



Legislation Details (With Text)

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**On agenda:** 1/23/2023      **Final action:** 1/23/2023

**Title:** City of Annapolis Public Ethics Law - For the purpose of compliance with the requirements of Subtitle 8 Local Government Provisions of the Public Ethics Law or Code of Maryland Regulations (COMAR) 19A.04; renumbering for current style; and generally relating to ethics requirements for the City of Annapolis.

**Sponsors:** Gavin Buckley, Karma O'Neill, Sheila Finlayson, Ross Arnett, Brooks Schandelmeier

**Indexes:** Rules and City Government Committee

**Code sections:**

**Attachments:** 1. O-33-22 First Reader as Amended, 2. O-33-22 First Reader, 3. O-33-22 Amendment 1 - Buckley, 4. O-33-22 Staff Report, 5. O-33-22 Fiscal Impact Note, 6. 8.26.22 Letter Regarding Changes to Ethics Law, 7. Annapolis Ethics Commission Letter to State Ethics Commission, 8. O-33-22 Ethics Commission Report, 9. State Ethics Commission letter to City of Annapolis, 10. O-33-22 Signed

Date	Ver.	Action By	Action	Result
1/23/2023	1	City Council	adopt on second reader	Pass
1/23/2023	1	City Council	amended	Pass
1/23/2023	1	City Council	adopt as amended	Pass
1/23/2023	1	City Council	adopt on third reader	Pass
1/23/2023	1	City Council	Cosponsor added	
1/6/2023	1	Rules & City Government Committee	recommend favorably	Pass
12/12/2022	1	City Council	declare the public hearing closed	
11/28/2022	1	City Council	refer	
11/28/2022	1	City Council	refer	
11/28/2022	1	City Council	adopt on first reader	Pass

**City of Annapolis Public Ethics Law** - For the purpose of compliance with the requirements of Subtitle 8 Local Government Provisions of the Public Ethics Law or Code of Maryland Regulations (COMAR) 19A.04; renumbering for current style; and generally relating to ethics requirements for the City of Annapolis.

CITY COUNCIL OF THE  
**City of Annapolis**

**Ordinance 33-22**

**Introduced by: Mayor Buckley**  
**Co-sponsored by: Ald. Tierney, Ald. O'Neill, Ald. Pindell Charles, Ald. Finlayson, Ald. Schandelmeier, Ald. Gay, Ald. Savidge, and Ald. Arnett**

**Referred to  
Rules and City Government Committee  
Ethics Commission**

AN ORDINANCE concerning

**City of Annapolis Public Ethics Law Changes**

**FOR** the purpose of compliance with the requirements of Subtitle 8 Local Government Provisions of the Public Ethics Law or Code of Maryland Regulations (COMAR) 19A.04; renumbering for current style; and generally relating to ethics requirements for the City of Annapolis.

**BY** adding definitions, amending and renumbering the following chapter of the Code of the City of Annapolis, 2022 Edition  
2.08

**BY** amending and reenacting the following portions of the Code of the City of Annapolis, 2022 Edition  
2.08.020  
2.08.040  
2.08.050  
2.08.051 (E)(5)  
2.08.052  
2.08.090  
2.08.110

**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 2 - ADMINISTRATION**

**Chapter 2.08 - Public Ethics and Financial Disclosure**

**Section 2.08.020 - Definitions**

- A. Definitions. The following words and phrases shall have the meanings ascribed to them as follows:
1. "Business entity" means a corporation, limited liability company, general or limited partnership, sole proprietorship, joint venture, unincorporated association or firm, institution, trust, foundation, or other organization, whether or not operated for profit. "Business entity" does not include a governmental entity.
  2. "Commission" means the City of Annapolis Ethics Commission as established in Section 2.08.030.
  3. "Compensation" means 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. For the purposes of Section 2.08.070 of this chapter, if lobbying is only a portion of a person's employment, "compensation" means a prorated amount based on the time devoted to lobbying

compared to the time devoted to other employment duties.

4. "Doing business with" means:
  - a. Having or negotiating a contract that involves the commitment (either in a single or combination of transactions) of ~~one thousand dollars~~ \$1,000 or more of City controlled funds; or
  - b. Being regulated by or otherwise under the authority of the City; or
  - c. Being registered as a lobbyist in accordance with Section 2.08.070 of this chapter.
5. "Elected official" includes the Mayor and members of the City Council.
6. "Employee" means an individual who is employed by the City of Annapolis. "Employee" does not include an elected official.
7. "Financial interest" means:
  - a. Ownership of any interest as the result of which the owner has received, within the past three years, or is presently receiving, or in the future is entitled to receive, more than ~~one thousand dollars~~ \$1,000 per year in compensation; or
  - b. Ownership, or the ownership of securities of any kind representing or convertible into ownership, of more than ~~three percent~~ 3% of a business entity by a City official or employee, or the spouse of an official or employee.
8. "Gift" means the transfer of anything of economic value regardless of the form without adequate and lawful consideration, whether or not it relates to the performance of official duties. However, "gift" does not include the solicitation, acceptance or receipt of any campaign contributions regulated in accordance with any law pertaining to the conduct of elections or the receipt of political campaign contributions.
9. "Interest" means 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 Section 2.08.050 of this chapter, "interest" applies to any interests held at any time during the calendar year for which a required statement is to be filed. "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 or 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;
  - d. A common trust fund or a trust which forms part of a pension or profit sharing plan which has more than twenty-five participants and which has been determined by the Internal Revenue Service to be a qualified trust under §§ 401 and 501 of the Internal Revenue Code of 1954;
  - e. An interest in a City pension plan, City deferred compensation plan or a college savings plan under the Internal Revenue Code; or
  - f. An interest in any 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

stock and interests in a specific sector or area that is regulated by the City of Annapolis.

10. "Lobbyist" or "lobbying" means the person or act of communicating in the presence of a City official or employee with the intent to influence any official action of that official or employee; or the person or act of engaging in activities having the express purpose of soliciting others to communicate with a City official or employee with the intent to influence that official or employee; and who expends (exclusive of personal travel and subsistence) in excess of ~~two hundred fifty dollars~~ \$250 per calendar year on food, entertainment or gifts for any official or employee of the City.
11. "Official" means an elected official, an employee of the City directly or by contract, or a person appointed to or employed by a City agency, board, commission, or similar entity whether or not paid in whole or in part with City funds and whether or not compensated. 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 are part of a separate entity; however, in accordance with State law, and for purposes of the City Ethics law, the individuals in these HACA positions are considered City officials.
12. "Person" includes any natural person, or business entity.
13. "RECUSE" MEANS FOR PURPOSES OF SECTION 2.08.040 (A)(2) TO DISQUALIFY AND REMOVE ONESELF FROM A PROCEEDING.
14. "Qualified relative" means spouse, siblings, parents, children, and their spouses.
15. "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.
16. "Immediate family" means a spouse and dependent children, and anyone else living in an official's residence.

## Section 2.08.040 - Prohibited conduct and interests.

### A. Participation prohibitions

1. Except as permitted by commission regulation or opinion, an official or employee may not participate in:
  - a. Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision of the matter, any matter in which, to the knowledge of the official or employee, the official or employee or a qualified relative of the official or employee has an interest.
  - b. Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision with respect to the matter any matter in which any of the following is a party:
    - (1)i. A business entity in which the official or employee has a direct financial interest of which the official or employee may reasonably be expected to know;
    - (2)ii. A business entity for which the official, employee, or a qualified relative of the official or employee is an officer, director, trustee, partner, or employee;
    - (3)iii. A business entity with which the official or employee or, to the knowledge of the official or employee, a qualified relative is negotiating employment or has any

arrangement concerning prospective employment;

(4)iv. If the contract reasonably could be expected to result in a conflict between the private interests of the official or employee and the official duties of the official or employee, a business entity that is a party to an existing contract with the official or employee, or which, to the knowledge of the official or employee, is a party to a contract with a qualified relative;

(5)v. An entity, doing business with the City in which a direct financial interest is owned by another entity in which the official or employee has a direct financial interest, if the official or employee may be reasonably expected to know of both direct financial interests; or

(6)vi. A business entity that:

I.(1) The official or employee knows is a creditor or obligee of the official or employee or a qualified relative of the official or employee with respect to a thing of economic value; and

II.(2) As a creditor or obligee is in a position to directly and substantially affect the interest of the official or employee or a qualified relative of the official or employee.

2. EXCEPT AS PERMITTED UNDER 2.08.040 (A) (3), A PERSON WHO IS DISQUALIFIED FROM PARTICIPATING UNDER PARAGRAPH A.1 SHALL RECUSE THEMSELVES.

23. A person who is disqualified from participating under paragraph A.1. of this subsection shall disclose the nature and circumstances of the conflict and may participate or act if:

- a. The disqualification leaves a body with less than a quorum capable of acting;
- b. The disqualified official or employee is required by law to act; or
- c. The disqualified official or employee is the only person authorized to act.

34. A regulated lobbyist who serves on a board or commission and is disqualified from participating in a specific matter because of a conflict of interest, shall file a statement of recusal with the board or commission describing the circumstances of the conflict which shall be recorded in the minutes of the meeting.

45. A former regulated lobbyist who becomes a public official or employee may not participate in a case, contract, or other specific matter as a public official or employee for one calendar year after the termination of the registration of the former regulated lobbyist if the former regulated lobbyist previously assisted or represented another party for compensation in the matter. This subparagraph does not apply to an individual who is a public official or a member of a board or commission.

56. The prohibitions of paragraph 1. of this subsection do not apply if participation is allowed by regulation or opinion of the Commission.

## B. Employment and financial interest restrictions.

1. Except as permitted by regulation of the Commission when the interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official or employee may not:

a. Be employed by or have a financial interest in any entity:

(1)i. Subject to the authority of the official or employee or the City agency, board, or commission with which the official or employee is affiliated; or

- (2)ii. That is negotiating or has entered a contract with the agency, board, or commission with which the official or employee is affiliated; or
- b. Hold any other employment relationship that would impair the impartiality or independence of judgment of the official or employee.
- 2. The prohibitions of paragraph 1. of the subsection do not apply to:
  - a. An official or employee who is appointed to a regulatory or licensing authority pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to the authority;
  - b. 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;
  - c. 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 and in accordance with regulations adopted by the Commission; or
  - d. Employment or financial interests allowed by regulation of the Commission if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.
- C. Post-employment limitations and restrictions.
  - 1. A former official or employee may not assist or represent any party other than the City in a case, contract, or other specific matter involving the City, for compensation, if that matter is one in which the former official or employee significantly participated as an official or employee.
  - 2. For a period of one year after an elected official leaves office, the former official may not assist or represent another party, for compensation, in a matter that is the subject of legislative action.
- D. Contingent compensation. Except in a judicial or quasi-judicial proceeding, an official or employee may not assist or represent a party for contingent compensation in any matter before or involving the City.
- E. Use of prestige of office.
  - 1. An official or employee may not intentionally use the prestige of office or public position:
    - (a)a. For the private gain of that official or employee or the private gain of another; or
    - (b)b. To influence, except as part of the official duties of the official or employee as a usual and customary constituent service without additional compensation, the award of a local contract to a specific person.
  - 2. This subsection does not prohibit the performance of usual and customary constituent services by an elected official without additional compensation.
- F. Solicitation and acceptance of gifts.
  - 1. An official or employee may not solicit any gift.
  - 2. An official or employee may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual regulated lobbyist.
  - 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 reason to know:
    - a. Is doing business with or seeking to do business with the City office, agency, board, or

commission with which the official or employee is affiliated;

- 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 the official duties of the official or employee;
- c. Is engaged in an activity regulated or controlled by the official's or employee's governmental unit; or
- d. Is a lobbyist with respect to matters within the jurisdiction of the official or employee.
- e. IS AN ASSOCIATION, OR ANY ENTITY ACTING ON BEHALF OF AN ASSOCIATION THAT IS ENGAGED ONLY IN REPRESENTING COUNTIES OR MUNICIPAL CORPORATIONS.

4. Acceptable gifts.

- a. This paragraph does not apply to a gift:
  - (1)i. That would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift;
  - (2)ii. Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee; or
  - (3)iii. Of significant value that the recipient official or employee believes or has reason to believe is designed to impair the impartiality and independence of judgment of the official or employee.
- b. Notwithstanding paragraph 3. of this subsection, an official or employee may accept the following:
  - (1)i. Meals and beverages costing less than ~~thirty-five dollars~~ \$45 from any one person in the calendar year if consumed in the presence of the donor or sponsoring entity;
  - (2)ii. Ceremonial gifts or awards that have insignificant monetary value;
  - (3)iii. Unsolicited gifts of nominal value that do not exceed ~~twenty dollars~~ \$25 **\$20** in cost or trivial items of informational value;
  - (4)iv. 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;
  - (5)v. Gifts of tickets or free admission extended to an elected official to attend a charitable, cultural, or political event (acceptance of tickets to professional or intercollegiate sporting events is prohibited unless provided by a government official, agency, or entity thereof), if the purpose of this gift or admission is a courtesy or ceremony extended to the elected official's office;
  - (6)vi. A specific gift or class of gifts that the commission exempts from the operation of this subsection 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;
  - (7)vii. Gifts from a person related to the official or employee by blood or marriage, or any other individual who is a member of the household of the official or employee; or
  - (8)viii. Honoraria for speaking to or participating in a meeting, provided that the offering of the

honorarium is in no way related to the official's or employee's official position.

- G. 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.
- H. Participation in procurement.
1. An individual or a person that employs an individual who assists a City agency or unit in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement may not submit a bid or proposal for that procurement, or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.
  2. The Commission may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments solicited by the procuring agency.

**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.
- 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 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 days after leaving the office.
    - b. The statement shall cover:
      - (1)i. 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)ii. 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 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 days 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 Office of Law shall maintain all financial disclosure statements filed under this section.
2. The 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 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.
4. 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. Retention requirements. The Office of Law shall retain financial disclosure statements for four years

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)i. The nature of the property and the location by street address, mailing address, or legal description of the property;
  - (2)ii. The nature and extent of the interest held, including any conditions and encumbrances on the interest;
  - (3)iii. The date when, the manner in which, and the identity of the person from whom the interest was acquired;
  - (4)iv. 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)v. 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)vi. 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)i. The name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability corporation;
  - (2)ii. The nature and amount of the interest held, including any conditions and encumbrances on the interest;
  - (3)iii. 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)iv. With respect to any interest acquired during the reporting period:
    - (1) The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
    - (2) 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)(ii.) of this paragraph by reporting, instead of a dollar amount:

~~(1)~~i. 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)~~ii. For an equity interest in a partnership, the percentage of equity interest held.

~~d. 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.~~

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)~~i. The name and address of the principal office of the business entity;

~~(2)~~ii. The nature and amount of the interest held, including any conditions to and encumbrances on the interest;

~~(3)~~iii. 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)~~iv. With respect to any interest acquired during the reporting period:

~~(H)(1)~~The date when, the manner in which, and the identity of the person from whom the interest was acquired; and

~~(H)(2)~~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~~ ~~\$25~~\$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 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.

b. For each gift reported, the schedule shall include:

~~(1)~~i. A description of the nature and value of the gift; and

~~(2)~~ii. 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)~~i. The name and address of the principal office of the business entity;
    - ~~(2)~~ii. The title and nature of the office, directorship, or salaried employment held and the date it commenced; and
    - ~~(3)~~iii. 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)~~i. By the individual; or
      - ~~(2)~~ii. 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)~~i. The identity of the person to whom the liability was owed and the date the liability was incurred;
      - ~~(2)~~ii. The amount of the liability owed as of the end of the reporting period;
      - ~~(3)~~iii. 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)~~iv. 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.
  10. RELATIONSHIP WITH THE 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.

11. 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. For 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, 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 percent or greater interest at any time during the reporting period.~~

AN INTEREST HELD, 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. 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,
  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,
  3. Inspectors and investigators who enforce the City Code, 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,
  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, the employees and appointed officials shall file a financial disclosure statement no later than fifteen days after commencing employment or service pursuant to their appointment or within fifteen days of the enactment of this ordinance.
- D. The 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)~~i. The nature of the property and the location by street address and a description of the property;
      - ~~(2)~~ii. The nature and extent of the interest held, including any conditions and encumbrances on the interest;

- ~~(3)~~iii. The date when, the manner in which, and the identity of the person from whom the interest was acquired;
    - (4)iv. 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~~\$25~~\$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 the City.
    - b. For each gift reported, the schedule shall include:
      - (1)i. A description of the nature and value of the gift; and
      - (2)ii. 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)i. 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)ii. 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)i. The name and address of the principal office of the business entity;
      - (2)ii. The title and nature of the office, directorship, or salaried employment held and the date it commenced; and
      - (3)iii. 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)i. By the individual; or
      - (2)ii. 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)i. The identity of the person to whom the liability was owed and the date the liability was incurred;
  - (2)ii. The amount of the liability owed as of the end of the reporting period;
  - (3)iii. 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)iv. 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)i. 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)ii. 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 percent~~ 30% 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 2.08.052 - Reserved RETALIATION.



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.

**Section 2.08.090 - Exemptions and modifications.**

The Commission may grant exemptions and modifications to the provisions of Sections 2.08.040, Prohibited Conduct and Interests; 2.08.051, Financial Disclosure for Employees and Appointed Officials; and 2.08.052, Financial Disclosure for the Housing Authority of the City of Annapolis, of this chapter when the Commission finds that an exemption or modification would not be contrary to the purposes of this chapter, and the application of this chapter would:

- A1. Constitute an unreasonable invasion of privacy; and
- B2. Significantly reduce the availability of qualified persons for public service.

**Section 2.08.110 - Complaint procedure.**

~~Complaints shall be filed within six months of the alleged violation or the discovery of the alleged violation. Complaints to the Commission shall be written and may be referred by the Commission to the City Attorney or other legal counsel, if appropriate, for investigation. All complaints shall be signed under oath in the form of general knowledge: "I solemnly affirm under the penalties of perjury that the contents of the foregoing complaint are true to the best of my knowledge, information, and belief." If after conducting an investigation or receiving an investigative report, the Commission determines that there are insufficient facts upon which to base a determination of a violation, it may dismiss the complaint. If there is a reasonable basis for believing a violation has occurred then the parties to the complaint shall be afforded an opportunity for a hearing before the commission. Any final determination resulting from the hearing shall include findings of fact and conclusions of law. Upon finding of a violation, the Commission may take any enforcement action provided for in accordance with Section 2.08.100 of this chapter. After a complaint is filed and until a final determination is made by the Commission, all actions regarding a complaint shall be treated confidentially. If a finding of violation is made, the final determination will be made public and posted on the City's web site.~~

- A. Complaints shall be filed within six months of the alleged violation or the discovery of the alleged violation.
- B. Complaints to the Commission shall be written and may be referred by the Commission to the City Attorney or other legal counsel, if appropriate, for investigation.
- C. All complaints shall be signed under oath in the form of general knowledge: "I solemnly affirm under the penalties of perjury that the contents of the foregoing complaint are true to the best of my knowledge, information, and belief."
- D. If after conducting an investigation or receiving an investigative report, the Commission determines that there are insufficient facts upon which to base a determination of a violation, it may dismiss the complaint.
- E. If there is a reasonable basis for believing a violation has occurred then the ~~parties to the complaint~~ RESPONDENT shall be afforded an opportunity for a hearing before the commission.
- F. Any final determination resulting from the hearing shall include findings of fact and conclusions of law.
- G. Upon finding of a violation, the Commission may take any enforcement action provided for in

accordance with Section 2.08.100 of this chapter.

- H. After a complaint is filed and until a final determination is made by the Commission, all actions regarding a complaint shall be treated confidentially.
- I. If a finding of violation is made, the final determination will be made public and posted on the City's web site.

**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 code changes

Underlining & red indicates amendment to bill