



**Council of the Town of Leonardtown
Ordinance No. 189
Subject: Public Ethics**

Date Introduced on First Reading: February 11, 2019

Date Passed on Second Reading: March 11, 2019

Date Effective: April 1, 2019

AN ORDINANCE concerning

CHAPTER 9 – ETHICS OF THE CODE OF THE TOWN OF LEONARDTOWN

FOR the purpose of amending Chapter 9 – Ethics of the Code of the Town of Leonardtown to incorporate the relevant provisions of the Public Integrity Act of 2017 (House Bill 879; Chapter 31, Acts of 2017) by extending the conflict of interest provisions set forth therein to former regulated lobbyists; clarifying certain prohibitions on the use of prestige of office or public position; and prohibiting public disclosure of an individual’s home address as shown on a financial disclosure statement; providing that the title of this Ordinance shall be deemed a fair summary; and generally relating to public ethics in the Town of Leonardtown.

RECITALS

WHEREAS, pursuant to Md. Code Ann., Gen. Prov. § 5-804, et seq., and Title 19A, Subtitle 4 of the Code of Maryland Regulations (“COMAR”), the Mayor and Commissioners of the Town of Leonardtown (the “Mayor and Commissioners”) are required to enact a local ethics law applicable to officials and certain employees of the Town of Leonardtown (the “Town”); and

WHEREAS, in accordance with the foregoing statutory and regulatory authority, the Mayor and Commissioners have enacted an ethics code applicable to officials and certain employees of the Town, which is codified in Chapter 9 – Ethics of the Code of the Town of Leonardtown (the “Town Code”), which was last revised in 2012 pursuant to Ordinance No. 156; and

WHEREAS, pursuant to the Public Integrity Act of 2017 (House Bill 879; Chapter 31, Acts of 2017), the Maryland General Assembly enacted certain changes to the Maryland Public Ethics Law, codified in Title 5 of the General Provisions Article of the Maryland Annotated

Code which must be adopted by those local governments which are required to enact a local ethics law, including the Town; and

WHEREAS, the Mayor and Commissioners are desirous of adopting and incorporating the relevant provisions of the Public Integrity Act of 2017 into Chapter 9 – Ethics of the Town Code by extending the conflict of interest provisions set forth therein to former regulated lobbyists; clarifying certain prohibitions on the use of prestige of office or public position; and prohibiting public disclosure of an individual’s home address as shown on a financial disclosure statement; and

WHEREAS, the Mayor and Commissioners find that the amendments set forth herein would be in the best interest of the health, safety, and welfare of the citizens of the Town.

SECTION I. BE IT ORDAINED BY THE MAYOR AND COMMISSIONERS OF THE TOWN OF LEONARDTOWN that Chapter 9 – Ethics of the Code of the Town of Leonardtown be and it is hereby amended as follows:

§ 9-4. Conflicts of interest.

C. Participation prohibitions.

(4) A former regulated lobbyist who is or becomes subject to this section as an employee or official, other than an elected or appointed official, may not participate in a case, contract, or other specific matter as an employee or official, other than an elected or appointed official, 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.

G. Use of prestige of office.

(1) An official or employee may not intentionally use the prestige of office or public position for:

(a) the private gain of that official or employee or the private gain of another; or

(b) to influence the award of a State or local contract to a specific person.

(2) An official or employee subject to this section may not directly or indirectly initiate a solicitation for a person to retain the compensated services of a particular regulated lobbyist or lobbying firm.

(3) Contributions.

(a) An official, other than an elected official, or employee may not use public resources or the title of the official or employee to solicit a contribution as that

term is defined in the Election Law Article of the Maryland Annotated Code.

(b) An elected official may not use public resources to solicit a contribution as that term is defined in the Election Law Article of the Maryland Annotated Code.

(4) This subsection does not prohibit the performance of usual and customary constituent services by an elected local official without additional compensation.

§ 9-5. Financial disclosure – local elected officials and candidates to be local elected officials.

C. Public record.

(5) The Commission or the office designated by the Commission shall not provide public access to an individual's home address that the individual has designated as his/her home address. An individual requesting a financial disclosure statement for examining or copying shall only be permitted to examine or copy a version of the financial disclosure statement with the subject individual's home address redacted.

§ 9-6. Financial disclosure – employees.

E. The Commission shall maintain all disclosure statements filed under this section as public records available for public inspection and copying as provided in § 9-5E and F of this chapter, **subject to the confidentiality provisions in § 9-5C(5).**

SECTION II. AND BE IT FURTHER ORDAINED that the recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION III. AND BE IT FURTHER ORDAINED that, in this Ordinance, unless a section of the Code is expressly repealed in its entirety and reenacted, new or added language is underlined and in boldface type, and deleted text is crossed out and enclosed in brackets. Substantive language added after the date of introduction is in boldface, italicized type, and language deleted after the date of introduction is crossed out with a double strikethrough.

SECTION IV. AND BE IT FURTHER ORDAINED that, if any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the Mayor and Commissioners that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION V. AND BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION VI. AND BE IT FURTHER ORDAINED that the title of this Ordinance,

or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

SECTION VII. AND BE IT FURTHER ORDAINED that this Ordinance shall become effective twenty (20) days following approval by the Mayor or passage by the affirmative vote of four-fifths of the whole Commissioners after veto by the Mayor.

Attest:

Commissioners of Leonardtown:

Laschelle E. McKay
Laschelle E. McKay
Town Administrator

J. Maguire Mattingly, IV
J. Maguire Mattingly, IV
Vice President

Hayden T. Hammett
Hayden T. Hammett
Council Member

Seal:

Tyler Alt
Tyler Alt
Council Member

Christy Hollander
Christy Hollander
Council Member

Mary Maday Slade
Mary Maday Slade
Council Member

This Ordinance was presented to the Mayor for his approval or disapproval pursuant to Section 210 of the Charter of the Town of Leonardtown this 11th day of March, 2019.

Laschelle E. McKay
Laschelle E. McKay, Town Administrator

In accordance with Section 210 of the Charter of the Town of Leonardtown, I hereby (Approve) or (Disapprove) Approve this Ordinance this 11th day of March, 2019.

Daniel W. Burris
Daniel W. Burris, Mayor