

ORDINANCE #18  
MARDELA SPRINGS ETHICS LAW

AN ORDINANCE relating to Conflicts of Interest, Financial Disclosure, Lobbying Disclosure and Administrative and Enforcement Provisions, applying to the Commissioners of Mardela Springs, Maryland Officials and Employees, pursuant to the provisions of Article 40A, Title 6 of the Annotated Code of Md. 1972 Replacement Volume and 1978 Supplement and the Public General Laws of 1981.

SECTION I. APPLICABILITY.

The provisions of this Chapter apply to the following Commissioners of Mardela Springs Officials and Employees:

SECTION II. ETHICS COMMISSION.

There shall be Commissioners of Mardela Springs Ethics Commission, which shall be composed of 3 members, none of whom shall be elected public officers, appointed by the Mayor, subject to the approval of the Commissioners. The Commission shall be advised by the Town Attorney and shall have the following responsibilities:

- a. To devise, receive and maintain all forms generated by this Chapter.
- b. To provide published advisory opinions to persons subject to the Chapter as to the applicability of the provisions of this Chapter to them;
- c. To process and make determinations as to complaints filed by any person alleging violations of this Chapter; and
- d. To conduct a public information program regarding the purposes and application of this Chapter.

SECTION III. CONFLICTS OF INTEREST.

Commissioners of Mardela Springs Officials and Employees who are subject to this Chapter shall not:

- a. Participate on behalf of the Town in any matter which would, to their knowledge, have a direct financial impact, as distinguished from the public generally, on them, their

spouse or dependent child, or a business entity with which they are affiliated.

b. Hold or acquire an interest of either \$20,000.00 or 10% or greater in a business entity that has or is negotiating a contract of \$2,500.00 or more with the Town or is regulated by their agency, except as exempted by the Commission where the interest is disclosed pursuant to Section 6 of this Ordinance.

c. Be employed by a business entity that has or is negotiating a contract of more than \$2,500.00 with the Town or is regulated by their agency, except as exempted by the Commission pursuant to Section 6 of this Ordinance.

d. Hold any outside employment relationship that would impair their impartiality or independence of judgment.

e. Represent any party, for a contingent fee, before any Town body.

f. Within 1 year following termination of Town service, act as a compensated representative of another in connection with any specific matter in which he participated substantially as a Town official or employee.

g. Solicit or accept gifts of greater than \$25 value from any person that has or is negotiating a contract with the Town or is regulated by their agency, except when these gifts would not present a conflict of interest as determined by the Commission;

h. Use the prestige of their office for their own benefit or that of another;

i. Use confidential information acquired in their official position for their own benefit or that of another.

#### SECTION IV. FINANCIAL DISCLOSURE.

a. The Town officials and employees and candidates for offices listed in paragraph (c) of this section shall file

annually no later than January 31 of each calendar year during which they hold office, a statement with the Commission disclosing any gifts received during the preceding calendar year from any person having a contract with the Town or any person regulated by their agency. The statement shall identify the donor of the gift and its approximate retail value at the time of receipt.

b. Candidates for elective offices listed in Paragraph c of this section shall file statements consistent with the requirements of Subsection (a) of this section at the time that they file their certificate of candidacy.

c. Officials and employees required to file:

1. Town Commissioners
2. Town Manager
3. Department Heads

d. All Town officials and employees or candidates for elective office to positions subject to this section shall file a statement with the Commission disclosing any interest or employment the holding of which would require disqualification from participation pursuant to 3(a) of this section.

e. Disclosure statements filed pursuant to this section shall be maintained by the Commission as public records available for public inspection and copying.

#### SECTION V. LOBBYING DISCLOSURE.

a. Any person who personally appears before any Town official or employee with the intent to influence that person in performance of his official duties, and who, in connection with such intent expends or reasonably expects to expend in a given calendar year in excess of \$100 on food, entertainment or other gifts for such officials, shall file a registration statement with the Commission no later than January 15 of the calendar year or within 5 days after first making such appearances.

b. The registration statement shall include complete identification of the registrant and of any other person on

whose behalf the registrant acts. It shall also identify the subject matter on which the registrant proposes to make such appearances.

c. Registrants under this section shall file a report within 30 days after the end of any calendar year during which they were registered, disclosing the value, date, and nature of any food, entertainment or other gift provided to a Town official or employee. Where a gift or series of gifts to a single official or employee exceeds \$25 in value, the official or employee shall also be identified.

d. The registration and reports filed pursuant to this section shall be maintained by the Commission as public records available for public inspection and copying.

#### SECTION VI. EXEMPTIONS AND MODIFICATIONS.

The Commission may grant exemptions and modifications to the provisions of Sections 3 and 4 of this Ordinance if it determines that application of these provisions would:

- a. constitute an unreasonable invasion of privacy.
- b. Significantly reduce the availability of qualified persons for public service; and
- c. Not be required to preserve the purposes of this Ordinance.

#### SECTION VII. ENFORCEMENT.

a. The Commission may issue a cease and desist order against any person found to be in violation of this ordinance and may seek enforcement of such order in the Circuit Court of Wicomico County.

b. A Town official or employee found to have violated this Ordinance may be subject to disciplinary or other appropriate personnel action, including suspension of Town salary or other compensation.

c. Violation of section 4 of this Chapter shall be a misdemeanor subject to a fine of up to \$1,000 or imprisonment of up to one year.

SECTION VIII. AND BE IT FURTHER ENACTED AND ORDAINED by the Commissioners of Mardela Springs that this Ordinance shall take effect twenty (20) days from and after the date of its passage or adoption.

The above ordinance was introduced and read at the regular meeting of the Commissioners of Mardela Springs held on the 13 day of AUGUST, 1981, and having been published by law in the meantime and a public hearing held thereon, was finally passed at its meeting held on the 13 day of AUGUST, 1981.

ATTESTED BY

COMMISSIONERS OF MARDELA SPRINGS,  
MARYLAND

Shirley M. Bailey  
Secretary

BY Eddah P. Johnson  
President