

ORDINANCE NO. 443

AN ORDINANCE PURSUANT TO ARTICLE 40A, TITLE 6, OF THE ANNOTATED CODE OF MARYLAND AND AN ORDINANCE TO REPEAL ORDINANCE #336 (ETHICS ORDINANCE) FOR THE PURPOSE OF AMENDING AND REENACTING A PUBLIC LOCAL ETHICS LAW FOR CERTAIN SOMERSET COUNTY ELECTED OFFICIALS, EMPLOYEES OR APPOINTEES, 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 INTEREST, FINANCIAL DISCLOSURE, LOBBY DISCLOSURE AND ETHICAL CONDUCT ON THE PART OF SOMERSET COUNTY OFFICIALS, EMPLOYEES AND APPOINTEES.

Be it enacted and ordained by the County Commissioners of Somerset County, Maryland, pursuant to Article 40A, Title 6 of the Annotated Code of Maryland as follows:

ARTICLE I, GENERAL

Section 1-1. APPLICABILITY

The provisions of this ordinance apply to Somerset County officials and employees except those expressly exempted pursuant to Article VI of this Ordinance.

Section 1-2. CONSTRUCTION

The masculine gender when used in this Ordinance, shall include the feminine gender.

Section 1-3. DEFINITIONS

(a) Official or employee. The term "official or employee" shall mean any person elected or appointed to any County Office, Board or Commission, whether or not such person is compensated or whether or not such compensation is derived from County funds, or any person employed by the County or one of its related agencies.

(b) Gift. The word "gift" means the transfer of anything of economic value, regardless of the form, without adequate and lawful consideration. It does not include campaign contributions authorized by election laws.

ARTICLE II. ETHICS COMMISSION

Section 2-1.

The County Commissioners of Somerset County, Maryland, shall establish a County Ethics Commission ("Commission"), which shall be composed of 5 members. Each member of the Commission shall be selected to represent each of the 5 Commissioner districts. Neither member of the Commission shall be removable from office except for good cause shown and proven. The members shall not be entitled to compensation but shall be entitled to reimbursement for reasonable expenses. The Commission's files and records shall be maintained by the Administrator of the Board of County Commissioners. The Commission shall develop a budget and submit the same to the Board of County Commissioners.

Section 2-2.

The County Solicitor shall have the following responsibilities:

- (a) To devise forms, reports and records generated by this ordinance;
- (b) To provide written advisory opinions to persons subject to the ordinance as to the applicability of the provisions of this ordinance to them;
- (c) To process and make determination as to complaints filed by any persons alleging violations of this ordinance and to make recommendations to the County Commissioners of Somerset County, Maryland, when deemed appropriate.

ARTICLE III. CONFLICTS OF INTEREST

Section 3-1.

Except where such interest is disclosed and does not create a conflict of interest, Somerset County Officials and Employees who are subject to this Ordinance shall not:

- (a) Participate on behalf of the County in any matter which would to his knowledge, have a direct financial impact on him or

his spouse or a business entity with which he is affiliated, as distinguished from financial impact on the public generally.

(b) Hold or acquire an interest of One Per Cent (1%) or greater in a business entity that is negotiating a contract of One Thousand Dollars (\$1,000.00) or more with the County or is regulated by his agency.

(c) Be employed by a business entity that has or is negotiating a contract of more than One Thousand Dollars (\$1,000.00) with the County or is regulated by his agency.

(d) Hold any outside employment relationship that would impair his impartiality or independence of judgment.

(e) Represent any party, for a contingent fee, before any County body.

(f) Within One year (1) following termination of County service, act as a compensated representative of another in connection with any specific matter in which he participated substantially as a County Official or Employee.

(g) Solicit any gift.

(h) Knowingly accept any gift of a value greater than Ten Dollars (\$10.00) directly or indirectly, from any person whom the Official, Employee, or Appointee knows or has reason to know:

1. Is doing or seeking to do business of any kind with any County body;

2. Is engaged in activities which are regulated or controlled by any County Governmental Agency, Board or Commission.

3. Has financial interests which may be substantially and materially affected, in a manner distinguishable from the public generally by the performance or nonperformance of his official duty.

(i) Unless a gift of any of the following would tend to impair the impartiality and the independence of judgment of the Official, Employee or Appointee receiving it, or if of

significant value, would give the appearance of doing so, or if of significant value, the recipient, Official, Employee or Appointee believes, or has reason to believe, that it is designed to do so; subsection (h) does not apply to:

1. Meals and beverages;
2. Ceremonial gifts or awards having insignificant monetary value;
3. Unsolicited gifts of nominal value or trivial items of informational value;
4. Reasonable expenses for food, travel, lodging and scheduled entertainment of the official and spouse or the employee and spouse or the appointee and spouse for a meeting which is given in return for participation in a panel or speaking engagement at the meeting;
5. Gifts of tickets or free admission extended to an official, employee or appointee to attend professional, charitable, cultural or political events, if the purpose of such gift or admission is a courtesy or ceremony extended to the office;
6. Gifts from a person related by blood or marriage, or a member of his household;

(j) Improperly use the prestige of his office for his benefit or that of another.

(k) Improperly use confidential information acquired in his official County position for his own benefit or that of another.

ARTICLE IV. ◀ FINANCIAL DISCLOSURE ▶

Section 4-1.

Each County Official or Employee listed in Section 4-3 of this Article shall file annually not later than April 15 following each calendar year during which he was employed or held office, a statement, with the Commission, disclosing any gifts received during the said calendar year from any person having a contract with the County or any person regulated by his agency.

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The Statement shall identify the donor of the gift and its approximate retail value at the time of receipt. If no gifts were received, that statement shall so set forth.

Section 4-2.

Candidates for elective offices listed in Section 4-3 of this Article shall file statements consistent with the requirements of Section 4-1 at the time that they file their certificate of candidacy.

Section 4-3.

Officials and employees required to file are:

- (a) County Commissioners for Somerset County, Maryland.
- (b) Board of License Commissioners of Somerset County.
- (c) Somerset County Roads Board.
- (d) Members of the Republican State Central Committee.
- (e) Members of the Democratic State Central Committee.
- (f) The Treasurer for Somerset County.
- (g) All other elected officials of Somerset County.
- (h) Superintendent for Schools for Somerset County.
- (i) Somerset County Library Director.
- (j) All other Somerset County Officials, Employees and Appointees drawing a County salary of \$25,000.00 or more annually and that fall within the County budgetary process.

Section 4-4.

All County Officials and Employees, and Candidates for elective offices subject to this Article, shall file a statement with the Commission disclosing any interest or employment the holding of which would require disqualification for participation pursuant to Section 3-1 (a) of this Ordinance. The statement shall be filed sufficiently in advance of this action to provide adequate disclosure to the public.

Section 4-5.

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

ARTICLE V. LOBBYING DISCLOSURE

Section 5-1.

Any person who personally appears before any County Official or Employee with the intent to influence that person in the 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 Two Hundred Dollars (\$200.00) on food, entertainment or other gifts for such officials, shall file a registration statement with the Commission not later than January 15 of the calendar year in which activity is planned or within five (5) days after first making these appearances.

Section 5-2.

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 proposed to make these appearances. The registration statement shall expire on the last day of the calendar year in which it was filed.

Section 5-3.

Registrants under this section shall file a report within thirty (30) days after the end of any calendar year during which they were registered, disclosing value, date and nature of any for entertainment, or other gift provided to a County official or employee. When a gift or series of gifts to a single official or employee exceed \$10.00 in value, the official or employee shall also be identified.

Section 5-4.

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

ARTICLE VI. EXEMPTIONS AND MODIFICATIONS

Section 6-1.

The Commission may grant exceptions and modifications to the provisions of Article III and IV of this Ordinance if it determines that application of those provisions would:

- (a) Constitute an unreasonable invasion of privacy;
- (b) Significantly reduce the availability of qualified persons for public services; and
- (c) Not be required to serve the purposes of this Ordinance.

ARTICLE VII. ENFORCEMENT

Section 7-1.

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 this order in the Circuit Court for Somerset County.

Section 7-2.

A County Official, Employee or Appointee found to have violated this Ordinance may be subject to disciplinary or other appropriate personnel action including suspension from duty without pay and a civil penalty not to exceed \$500.00.

Section 7-3.

Violation of Article V of this Ordinance shall be a misdemeanor subject to a fine of up to \$500.00 or imprisonment of up to 6 months, or both.

ARTICLE VIII. SHORT TITLE

This Ordinance shall be cited as the Somerset County Ethics Ordinance.

ARTICLE IX.

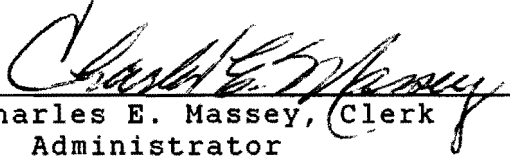
And be it further Ordained that Ordinance #336 [existing Ethics Ordinance] be and the same is hereby repealed.

BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SOMERSET COUNTY, MARYLAND, that this Ordinance shall take effect on March 5, 1990.

Passed this 20th day of February 1990.

BOARD OF COUNTY COMMISSIONERS OF
SOMERSET COUNTY, MARYLAND

ATTEST:


Charles E. Massey, Clerk
Administrator

By: 
Phillip L. Gerald, President

CERTIFICATION

The Board of County Commissioners of Somerset County, Maryland, hereby certifies to the Clerk of the Circuit Court for Somerset County, Maryland, that the foregoing is a true and exact copy of the Ordinance adopted and ordained by the County Commissioners of Somerset County, Maryland, on the 20th day of February 1990 and further orders the same to be recorded among the Ordinance Books of Somerset County, Maryland, without costs.

BOARD OF COUNTY COMMISSIONERS OF
SOMERSET COUNTY, MARYLAND

By: 
Phillip L. Gerald, President

ATTEST:


Charles E. Massey, Clerk

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