



Ordinance 17-06
Chapter 12: Ethics, Code of
The Code of the City of New Carrollton

Effective: April 7, 2017

**AN ORDINANCE OF THE CITY COUNCIL OF NEW CARROLLTON
AMENDING CHAPTER 12 “ETHICS, CODE OF” OF THE CODE
OF THE CITY OF NEW CARROLLTON, §12-6 AND §12-7 TO CHANGE THE
FINANCIAL DISCLOSURE REQUIREMENTS FOR CERTAIN EMPLOYEES**

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, the Maryland Public Ethics Law, §5-809 “Financial disclosure laws” requires that, with limited exceptions, the financial disclosure provisions enacted by the City be similar to the provisions of Subtitle 6 of the Maryland Public Ethics Law, and that the financial disclosure provisions for elected local officials be equivalent to or exceed the requirements of Subtitle 6; however, may be modified to the extent necessary to make the provisions relevant to the prevention of conflicts of interest in that jurisdiction; and

WHEREAS, the Maryland Public Ethics Law further requires that financial disclosure provisions applicable to a candidate be consistent with the provisions applicable to an incumbent holding the office involved; and

WHEREAS, pursuant to this mandate, the City Council enacted City Code, Chapter 12 “Ethics, Code of;” and

WHEREAS, the City is not required by State law to have certain employees file financial disclosure statements; and

WHEREAS, the City Ethics Commission has determined that to require certain City employees and members of boards and commissions to file the same financial disclosure statements as the elected officials is not necessary and is burdensome on the individual involved; and

WHEREAS, the City Ethics Commission has requested that the City Council amend the financial disclosure filing requirements so to only require the Chief Administrative Officer, the Police Chief and the Director of Public Works to file the same disclosure statements as the elected officials and candidates to be elected officials, with all others required to file financial disclosure statements filing a more limited statement; and

WHEREAS, the City Council desires to implement the City Ethics Commission's recommendation and adopt this Ordinance.

Section 1. **NOW THEREFORE, BE IT ENACTED AND ORDAINED** by the City Council of New Carrollton, that the Code of the City of New Carrollton, Chapter 12 "Ethics, Code of," Section 12-6 "Financial disclosure: elected officials, appointed officials and employees" shall be and hereby is amended to read as follows:

§12-6. Financial disclosure: elected officials, **CANDIDATES TO BE ELECTED OFFICIALS, AND** [appointed officials and employees] **CERTAIN APPOINTEES.**

A. This section applies to all elected officials, all candidates to be elected officials, and the following City [employees]**APPOINTEES**:

[Elected City officials, t]The City Administrative Officer, [the Assistant City Administrative Officer, the City Clerk, all directors and assistant directors of City departments, candidates for elective City office] **THE CHIEF OF POLICE AND THE DIRECTOR OF PUBLIC WORKS.**

B. Except as provided in Subsection D of this section, an elected official, [employee, or] candidate to be an elected official **OR CITY APPOINTEE IDENTIFIED IN SUBSECTION A ABOVE** shall file the Financial Disclosure Statement required under this subsection:

- (1) On a form provided by the Commission;
- (2) Under oath or affirmation; and
- (3) With the Commission.

C. Deadlines for filing statements.

(1) [An i]Incumbent officials [or[employee] **AND APPOINTEES IDENTIFIED IN**

SUBSECTION A shall file a Financial Disclosure Statement annually no later than April 30 of each year for the preceding calendar year.

(2) [An official or employee]**AN INDIVIDUAL** 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 30 days after appointment.

(3) An individual who, other than by reason of death, leaves an office for which a statement is required shall file a statement within 60 days after leaving the office. The statement shall cover:

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D. Candidates to be elected officials.

- (1) Except for an **ELECTED** official or [employee]**APPOINTEE** 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.

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E. Public record.

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- (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 [official or employee]**INDIVIDUAL** with a copy of the name and home address of the person who reviewed the [official's or employee's]**INDIVIDUAL'S** Financial Disclosure Statement.

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Section 2. **BE IT FURTHER ENACTED AND ORDAINED** by the City Council of New Carrollton that the Code of the City of New Carrollton, Chapter 12 “Ethics, Code of,” Section 12-7 “Financial disclosure: appointed members of boards and commissions” shall be and hereby is amended to read as follows:

§12-7. Financial disclosure: **CERTAIN EMPLOYEES AND** appointed members of boards and commissions.

A. **CITY EMPLOYEES**

**THE FOLLOWING CITY EMPLOYEES SHALL FILE THE FINANCIAL
DISCLOSURE STATEMENT REQUIRED BY THIS SECTION:**

**CITY TREASURER
ASSISTANT CITY ADMINISTRATIVE OFFICER
ASSISTANT DIRECTOR OF PUBLIC WORKS
POLICE CAPTAIN
MANAGER CODE ENFORCEMENT
DIRECTOR OF FINANCE
HUMAN RESOURCES COORDINATOR
CITY CLERK**

B. Appointed [officials] MEMBERS OF CITY BOARDS AND COMMISSIONS.

[(1)]The **MEMBERS OF THE FOLLOWING** City [of New Carrollton appointed
officials listed in Subsection B of this section] **BOARDS AND COMMISSIONS**
shall file the **FINANCIAL DISCLOSURE** statement required by [§12-6 of this
chapter]**THIS SECTION:**

**BOARD OF APPEALS
ETHICS COMMISSION
BOARD OF ELECTIONS
SUCH OTHER BOARDS AND COMMISSIONS IDENTIFIED FROM
TIME TO TIME BY THE MAYOR AND CITY COUNCIL.**

[(2)] The appointed officials shall be required to disclose the information specified in §12-6G
of this chapter only with respect to those interests, gifts, compensated positions, and
liabilities that may create a conflict, as provided in §12-5 of this chapter, between the
member's personal interests and the member's official local duties.

(3) An official shall file a statement required under this section annually, not later than April
30 of each calendar year during which the official holds office.]

[B.]C. FINANCIAL DISCLOSURE STATEMENTS REQUIRED TO BE FILED

[Appointed officials required to file]:

[Each member of the City of New Carrollton Board of Appeals; Ethics Commission, and others identified from time to time by the Mayor and City Council] **THOSE INDIVIDUALS IDENTIFIED IN SUBSECTIONS A AND B ABOVE MUST FILE AN ANNUAL CONFLICT OF INTEREST DISCLOSURE STATEMENT PROVIDED BY THE CITY WITH THE COMMISSION. THE STATEMENT SHALL DISCLOSE THOSE INTERESTS, GIFTS, COMPENSATED POSITIONS, AND LIABILITIES THAT MAY CREATE A CONFLICT, AS PROVIDED IN §12-5 OF THIS CHAPTER, BETWEEN THE INDIVIDUAL'S PERSONAL INTERESTS AND THE INDIVIDUAL'S DUTIES. A STATEMENT REQUIRED UNDER THIS SECTION SHALL BE FILED ANNUALLY, NOT LATER THAN APRIL 30 OF EACH CALENDAR YEAR DURING WHICH THE INDIVIDUAL IS REQUIRED TO FILE. A STATEMENT FILED UNDER THIS SECTION SHALL BE UPDATED BY THE PERSON FILING THE STATEMENT TO DISCLOSE THOSE INTERESTS, GIFTS, COMPENSATED POSITIONS, AND LIABILITIES THAT OCCUR AFTER THE INITIAL FILING THAT MAY CREATE A CONFLICT, AS DESCRIBED HEREINABOVE.**

[C.]**D.** The Commission shall maintain all disclosure statements filed under this section as public records available for public inspection and copying as provided in §12-6E of this chapter.

Section 3. **BE IT FURTHER ENACTED AND ORDAINED** by the City Council of New Carrollton that this Ordinance shall become effective immediately upon approval by the Maryland State Ethics Commission, subsequent to its enactment by the City Council of New Carrollton. A copy of this Ordinance shall be delivered to the Maryland State Ethics Commission within five (5) days of its enactment by the City Council of New Carrollton.

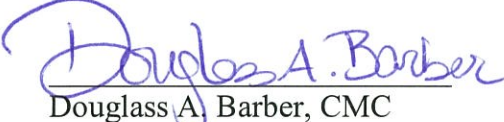
Introduced by the City Council of New Carrollton, Maryland on the 15th day of February, 2017.

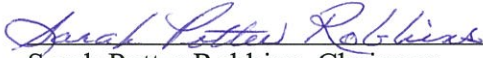
Adopted and enacted by the City Council of New Carrollton, Maryland on the 15st day of March, 2017.

Effective: April 7, 2017

Attest:

City of New Carrollton


Douglass A. Barber, CMC
City Clerk


Sarah Potter Robbins, Chairman
City Council

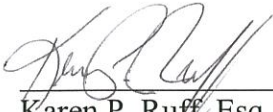
Date: MARCH 15, 2017

Approved:


Andrew C. Hanco, Mayor

Date: MARCH 15, 2017

Approved for legal sufficiency:


Karen P. Ruff, Esq.
Brennan, McKenna, Manzi, Shay, Chtd.