

**CITY COUNCIL OF THE CITY OF SEAT PLEASANT, MARYLAND**

**Ordinance No.:** O-23-02  
**Introduced by:** City Council  
**Date Introduced:** October 3, 2022  
**First Reading:** October 3, 2022  
**Second Reading:** October 10, 2022  
**Date Adopted:** October 10, 2022  
**Date Effective:** November 16, 2022

**AN ORDINANCE concerning**

**CHAPTER 18 – ETHICS**

**FOR** the purpose of amending Chapter 18 – Ethics of the Code of the City of Seat Pleasant regarding the Definitions, Ethics Commission, Conflict of Interest, Annual Financial Disclosure report for Elected Officials and Candidates for office and relating to ethics in the City of Seat Pleasant.

**BY** amending Chapter 18 – Ethics  
Section 18-3-Definitions  
18-5 Ethics Commission  
18-6 Conflict of Interest,  
18-7 Financial Disclosures-elected officials and candidates to be elected officials  
Code of the City of Seat Pleasant (1994 Edition, as amended)

**SECTION 1. BE IT ORDAINED BY THE SEAT PLEASANT CITY COUNCIL** that Chapter 18 (Ethics), §§ 18-3, 18-5, 18-6, 18-7 of the Code of the City of Seat Pleasant (1994 Edition, as amended) be and it is hereby amended to read as follows:

**§ 18-3. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

((ENTITY — Any individual, partnership, association, corporation, limited liability company, firm, institute, trust, foundation, or other organization (other than the City or any agency thereof), whether or not operated for profit))

(A) (1) "BUSINESS ENTITY" MEANS A CORPORATION, GENERAL OR LIMITED PARTNERSHIP, SOLE PROPRIETORSHIP, JOINT VENTURE, UNINCORPORATED

ASSOCIATION OR FIRM, INSTITUTION, TRUST, FOUNDATION, OR OTHER ORGANIZATION, WHETHER OR NOT OPERATED FOR PROFIT

(A) (1) BUSINESS ENTITY DOES NOT INCLUDE A GOVERNMENTAL ENTITY.

(B) "COMMISSION" MEANS THE CITY OF SEAT PLEASANT ETHICS COMMISSION ESTABLISHED UNDER § 18-5(A) OF THIS CHAPTER.

(C) (1) "COMPENSATION" MEANS ANY MONEY OR THING OF VALUE, REGARDLESS OF FORM, RECEIVED OR TO BE RECEIVED BY ANY INDIVIDUAL COVERED BY THIS CHAPTER FROM AN EMPLOYER FOR SERVICE RENDERED.

(2) FOR THE PURPOSES OF §18-9 OF THIS CHAPTER, IF LOBBYING IS ONLY A PORTION OF A PERSON'S EMPLOYMENT, "COMPENSATION" MEANS A PRORATED AMOUNT BASED ON THE TIME DEVOTED TO LOBBYING COMPARED TO THE TIME DEVOTED TO OTHER EMPLOYMENT DUTIES.

(C-1) "DESIGNATED SECOND HOME" MEANS:

(1) IF AN INDIVIDUAL OWNS ONE SECOND HOME, THE INDIVIDUAL'S SECOND HOME; OR

(2) IF AN INDIVIDUAL OWNS MORE THAN ONE SECOND HOME, ANY ONE SECOND HOME THE INDIVIDUAL IDENTIFIES TO THE COMMISSION AS THE INDIVIDUAL'S DESIGNATED SECOND HOME.

(D) Doing Business with the City-NO CHANGES

(E) (1) "ELECTED OFFICIAL" MEANS ANY INDIVIDUAL WHO HOLDS AN ELECTIVE OFFICE OF CITY OF SEAT PLEASANT

(2) "ELECTED OFFICIAL" DOES NOT INCLUDE THE SHERIFF, STATE'S ATTORNEY, REGISTER OF WILLS, OR CLERK OF THE COURT.

(F) Employee NO CHANGES

(G) Financial Interest NO CHANGES

(H) (1) "GIFT" MEANS THE TRANSFER OF ANYTHING OF ECONOMIC VALUE, REGARDLESS OF THE FORM, WITHOUT ADEQUATE AND LAWFUL CONSIDERATION.

(2) "GIFT" DOES NOT INCLUDE A CONTRIBUTION AS DEFINED IN ELECTION LAW ARTICLE, ANNOTATED CODE OF MARYLAND.

(H-1) "HOME ADDRESS" MEANS THE ADDRESS OF AN INDIVIDUAL'S:

- (1) PRINCIPAL HOME; AND
- (2) DESIGNATED SECOND HOME, IF ANY.

(I) "IMMEDIATE FAMILY" MEANS A SPOUSE AND DEPENDENT CHILDREN.

(J) (1) "INTEREST" MEANS A LEGAL OR EQUITABLE ECONOMIC INTEREST, WHETHER OR NOT SUBJECT TO AN ENCUMBRANCE OR A CONDITION, THAT IS OWNED OR HELD, IN WHOLE OR IN PART, JOINTLY OR SEVERALLY, DIRECTLY, OR INDIRECTLY.

(2) FOR PURPOSES OF §18-6 OF THIS CHAPTER, "INTEREST" INCLUDES ANY INTEREST HELD AT ANY TIME DURING THE REPORTING PERIOD.

(3) "INTEREST" DOES NOT INCLUDE:

(I) AN INTEREST HELD IN THE CAPACITY OF A PERSONAL AGENT, CUSTODIAN, FIDUCIARY, PERSONAL REPRESENTATIVE, OR TRUSTEE, UNLESS THE HOLDER HAS AN EQUITABLE INTEREST IN THE SUBJECT MATTER;

(II) AN INTEREST IN A TIME OR DEMAND DEPOSIT IN A FINANCIAL INSTITUTION

(III) AN INTEREST IN AN INSURANCE POLICY, ENDOWMENT POLICY, OR ANNUITY CONTRACT UNDER WHICH AN INSURER PROMISES TO PAY A FIXED AMOUNT OF MONEY EITHER IN A LUMP SUM OR PERIODICALLY FOR LIFE OR A SPECIFIED PERIOD;

(IV) A COMMON TRUST FUND OR A TRUST WHICH FORMS PART OF A PENSION OR PROFIT-SHARING PLAN WHICH HAS MORE THAN 25 PARTICIPANTS AND WHICH HAS BEEN DETERMINED BY THE INTERNAL REVENUE SERVICE TO BE A QUALIFIED TRUST UNDER THE INTERNAL REVENUE CODE;

(V) A COLLEGE SAVINGS PLAN UNDER THE INTERNAL REVENUE CODE; OR

(VI) A MUTUAL FUND OR EXCHANGE-TRADED FUND THAT IS PUBLICLY TRADED ON A NATIONAL SCALE UNLESS THE MUTUAL FUND OR EXCHANGE-TRADED FUND IS COMPOSED PRIMARILY OF HOLDINGS OF STOCKS AND INTERESTS IN A SPECIFIC SECTOR OR AREA THAT IS REGULATED BY THE INDIVIDUAL'S GOVERNMENTAL UNIT.

(K) "LOBBYIST" MEANS A PERSON REQUIRED TO REGISTER AND REPORT EXPENSES RELATED TO LOBBYING UNDER §18-9 OF THIS CHAPTER.

(L) "LOBBYING" MEANS:

(1) COMMUNICATING IN THE PRESENCE OF A CITY, OR OFFICIAL OR EMPLOYEE WITH THE INTENT TO INFLUENCE ANY OFFICIAL ACTION OF THAT OFFICIAL OR EMPLOYEE; OR

(2) ENGAGING IN ACTIVITIES WITH THE EXPRESS PURPOSE OF SOLICITING OTHERS TO COMMUNICATE WITH A CITY OF SEAT PLEASANT OFFICIAL OR EMPLOYEE WITH THE INTENT TO INFLUENCE THAT OFFICIAL OR EMPLOYEE.

(M) Official-NO CHANGES

(N) "PERSON" INCLUDES AN INDIVIDUAL OR BUSINESS ENTITY.

(N-1) "PRINCIPAL HOME" MEANS THE SOLE RESIDENTIAL PROPERTY THAT AN INDIVIDUAL OCCUPIES AS THE INDIVIDUAL'S PRIMARY RESIDENCE, WHETHER OWNED OR RENTED BY THE INDIVIDUAL.

(O) "QUALIFIED RELATIVE" MEANS A SPOUSE, PARENT, CHILD, BROTHER, OR SISTER.

(P) "QUASI-GOVERNMENTAL ENTITY" MEANS AN ENTITY THAT IS CREATED BY STATE STATUE, THAT PERFORMS A PUBLIC FUNCTION, AND THAT IS SUPPORTED IN WHOLE OR IN PART BY THE STATE BUT IS MANAGED PRIVATELY.

(Q) "SECOND HOME" MEANS A RESIDENTIAL PROPERTY THAT:

- (1) AN INDIVIDUAL OCCUPIES FOR SOME PORTION OF THE FILING YEAR; AND
- (2) IS NOT A RENTAL PROPERTY OR A TIME SHARE.

**§ 18-5. Ethics Commission.**

B. The Commission shall:

1-4 UNCHANGED

(5) SHALL MAKE THE FINANCIAL DISCLOSURES FORMS AVAILABLE ONLINE OF ELECTED OFFICIALS AND CANDIDATES FOR OFFICE FOR PUBLIC VIEWING. THE FINANCIAL DISCLOSURE FORM SHALL NOT SHOW THE ADDRESS OF THE ELECTED OFFICIAL OR CANDIDATE FOR OFFICE FOR PUBLIC VIEW.

**§ 18-6-. Conflicts of interest.**

A.-G UNCHANGED.

(H) 1-2 UNCHANGED.

3. A-D NO CHANGES

E. IF AN ASSOCIATION, OR ANY ENTITY ACTING ON BEHALF OF AN ASSOCIATION THAT IS ENGAGED ONLY IN REPRESENTING COUNTIES OR MUNICIPAL CORPORATIONS.

I. Disclosure of confidential information, other than in the discharge of official duties. An

official or employee OR FORMER OFFICIAL OR FORMER EMPLOYEE may not disclose or use confidential information, that the official or employee acquired by reason of the official's or employee's public position OR FORMER PUBLIC POSITION and that is not available to the public, for the economic benefit of the official or employee or that of another person.

K. AN OFFICIAL OR EMPLOYEE MAY NOT RETALIATE AGAINST AN INDIVIDUAL FOR REPORTING OR PARTICIPATING IN AN INVESTIGATION OF A POTENTIAL VIOLATION OF THE LOCAL ETHICS LAW OR ORDINANCE.

**§ 18-7. Financial Disclosure-elected officials and candidates.**

D)

1-4 NO CHANGES

5. FOR STATEMENTS FILED AFTER JANUARY 1, 2019, THE COMMISSION OR OFFICE DESIGNATED BY THE COMMISSION MAY NOT PROVIDE PUBLIC ACCESS TO AN INDIVIDUAL'S HOME ADDRESS THAT THE INDIVIDUAL HAS DESIGNATED AS THE INDIVIDUALS HOME ADDRESS.

6. THE COMMISSION OR OFFICE DESIGNATED BY THE COMMISSION SHALL NOT PROVIDE PUBLIC ACCESS TO INFORMATION RELATED TO CONSIDERATION RECEIVED FROM:

- 1) THE UNIVESITY OF MARYLAND MEDICAL SYSTEM
- 2) A GOVERNMENTAL ENTITY OF THE STATE OR LOCAL GOVERNMENT IN THE STATE; OR
- 3) A QUASI-GOVERNMENTAL ENTITY OF THE STATE OR LOCAL GOVERNMENT IN THE STATE.

F. AN INDIVIDUAL WHO IS REQUIRED TO DISCLOSE THE NAME OF A BUSINESS UNDER THIS SECTION SHALL DISCLOSE ANY OTHER NAMES THE BUSINESS IS TRADING AS OR DOING BUSINESS AS.

~~F~~-G. Contents of statement.

(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 who does business with or is regulated by the City, OR FROM AN ASSOCIATION, OR ANY ENTITY ACTING ON BEHALF OF AN ASSOCIATION THAT IS ENGAGED ONLY IN REPRESENTING COUNTIES OR MUNICIPAL CORPORATIONS.

(8) Sources of earned income.

A-B NO CHANGES

C. FOR A STATEMENT FILED ON OR OAFTER JANUARY 1, 2019, IF THE INDIVIDUAL'S SPOUSE IS A LOBBYIST REGULATED BY CITY, THE INDIVIDUAL

SHALL DISCLOSE THE ENTITY THAT HAS ENGAGED THE SPOUSE FOR LOBBYING PURPOSES.

(9) 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.

(10) RELATIONSHIP WITH UNIVERSITY OF MARYLAND MEDICAL SYSTEM, STATE OR LOCAL GOVERNMENT, OR QUASI-GOVERNMENT ENTITY.

A. AN INDIVIDUAL SHALL DISCLOSE THE INFORMATION SPECIFIED IN GENERAL PROVISIONS ARTICLE §5-607(J)(1), ANNOTATED CODE OF MARYLAND, FOR ANY FINANCIAL OR CONTRACTUAL RELATIONSHIP WITH:

1. THE UNIVERSITY OF MARYLAND MEDICAL SYSTEM;
2. A GOVERNMENTAL ENTITY OF THE STATE OR A LOCAL GOVERNMENT IN THE STATE; OR
3. A QUASI-GOVERNMENTAL ENTITY OF THE STATE OF LOCAL GOVERNMENT IN THE STATE.

B. FOR EACH FINANCIAL OR CONTRACTUAL RELATIONSHIP REPORTED, THE SCHEDULED SHALL INCLUDE:

1. A DESCRIPTION OF THE RELATIONSHIP
2. THE SUBJECT MATTER OF THE RELATIONSHIP; AND
3. THE CONSIDERATION

~~G.~~ H. For the purposes of § 18-7~~F~~ G(1), (2) and (3) of this chapter, the following interests are considered to be the interests of the individual making the statement:

(2) An interest held, AT ANYTIME DURING THE APLLICABLE PERIOD, BY:

- A) a business entity in which the individual held a ((thirty percent)) TEN PERCENT or greater interest; ((at any time during the reporting period.))
- B) A BUSINESS ENTITY DESCRIBED IN SECTION (A) OF THIS SUBSECTION IN WHICH THE BUSINESS ENTITY HELD A TWENTY-FIVE PERCENT OR GREATER INTEREST;
- C) A BUSINESS ENTITY DESCRIBED IN SECTION (B) OF THIS SUBSECTION IN WHICH THE BUSINESS ENTITY HELD A FIFTY-PERCENTY OR GREATER INTEREST; AND
- D) A BUSINESS ENTITY IN WHICH THE INDIVIDUAL DIRECTLY OR INDIRECTLY, THROUG AN INTEREST IN ONE OR A COMBINATION OF THE OTHER BUSINESS ENTITIES, HOLDS TEN PERCENT OR GREATER INTEREST.

~~H-I.~~ Review; enforcement.

- (3) Interest in business entities doing business with City.
  - (a) A statement filed under this section shall include a schedule of all interests in any business entity that does business with the City, AND ANY SPECIFIC GOVERNMENTAL DEPARTMENT OR UNIT IN THE CITY, other than interests reported under Subsection F (2) of this section.

**SECTION 2. AND BE IT FURTHER ORDAINED BY THE SEAT PLEASANT CITY COUNCIL** that all other ordinances or parts of ordinances or provisions of the Code of the City of Seat Pleasant (1994 Edition, as amended) in conflict with the provisions of this Ordinance or the property maintenance code adopted by this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 3. AND BE IT FURTHER ORDAINED BY THE SEAT PLEASANT CITY COUNCIL** that the title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

**SECTION 4. AND BE IT FURTHER ORDAINED BY THE SEAT PLEASANT CITY COUNCIL** that, if any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the City Council that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase or portion hereof.

**SECTION 5. AND BE IT FURTHER ORDAINED BY THE SEAT PLEASANT CITY COUNCIL** that the City Clerk shall certify to the adoption of this ordinance, and cause the same or, to the extent permitted by the Charter, a fair summary of the same, to be published as required by law, and that this Ordinance shall become effective at the expiration of twenty (20) days following approval by the Mayor or passage by the City Council over the Mayor's veto.

### COUNCIL OF THE CITY OF SEAT PLEASANT

DocuSigned by:

*Monica Higgs*

9F512B70B75C4EF  
Monica Higgs, Councilmember

DocuSigned by:

*Hope Love*

C82C3DB8941C480  
Hope Love, Councilmember

DocuSigned by:

*Shireka McCarthy*

4D1F49592EBCAF7E  
Shireka McCarthy, Councilmember

DocuSigned by:

*Gerald R. Raynor, Sr.*

E470AFB8E8DD10A1  
Gerald R. Raynor, Sr., Councilmember

DocuSigned by:

*Kizzie Scott*

42E060D4F370405  
Kizzie Scott, Councilmember

DocuSigned by:

*Gloria L. Sistrunk*

F57C332C46AD427  
Gloria L. Sistrunk, Councilmember

### ATTEST:

DocuSigned by:

*Dashaun N. Lanham*

884D9239E05A45B  
Dashaun N. Lanham, CMC  
City Clerk



**APPROVED:**

This Ordinance was presented to the mayor for his approval or disapproval pursuant to Section C-313 of the Charter for Seat Pleasant this October 11 , 2022.

DocuSigned by:  
*Dashaun N. Lanham*  
\_\_\_\_\_  
8819229C9E445B1  
Dashaun N. Lanham, CMC  
City Clerk

In accordance with Section C-313 of the Charter for Seat Pleasant, I hereby **(APPROVE)** **(DISAPPROVE)** of this Ordinance this 10/14/2022, 2022.

DocuSigned by:  
*Kelly Porter*  
\_\_\_\_\_  
D8E41408D7467  
Kelly Porter, Mayor

**EXPLANATION:**  
CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
((Double Parenthesis)) indicate matter deleted from existing law.  
Underlining indicates amendments to bill.  
~~Strike Out~~ indicates matter stricken from bill by amendment or deleted from the law by amendment.