



**Effective: March 12, 2019**

**AN ORDINANCE OF THE CITY COUNCIL OF NEW CARROLLTON  
AMENDING THE CODE OF THE CITY OF NEW CARROLLTON, CHAPTER 12  
“ETHICS, CODE OF” TO INCORPORATE CHANGES TO STATE LAW**

**WHEREAS**, Md. General Provisions Code Annotated, Title 5 "Maryland Public Ethics Law," Subtitle 8 "Local Government Provisions," Part II "Public Ethics Laws for Counties and Municipal Corporations," §5-807 "Public ethics laws required" requires that each municipal corporation enact provisions to govern the public ethics of local officials relating to conflicts of interest, financial disclosure; and lobbying; and

**WHEREAS**, pursuant thereto, the City Council of New Carrollton adopted Chapter 12 "Ethics, Code of" that governs public ethics of the local City officials relating to conflicts of interest, financial disclosure and lobbying; and

**WHEREAS**, by way of letter dated October 5, 2018, the State Ethics Commission advised the City that there have been changes to State law that require the City to amend its Public Ethics Ordinance; and

**WHEREAS**, the City Council has reviewed the changes outlined by the State Ethics Commission and has determined that the changes set forth therein are required and that the changes set forth in this Ordinance address all of the issues identified in the Commission's letter.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the City Council of New Carrollton that City Code, Chapter 12 "Ethics, Code of", §12-3 "Definitions" be and hereby is amended to read as follows:

§12-3. Definitions.

In this chapter, the following terms have the meanings indicated.

\* \* \*

**DESIGNATED SECOND HOME**

- A. IF AN INDIVIDUAL OWNS ONE SECOND HOME, THE INDIVIDUAL'S SECOND HOME; OR**
- B. IF AN INDIVIDUAL OWNS MORE THAN ONE SECOND HOME, ANY ONE SECOND HOME THE INDIVIDUAL IDENTIFIES TO THE COMMISSION AS THE INDIVIDUAL'S DESIGNATED SECOND HOME.**

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**HOME ADDRESS**

**THE ADDRESS OF AN INDIVIDUAL’S PRINCIPAL HOME AND DESIGNATED SECOND HOME, IF ANY.**

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**INTEREST**

- A. A legal or equitable economic interest, whether or not subject to an encumbrance or a condition, that is owned or held, in whole or in part, jointly or severally, directly or indirectly.
- B. For purposes of § 12-6 of this chapter, "interest" includes any interest held at any time during the reporting period.
- C. "Interest" does not include:
  - (1) An interest held in the capacity of a personal agent, custodian, fiduciary, personal representative, or trustee, unless the holder has an equitable interest in the subject matter;
  - (2) An interest in a time or demand deposit in a financial institution;
  - (3) An interest in an insurance policy, endowment policy, or annuity contract under which an insurer promises to pay a fixed amount of money either in a lump sum or periodically for life or a specified period;
  - (4) A common trust fund or a trust which forms part of a pension or profit sharing plan that:
    - (a) Has more than twenty-five (25) participants; and
    - (b) Has been determined by the Internal Revenue Service to be a qualified trust [or college savings plan] under the Internal Revenue Code; or
  - (C) A COLLEGE SAVINGS PLAN UNDER THE INTERNAL REVENUE CODE; OR**
  - (5) A 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 stocks and interests in a specific sector or area that is regulated by the City of New Carrollton.

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**OFFICIAL**

An elected official, an employee of the City of New Carrollton or a person appointed to or employed by the City of New Carrollton **OR ANY CITY** agency, board, commission or similar entity

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 [Bold Parentheses]: Indicate language deleted from the City Code.  
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**PRINCIPAL HOME**

**THE SOLE RESIDENTIAL PROPERTY THAT AN INDIVIDUAL OCCUPIES AS THE INDIVIDUAL’S PRIMARY RESIDENCE, WHETHER OWNED OR RENTED BY THE INDIVIDUAL.**

\* \* \*

**SECOND HOME**

**A RESIDENTIAL PROPERTY THAT:**

- 1. AN INDIVIDUAL OCCUPIES FOR SOME PORTION OF THE FILING YEAR; AND**
- 2. IS NOT A RENTAL PROPERTY OR A TIME SHARE.**

**BE IT FURTHER ENACTED AND ORDAINED** by the City Council of New Carrollton that City Code, Chapter 12 “Ethics, Code of”, §12-4 “Administration” be and hereby is amended to read as follows:

§12-4 Administration

\* \* \*

H. The Commission shall certify to the State Ethics Commission on or before October 1 of each year that the City of New Carrollton is in compliance with the requirements of [State Government] **GENERAL PROVISIONS** Article, Title [15] **5**, Subtitle 8, Annotated Code of Maryland, for elected local officials.

I. The Commission shall:

- (1) Determine if changes to this chapter are required to be in compliance with the requirements of [State Government] **GENERAL PROVISIONS** Article, Title [15] **5**, Subtitle 8, Annotated Code of Maryland; and
- (2) Shall forward any recommended changes and amendments to the City Council for enactment.

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**BE IT FURTHER ENACTED AND ORDAINED** by the City Council of New Carrollton that City Code, Chapter 12 “Ethics, Code of”, §12-5 “Prohibited conduct and interests” be and hereby is amended to read as follows:

§12-5 Prohibited conduct and interests.

A. Participation prohibitions.

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**(4) A FORMER REGULATED LOBBYIST WHO IS OR BECOMES SUBJECT TO THIS CHAPTER AS AN EMPLOYEE OR OFFICIAL, OTHER THAN AN ELECTED OFFICIAL OR AN APPOINTED OFFICIAL, MAY NOT PARTICIPATE IN A CASE, CONTRACT OR OTHER SPECIFIC MATTER AS AN EMPLOYEE OR OFFICIAL, OTHER THAN AN ELECTED OFFICIAL OR APPOINTED OFFICIAL, FOR ONE CALENDAR YEAR AFTER TERMINATION OR REGISTRATION OF THE FORMER REGULATED LOBBYIST IF THE FORMER REGULATED LOBBYIST PREVIOUSLY ASSISTED OR REPRESENTED ANOTHER PARTY FOR COMPENSATION IN THE MATTER.**

\* \* \*

C. Post-employment limitations and restrictions.

- (1) A former official or employee may not assist or represent any party other than the City for compensation in a case, contract, or other specific matter involving the City if that matter is one in which the former official or employee significantly participated as an official or employee.
- (2) [Until the conclusion of the next regular session that begins after the elected official leaves office, a Mayor or a] **A former [member of the City Council] ELECTED OFFICIAL** may not assist or represent another party for compensation in a matter that is the subject of legislative action **FOR ONE CALENDAR YEAR AFTER THE ELECTED OFFICIAL LEAVES OFFICE.**

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E. Use of prestige of office.

- (1) **(I)** An official or employee, may not intentionally use the prestige of office or public position:
  - (A)** [f]For the private gain of that official or employee or the private gain of another;  
**OR [.]**

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**(B) TO INFLUENCE, EXCEPT AS PART OF THE OFFICIAL DUTIES OF THE OFFICIAL OR EMPLOYEE OR AS A USUAL AND CUSTOMARY CONSTITUENT SERVICE WITHOUT ADDITIONAL COMPENSATION, THE AWARD OF A STATE OR LOCAL CONTRACT TO A SPECIFIC PERSON.**

**(II) AN OFFICIAL MAY NOT DIRECTLY OR INDIRECTLY INITIATE A SOLICITATION FOR A PERSON TO RETAIN THE COMPENSATED SERVICES OF A PARTICULAR REGULATED LOBBYIST OR LOBBYING FIRM.**

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

(3) **(I) 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 ANNOTATED CODE OF MARYLAND.**

**(II) AN ELECTED OFFICIAL MAY NOT USE PUBLIC RESOURCES TO SOLICIT A CONTRIBUTION AS THAT TERM IS DEFINED IN THE ELECTION LAW ARTICLE OF THE ANNOTATED CODE OF MARYLAND.**

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**BE IT FURTHER ENACTED AND ORDAINED** by the City Council of New Carrollton that City Code, Chapter 12 “Ethics, Code of”, §12-6 “Financial disclosure: elected officials, candidates to be elected officials and certain appointees” be and hereby is amended to read as follows:

§12-6 Financial disclosure: elected officials, candidates to be elected officials and certain appointees.

\* \* \*

E. Public record.

(1) The Commission or office designated by the Commission shall maintain all Financial Disclosure Statements filed under this section.

(2) The Commission or office designated by the Commission shall make Financial Disclosure Statements available during normal office hours for examination and copying by the public, subject to reasonable fees and administrative procedures established by the Commission.

(3) If an individual examines or copies a Financial Disclosure Statement, the Commission or the office designated by the Commission shall record:

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- (a) The name and home address of the individual reviewing or copying the statement; and
- (b) The name of the person whose Financial Disclosure Statement was examined or copied.
- (4) Upon request by the individual whose Financial Disclosure Statement was examined or copied, the Commission or the office designated by the Commission shall provide the individual with a copy of the name and home address of the person who reviewed the individual's Financial Disclosure Statement.
- (5) FOR STATEMENTS FILED AFTER JANUARY 1, 2019, THE COMMISSION OR THE OFFICE DESIGNATED BY THE COMMISSION MAY NOT PROVIDE PUBLIC ACCESS TO AN INDIVIDUAL'S HOME ADDRESS THAT THE INDIVIDUAL HAS DESIGNATED AS THE INDIVIDUAL'S HOME ADDRESS.**

\* \* \*

G. Contents of statement.

\* \* \*

(6) Indebtedness to entities doing business with **OR REGULATED BY** the City of New Carrollton.

- (a) A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with **OR REGULATED BY** the City of New Carrollton 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 subsection, 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.

\* \* \*

(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

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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.
- (c) **FOR A STATEMENT FILED ON OR AFTER JANUARY 1, 2019, IF THE INDIVIDUAL'S SPOUSE IS A LOBBYIST REGULATED BY THE CITY, THE INDIVIDUAL SHALL DISCLOSE THE ENTITY THAT HAS ENGAGED THE SPOUSE FOR LOBBYING PURPOSES.**

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**BE IT FURTHER ENACTED AND ORDAINED** by the City Council of New Carrollton that this Ordinance shall become effective on the date set forth below, provided that the Maryland State Ethics Commission has approved the Ordinance prior to that date. In the event that the Maryland State Ethics Commission has not approved the Ordinance prior to the effective date set forth below, the effective date of this Ordinance shall be extended and this Ordinance shall become effective immediately upon approval by the Maryland State Ethics Commission. A copy of this Ordinance, as enacted by the City Council, shall be delivered to the Maryland State Ethics Commission within five (5) days of its enactment by the City Council of New Carrollton.

Introduced by the City Council of New Carrollton on November 21, 2018.

Adopted and enacted by the City Council of New Carrollton on February 20, 2019.

Effective: March 12, 2019.

ATTEST:

  
 Douglass Barber, CMC  
 City Clerk

CITY COUNCIL OF NEW CARROLLTON

  
 Lincoln Lashley, Vice Chairman  
 City Council

Date: February 20, 2019

APPROVED:

  
 Duane H. Rosenberg, Mayor

Date: February 20, 2019

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