COUNCIL OF THE CITY OF ABERDEEN
Ordinance No. 22-O-10

Date Introduced:	November 14, 2022
Sponsored By:	Councilwoman Sandra Landbeck and Councilman Timothy Lindecamp
Public Hearing:	November 28, 2022
Amendments Adopted:	None
Date Adopted:	December 12, 2022
Date Effective:	January 5, 2023 (Date of State Ethics Commission Approval)

AN ORDINANCE concerning

ETHICS ORDINANCE REVISIONS

FOR the purpose of making numerous revisions to the City's ethics ordinance as required by the State Ethics Law; making other changes to the City's ethics ordinance relating to the qualifications and terms of office of members of the City Ethics Commission; modifying certain provisions relating to the filing of financial disclosure statements by candidates for City elected office; and generally related to revisions of the City of Aberdeen ethics ordinance.

BY repealing and reenacting, with amendments
Chapter 43. Ethics
Sections 43-2.A., 43-3.H.(3), 43-3.I., 43-4.B., 43-4.C.(2), 43-4.E.(4)(a), and 43-4.F.(2)
Code of the City of Aberdeen (2010 Edition as amended)

BY adding
Chapter 43. Ethics
Sections 43-1A, 43-3.K., 43-4.E.(10), and 43-4.E.(11)
Code of the City of Aberdeen (2010 Edition as amended)

SECTION 1. BE IT ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN that Chapter 43. Ethics, Sections 43-2.A., 43-3.H.(3), 43-3.I., 43.4.B., 43-4.C.(2), 43-4.E.(4)(a), and 43-4.F.(2), Code of the City of Aberdeen (2010 Edition as amended), are repealed and reenacted, with amendments, to read as follows:

Chapter 43. **ETHICS**

§ 43-2 **Ethics Commission.**

A. There is an Aberdeen Ethics Commission ("Ethics Commission"), ((that)) WHICH consists of five members appointed by the Mayor and confirmed by the Council, who shall serve a term of three years each.

(1) MEMBERS OF THE ETHICS COMMISSION, AT THE TIME OF APPOINTMENT AND DURING THEIR TERMS OF OFFICE, SHALL BE NOT LESS THAN 21 YEARS OF AGE, SHALL BE REGISTERED VOTERS OF THE CITY, SHALL BE U.S. CITIZENS, SHALL NOT BE EMPLOYED BY THE CITY OR HOLD ANY POSITION WITH ANY OTHER BOARD OR COMMISSION OF THE CITY, AND SHALL NOT HAVE BEEN CONVICTED OF, OR PLEADED *NOLO CONTENDERE* TO, A FELONY OR A CRIME OF MORAL TURPITUDE.

(2) MEMBERS OF THE ETHICS COMMISSION SHALL CONTINUE TO HOLD OFFICE AFTER THEIR TERMS EXPIRE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

§ 43-3 **Conflicts of Interest.**

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H. Solicitation and acceptance of gifts.

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(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 the 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((.)); OR

(E) IS AN ASSOCIATION, OR ANY ENTITY ACTING ON BEHALF OF AN ASSOCIATION THAT IS ENGAGED ONLY IN REPRESENTING COUNTIES OR MUNICIPAL CORPORATIONS.

* * *

I. 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.

§ 43-4 **Financial disclosure: local elected officials and candidates to be local elected officials.**

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B. Candidates to be local elected officials.

(1) Except 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 COVERING THE PRECEDING CALENDAR YEAR ((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 January 31 or the last day for the withdrawal of candidacy; and

(c) In all other years for which a statement is required, on or before January 31.

(3) A candidate to be an elected official:

(a) Shall file the statement required under § 43-4B(2)(a) of this chapter)) TOGETHER with the certificate of candidacy or with the Commission prior to filing the certificate of candidacy.((; and

(b) Shall file the statements required under § 43-4B(2)(b) and (c) with the Commission.

(4) If a candidate fails to file a statement required by this subsection, other than a statement required to be filed with a certificate of candidacy, the City shall provide written notice to the candidate directing the candidate to file the statement within five days from the date of the notice.

(5) If a candidate fails to file a statement required by this subsection, other than a statement required to be filed with a certificate of candidacy, after written notice is provided by the

City at least 20 days before the last day for the withdrawal of candidacy, the candidate is deemed to have withdrawn the candidacy.))

(((6)))(3) The Board of Elections may not accept any certificate of candidacy unless a statement has been filed in proper form.

(((7)))(4) Within five days of the receipt of a statement required under this subsection, the person receiving the statement shall forward the statement to the Commission or the office designated by the Commission.

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C. Public record.

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(2) Financial disclosure statements shall be made available during normal office hours for examination and copying by the public subject to reasonable fees and administrative procedures established by the Ethics Commission. Notwithstanding the foregoing, the Commission may not make available for examination and copying by the public any portion of a financial disclosure statement that contains the home address of an individual OR 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.

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E. Contents of statement.

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(4) Gifts.

(a) A statement filed under this section shall include a schedule of each gift in excess of $20 in value or a series of gifts totaling $100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with or is regulated by 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.

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F. For the purposes of § 43-4E(1), (2) and (3) of this chapter, the following interests are considered to be the interests of the individual making the statement:

* * *

(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 (I) OF THIS SUBSECTION IN WHICH THE BUSINESS ENTITY HELD A 25% OR GREATER INTEREST;

(C) A BUSINESS ENTITY DESCRIBED IN SECTION (II) 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.

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SECTION 2. AND BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN that new Sections 43-1A, 43-3.K., 43-4.E.(10), and 43-4.E.(11), be and they are hereby added to Chapter 43. Ethics, Code of the City of Aberdeen (2010 Edition as amended), to read as follows:

Chapter 43. ETHICS

§ 43-1A **DEFINITIONS.**

IN ADDITION TO DEFINITIONS SET FORTH IN OTHER PARTS OF THIS CHAPTER, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED BELOW:

(A) "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.

§ 43-3. **Conflicts of Interest.**

(K) AN OFFICIAL OR EMPLOYEE MAY NOT RETALIATE AGAINST AN INDIVIDUAL FOR REPORTING OR PARTICIPATING IN AN INVESTIGATION OF A POTENTIAL VIOLATION OF THIS CHAPTER.

§ 43-4 **Financial disclosure: local elected officials and candidates to be local elected officials.**

E. Contents of statement.

(10) 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.

(11) 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:

(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.

FOR EACH FINANCIAL OR CONTRACTUAL RELATIONSHIP REPORTED, THE SCHEDULE SHALL INCLUDE:

(A) A DESCRIPTION OF THE RELATIONSHIP;

(B) THE SUBJECT MATTER OF THE RELATIONSHIP; AND

(C) THE CONSIDERATION.

SECTION 3. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN that this Ordinance shall become effective (i) at the expiration of twenty (20) days following approval by the Mayor and Council, or (ii) upon approval by the State Ethics Commission, whichever occurs last.

COUNCIL OF THE CITY OF ABERDEEN

Patrick L. McGrady, Mayor

Adam M. Hiob, Councilman

Sandra J. Landbeck, Councilwoman

Timothy W. Lindecamp, Councilman

Tandra A. Ridgley, Councilwoman

ATTEST:

Monica A. Correll, City Clerk

Date December 12, 2022

SEAL:

EXPLANATION:

CAPS INDICATES MATTER ADDED TO EXISTING LAW
((Double Parenthesis)) indicate matter deleted from existing law.
Underlining indicates amendments to bill.
~~Strike-Out~~ indicates matter stricken from bill by amendment or deleted from the law by amendment.
* * * indicates existing unmodified text omitted from Ordinance