

Town of Chevy Chase
Ordinance to Amend the Public Ethics Law
(2017 Legislative Session Amendments)

Ordinance No.: 18-01
Introduced: January 10, 2018
Adopted: March 19, 2018
Effective Date: April 9, 2018

WHEREAS, the Maryland Code, Local Government Article, Section 5-202, as amended, authorizes the legislative body of each municipal corporation in the State of Maryland to pass ordinances that such legislative body deems necessary to assure the good government of the municipality, to protect and preserve the municipality's rights, property and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, Section 301 of the Town of Chevy Chase Charter authorizes the Town Council to pass ordinances as it may deem necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the resident(s) of the Town; and for such other police and health matters as it may deem necessary; and

WHEREAS, the State Public Ethics Law, State Government Article, Section 15-803 of the Maryland Code, as amended, requires each municipal corporation to enact provisions, equivalent to the provisions applicable to State officials, to govern the public ethics of local officials relating to conflicts of interest, financial disclosure, and lobbying; and

WHEREAS, by letter dated January 25, 2013, the Town was granted partial exemption from the State Public Ethics Law, and need not adopt the requirements related to lobbying; and

WHEREAS, the Town of Chevy Chase adopted Ordinance No. 13-03, on November 13, 2013, to amend the Town Ethics Law to incorporate the requirements of the State Public Ethics Law, relating to conflicts of interest and financial disclosure; and

WHEREAS, the Town Council finds that further amendment of the Town Public Ethics Ordinance is necessary to incorporate certain mandatory changes and desirable to incorporate certain permissive changes to the State Ethics Law enacted during the 2017 Legislative Session, as described by the State Ethics Commission in its letter to the Town Ethics Commission dated October 3, 2017; and

WHEREAS, the Town Council finds that the ordinance as hereinafter set forth is necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger and destruction; and for the protection and

promotion of the health, safety, comfort, convenience, welfare and happiness of the resident(s) of the Town; and

WHEREAS, the Town Council introduced the following Ordinance on the 10th day of January, 2018 and after proper notice to the public, the Town Council conducted a public hearing at which it considered the following Ordinance in public session assembled on the 19th day of March, 2018; and

WHEREAS, the Town Council provided a copy of the introduced Ordinance to the State Ethics Commission for its review and, by letter dated March 1, 2018, the State Ethics Commission approved the Ordinance.

NOW, THEREFORE, the Town Council of the Town of Chevy Chase does hereby adopt the following ordinance:

SECTION 1. BE IT ORDAINED AND ORDERED, this 19th day of March, 2018, by the Town Council of Town of Chevy Chase, acting under and by virtue of the authority granted to it by the State Government Article of the Maryland Code, and Section 301 of the Town Charter, that Chapter 2, Division 4 of the Town Code is hereby revised as follows:

Chapter 2

* * *

DIVISION 4. PUBLIC ETHICS

* * *

Sec. 2-53. Definitions.

* * *

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.**

* * *

Home address means the address of an individual's:

- (1) **Principal home; and**
- (2) **Designated second home, if any.**

* * *

Interest means:

(1) 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 section 2-56 of this division, "interest" includes any interest held at any time during the reporting period.

(3) "Interest" does not include:

* * *

f. A mutual fund **or exchange-traded fund** that is publically traded on a national scale unless the ~~mutual~~ fund is composed primarily of holdings of stocks and interests in a specific sector or area that is regulated by the town.

* * *

Principal home means the sole residential property that an individual occupies as the individual's primary residence, whether owned or rented by the individual.

* * *

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.

* * *

Sec. 2-55. - Conflicts of interest.

* * *

(d) *Post-employment limitations and restrictions.*

* * *

(2) ~~Until the conclusion of the next regular session that begins after the elected official leaves office, a~~ **A** former member of the town council may not assist or represent another party for compensation in a matter that is the subject of legislative action **in the Town for twelve (12) months from the date the elected official leaves office.**

* * *

(f) *Use of prestige of office.*

(1) An official or employee may not intentionally use the prestige of office or public position for the private gain of that official or employee or the private gain of another, **including, but not limited to, influencing the award of a town contract to a specific person.**

(2) This subsection does not prohibit the performance of usual and customary constituent services by an elected local official without additional compensation.

* * *

Sec. 2-56. - Financial disclosure—Local elected officials and candidates to be local elected officials.

* * *

(c) Public record.

* * *

(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 individual's home address.

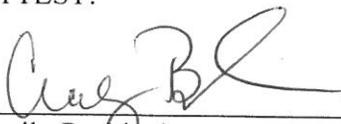
* * *

SECTION 2. AND BE IT FURTHER ORDAINED AND ORDERED, this 20th day of March, 2018, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the authority granted to it by the Maryland Code and the Town Charter, that:

(1) If any part or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and

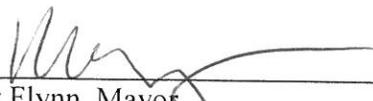
(2) This Ordinance shall take effect on the 9th day of April, 2018.

ATTEST:



Cecily Baskin, Secretary

TOWN OF CHEVY CHASE



Mary Flynn, Mayor
Town of Chevy Chase

Bold and Underline indicates new material
~~Strike-through~~ indicates material deleted
* * * indicates material unchanged