held at any time during the reporting period with entities doing business with the City.
 - b. For each position reported under this paragraph, 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 with which the entity is involved as indicated by identifying one or more of the three categories of "doing business," as defined in Section 2.08.020 A.4. of this chapter.
6. Indebtedness to entities doing business with City.
- a. A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with the City owed at any time during the reporting period:
 - (1) By the individual; or
 - (2) By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.

- b. For each liability reported under this paragraph, the schedule shall include:
 - (1) The identity of the person to whom 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.
- 7. Employment with THE City. A statement filed under this section shall include a schedule of the immediate family members of the elected official or candidate for elected office in any capacity at any time during the reporting period.
- 8. Sources of earned income.
 - a. A statement filed under this section shall include a schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual's immediate family was a sole or partial owner and from which the individual or member of the individual's immediate family received earned income, at any time during the reporting period.
 - b. A minor child's employment or business ownership need not be disclosed if the agency that employs the individual does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.
- 9. 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 Section 2.08.050 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, WAS directly or indirectly controlled by the individual.
 - 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.
 - 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. The Commission shall review the financial disclosure statements submitted under this section for compliance with the provisions of this section and shall notify an individual submitting the statement of any omissions or deficiencies.
- J. The Commission may take appropriate enforcement action to ensure compliance with this section.

Section 2.08.051 - Financial disclosure for employees and appointed officials.

- A. This section applies to the following employees and appointed officials:
 - 1. The City Manager, THE City Attorney, all department directors and deputies, and all members of the exempt service, ~~and~~
 - 2. Members of the Board of Commissioners of the Housing Authority of the City of Annapolis (HACA), the Executive Director of HACA, and the Deputy Director(s) of HACA, ~~and~~
 - 3. Inspectors and investigators who enforce THE City Codes, City Procurement Officers and their purchasing staff, and members of the following quasi-judicial boards and commissions: the Board of Appeals, the Civil Service Board, the Building Board of Appeals, the Historic Preservation Commission, the Planning Commission, the Board of Supervisors of Elections, the Ethics Commission, Port Wardens, and the Police and Fire Retirement Plan Commission, ~~and~~
 - 4. All other City officials, employees, contract employees, or temporary employees over pay grade 15, F15 (Fire Department), and P15 (Police Department), or who have authority to award or recommend the award of contracts or grants, or who provide advice or counsel to the City on matters pertaining to

- public policy or acquisition, and
5. Members and employees of the quasi-judicial Alcoholic Beverage Control Board are exempt from this section but shall file financial disclosure statements with the State Ethics Commission in accordance with Maryland Public Ethics Law.
- B. Financial disclosure statements filed under this section shall be filed with the Commission under oath or affirmation.
- C. Employees and appointed officials included in paragraph A. above shall file a financial disclosure statement annually no later than January 31 of each year for the preceding calendar year. For new employees and appointed officials included in paragraph A. that have not already filed a financial disclosure statement, ~~such~~ THE employees and appointed officials shall file a financial disclosure statement no later than ~~fifteen~~ 15 days after commencing employment or service pursuant to their appointment or within ~~fifteen~~ 15 days of the enactment of this ordinance.
- D. The ~~City Attorney's~~ Office OF LAW shall:
1. Maintain all disclosure statements filed under this section as public records available for public inspection and copying as provided in Section 2.08.050 E. of this chapter.
 2. Retain financial disclosure statements filed under this section as provided in Section 2.08.050 F. of this chapter.
- E. Contents of statement.
1. Interests in real property.
 - a. A statement filed under this section shall include a schedule of all interests in real property located in the State of Maryland.
 - b. For each interest in real property, the schedule shall include:
 - (1) The nature of the property and the location by street address and a 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 identity of any other person with an interest in the property.
 2. Interests in corporations and partnerships.
 - a. A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with the City. Interests in mutual funds are not reportable.
 - b. For each interest reported under this paragraph, the schedule shall include the name of the corporation, partnership, limited liability partnership, or limited liability corporation.
 3. Gifts.
 - a. 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 person who does business with the City.
 - b. For each gift reported, the schedule shall include:
 - (1) A description of the nature and value of the gift; and
 - (2) The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.
 4. Employment with or interests in entities doing business with the City.
 - a. (1) A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family of the individual held at any time during the reporting period with entities doing business with the City; and
 - (2) For a statement filed on or after January 1, 2019, if the individual's spouse is a regulated

lobbyist, shall include a schedule of all entities that engaged the spouse for lobbying purposes.

b. For each position reported under this paragraph, 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 with which the entity is involved as indicated by identifying one or more of the three categories of "doing business", as defined in Section 2.08.020 A.4. of this chapter.

5. Indebtedness to entities doing business with City.

a. A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with the City owed at any time during the reporting period:

- (1) By the individual; or
- (2) By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.

b. For each liability reported under this paragraph, the schedule shall include:

- (1) The identity of the person to whom 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.

6. Employment with City. A statement filed under this section shall include a schedule of the immediate family members of the individual employed by the City in any capacity at any time during the reporting period.

7. Sources of earned income.

a. (1) A statement filed under this section shall include a schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual's immediate family was a sole or partial owner and from which the individual or member of the individual's immediate family received earned income, at any time during the reporting period; and

(2) For a statement filed on or after January 1, 2019, if the individual's spouse is a regulated lobbyist, shall include a schedule of all entities that engaged the spouse for lobbying purposes.

b. A minor child's employment or business ownership need not be disclosed if the agency that employs the individual does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.

8. 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.

F. For the purposes Section 2.08.051 E.1. and 2. 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~~30 percent or greater interest at any time during the reporting period.
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.

G. The Commission shall review the financial disclosure statements submitted under this section for

compliance with the provisions of this section and shall notify an individual submitting the statement of any omissions or deficiencies.

H. The Commission may take appropriate enforcement action to ensure compliance with this section.

Section 2.08.070 - Lobbying disclosure and registration.

- A. General requirements. Any person who appears before any official or employee of the City, with the intent to influence that person in the performance of that person's official duties and who, in connection with any such activities expends or reasonably expects to expend in any calendar year in excess of ~~two hundred fifty dollars~~ \$250.00, on food, entertainment, or gifts for any officials or employees of the City, shall file a registration statement with the eCommission ~~not~~NO later than January 31st of the calendar year for which the statement is filed, or within fifteen days after the commencement of any activities regulated by this section.
- B. Registration statement. The registration statement shall include complete identification of the registrant and of any other person on whose behalf the registrant acts or will be acting. It shall also identify the subject matter on which the registrant proposes to make these appearances, and shall cover a period not to exceed one calendar year.
- C. Report of activities. Registrants under this section shall file a report, not later than January 31st of each year, covering activities for which they were registered for the preceding year, disclosing the value, date and nature of any food, entertainment or gifts provided to any City official or employee. When a gift or series of gifts to a single official or employee exceeds ~~thirty-five dollars~~ \$35.00 in value, the official or employee shall also be identified.
- D. No contingency fees. No person may engage in lobbying activities on behalf of another person for compensation ~~of the payment of which~~ THAT is contingent upon the passage or defeat of any action by the City Council.
- E. Availability to public. The registrations and reports filed pursuant to this section shall be maintained by the ~~City Attorney's~~ Office OF LAW; and shall be made available, during normal office hours, for examination and copying by the public. All ~~such~~ registrations and reports shall be retained as public records for at least four years from the date of their receipt by the Commission.
- F. Forms. The Commission shall provide forms for use in the filing of the registration statements and reports required by this section to the persons required to file ~~such~~ THE statements and reports.

Chapter 2.12 - MAYOR

Section 2.12.040 - ~~City Attorney~~ OFFICE OF LAW.

- A. THE OFFICE OF LAW SHALL BE SUPERVISED BY THE CITY ATTORNEY, WHO SHALL REPORT DIRECTLY TO THE MAYOR.
- B. The City Attorney shall be appointed by the Mayor and confirmed by the CITY eCouncil and shall meet the qualifications set forth in the Charter.
- BC. The City Attorney'S ~~shall have the following~~ powers and duties IN THE SUPERVISION OF THE OFFICE OF LAW INCLUDE THE POWER OR DUTY TO:
 - 1. ~~To~~ perform legal services for the City;
 - 2. ~~To~~ perform advisory, documentary, and drafting services for the City;
 - 3. ~~To~~ issue opinions upon questions affecting the interestS of the City;
 - 4. ~~To~~ review and approve as to form and legal sufficiency each instrument to be executed BY OR on

behalf of the City;

5. To prepare and approve the title papers whenever the City purchases any real estate and no contract shall be made or money paid on account of the purchase of real property until the City Attorney certifies to the title of the property and legal sufficiency of the deeds or other instruments intended to convey the property to the City;
6. To assist the Mayor, Aldermen, AND ALDERWOMEN and City Clerk in the preparation of legislation.

2.12.050 - City Clerk.

- A. The Mayor shall appoint a person to serve as City Clerk and a person to serve as ~~d~~Deputy City Clerk. The City Clerk and ~~d~~Deputy City Clerk shall take the oath prescribed by Article IX, Section 1 of the Charter.
- B. The City Clerk shall certify and attest to the actions of the City and its officials.
- C. The City Clerk shall keep permanent records of the proceedings of the City Council as well as of all the laws, ordinances, resolutions, and orders of the City Council.
- D. The City Clerk shall advertise all elections ~~which are~~ to be held under the Charter; and make A return of the ~~same~~ELECTIONS in the manner ~~now~~ provided for by the laws regulating elections.
- E. THE CITY CLERK SHALL ASSIST THE BOARD OF SUPERVISORS OF ELECTIONS; AND THE ALCOHOLIC BEVERAGE CONTROL BOARD.
- E. The City Clerk shall ~~prepare legislation at the request of the Mayor or any of the Aldermen, for consideration by the City Council.~~
- F. The City Clerk shall be the custodian of the seal and of the permanent records and instruments of the City.
- G. The Deputy City Clerk shall have the same powers and obligations and shall perform the duties performed by the City Clerk, in the absence of the ~~e~~Clerk, as authorized by law.

TITLE 4 - ELECTIONS

Chapter 4.20 - NOMINATIONS AND CANDIDACY

Section 4.20.130 - Certificates-Filing.

The board shall receive, file, and preserve all certificates of candidacy and of nomination. These certificates shall be kept as part of the records of the board for a period not to exceed five years or for at least one year beyond the length of the term of the public or party office for which every candidate to whom these certificates of candidacy and of nomination apply has offered their candidacies for nomination or election, regardless ~~if~~OF WHETHER the candidate is successful, unsuccessful, or resigns. Copies of these certificates SHALL BE certified by the City Clerk under the seal of the ~~clerk's office~~ AND shall be evidence in any court to the same extent as the original certificate.

TITLE 7 - BUSINESS LICENSES, TAXES, AND REGULATIONS

Chapter 7.12 - ALCOHOLIC BEVERAGES

Section 7.12.090 - Alcoholic Beverage Control Board-Administration.

The ~~Office of the~~ City Clerk shall provide administrative support for the board. Testimony by a member of the board shall be inadmissible with regard to the exercise of the powers enumerated in Section 7.12.060(A)(1) and (2). Any and all investigations conducted to ascertain compliance with the provisions of Article 2B of the Annotated Code of Maryland, ~~and with this eCode,~~ and the board's rules and regulations shall be performed by or at the direction of the Police Department; ~~subject to the administration and supervision of the Chief of Police~~

and the Mayor as with all other activities of the department.

Chapter 7.44 - SOLICITORS

Section 7.44.010 - Registration-Required.

A person may not solicit or canvass ~~upon~~ ON ANY PUBLIC WAY, INCLUDING ~~the~~ public streets, roads, highways, AND alleys, or ~~on any public way or~~ by calling at residences, without the previous consent of the occupants, for the purpose of seeking donations of any kind, without first having registered in the ~~e~~Office of ~~the~~ City Clerk ~~LAW~~ and having received written approval of the Mayor. The registrant shall give complete identification, signature, name of employer, nature of the services in which the registrant is interested or the organization which the registrant is representing, and the proposed method of operation.

TITLE 22 - ADEQUATE PUBLIC FACILITIES

Chapter 22.28 - MITIGATION

Section 22.28.020 - Process.

- A. Mitigation consists of the construction or funding of improvements to onsite or offsite public facilities by an applicant that increase capacity or safety on each public facility that is below the minimum standard so that the capacity or safety of the facility after mitigation will be equal to or greater than if the proposed project had not been developed.
- B. To determine the appropriate forms and levels of mitigation, an applicant shall consult with the department responsible for review and assessment of each facility that would be deemed inadequate. Once the applicant and the department agree upon the forms and levels of mitigation that will offset the impact of the project upon the facility, the applicant shall enter into a mitigation plan on terms and conditions acceptable to the Department of Planning and Zoning in consultation with the Office of ~~the~~ City Attorney ~~LAW~~. The mitigation plan shall require the applicant to provide the mitigation agreed upon and in return the Department of Planning and Zoning shall determine that the facility or facilities will be adequate for the project.
- C. If a department finds that a facility is or would be inadequate as a result of more than one proposed project, the department may apportion the responsibility and cost of mitigation among all contributing projects, which apportionment shall be reflected in the applicable mitigation plans.
- D. Each mitigation plan shall be approved by the Director of Planning and Zoning as well as the department responsible for the facility for which the mitigation plan approval is sought. If a facility would be inadequate for a project, and if the project and the applicant are unable to agree upon acceptable forms and levels of mitigation for the facility such that no mitigation plan is entered into by the applicant, the department shall determine that the facility is inadequate to support the project and shall forward a written copy of such findings and explanation to the Director of Planning and Zoning.

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that this ordinance shall take effect from the date of its passage.

EXPLANATION

UPPERCASE indicates matter added to existing law.

~~Strikethrough~~ indicates matter stricken from existing law.

Underlining indicates amendments.