

**CITY OF HYATTSVILLE
ORDINANCE 2022-08**

An Ordinance whereby the City of Hyattsville amends its ethics provisions to conform to recent updates to State law as to financial reporting and conflicts of interest.

WHEREAS, Maryland Code, § 5-801, et seq., of the General Provisions Article requires municipal corporations to enact ethics laws and requires that the State Ethics Commission approve all municipal ethics ordinances;

WHEREAS, the Maryland General Assembly enacted House Bill 363 and House Bill 1058 during the 2021 legislative session, which added new laws to the Maryland Public Ethics Law and requires local governments to incorporate certain changes into their respective ethics ordinances;

WHEREAS, the State Ethics Commission has updated its local government regulations in COMAR 19A.04 to reflect the required changes.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hyattsville in regular session assembled that Chapter 10 is hereby amended as follows:

* * *

§ 10-7. Solicitation and/or acceptance of gifts.

* * *

C. An official or employee may not knowingly accept a gift, directly or indirectly, from a person that the official or employee knows or has the reason to know:

* * *

(5) Is an association or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.

* * *

1 F. Disclosure of confidential information. Other than in the discharge of official duties, an
2 official or employee or former official or employee may not disclose or use confidential
3 information, that the official or employee acquired by reason of the official's or employee's
4 public position or former public position and that is not available to the public, for the economic
5 benefit of the official or employee or that of another person.

6 * * *

7 I. An official or employee may not retaliate against an individual for reporting or participating in
8 an investigation of a potential violation of the local ethics law or ordinance.

9 * * *

10 **§10-9. Filing of financial disclosure statement.**

11 * * *

12 C. The Commission or office designated by the Commission shall maintain all financial
13 disclosure statements filed under this section. Financial disclosure statements shall be made
14 available during normal office hours for examination and copying by the public subject to
15 reasonable fees and administrative procedures established by the Commission.

16 * * *

17 **(4)** The Commission or office designated by the Commission shall not provide public
18 access to information related to consideration received from:

19 (a) The University of Maryland Medical System;

20 (b) A governmental entity of the State or a local government in the State; or

21 (c) A quasi-governmental entity of the State or local government in the State.

22 ~~(4)~~**(5)** The Commission or the office designated by the Commission shall make financial
23 disclosure statements or a summary thereof available online. The Commission or the

1 office designated by the Commission shall take appropriate measures to mitigate the risk
2 of identify theft. Those steps may include posting online a redacted version of the
3 financial disclosure statement or posting a summary of the financial disclosure statement
4 that is completed by the official or employee for the purpose of the online posting. Under
5 all circumstances the original, unaltered financial disclosure statement shall be
6 maintained by the Commission or office designated by it but not posted online.

7 * * *

8 E. An individual who is required to disclose the name of a business under this section shall
9 disclose any other names that the business is trading as or doing business as.

10 E.F. At a minimum the financial disclosure statement form shall contain the following
11 information:

12 * * *

13 (4) Gifts.

14 (a) A statement filed under this section shall include a schedule of each gift in
15 excess of \$20 in value or a series of gifts totaling \$100 or more received during
16 the reporting period from or on behalf of, directly or indirectly, any one person
17 who does business or is regulated by the City of Hyattsville or from an
18 association, or any entity on behalf of an association that is engaged only in
19 representing counties or municipal corporations.

20 * * *

21 (9) Relationship with University of Maryland Medical System, State or Local
22 Government, or Quasi-Governmental Entity.

1 (a) An individual shall disclose the information specified in General Provisions
2 Article § 5-607(j)(1), Annotated Code of Maryland, for financial or contractual
3 relationship with:

4 [1] The University of Maryland Medical System;

5 [2] A governmental entity of the State or a local government in the State;

6 or

7 [3] A quasi-governmental entity of the State or local government in the
8 State.

9 (b) For each financial or contractual relationship reported, the schedule shall
10 include:

11 [1] A description of the relationship;

12 [2] The subject matter of the relationship; and

13 [3] The consideration.

14 ~~(9)~~(10) A statement filed under this section may also include a schedule of additional
15 interests or information that the individual making the statement wishes to disclose.

16 **F.G.** For the purposes of this section, the following interests are considered to be the interests of
17 the individual making the statement:

18 (1) An interest held by a member of the individual's immediate family, if the interest
19 was, at anytime during the reporting period, directly or indirectly controlled by the
20 individual.

21 (2) An interest held ~~by a business entity in which the individual held a 30% or greater~~
22 ~~interest~~, at anytime during the ~~reporting~~ applicable period, by:

23 (a) A business entity in which the individual held a (10%) or greater interest;

1 (b) A business entity described in item (a) of this subsection in which the business
2 entity held a 25% or greater interest;

3 (c) A business entity described in item (b) of this subsection in which the business
4 entity held a 50% or greater interest; and

5 (d) A business entity in which the individual directly or indirectly, through an
6 interest in one or a combination of other business entities, holds a 10% or greater
7 interest.

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

10 (a) The individual held a reversionary interest or was a beneficiary; or

11 (b) If a revocable trust, the individual was a settlor.

12 **G.H.** The Commission shall review the financial disclosure statement submitted under this
13 section for compliance with the provisions of this section and shall notify an individual
14 submitting the statement of any omissions or deficiencies. The City of Hyattsville Ethics
15 Commission may take appropriate enforcement action to ensure compliance with this section.

16 * * *

17 **§ 10-13. Definitions.**

18 In this chapter the following words have the meanings indicated:

19 * * *

20 **QUASI-GOVERNMENTAL ENTITY**

21 An entity that is created by State statute, that performs a public function, and that is
22 supported in whole or in part by the State but is managed privately.

23 * * *

1 **AND BE IT FURTHER ORDAINED** that if any provision of this Ordinance or the
2 application thereof to any person or circumstance is held invalid for any reason, such invalidity
3 shall not affect the other provisions or any other applications of the Ordinance which can be given
4 effect without the invalid provision or applications, and to this end, all the provisions of this
5 Ordinance are hereby declared to be severable;

6 **AND BE IT FURTHER ORDAINED** that this Ordinance shall take effect twenty (20)
7 days from the date of its adoption;

8 **AND BE IT FURTHER ORDAINED** that a fair summary of this ordinance shall
9 forthwith be published twice in a newspaper having general circulation in the City and otherwise
10 be made available to the public.

11 **INTRODUCED** by the City Council of the City of Hyattsville, Maryland, at a regular
12 public meeting on December 19, 2022.

13 **ADOPTED** by the City Council of the City of Hyattsville, Maryland, at a regular public
14 meeting on _____, 2022.

Adopted: _____

Attest: _____
 Laura Reams, City Clerk

 Robert Croslin, Mayor

15

16 [] indicate deletions

17 Underline indicates additions

18 Asterisks * * * Indicate matter retained in existing law but omitted herein

19 Effective Date: (Insert)