

AN ORDINANCE TO AMEND
TITLE 2
OF THE CODE OF EMMITSBURG
ENTITLED
ADMINISTRATION AND PERSONNEL

BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 2, Chapter 12.32, Sections 2.32.020, 2.32.030 and 2.32.040 of the Emmitsburg Municipal Code, be amended as follows:

New language is indicated by being in **BOLD, CAPITAL LETTERS**, and deleted language is designated by being in ~~{brackets and strike out}~~.

Title 2 – Administration and Personnel

Chapter 12.32 Code of Ethics

2.32.020 - Ethics commission.

A. – C. *{Unchanged}*

D. The commission shall certify to the state ethics commission on or before October 1 of each year that the town is in compliance with the requirements of ~~{state government article, title 15}~~ **GENERAL PROVISIONS ARTICLE, TITLE 5**, subtitle 8, *Annotated Code of Maryland*, for elected local officials.

E. The commission shall determine if changes to this chapter are required to be in compliance with the requirements of ~~{state government article, title 15}~~, **GENERAL PROVISIONS ARTICLE, TITLE 5**, subtitle 8, *Annotated Code of Maryland*, and shall forward any recommended changes and amendments to the board of commissioners for enactment.

F. *{Unchanged}*

2.32.030 Conflicts of Interest.

A. – D. *{Unchanged}*

E. Postemployment 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) For a period of one CALENDAR year after a mayor or commissioner leaves office, that former mayor or commissioner may not assist or represent another party for compensation in a matter that is the subject of legislative action. **THE LIMITATION UNDER THIS SUB-PARAGRAPH (2) ON REPRESENTATION BY A FORMER MAYOR OR MEMBER OF THE TOWN BOARD OF COMMISSIONERS DOES NOT APPLY TO REPRESENTATION OF A MUNICIPAL CORPORATION, COUNTY, OR STATE GOVERNMENTAL ENTITY.**

(3) **A PERSON WHO WAS FORMERLY REGISTERED AS A LOBBYIST PURSUANT TO SECTION 2.32.060 AND WHO IS OR BECOMES SUBJECT TO REGULATION UNDER THIS CHAPTER AS 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 LOBBYIST IF THE FORMER LOBBYIST PREVIOUSLY ASSISTED OR REPRESENTED ANOTHER PARTY FOR COMPENSATION IN THE MATTER.**

F. – J. {*Unchanged*}

2.32.040 - Financial disclosure—Local elected officials, candidates to be local elected officials, town manager and town clerk.

A. – B. {*Unchanged*}

C. Public Record.

(1) The commission or office designated by the commission shall maintain all financial disclosure statements filed under this section.

(2) **EXCEPT AS PROVIDED IN SUB-SECTION (3) OF THIS SECTION,** 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) **THE COMMISSION OR OFFICE DESIGNATED BY THE COMMISSION MAY NOT PROVIDE PUBLIC ACCESS TO A PORTION OF A FINANCIAL DISCLOSURE STATEMENT THAT:**

(I) **IS FILED AFTER JANUARY 1, 2019; AND**

(II) **INCLUDES AN INDIVIDUAL'S HOME ADDRESS THAT THE INDIVIDUAL HAS IDENTIFIED AS THE INDIVIDUAL'S HOME ADDRESS.**

~~{(3)}~~ (4) 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)}~~ (5) 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.

D. {Unchanged}

E. (1) - (7) {Unchanged}

(8) Sources of Earned Income.

- (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. **FOR A STATEMENT FILED ON OR AFTER JANUARY 1, 2019, AND IF THE INDIVIDUAL'S SPOUSE IS A REGISTERED LOBBYIST PURSUANT TO SECTION 2.32.060, THE STATEMENT SHALL ALSO LIST THE NAME AND ADDRESS OF THE ENTITY THAT HAS ENGAGED THE SPOUSE FOR LOBBYING PURPOSES.**
- (II) 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) {Unchanged}

F. – G. {Unchanged}

H. IN THIS SECTION, “INTEREST” SHALL HAVE THE SAME MEANING AS THAT TERM IS DEFINED IN THE MARYLAND STATE ETHICS LAW, GENERAL PROVISIONS ARTICLE, SECTION 5-101(T), ANNOTATED CODE OF MARYLAND, AS AMENDED.

2.32.080 - Enforcement.

A. – G. {*Unchanged*}

H. WHENEVER IT IS ALLEGED THAT A MEMBER OF THE ETHICS COMMISSION HAS VIOLATED THE CONFLICT OF INTEREST PROVISIONS OF SECTION 2.32.030 OR HAS VIOLATED THE LOBBYING PROVISIONS OF SECTION 2.32.060, OR HAS FAILED TO FILE THE FINANCIAL DISCLOSURE STATEMENT REQUIRED BY SECTION 2.32.050, THEN THE BOARD OF COMMISSIONERS MAY TAKE ANY ACTION WITH REGARD TO SUCH VIOLATION OR FAILURE THAT THE ETHICS COMMISSION COULD TAKE UNDER THIS CHAPTER, INCLUDING THE GRANTING OF EXEMPTIONS OR MODIFICATIONS PERMITTED BY SECTION 2.32.070.

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this Ordinance shall take effect on the date on which the Mayor approves the Ordinance after passing by the Board of Commissioners or on the date on which the Board of Commissioners passes the Ordinance over the veto of the Mayor.

PASSED this 5th day of February, 2018

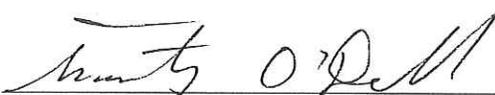
by a vote of 5 for, 0 against, 0 absent, and 0 abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:



Madeline Shaw, Town Clerk

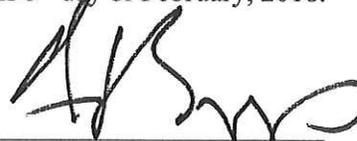


Timothy O'Donnell, President

MAYOR

APPROVED VETOED

this 5th day of February, 2018.



Donald N. Briggs, Mayor

I hereby certify that the foregoing Ordinance has been posted as required by Chapter 2.04 of the Emmitsburg Municipal Code.

Madeline Shaw, Town Clerk
Date: