

## ORDINANCE NO. 1187

**AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND AMENDING CHAPTER 2 (ADMINISTRATION), § 2-14 (ETHICS) OF THE CODE OF THE CITY OF CAMBRIDGE, MARYLAND FOR THE PURPOSES OF PROVIDING THAT THE CONFLICT OF INTEREST AND FINANCIAL REPORTING PROVISIONS THEREOF SHALL APPLY TO THE BOARD OF DIRECTORS OF CAMBRIDGE WATERFRONT DEVELOPMENT, INC., SUBJECT TO CERTAIN CONDITIONS, ~~AND~~ EXPANDING THE DEFINITION OF “QUALIFIED RELATIVE” TO INCLUDE AN UNCLE, AUNT, NEPHEW, NIECE, AND A SIBLING OF A SPOUSE; *AND INCORPORATING RELEVANT PROVISIONS OF THE PUBLIC INTEGRITY ACT OF 2017 (HOUSE BILL 879; CHAPTER 31, ACTS OF 2017) REGARDING POST-EMPLOYMENT LIMITATIONS AND RESTRICTIONS, LOBBYING, AND THE FILING OF FINANCIAL DISCLOSURE STATEMENTS BY CANDIDATES FOR ELECTIVE OFFICE; PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE DEEMED A FAIR SUMMARY AND GENERALLY RELATING TO THE ETHICS CODE FOR THE CITY OF CAMBRIDGE.***

**WHEREAS**, pursuant to Md. Code Ann., General Provisions § 5-808 and Code of Maryland Regulations (“COMAR”) 19A.04.01.03(A), the Commissioners of Cambridge are authorized and empowered to enact conflict of interest provisions similar to Title 5 (Maryland Public Ethics Law), Subtitle 5 (Conflicts of Interest) of the General Provisions Article of the Annotated Code of Maryland; and

**WHEREAS**, pursuant to Section 11.04 of the Bylaws of that non-stock, not-for-profit Maryland corporation known as Cambridge Waterfront Development, Inc. and described in a Memorandum of Understanding between the city and Dorchester County, Maryland dated April 2, 2018 (“CWDI”), as amended April 15, 2021, the organization, affairs, operations, projects, and programs of CWDI shall be subject to such additional requirements as may be imposed or approved by the City by ordinance, resolution, or otherwise; and

**WHEREAS**, the Commissioners of Cambridge are desirous of amending Chapter 2 (Administration), § 2-14 (Ethics) of the City Code for the purposes of providing that the conflict of interest and financial reporting provisions thereof shall apply to CWDI’s Board of Directors, subject to certain conditions, ~~and~~ expanding the definition of “qualified relative” to include an uncle, aunt, nephew, niece, and a sibling of a spouse, *and to incorporate relevant provisions of the Public Integrity Act of 2017 (House Bill 879; Chapter 31, Acts of 2017) regarding post-employment limitations and restrictions, lobbying, and the filing of financial disclosure statements by candidates for elective office;* and

**WHEREAS**, pursuant to COMAR 19A.04.03.02, a municipality may submit proposed ethics provisions and amendments to the State Ethics Commission for review and comment prior to final enactment; and

**WHEREAS**, a copy of this Ordinance has been submitted to the State Ethics Commission for review and comment, and the State Ethics Commission has returned a favorable recommendation, *subject to the post-introduction amendments set forth herein*; and

**WHEREAS**, the Commissioners of Cambridge find that the amendments set forth herein are necessary to promote and protect the public health, safety, and welfare.

**NOW, THEREFORE, BE IT ORDAINED** by the Commissioners of Cambridge, that:

**SECTION 1.** Chapter 2 (Administration) of the Code of the City of Cambridge, Maryland is hereby amended as follows:

**Sec. 2-14. Ethics code.**

(1) *Short title and purpose.*

(a) UNCHANGED

(b) The purpose of this section is to clarify for all city employees, elected officials, candidates for public office, members of certain city boards and commissions, and the general public the standards by which conduct of officials, employees, ~~and~~ candidates for elective office, and the Board of Directors of that non-stock, not-for-profit Maryland corporation known as Cambridge Waterfront Development, Inc. and described in a Memorandum of Understanding between the city and Dorchester County, Maryland dated April 2, 2018 (hereinafter referred to as the "CWDI Board of Directors") will be judged by the ethics commission for the City of Cambridge, Maryland.

(c) UNCHANGED

(2) *Applicability.* The provisions of this section apply as follows:

(a) To all city employees, ~~and~~ elected or appointed officials, and the CWDI Board of Directors with regard to the conflict of interest provisions of this ethics code.

(b) UNCHANGED

(c) UNCHANGED

(d) UNCHANGED

(e) As to financial disclosure requirements set forth in subsection (6), to the CWDI Board of Directors; provided, however, that any such Board member who is required to file such a disclosure with Dorchester County or the State of Maryland may submit the same to the city in lieu of the financial disclosure statement required hereunder. *A Board member shall be required to disclose interests, gifts,*

*compensated positions, and liabilities that may create conflicts with their service on the CWDI Board of Directors to the commission.*

\* \* \*

(4) *Conflicts of interest – All covered positions.*

(a) UNCHANGED

(b) UNCHANGED

(c) In all sections of this section, “immediate family” means a spouse and dependent children and “qualified relative” means a spouse, parent, child, a sibling, ~~or a spouse of a sibling,~~ **uncle, aunt, nephew, niece, or a sibling of a spouse** of a person subject to this section.

(d) UNCHANGED

(e) UNCHANGED

(f) UNCHANGED

(g) Post-employment limitations and restrictions.

1. UNCHANGED

2. ~~Until the conclusion of the next regular session that begins~~ ***For one calendar year*** after the elected official leaves office, a former mayor or member of the city council may not assist or represent another party for compensation in a matter that is the subject of legislative action.

(h) UNCHANGED

(i) UNCHANGED

(j) UNCHANGED

(k) UNCHANGED

(l) UNCHANGED

(5) *Financial disclosure – Local elected officials and candidates to be local elected officials.*

(a) UNCHANGED

(b) UNCHANGED

(c) Deadlines for filing statements.

1. UNCHANGED

2. Candidates to be local elected officials

a. UNCHANGED

b. UNCHANGED

c. If a candidate fails to file a statement required by this section, after written notice is provided by the city manager, at least ~~20~~ 8 days before the last day for the withdrawal of candidacy, the candidate is deemed to have withdrawn the candidacy. In the event the city manager finds that it is necessary, s/he shall provide said written notice to a candidate 60 days before the last day for the withdrawal of candidacy.

(d) UNCHANGED

(e) UNCHANGED

(f) UNCHANGED

(g) UNCHANGED

(h) UNCHANGED

(i) Sources of earned income.

1. UNCHANGED

2. UNCHANGED

3. ***If the individual's spouse is a regulated lobbyist, the individual must identify the entity or entities that engage the lobbyist spouse.***

(6) Financial disclosure—Employees ~~and~~ appointed officials, ***and CWDI Board of Directors.***

(a) This section applies to the following ~~appointed officials and city employees:~~

1. Planning and zoning commission.

2. Board of zoning appeals.

3. Historic preservation commission.

4. Housing board of review.
5. Housing authority board.
6. Municipal utilities commission.
7. Ethics commission.
8. The following city employees named in subsection (2)(c):
  - a. Department heads.
  - b. The city manager.
  - c. The city attorney.
  - d. The chief of police and deputy chief of police.
  - e. The finance director and any other city employee involved in negotiating contracts for the city, purchasing for the city, or making determinations on city expenditures and grants from the city to nonprofit organizations within the city.

9. ***The CWDI Board of Directors.***

(b) In addition to the filing requirements for conflicts of interest under subsection (4) above, all covered positions in this section must file by April 30 of each year:

1. A statement concerning secondary employment. The commission shall consider the position of all appointed officials and persons appointed to boards and commissions ***and the CWDI Board of Directors*** as being their primary employment for the purposes of this filing requirement. All other employment is considered secondary employment. Forms should also be updated as necessary as changes may occur. If a new secondary employment occurs after April 30, a new secondary employment form must be submitted within 30 days of the start date of the new secondary employment.
2. A statement concerning gifts received. A statement disclosing gifts received by him or her or a qualified relative during the preceding calendar year from any person or business entity that contracts with or is regulated by the city, including the name of the donor of the gift and the approximate retail value at the time of receipt.
3. A statement concerning real property holdings. A statement that discloses real property holdings in Dorchester County and a description of those real estate holdings.

(7) ***Lobbying.*** Lobbying is communicating with a city official or any city employee or his or her qualified relative with the intent to influence any official actions or engaging in such activities with the express purpose of soliciting others to so communicate.

(a) UNCHANGED

(b) UNCHANGED

(c) The registration statement shall identify:

1. The registrant;
2. Any other person on whose behalf the registrant acts; *and*
3. The subject matter on which the registrant proposes to make appearances specified in subsection (a); ~~and~~
- ~~4. If the filer's spouse is a regulated lobbyist, the filer must identify the entity or entities that engage the lobbyist spouse.~~

(d) UNCHANGED

(e) UNCHANGED

(f) UNCHANGED

(g) UNCHANGED

(h) UNCHANGED

(i) UNCHANGED

(j) UNCHANGED

(k) UNCHANGED

**SECTION 2.** The recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

**SECTION 3.** In this Ordinance, unless a section of the City 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 with a single strikethrough. With respect to the substantive provisions of this Ordinance set forth in Section 1, language added after the date of introduction is in bold, italicized font and language deleted after the date of introduction is crossed out with a double strikethrough.

**SECTION 4.** 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 Commissioners

of Cambridge that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

**SECTION 5.** All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 6.** 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.

**AND BE IT FURTHER** enacted and ordained that this Ordinance shall become effective immediately upon passage.

ATTEST:

THE COMMISSIONERS OF CAMBRIDGE

\_\_\_\_\_  
David J. Deutsch, Acting City Manager

By: \_\_\_\_\_  
Lajan Cephas, President of the Commission

**Introduced the 9<sup>th</sup> day of August, 2021  
Passed the 10<sup>th</sup> day of January, 2022  
Effective the 10<sup>th</sup> day of January, 2022**