

City of Cambridge
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Cambridge, Maryland 21613

EXECUTIVE DEPARTMENT

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ORDINANCE NO. 1017

AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND ("THE COMMISSIONERS"), PURSUANT TO THE AUTHORITY OF TITLE 15, SUBTITLE 8 OF THE STATE GOVERNMENT ARTICLE, ANNOTATED CODE OF MARYLAND TO REPEAL SECTION 2-14 OF THE CODE OF LAWS OF THE CITY OF CAMBRIDGE AND TO REENACT SECTION 2-14 OF THE CITY CODE ENTITLED "ETHICS CODE" FOR THE PURPOSE OF ENACTING A NEW PUBLIC LOCAL ETHICS LAW FOR THE ELECTED OFFICIALS, EMPLOYEES AND APPOINTEES OF THE CITY OF CAMBRIDGE, RELATING TO PUBLIC ETHICS ON A LOCAL LEVEL, INCLUDING CONFLICTS OF INTEREST, FINANCIAL DISCLOSURE AND LOBBYING DISCLOSURE, ESTABLISHING A LOCAL ETHICS COMMISSION; AND SPECIFYING CERTAIN PERSONNEL AND CHARACTERISTICS OF IT; PROVIDING CERTAIN DUTIES, RESPONSIBILITIES, POWERS AND PROCEDURES TO THE LOCAL ETHICS COMMISSION, TO PROVIDE FOR THE ENFORCEMENT OF THE ORDINANCE; AND GENERALLY RELATING TO THE REGULATION, CONTROL AND SUBJECT MATTER OF CONFLICTS OF INTERESTS, FINANCIAL DISCLOSURE, LOBBY DISCLOSURE AND ETHICAL CONDUCT ON THE PART OF CITY OFFICIAL, EMPLOYEES AND APPOINTEES.

WHEREAS, by the adoption of Senate Bill 315 ("SB 315"), the Maryland General Assembly enacted legislation, as codified in Title 15, Section 8 of the State Government Article, Annotated Code of Maryland, requiring county and municipal elected officials and members of boards of education to comply with conflict of interest and financial disclosure requirements that are at least equivalent to the State's requirements for State officials and public officials; and

WHEREAS, the City's Ethics Commission has drafted the comprehensive revisions to the Ethics Code of the City of Cambridge as set forth herein, to assure compliance with the State's mandates set forth in Title 15, Section 8, State Government Article, and have formally recommended its adoption; and

WHEREAS, this Ordinance, as proposed, having been reviewed and approved by the legal staff at the State Ethics Commission, as required by law; and

WHEREAS, a work session having been held on this matter on August 29, 2011, and public comment having been received on this Ordinance on October 24, 2011, after public notice thereof was published in the Star Democrat on October 7 and 14, 2011; and



WHEREAS, after having been formally introduced on October 11, 2011, and after a second reading of same on October 24, 2011, this Ordinance is adopted.

NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Commissioners of Cambridge that SECTION 2-14 "Ethics Code" of the City Code, is hereby repealed in its entirety and hereby re-enacted with amendments to read as set follows:

SEC. 2-14. ETHICS CODE

Section 1. Short title and Purpose

- (a) This chapter is the City of Cambridge, MD Public Ethics Ordinance.
- (b) The purpose of this Ethics Ordinance 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 will be judged by the ethics commission for the City of Cambridge, Maryland.
- (c) Definitions that impact the understanding of this ordinance and compliance with it are found throughout the ordinance. The ethics commission shall also prepare and update a separate commission document with all definitions found in this ordinance or in its rules and regulations to aid the public and those impacted by it to fully understand and comply with its provisions.

Section 2. Applicability. The provisions of this chapter apply as follows:

- (a) To all city employees and elected or appointed officials with regard to the conflict of interest provisions of this ethics code.
- (b) As to financial disclosure requirements set forth in **Section 5** hereof, to all city elected officials and candidates for elective office in the City of Cambridge, MD.
- (c) As to financial disclosure requirements set forth in **Section 6** hereof, to the city employees as hereinafter designated:
 - 1. Department Heads
 - 2. The City Clerk
 - 3. The City Attorney
 - 4. The Chief of Police and Deputy Chief of Police
 - 5. 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 non-profit organizations within the City.
- (d) As to financial disclosure requirements set forth in **Section 6** hereof, to appointees to boards and commissions of the City of Cambridge that make policy or decisions that are subject to review by or appeal to the City Council including the following:

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- 1. Planning & Zoning Commission
- 2. Board of Zoning Appeals
- 3. Historical Preservation Commission
- 4. Housing Authority board
- 5. Housing Board of Review
- 6. Municipal Utilities Commission
- 7. Ethics Commission

Section 3. Ethics Commission.

- (a) The Cambridge Ethics Commission (hereinafter also referred to as the “commission”) is an independent body of the Cambridge City government. The commission reports to the Cambridge City Council and the Maryland State Ethics Commission.
- (b) The commission consists of 3 members and 1 alternate member who shall have staggered terms of 4 years each and are appointed by the vote of 4 members of the City Council and the Mayor.
- (c) The commission shall:
 - (1) Elect a Chair of the commission annually who will set and call all official meetings of the commission.
 - (2) Operate on the basis of a majority vote of at least two (2) of the three (3) commissioners. A quorum for the purposes of any vote shall be two commissioners or a commissioner and the alternate commissioner acting for an absent commissioner. The alternate commissioner shall not have a vote unless one of the commissioners is absent from an official meeting. The commission shall determine and place in its policies and procedures how to determine the absence of a commissioner from an official meeting.
 - (3) Devise, receive and maintain all forms and establish all procedures required by this chapter including the enforcement of such procedures.
 - (4) Develop procedures and policies for advisory opinion requests and provide published advisory opinions to and about persons subject to this chapter regarding the applicability of the provisions of this chapter to them.
 - (5) Develop procedures and policies for the processing of complaints in order to make appropriate determinations regarding complaints filed by any person alleging violations of this chapter.
 - (6) Conduct periodic public information programs regarding the purposes and application of this chapter as may be necessary to better inform the public and those persons enumerated under Section 2 above concerning the ethics law and policy and regulations of the Ethics Commission.
 - (7) Certify to the State Ethics Commission on or before October 1 of each year whether or not the City is in compliance with the requirements of State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland for elected local officials.
 - (8) Determine if changes to this chapter are required in order to be in compliance with the requirements of State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland, and forward any recommended changes and amendments to the City Council for consideration and adoption.
 - (9) Adopt such other policies and procedures to assist in the implementation of the commission’s programs established in this chapter beyond those directed in this ordinance as the members of the commission so determine are appropriate and necessary.

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- (d) The City Attorney shall represent and advise the commission on legal issues pending before it unless s/he has a conflict of interest or the commission determines that s/he has a conflict that requires his/her recusal from involvement in a matter. In that event the City shall provide funding to allow the commission to retain alternate counsel to represent it for any matter(s) where the City Attorney has been recused or has been found to have a conflict that prevents his/her representation of the commission.
- (e) The City shall provide resources to the commission for the performance of its function including a place to hold any public hearings that arise from complaints, transcriptions of those hearings, and copying of documents.

Section 4. Conflicts of interest – All Covered Positions

- (a) A conflict of interest exists where the participation in the negotiation of or approval of any negotiated contract or arrangement or the expenditure of City funds could reasonably be expected to result in a conflict between the private interests of the official or employee and the official duties of that person.
- (b) All positions under section 2 above are subject to this section
- (c) In all sections of this ordinance, "immediate family" means a spouse and dependent children and "qualified relative" means a spouse, parent, child, a sibling or a spouse of a sibling of a person subject to this ordinance.
- (d) Any person subject to this ordinance who has or may have a conflict of interest as defined by this ordinance shall file a conflict of interest report with the commission annually on or before April 30, which report shall be made available during normal office hours for examination and copying by the public subject to reasonable fees and administrative procedures established by the commission. In the event that a conflict of interest or potential conflict of interest arises in connection with a specific proposed action by the employee or official, s/he shall notify the commission sufficiently in advance of the proposed action so as to provide adequate disclosure to the public and time for the commission to take any action necessary which could include providing an advisory opinion.

Subsection 1- Participation prohibitions.

- (a) Exceptions to this subsection - Prior to acting, a person who is or may be otherwise disqualified from participating under this subsection shall disclose the nature and circumstances of the conflict or potential conflict to the commission in writing and may thereafter participate or act if:
 - (1) It is allowed by commission regulation or advisory opinion;
 - (2) It would be an exercise of an administrative or ministerial duty that does not affect the disposition or decision of the matter;

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- (3) The disqualification leaves a body with less than a quorum capable of acting;
- (4) The disqualified official or employee is required by law to act; or
- (5) The disqualified official or employee is the only person authorized to act.

(b) Persons subject to this ordinance shall notify the commission of any withdrawal from votes or actions or votes or actions taken in line with the exceptions permitted under this ordinance on Recusal forms as developed by the commission.

(c) No City employee who is involved in any way with the grant making process for the City shall be on the board of or in a leadership position of any entity that seeks a grant from the City.

(d) Subject to the exceptions in subparagraph (a), an official or employee subject to this ordinance may not participate in the discussion of any contract or matter or vote on or make a substantive decision about any contract or matter in which s/he or a qualified relative has a specific interest, regardless of whether a business entity is involved or about any contract or matter that will impact directly or indirectly:

- (1) A business entity in which the official or employee or a qualified relative has a direct financial interest;
- (2) A business entity for which the official, employee, or a qualified relative of the official or employee is an officer, director, trustee, partner, or employee;
- (3) A business entity with which the official or employee or, to the knowledge of the official or employee, a qualified relative is negotiating or has any arrangement concerning prospective employment;
- (4) If the contract reasonably could be expected to result in a conflict between the private interests of the official or employee and the official duties of the official or employee, a business entity that is a party to an existing contract with the official or employee, or which, to the knowledge of the official or employee, is a party to a contract with a qualified relative;
- (5) An entity, doing business with the City, in which a direct financial interest is owned by another entity in which the official or employee or a qualified relative has a direct financial interest; or
- (6) A business entity that:
 - (A) The official or employee knows is a creditor or obligee of the official or employee or a qualified relative of the official or employee with respect to a thing of economic value;
 - (B) As a creditor or obligee, is in a position to directly and substantially affect the interest of the official or employee or a qualified relative of the official or employee.

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Subsection 2 - Employment and financial interest restrictions.

(a) Except as permitted by regulation of the commission under extraordinary circumstances; when the interest is disclosed; or when the employment does not create a conflict of interest or appearance of conflict, a non-elected City official or employee subject to this ordinance may not:

(1) be employed by or have a financial interest in an entity that

(A) Is subject to the authority of the local employee or non-elected local official or of the agency with which the non-elected local official or local employee is affiliated; or

(B) Is negotiating or has entered a contract with or is a subcontractor on a contract with the agency with which the non-elected local official or local employee is affiliated.

or

(2) hold outside employment that would impair the impartiality or independent judgment of the non-elected local official or local employee.

(3) In addition, for elected local officials, the secondary employment restrictions included in State Government Article, §§15-502, 15-503, and 15-504(a), Annotated Code of Maryland shall apply.

(b) This prohibition does not apply to:

(1) An official or employee subject to this ordinance who is appointed to a regulatory or licensing authority pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to the authority;

(2) Subject to other provisions of law, a member of a board or commission in regard to a financial interest or employment held at the time of appointment, provided the financial interest or employment is publicly disclosed to the appointing authority and the commission;

(3) An official or employee whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted and in accordance with regulations adopted by the commission; or

(4) Employment or financial interests allowed by regulation of the commission if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.

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(c) A member of City Council who might otherwise have a conflict of interest or a potential conflict of interest may not be appointed as a City Council liaison to a City advisory board and may not participate in any discussions at any meeting of such advisory board.

Subsection 3 - Post-employment limitations and restrictions.

(a) A former City official or employee subject to this ordinance may not assist or represent any party other than the City of Cambridge 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.

(b) Until the conclusion of the next regular session that begins 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.

Subsection 4 - Contingent compensation.

(a) Except in a judicial or quasi-judicial proceeding, an official or employee subject to this ordinance may not assist or represent a party for contingent compensation in any matter before or involving the City of Cambridge.

Subsection 5 - Use of prestige of office.

(a) An official or employee subject to this ordinance may not intentionally use the prestige of office or public position for the private gain of that official or employee or a qualified relative or the private gain of another.

(b) This subsection does not prohibit the performance of usual and customary constituent services by an elected local official so long as s/he does not seek additional compensation for those services.

Subsection 6 - Solicitation and acceptance of gifts.

(a) Solicitation of Gifts:

(1) All City officials and All City employees are prohibited from soliciting any gift.

(2) An official or employee subject to this ordinance may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual, regulated lobbyist or Controlled Donor as hereinafter defined.

(3) A Controlled Donor as hereafter referenced in this ordinance is defined as any person or entity that does business with, seeks to do business with, or has interests affected by action of local officials and employees or lobbyists.

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(b) Acceptance of Gifts:

(1) An official or employee subject to this ordinance may not accept a gift, directly or indirectly, such as through a controlled donor or qualified relative, from a person that the official or employee knows or has the reason to know:

(A) That the person is doing business with or seeking to do business with a City office, agency, board or commission with which the official or employee is affiliated;

(B) That the person has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the official duties of the official or employee;

(C) That the person is engaged in an activity regulated or controlled by the official's or employee's governmental unit; or

(D) That the person is a lobbyist with respect to matters within the jurisdiction of the official or employee.

(2) An official or employee subject to this Ordinance may not accept any tickets to collegiate or professional sporting events.

(c) Paragraph (d) of this subsection does not apply to a gift that:

(1) Would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift;

(2) Is of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee; or

(3) Is of significant value that the recipient official or employee believes or has reason to believe is designed to impair the impartiality and independence of judgment of the official or employee.

(d) Notwithstanding paragraph (b) of this subsection, an official or employee may accept the following:

(1) Meals and beverages consumed in the presence of the donor or sponsoring entity;

(2) Ceremonial gifts or awards that have insignificant monetary value;

(3) Unsolicited gifts of nominal value that do not exceed \$20 in cost or trivial items of informational value;

(4) Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or the 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;

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(5) 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 elected official's office, with the exception of tickets to collegiate or professional sporting events noted in subsection 6 (b) (2) above;

(6) A specific gift or class of gifts that the commission exempts from the operation of this subsection upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the City of Cambridge and that the gift is purely personal and private in nature;

(7) 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 of the official or employee; or

(8) Honoraria for speaking to or participating in a meeting provided that the offering of the honorarium is in not related in any way to the official's or employee's official position.

Subsection 7 - Disclosure of confidential information.

(a) Other than in the discharge of official duties, City officials or employees may not disclose or use confidential information that the official or employee acquired by reason of the official's or employee's public position and that is not available to the public for the economic benefit of the official or employee or that of another person.

Subsection 8 - Participation in procurement and grants.

(a). Procurement.

(1) For elected local officials, the procurement restrictions included in State Government Article, §15-508, Annotated Code of Maryland shall apply.

(2) An individual or a person that employs an individual who assists a local government unit in the drafting of specifications, an invitation for bids, a request for proposals for a procurement, or the selection or award made in response to an invitation for bids or request for proposals shall not be allowed to:

(a) Submit a bid or proposal for that procurement; or

(b) Assist or represent another person, directly or indirectly, who is submitting a bid or proposal for that procurement.

(3) The commission may establish exemptions from the requirements of this section.

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Section 5. Financial disclosure – local elected officials and candidates to be local elected officials.

(a) This section applies to all local elected officials and candidates to be local elected officials.

(b) In addition to the filing requirements for conflicts of interest under Section 4 above, All persons listed under Section 5 (a) above shall file the financial disclosure statement (hereinafter referred to as the “statement” or “disclosure statement”) required under this section with the ethics commission under oath or affirmation.

Subsection 1- Deadlines for filing statements.

(a) Local Elected Officials

1. The deadline for an incumbent local elected official to file a financial disclosure statement annually is no later than April 30th of each year for the preceding calendar year.
2. 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 financial disclosure statement for the preceding calendar year within 30 days after assuming the position for which s/he was appointed and thereafter as required by this Ordinance.
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.

A. The statement shall cover:

- i. The calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and
- ii. The portion of the current calendar year during which the individual held the office.

(b) Candidates to be local elected officials.

1. Except an official who has filed a financial disclosure statement under another provision of this section for the reporting period, a candidate to be an elected local official shall file a financial disclosure statement for the calendar year preceding the year of election.

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2. Shall file the statement required under Section 5 (b) of this chapter with the City Clerk along with the certificate of candidacy and the statements required under Section 5 (b) with the commission prior to filing the certificate of candidacy; and

3. If a candidate fails to file a statement required by this section, after written notice is provided by the City Clerk, at least 20 days before the last day for the withdrawal of candidacy, the candidate is deemed to have withdrawn the candidacy. In the event the City Clerk 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.

4. The City Clerk may not accept any certificate of candidacy unless a statement required under this section has been filed in proper form.

5. Within 30 days of the receipt of a statement required under this section, the City Clerk shall forward the statement to the commission or the office designated by the commission.

Subsection 2 - Statements are included in the Public record.

(a) The commission or office designated by the commission shall maintain all financial disclosure statements filed under this section.

(b) Financial disclosure statements shall be made available during normal office hours for examination and copying by the public subject to reasonable fees and administrative procedures established by the commission.

(c) If an individual examines or copies a financial disclosure statement, s/he must provide proper identification to the commission or the office designated by the commission, which shall record:

1. The name and home address of the individual reviewing or copying the statement; and

2. The name of the person whose financial disclosure statement was examined or copied.

(d) The City Clerk shall provide the official or employee with a copy of the name and home address of the person who reviewed the official's financial disclosure statement.

(e) Retention requirements. The commission or the office designated by the commission shall retain financial disclosure statements for four years from the date of receipt.

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(f) Any person who is provided a statement required under this ordinance for the purpose of reviewing the same and loses it, damages it, or destroys it or any of its pages is subject to a fine to be levied by the commission of up to \$50 per page.

Subsection 3 - Contents of disclosure statement.

(a) Interests in real property

1. A statement filed under this section shall include a schedule of all interests in real property wherever located.
2. For each interest in real property, the schedule shall include:
 - A. The nature of the property and the location by street address, mailing address, or legal description of the property;
 - B. The nature and extent of the interest held, including any conditions and encumbrances on the interest;
 - C. The date when, the manner in which, and the identity of the person from whom the interest was acquired;
 - D. The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;
 - E. If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and
 - F. The identity of any other person with an interest in the property.

(b) Interests in corporations and partnerships

1. A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with the City.
2. For each interest reported under this paragraph, the schedule shall include:
 - A. The name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability company;
 - B. The nature and amount of the interest held, including any conditions and encumbrances on the interest;

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C. With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest and, if known, the identity of the person to whom the interest was transferred; and

D. With respect to any interest acquired during the reporting period:

i. The date when, the manner in which, and the identity of the person from whom the interest was acquired; and

ii. The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

iii. An individual may satisfy the requirement to report the amount of the interest held under item (2) (ii) of this paragraph by reporting, instead of a dollar amount:

3. For an equity interest in a corporation, the number of shares held and, unless the corporation's stock is publicly traded, the percentage of equity interest held; or
4. For an equity interest in a partnership, the percentage of equity interest held.

(c). Interests in business entities doing business with the City.

1. A statement filed under this section shall include a schedule of all interests in any business entity that does business with the City, other than interests reported under paragraph (2) of this subsection.

2. For each interest reported under this paragraph, the schedule shall include:

A. The name and address of the principal office of the business entity;

B. The nature and amount of the interest held, including any conditions to and encumbrances in the interest;

3. With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received in exchange for the interest and, if known, the identity of the person to whom the interest was transferred; and

4. With respect to any interest acquired during the reporting period:

A. The date when, the manner in which, and the identity of the person from whom the interest was acquired; and

B. The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

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(d) Interests in Mutual Funds –

A statement filed under this section shall include a schedule of all interests in any Mutual Funds owned.

Subsection 4 - Gifts.

(a) A statement filed under this section shall include a schedule of each gift in excess of \$20 in value or a series of gifts totaling \$100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person or organization that does business with or is regulated by or is employed by the City.

(b) For each gift reported, the schedule shall include:

1. A description of the nature and value of the gift; and
2. The identity of the person, persons, or organizations from whom, or on behalf of whom, directly or indirectly, the gift was received.

Subsection 5 - Employment with or interests in entities doing business with the City of Cambridge.

(a) A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or qualified relative held at any time during the reporting period with entities doing business with the City of Cambridge.

(b) For each position reported under this paragraph, the schedule shall include:

1. The name and address of the person filing the statement and/or the qualified relative and the relationship to the person filing the statement;
2. The name and address of the principal office of the business entity;
3. The title and nature of the office, directorship, or salaried employment held and the date it commenced; and
4. The name of each City agency with which the entity is involved.

Subsection 6 - Indebtedness to entities doing business with the City.

(a) A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with the City owed at any time during the reporting period:

1. By the individual; or

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(b) For each liability reported under this paragraph, 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.

Subsection 7 - 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 which the individual or member of the individual's immediate family received earned income, at any time during the reporting period.

- (1) Elected City officials and candidates for elective city office must also disclose both places of employment and resources of income of immediate family members.
- (2) Elected City officials and candidates for elective city office must also disclose ownership interests of immediate family members in business entities

(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.

Subsection 8 - Additional Interests A statement filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.

(a) For the purposes of Section 5 Subsection 3(a), (b), and (c) of this chapter, the following interests are considered to be the interests of the individual making the statement:

1. An interest held by a member of the individual's immediate family if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.

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2. An interest held by a business entity in which the individual held a 30% or greater interest at any time during the reporting period.

3. An interest held by a trust or an estate in which, at any time during the reporting period:

A. The individual held a reversionary interest or was a beneficiary, or

B. If a revocable trust, the individual was a settlor.

Subsection 9 – Review and Enforcement

(a) The commission shall review the financial disclosure statements submitted under this section for compliance with the provisions of this section and shall notify an individual submitting the statement of any omissions or deficiencies.

(b) The commission may take appropriate enforcement action to ensure compliance with this ordinance.

Section 6. Financial disclosure –employees and appointed officials.

(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 Section 2 (c):
 - a. Department Heads
 - b. The City Clerk
 - c. The City Attorney
 - d. The Chief of Police and Deputy Chief of Police
 - e. 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 non-profit organizations within the City.

(b) **In addition to the filing requirements for conflicts of interest under Section 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 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.

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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 of Cambridge, 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.

(c) All reports and statements filed under this section shall be filed on official commission forms with the commission and under oath or affirmation.

(d) The commission or an office designated by the commission shall maintain all reports and disclosure statements filed under this section as public records available for public inspection and copying for a period of four (4) years.

Section 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) A person shall file a lobbying registration statement with the commission and the City Clerk if the person:

(1) Personally appears before any City official or employee with the intent to influence that person in performance of the official duties of the official or employee; and

(2) In connection with the intent to influence expends or reasonably expects to expend in a given calendar year in excess of \$ 100.00 on food, entertainment or other gifts for officials or employees of the City of Cambridge or expends more than \$ 1,000, including postage, in a reporting period for the express purpose of soliciting others to communicate with any official or employee to influence any legislative or executive action.

(b) A person shall file a registration statement required under this section on or before the latter of January 15 of the calendar year or within 5 days after first performing an act that requires registration in the calendar year.

(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) of this section.

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(d) The registration statement shall cover a defined registration period not to exceed one (1) year.

(e) Lobbying Activity Reports must be filed twice a year. One report covers the period from November 1 through April 30 and is due May 31. The second report covers the period from May 1 through October 31 and is due by November 30. A lobbyist must file a separate Activity Report for each client or employer

(f) The Activity Report required under Section 7 (e) to be filed with the ethics commission shall disclose:

1. The value, date, and nature of any food, entertainment or other gift provided to any and all Cambridge officials or employees; and
2. If a gift or series of gifts to a single official or employee exceeds \$100.00 in value, the identity of the official or employee.

(g) The commission shall maintain the registrations and reports filed under this section as public records available for public inspection and copying for four years after receipt by the commission.

(h) The registration may be terminated at any time upon written notification by the ethics commission specifying the date when the termination will be effective. A final Activity Report shall be filed within 10 days after the termination date covering the period between the filing of the previous Activity Report and the effective date of the termination.

(i) A lobbyist's compensation may not be dependent in any manner on the passage or defeat of any proposed legislative or executive action.

(j) The ethics commission may, upon request, provide advisory opinions on any issue relating to a lobbyist's activities or responsibilities under this Ethics Ordinance.

(k) The following activities are exempt from lobbyist registration and reporting requirements:

1. Professional services in drafting bills or in advising and rendering opinions to clients as to the construction and effect of proposed or pending legislation, if these services do not otherwise constitute activities as a lobbyist.
2. Appearances before the City Council at its specific invitation or request, but only if the person engages in no further or other activities in connection with the passage or defeat of legislation.
3. Actions of a publisher or working member of the press, radio, or television in the ordinary course of the business or disseminating news or making editorial comments to the general public, if that person does not engage in lobbying what would directly and specifically benefit the economic, business, or professional interests of that person or that person's employer.

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4. Representation of a bona fide religious organization solely for the purpose of protecting the right of its own members to practice the doctrine of the organization.
5. Appearances as part of the official duties of an officer, director, member, or employee of an association engaged exclusively in lobbying for municipalities and not on behalf of any other entity.

Section 8. Exemptions and modifications.

- (a) The commission may grant exemptions and modifications to the provisions of this chapter to employees and to appointed members of the City boards and commissions subject to this ordinance, when the commission finds that an exemption or modification would not be contrary to the purposes of this chapter, and the application of this chapter would:
1. Constitute an unreasonable invasion of privacy; and
 2. Significantly reduce the availability of qualified persons for public service.

Section 9. Enforcement. The enforcement provisions apply to all Section 3 positions and to Lobbyists

Subsection 1 – Commission Authority

- (a) The commission may:
1. Assess a late fee of \$2 per day up to a maximum of \$250 for a failure to timely file a financial disclosure statement required under §§ 5 or 6 of this chapter;
 2. Shall notify City Council upon 20 days prior written notification, if a fully completed Activity Report is not filed by the due date. In addition the lobbyist will be subjected to a late fee of \$10 per day, not to exceed \$250 per required Activity Report.
 3. Issue a cease and desist order against any person found to be in violation of this chapter.
 4. Establish a fee structure for persons copying documents required to be filed under this ordinance and a fine structure for persons who damage or fail to return documents they are reviewing as permitted under this ordinance.

(b) Upon a finding of a violation of any provision of this chapter, the commission may:

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1. Issue an order of compliance directing the respondent to cease and desist from the violation;
2. Issue a reprimand; or



3. Recommend to the appropriate authority other appropriate discipline of the respondent, including censure or removal if that discipline is authorized by law.

(c) If the commission finds that a respondent has violated § 7 of this chapter, the commission may:

1. Require a respondent who is a registered lobbyist to file any additional reports or information that reasonably related to the information that is required under §7 of this chapter;

2. Impose a fine not exceeding \$5,000 for each violation; and

3. Suspend the registration of an individual registered lobbyist if the commission finds that the lobbyist has knowingly and willfully violated § 7 of this chapter or has been convicted of a criminal offense arising from lobbying activities.

(d) Upon request by the commission, the City Attorney or another attorney hired in his/her place, if there is a recusal due to a conflict, may file a petition for injunctive or other relief in the circuit court of Dorchester County, or in any other court having proper venue for the purpose of requiring compliance with the provisions of this chapter.

Subsection 2 – Court Authority

(a) The court may:

1. Issue an order to cease and desist from the violation;

2. Except as provided in paragraph (b) of this paragraph, void an official action taken by an official or employee subject to the provisions of this ordinance with a conflict of interest prohibited by this chapter when the action arises from or concerns the subject matter of the conflict and if the legal action is brought within 90 days of the occurrence of the official action, if the court deems voiding the action to be in the best interest of the public; and/or

3. Impose a fine of up to \$5,000 for any violation of the provisions of this chapter, with each day upon which the violation occurs constituting a separate offense.

(b) A court may not void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidences of public obligations.

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Subsection 3 – Other Enforcement Authority

(a) In addition to any other enforcement provisions in this chapter, a person subject to the provisions of this ordinance that the commission or a court finds has violated this chapter:

1. Is subject to termination or other disciplinary action; and
2. May be suspended from receiving payment of salary or other compensation pending full compliance with the terms of an order of the commission or a court.

(b) A City of Cambridge official or employee subject to the provisions of this ordinance found to have violated this chapter is subject to disciplinary or other appropriate personnel action, including removal from office, disciplinary action, suspension of salary, or other sanction.

(c) Violation of § 7, Lobbying, shall be a misdemeanor subject to a fine of up to \$10,000 and/or imprisonment of up to one year.

(d) A finding of a violation of this chapter by the commission is public information.

Section 10 - Filing Complaints

(a) Any person, resident or non-resident of the City of Cambridge, may file an ethics complaint against a City official or employee.

(b) The ethics commission shall only investigate complaints against individuals and not agencies or groups.

(c) All complaints must:

- a. Include the name, residence/ mailing address, and telephone number, and if available, the email address of the complainant.
- b. Include the name or some means of identification of the City official or employee against whom the complaint is being filed.
- c. Be sworn to as to the accuracy, as known by the complainant, before a Notary Public or other official authorized to take oaths.
- d. Complainants are encouraged to use the ethics commission complaint form.

(d) All complaints shall be delivered to the office of the City attorney or at such other address as noted in the regulations of the ethics commission.

(e) A notification of receipt of the complaint shall be sent to a complainant within 14 days of receiving the complaint by the City attorney.

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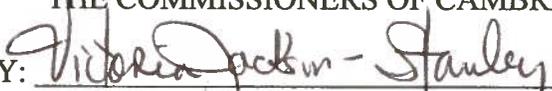


- (f) All complaints are confidential and are not to be disclosed to the public by any member of the ethics commission or person working for the commission or his/her employee or the person filing the complaint or the person against whom the complaint is filed. If a complaint is undertaken by the ethics commission, its investigation of the complaint is confidential as well and shall not be disclosed except as necessary to fulfill the requirements of this ordinance by the commission. Any finding or formal decision made by the commission that there has been a violation of the ethics ordinance of the City of Cambridge shall be made public.

AND BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall become effective immediately upon its adoption.

ATTEST:


Edwin C. Kinnamon, Clerk

THE COMMISSIONERS OF CAMBRIDGE
BY: 
VICTORIA JACKSON-STANLEY, Mayor

Introduced the 11TH day of **OCTOBER, 2011.**

Adopted the 24TH day of **OCTOBER, 2011.**

*City of Cambridge
Cambridge, Maryland*

