

## MEMORANDUM

TO: City Council

FROM: Alfred D. Lott  
City Manager

SUBJECT: Repealing and Re-enacting Chapter 2, "Administration", Article V. "Public Ethics," to Amend section 2-71.F., "Financial Disclosure – Elected Officials and Candidates to be Elected Officials" - Ordinance O-1-20

DATE: January 21, 2020

In 2010 the Maryland State Legislature adopted SB315 requiring local governments to adopt local ethics laws including provisions stipulated in the State's provisions. Part of those regulations are conflict of interest and financial disclosure provisions for local elected officials. The requirements under the State Ethics Law have changed under HB879 and local governments are now required to update their local laws to reflect the changes contained.

The attached ordinance includes the provisions required by the adopted State law HB879. First, home addresses that are reported on the Financial Disclosure Statements will be confidential from public disclosure under information act requests. Second, a new category under schedule H of the financial disclosure statement would require the disclosure of the filer's spouse if the spouse is a regulated lobbyist.

During its annual review of the Financial Disclosure Statement forms, the Ethics Commission discussed the need for these updates to the City of Bowie's Ethics Law. The Ethics Commission recommended the changes to the local law be drafted and presented to the City Council for their consideration for approval.

### Staff Recommendation

The staff recommends the Council approval of this ordinance to bring the City of Bowie into compliance with requirements under the State Ethics law for the City of Bowie Local Ethics Law.

ADL/dm

**ORDINANCE**  
**OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND**  
**REPEALING AND RE-ENACTING CHAPTER 2, “ADMINISTRATION”, ARTICLE**  
**V. “PUBLIC ETHICS,” TO AMEND SECTION 2-71.F., “FINANCIAL DISCLOSURE**  
**– ELECTED OFFICIALS AND CANDIDATES TO BE ELECTED OFFICIALS”**

**WHEREAS**, Section 2-69.I. of the Bowie Public Ethics Ordinance authorizes the Bowie Ethics Commission to “recommend changes to this Article that, in the Commission’s opinion, may be required for the city to be in compliance with the requirements of State Government Article, Title 15, Subtitle 8, [now General Provisions Article, Title 5, Subtitle 8,] Annotated Code of Maryland, and [to] forward any such recommended changes and amendments to the City Council for its consideration”; and

**WHEREAS**, the Bowie Ethics Commission recommends to the City Council that the Council enact this Ordinance so that the Bowie Public Ethics Ordinance will be in compliance with the requirements of Annotated Code of Maryland General Provisions Article, Title 5, Subtitle 8, Section 5-809, and Title 5, Subtitle 5, Sections 5-606(a)(3) and 5-607(i)(1)(iii).

**Section 1. NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, by the Council of the City of Bowie, Maryland that Chapter 2, “Administration”, Article V, “Public Ethics”, Section 2-71, “Financial Disclosure – Elected Officials and Candidates to be Elected Officials,” is amended to read as follows:

**Section 2-71. Financial Disclosure – Elected Officials and Candidates to be Elected Officials.**

\* \* \*

E. Public Record.

All Financial Disclosure Statements filed pursuant to this section shall be maintained by the City Clerk and shall be made available during normal office hours for examination and copying by the public, subject, however, to such reasonable fees and administrative procedures as the City Council may establish from time to time. The forms shall be retained for four (4) years from the date of receipt. Any person examining or copying these statements shall be required to record his name, home address, and the name of the person whose disclosure statement was examined or copied. This record shall be forwarded upon request to the person whose disclosure statement is so examined or copied. **NOTWITHSTANDING THE FOREGOING, THE CITY CLERK MAY NOT MAKE AVAILABLE FOR EXAMINATION AND COPYING BY THE PUBLIC ANY PORTION OF A FINANCIAL DISCLOSURE STATEMENT THAT INCLUDES AN INDIVIDUAL’S HOME ADDRESS THAT THE INDIVIDUAL HAS IDENTIFIED AS THE INDIVIDUAL’S HOME ADDRESS.**

F. Contents of Statement. All Financial Disclosure Statements filed pursuant to this section shall be on a form developed by the Commission with the assistance of the City Attorney, and shall disclose the following interests, if known:

**CAPITALS** : Indicate matter added to existing law.  
[Brackets] : Indicate matter deleted from existing law.  
Asterisks\*\*\* : Indicate matter retained in existing law but omitted herein.

\* \* \*

7. Employment with the City. A statement filed under this section shall include a list of the immediate family members of the individual employed by the City in any capacity at any time during the reporting period.

[a.] 8. Sources of earned income.

[1.] 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.

[2.] B. A minor child’s employment or business ownership need not be disclosed if the City does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.

C. FOR A STATEMENT FILED ON OR AFTER JANUARY 1, 2019, IF THE INDIVIDUAL’S SPOUSE IS A REGULATED LOBBYIST, THE STATEMENT SHALL INCLUDE THE NAME AND ADDRESS OF THE ENTITY THAT HAS ENGAGED THE SPOUSE FOR LOBBYING PURPOSES.

[8] 9. Additional Information. A statement filed under this section may also include such additional interests or information as the person making the statement wishes to disclose.

**Section 2. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF BOWIE** that, this Ordinance shall become effective thirty (30) days after its enactment by the Council of the City of Bowie, Maryland provided that a fair summary of this Ordinance is published at least once prior to the passage and at least once within ten (10) days after the date of passage in a newspaper having general circulation in the City.

**INTRODUCED** by the Council of the City of Bowie, Maryland at a Regular Meeting on \_\_\_\_\_, 20\_\_ .

**PASSED** by the Council of the City of Bowie, Maryland at a Regular Meeting on \_\_\_\_\_, 20\_\_.

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[Brackets] : Indicate matter deleted from existing law.  
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**ATTEST:**

**THE CITY OF BOWIE, MARYLAND**

\_\_\_\_\_  
Awilda Hernandez  
City Clerk

\_\_\_\_\_  
Timothy J. Adams  
Mayor

**APPROVED AS TO FORM AND  
SUFFICIENCY:**

\_\_\_\_\_  
Elissa D. Levan, City Attorney

\_\_\_\_\_  
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