

Cambridge Ethics Ordinance City Council Training

On October 24th 2011, the Cambridge City Council passed Ordinance 1017 which revised the old Ethics provisions and established a new Ethics Code for the City of Cambridge. The State approved the Ordinance on October 28th, 2012 and Cambridge became one of the first three Ethic Ordinances approved by the State.

Members of the Cambridge Ethics Commission:

Charles McFadden, Chairman
Greg Meekins, Commissioner
Kisha Petticolos, Commissioner
Mike Schrader, Alternate Commissioner

Definitions:

Controlled Donor – Is any person or entity that does business with, seeks to do business with, or has interest affected by action of local officials and employees or lobbyist.

Gift – Means the transfer of anything of economic value, regardless of the form, without adequate and lawful consideration. It does not include a political campaign contribution regulated under the Election Article, Annotated Code of Maryland, or any provision of the State or local law regulating the conduct of elections or the receipt of campaign contributions.

Qualified Relative – means a spouse, parent, child, a sibling or a spouse of a sibling

Immediate Family – means a spouse and a dependent child.

Child – includes a biological child, adopted child, stepchild, foster child, or a grandchild.

Conflict of Interest: All City employees

All Cambridge City employees, including elected officials are covered under the new Conflict of Interest provisions in the Ethics Ordinance. The Conflict of Interest provisions are intended to eliminate any appearance of / or actual influence on any official act an employee may be engaged. The following are guidelines:

1. An employee or elected official **may not participate in a matter** in which he or she, or qualified relatives or certain entities which he or she is involved or has a **financial interest**. Non-participation

includes any discussion, advising, or deciding of the matter and requires disclosure of the conflict to the Ethics Comm.

2. An employee or elected official may not participate in a matter involving a business entity in which he or she (or certain relatives) has **an employment, contractual or creditor relationship**. Non-participation includes any discussion, advising or deciding of the matter and requires disclosure of the conflict to the Ethics Commission.
3. An employee or elected official may not participate in a matter in which he or she is **negotiating employment** with a party to the matter.
4. In most instances, an employee may not have a **financial interest in or be employed by an entity subject to the authority of the employee**, or of the agency with which he or she is affiliated.
5. In most instances, **an employee may not have a financial interest in**, or be employed by an entity having or negotiating a contract with the agency with which he or she is affiliated.
6. An employee **may not hold any employment relationship** that would impair his or her impartiality or independence of judgment.
7. An employee or elected official may not intentionally **use the prestige of his or her office for their own personal gain**, or that of a qualified relative **or the private gain of another**.
8. An employee whose duties include **matters substantially relating to the subject matter of any contract** with the City may not become, while he or she is an employee of the City, an employee of the party contracting with the City.
9. An employee may not assist or represent a party for **contingent compensation** in any matter involving any City agency.
10. A former employee may not assist or represent any one other than the City for **compensation in a case**, contract or other specific matter involving the City, if that matter is one in which he or she significantly participated as an employee.
11. An employee or elected official **may not solicit any gift** for him or herself or for others. Subject to certain exceptions, an employee may not knowingly accept any gift directly or indirectly from any person whom the employee knows or has reason to know:
 - a. Is doing or seeking to do business of any kind with his or her agency or department.
 - b. Is engaged in activities that are regulated or controlled by his or her agency or department.

- c. Has a financial interest that may be substantially affected in a specific way by the employee.
 - d. Is a lobbyist with respect to the matters within the employee's functional jurisdiction.
 - e. There are limited exceptions for certain nominal gifts addressed in the City Ethics Ordinance.
 - f. An official or employee may not accept any tickets to a collegiate or professional sporting event.
 - i. Exceptions to the rule:
 - A. Meals and beverages consumed in the presence of the donor or sponsoring entity,
 - B. Ceremonial gifts or awards that have insignificant monetary value,
 - C. Unsolicited gifts or nominal value that do not exceed \$20 in cost or trivial items of informational value
 - D. Reasonable expenses for food, travel, lodging and scheduled entertainment of the official or employee at a meeting which is given in return for the participation of the official or employee in a panel or speaking engagement at the meeting.
 - E. Gifts of tickets or free admission extended to an elected local official to attend a charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the official's office, with the exception of tickets to a professional or collegiate event.
 - F. A specific gift or class of gifts that the Ethics Commission exempts.
 - G. Gifts from a person related to the official or employee by blood or marriage, or any other individual who is a member of the household.
 - H. An honoraria for speaking to or participating in a meeting provided that the offering of the honorarium is not related in any way to the officials or employee's official position.
12. An employee may not disclose or use for personal economic benefit, or that of another person, **confidential information** acquired by reason of his or her public position.
13. If an employee assists in **developing specifications** for procurement, the employee may not be involved with the bidder; and if the employee has left the City service, his or her new employer may not bid on the procurement.

14. An employee who is involved with **getting grants** for the City or distributing grants for the City, may not be an employee or volunteer of an organization or agency receiving the grant.
15. An employee may **not be a lobbyist**.

Conflict of Interest forms (Ethics form #2) may be found at the City Clerk's and City Attorney's Office. The forms are public documents, and will be kept on file with the Ethics Commission at the City Attorney's office, 311 High St. Cambridge, Md. 21613.

Reclusals:

If there is an **apparent** or actual conflict of interest elected officials need to do the following:

- a. Not participate in any matter in the discussion or decision pending.
- b. Remove yourself from the room – you cannot remain in your seat but must actually leave the room. You cannot sit in the audience and listen to the discussion.
- c. Fill out Ethics form 2-11 "Disclosure of apparent Conflict of Interest" and give it to Ed Kinnamon or Rob Collison to forward to the Ethics Commission or forward it yourself.

Financial Disclosure – Certain City Employees and all Elected Officials and Candidates for Elected office.

Certain City employees, Elected Officials and Candidates for Elected Office listed in the Ethics Ordinance, must file a financial disclosure form annually. The positions affected are: Elected Officials, Candidates for Elected Office, Department Heads, The City Clerk, the City Attorney, the Chief and Deputy Chief of Police, and any 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 organizations within the City.

When are the Financial Disclosure statements filed?

- a. Incumbent employees file no later than April 30th of each calendar year for the previous calendar year. The exception is this year, since the ordinance was passed in October 2011, statements will be filed before January 30th, 2012 for the calendar year 2011.

- b. New employees must file within 30 days of taking a position for the pervious calendar year.
- c. **Employees terminating service** in a covered position must file within 60 days of leaving for the calendar year immediately preceding and for any portion of the current calendar year served prior to leaving.

Lobbying:

Lobbying is communicating with a City official or any employee or his or her qualified relative with the intent to influence any official action or engaging in such activities with the express purpose to soliciting others to so communicate.

In Cambridge, in order to be a lobbyist both of these have to be true:

1. Personally appears before any City official or employee with the intent to influence that person in the performance of their official duties, and
2. In connection with the intent to influence expends or reasonably expects to expend in a given calendar year in excess of \$100 on food, entertainment or other gifts for officials or employees: or expends more than \$1,000 including postage, in soliciting others to communicate with officials to influence any legislative or executive action.
 - a. Exceptions:
 - i. Professional Services in drafting bills
 - ii. Appearances before City Council at its request
 - iii. Members of the press, radio and television
 - iv. Representatives of a bona fide religious organization solely for the purpose of protecting the right of its own members to practice the doctrine of its faith.
 - v. Representatives of an association engaged exclusively in lobbying for municipalities and not on behalf of any other entity.

Fines on not registering for lobbyist can range up to \$5,000.

Complaints:

Anyone can file a complaint whether they are a citizen of the City or not. The Ethics Commission will only investigate complaints against an individual person, not a group or department. All investigations are confidential unless the final decision has found a violation of the Ordinance

and corrective action has to be taken. The final decision will then be made public.

What sanctions can the Ethics Commission impose after it concludes the Law has been violated?

If the Ethics Commission determines that a violation has occurred, it may:

1. Issue a cease and desist order.
2. Issue a reprimand.
3. Recommend to the appointing authority censure, removal or other discipline
4. Assess late filing fees up to \$250.00.

Additionally, the Ethics Commission may ask a circuit court to:

1. Issue a cease or desist order.
2. Set aside certain official action.
3. Impose a substantial fine.

The Law also specifically provides that violation of the Law by employees can be the basis for termination, disciplinary action or suspension of compensation pending compliance with an order. State Government Article Title 15 Subtitles 4 and 9 specifically address the sanctions that may be imposed.

Where can I get help?

If you have questions about any provision in the Ethics Ordinance or need a formal opinion as to whether or not a specific provision applies to you, you can file an Advisory Request with the Cambridge Ethics Commission c/o the City Attorney, 311 High St. Cambridge, Md. 21613. Advisory opinions will be responded to in 10 days to 2 weeks. Advisory Opinion forms can be obtained at the City Clerk's office or the City Attorney's Office.