

Chapter 5

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Chapter 5 Ethics

§ 5-1. Applicability.

The provisions of this Chapter apply to the following Town of Church Hill elected officials and employees:

Town of Church Hill elected officials, the Town Administrator, and full-time salaried employees and any further reference to Town officials and employees in this Chapter shall apply only to elected officials and full time salaried employees.

§ 5-2 Ethics Commission.

There shall be a Town of Church Hill Ethics Commission, which shall be composed of three (3) members appointed by the Town Commissioners of Church Hill. The Commission, which will serve without pay, shall be advised by an attorney of its choosing, assisted by the Town clerk, and shall have the following responsibilities:

- A. To receive and maintain all forms generated by this Chapter;
- B. To provide advisory opinions to persons subject to the Chapter as to the applicability of the provisions of this Chapter to them;
- C. To process and make determinations as to complaints filed by any person alleging a violation of this Chapter.

§ 5-3. Conflicts and Interest.

Town of Church Hill officials and employees who are subject to this Chapter shall not:

- A. Participate on behalf of the Town in any matter which would, to their knowledge, have direct financial impact, as distinguished from the public generally, on them, their spouses or dependent children, or a business entity with which they are affiliated.
- B. Hold or acquire an interest of fifty one percent (51%) or greater in a business entity that has or is negotiating a contract of five thousand dollars (\$5,000.00) or more with the Town except as exempted by the Commission where the interest is disclosed pursuant to Section 5-6 of this Chapter.
- C. Hold any outside employment relationship that would impair their impartiality or independence of judgment.

D. Represent any party, for a contingent fee, before any Town body.

E. Within one (1) year following termination of Town service, act as a compensated representative of another in connection with any specific matter in which he participated substantially as a Town official or employee.

F. (1) Solicit any gift or accept gifts of greater than twenty-five dollars (\$25.00) in value, from any person that has or is negotiating a contract with the Town, except when these gifts would not present a conflict of interest as determined by the Commission. "Gift" as herein used shall mean the transfer of anything of economic value regardless of the form without adequate and lawful consideration. "Gift" does not include the solicitation, acceptance, or receipt of political campaign contributions regulated in accordance with the provisions of the state elections law or any other provision of state or local law regulating the conduct of elections or the receipt of political campaign contributions.

(2). Unless a gift of any of the following would tend to impair the impartiality and the independence of judgment of the official or employee receiving it, or if of significant value, the recipient official or employee believes, or has reason to believe, that it is designed to do so, the foregoing does not apply to:

I. Meals and beverages;

II. Ceremonial gifts or awards which have insignificant monetary value;

III. Unsolicited gifts of nominal value or trivial items of informational value;

IV. Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or the employee for a meeting which is given in return for participation in a panel or speaking engagement at the meeting;

V. Gifts of tickets or free admission extended to an elected official or employee to attend a professional or intercollegiate sporting event of charitable, cultural, or political events, if the purpose of this gift or admission is a courtesy or ceremony extended to the office.

G. Use the prestige of their office for their own benefit or that of another.

H. Use confidential information acquired in their official Town positions for their own benefit or that of another.

§ 5-4. Financial Disclosure.

A. The Town officials and employees listed in Subsection (C) of this Section shall file annually not later than January 31 of each calendar year during which they hold office, a statement

with the Commission disclosing any gifts received during the preceding calendar year from any person having a contract with the Town. The statement shall identify the donor of this gift and its approximate retail value at the time of receipt.

B. Candidates for elective offices listed in Subsection (C) of this Section shall file statements consistent with the requirements of Subsection (A) of this Section at the time that they file their Certificate of Candidacy.

C. All Town officials and employees or candidates for Town elective office shall file a statement with the Commission disclosing any interest or employment the holding of which would require disqualification from the participation pursuant to Section 5-3 of this Chapter.

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

§ 5-5. Lobbying Disclosure.

A. Any person who personally appears before any Town official or employee with the intent to influence that person in 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 five hundred dollars (\$500.00) 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 or within five (5) days after first making these appearances.

B. The registration statement shall include complete identification of the registrant and of any other person on whose behalf the registrant proposes to make these appearances.

C. 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 the value, date, and nature of any food, entertainment or other gift provided to a Town official or employee.

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

§ 5-6. Exemptions and Modification.

The Commission may grant exemption and modifications to the provisions of Sections 5-3 and 5-4 of this Chapter 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 service; and
- C. Not be required to preserve the purposes of this Chapter.

§ 5-7. Enforcement.

A. The Commission may issue a cease and desist order against any person found to be in violation of this Chapter and may seek enforcement of this order in the Circuit Court of Queen Anne's county.

B. A Town official or employee found to have violated this Chapter may be subject to disciplinary or other appropriate personnel action, including suspension of Town salary or other compensation.

C. Violation of Section 5-3, 5-4, or 5-5 of this Chapter shall be a misdemeanor subject to a fine of up to one thousand dollars (\$1,000.00) or imprisonment of up to six (6) months, or both.

Originally adopted March 15, 2010 as Ordinance No. 127-10. The date of any amendment will appear below the amended paragraph in brackets ([]).