

Chapter 8

FINANCIAL DISCLOSURE AND ETHICS

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[HISTORY: Adopted by the Town Commissioners of the Town of Perryville during codification 12-6-83 by Res. No. 83-1; see Ch. 1, General Provisions, Art. II. Amendments noted where applicable.]

§ 8-1. Applicability. [Amended 9-2-86 by Ord. No. 86-1]

The provisions of this chapter apply to all employees of the Town of Perryville and to members of the Board of Commissioners, the Planning and Zoning Board and the Board of Zoning Appeals and the members of all decision-making boards as well as the Town Attorney, the Town Administrator and all Town Supervisors.

§ 8-2. Ethics Commission.

There shall be a Town of Perryville Ethics Commission, which shall be composed of three (3) members appointed by the Town Commissioners. The Commission shall be advised by the Town Attorney and shall have the following responsibilities:

- A. To devise, receive and maintain all forms generated by this chapter.
- B. To provide published 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 persons alleging violations of this chapter.

- D. To conduct a public information program regarding the purposes and application of this chapter.

§ 8-3. Conflicts of Interest.

The Town of Perryville officials and employees who are subject to this chapter shall not:

- A. Participate on behalf of the Town in any matter which would have a direct financial impact on them, their spouse or dependent child or a business entity with which they are affiliated.
- B. Hold or acquire an interest of either one thousand dollars (\$1,000.) or twenty percent (20%) or greater in a business entity that has or is negotiating a contract of two thousand dollars (\$2,000.) or more with the Town or is regulated by their agency.
- C. Be employed by a business entity that has or is negotiating a contract of more than two thousand dollars (\$2,000.) with the Town or is regulated by their agency.
- 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. Solicit any gifts, no matter what the value or accept gifts, meals, etc., of greater than fifty dollars (\$50.) value from any person that has or is negotiating a contract with the town or is regulated by an agency of the town, except where such gifts would not present a conflict of interest as determined by the Commission. A gift is defined as anything of value transferred without adequate and lawful consideration. **[Amended 9-2-86 by Ord. No. 86-1].**
- G. Use the prestige of their office for their own benefit or that of another.
- H. Use confidential information acquired in their official town position for their own benefit or that of another

§ 8-4. Financial Disclosure.

- A. The Town officials, employees and board members listed in § 8-1 shall file annually, no 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 or entity having a contract with the town or person or entity regulated by the town or any of its agencies or departments. The statement shall identify the donor of the gift and its approximate retail value at the time of receipt. **[Amended 9-2-86 by Ord. No. 86-1]**
- B. Any candidate for election to the Board of Commissioners of the Town of Perryville or nomination to any other position covered by this chapter shall file a disclosure statement consistent with the requirements of this § 8-4 along with his certificate of candidacy or nomination for the calendar year proceeding, unless said candidate is filing for reelection or reappointment and has already complied with Subsection A above. **[Amended 9-2-86 by Ord. No. 86-1]**
- C. All Town officials and employees subject to this chapter shall file a statement with the Commission disclosing any interest or employment the holding of which would require disqualification from participation pursuant to § 8-2A of this chapter.
- D. The disclosures provided herein shall be available to the public for inspection upon written request being made to the Commission. Anyone so inspecting said disclosures shall have the right to obtain a copy of any information contained therein by making a specific request for a copy of a document inspected. **[Added 9-2-86 by Ord. No. 86-1]**

§ 8-5. 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 one hundred dollars (\$100.) on food, entertainment or other gifts for such officials shall file a registration statement with the Commission no later than January 15 of the calendar year or within five (5) days after first making such appearances.
- B. 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 proposes to make such appearances.

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- 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. Where a gift or series of gifts to a single official or employee exceed one hundred dollars (\$100.) in value, the official or employee shall also be identified.
- D. The disclosures provided for herein shall be available for inspection and copying upon written request being made to the Commission. **[Added 9-2-86 by Ord. No. 86-1]**

§ 8-6. 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 in such order in the Circuit Court of Cecil 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. A violation of this chapter shall be a misdemeanor subject to a fine not to exceed five hundred dollars (\$500.) or imprisonment not to exceed one (1) year. **[Amended 9-2-86 by Ord. No.86-1]**