

The City of Brunswick

Ethics Handbook



A Handbook for Employees and Officials

*City of Brunswick Ethics Commission
Approved June 21, 2006*

*Mayor and Council
Approved July 11, 2006*

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www.brunswickmd.gov/ethics-commission

General

What is the purpose of the City of Brunswick Ethics Ordinance?

The purpose of the Ethics Ordinance is to set minimum standards of Ethical Conduct for City officials and employees, so as to ensure that the City's business will be conducted impartially and not be subject to improper influences. In 1984, 2006, and in 2014, the Mayor and Council strengthened the provisions of the Ethics Ordinance, demonstrating their commitment to maintaining the highest standards of ethical conduct and personal integrity in the day-to-day activities of the City's operation.

Why does the City have an Ethics Ordinance?

The State of Maryland has adopted legislation requiring each municipality within the State to enact local laws that, at a minimum, govern the public ethics of local officials relating to conflicts of interest, financial disclosure, and lobbying. The City of Brunswick adopted its first Ethics Ordinance in 1983. Each revision of the City's Ethics Ordinance must be reviewed and approved by the State Ethics Commission.

To whom does the City's Ethics Ordinance apply?

The City's Ethics Ordinance applies to all City employees and officials, whether they are elected or appointed. This includes all members of City boards and commissions, whether or not they are compensated for their work.

What should I know about the Ethics Ordinance?

The Ethics Ordinance, contained in Ordinance 512 of the City of Brunswick Code of Ordinances, establishes:

- The composition and duties of the City's Ethics Commission;
- A process for requesting an advisory opinion;
- A complaint procedure;
- Standards of conduct to preempt or mitigate conflicts of interest;
- Financial disclosure requirements for elected officials, certain employees, and members of certain boards and commissions;
- A requirement for registration and financial disclosure by lobbyists;
- A procedure for requesting an exemption or modification to the conflict of interest and financial disclosure provisions of the Law; and
- Enforcement and penalty provisions.

A copy of the Ethics Ordinance can be found at the website www.brunswickmd.gov/ethics-commission or by contacting City Hall.

Who administers the Ethics Ordinance?

The Ethics Ordinance establishes an independent Ethics Commission that consists of not fewer than three (3) and not more than five (5) members. The Commission members are volunteers who are appointed by the Mayor, with the consent of the Council.

How do I contact the Ethics Commission?

You may visit the City of Brunswick Ethics website at www.brunswickmd.gov/ethics-commission or write to the City of Brunswick Ethics Commission, c/o City Hall, 1 W. Potomac St., Brunswick, MD 21716. All contacts with the Commission and its staff are confidential.

Conflict of Interest

What is a “conflict of interest?”

A conflict of interest is a situation that exists whenever an official or employee’s private interest could affect the performance of his/ her official duties.

In what kinds of situations could a conflict of interest occur?

A conflict of interest can occur in a situation where a City official or employee participates on behalf of the City in a matter that would have a direct financial impact, as distinguished from the public generally, on them, their spouse, child, or a business entity with which they are affiliated.

A conflict of interest can also occur when a City official or employee holds or acquires an interest in or is employed by a business entity that has or is negotiating a contract with the City or is regulated by their agency. A City official or employee cannot hold an outside employment relationship that would impair his/her independence of judgment.

A City official or employee is also prohibited from representing any party, for a contingency fee, before any City body.

A conflict of interest can occur if a City official or employee solicits a gift or knowingly accepts any gift from an entity that he/she knows is doing business with the City or has financial interests that may be materially affected by the performance or non-performance of his/her official duty. However, a City official or employee can accept certain classes of gifts as set forth in more specificity in the Ordinance.

A City official cannot use the prestige of his/her office to advance his/her private interests or the private interests of others. For example, a City official or employee cannot: (1) act or create the appearance of acting on behalf of the City when not authorized to do so; (2) represent his/her personal opinion to be that of the City; (3) use or attempt to use his/her position to obtain unlawful and/or unwanted privileges for himself/herself; (4) use City time for private gain; or (5) use confidential information for his/her own benefit.

How does the public Ethics Ordinance seek to avoid conflicts of interest?

To prevent conflicts of interest from affecting the operation of the City’s business, the Ethics Ordinance prohibits officials and employees from participating in matters in their official capacities in certain circumstances. An official or employee is generally prohibited from:

- Participating in a matter in which the official or employee or a relative of the official or employee has a financial interest;
- Being employed by a business that has or is negotiating a contract with the City or is regulated by the City;

- Holding outside employment that would impair the official's or employee's impartiality or independence of judgment in their duties with the City;
- Representing a party before any board or commission of the City;
- Representing another as a paid representative within 1 year following termination of City service in connection with any specific matter in which he/she participated substantially as a City official or employee;
- Soliciting any gift or accepting any gift that has a value in excess of \$20 from any person or business that has or is negotiating a contract with the City or is regulated by the City;
- Using the prestige of his/her office or position to advance his/her own private interest or the private interest of another;
- Using or disclosing confidential information acquired in City employment for his/her own benefit or the benefit of another.
- Causing or advocating that a family member be hired, employed, promoted, transferred, or advanced to any full- or part-time paid position with the City.

Financial Disclosure

What is financial disclosure?

The disclosure of one's financial interests is a common requirement made of government officials at all levels.

Disclosure serves several purposes:

- It enables ethics officials and the public to identify and/or monitor possible conflicts of interest.
- It demonstrates to the public that interests are not hidden, and that generally, officials and employees are not in conflict of interest situations.
- It allows voters to evaluate the suitability of candidates for public office.
- It provides an opportunity for officials and employees to recognize and avoid potential conflicts. Conflict of interest situations are not static. As situations change, the potential for conflict may rise and fall, depending on the type and level of interest. Also, the potential for conflict may not always be obvious.

Who has to file Financial Disclosure statements?

The City's Ethics Ordinance requires Financial Disclosure statements to be filed by the Mayor, Council members, City Administrator, Chief of Police, Superintendent of Public Works, Superintendent of Water/Waste Water, Planning & Zoning Administrator, Assistant Chief of Police, Development Review Coordinator, and Accountant, and members of the Planning Commission, Board of Appeals, and Ethics Commission. All candidates for Mayor and Council must also file Financial Disclosure statements.

What kind of information does the Financial Disclosure Statement require?

The Financial Disclosure Statement requires information in the following general subject areas:

- Any gifts over \$20 in value and gifts exceeding \$100 from the same person or business in one calendar year;

A copy of the Financial Disclosure Statement can be obtained at www.brunswickmd.gov/ethics-commission.

When must a Financial Disclosure Statement be filed?

Financial Disclosure Statements are filed annually, not later than April 30th of each year. Candidates for elected office or appointees to the commissions and boards subject to this provision must file a Statement at the time that they file their certificate of candidacy or are appointed to a commission or board.

In addition, persons subject to this provision are required to file a Statement disclosing any interest or employment which would require disqualification from participation pursuant to conflict of interest provisions of the Ethics Ordinance sufficiently in advance of any anticipated action to allow adequate disclosure to the public.

What happens to the Financial Disclosure Statements after they are filed?

The Statements are reviewed by the Ethics Commission to determine whether the information provided indicates the existence of any conflicts of interest.

The Commission maintains statements as public records available for public inspection and copying.

Lobbying Disclosure

What is Lobbying Disclosure?

The Ethics Ordinance requires that any person who appears before any City official or employee with the intent to influence that person in the performance of his/her official duties and expects to expend in a given calendar year in excess of \$500 on food, entertainment, or other gifts must file a Registration Statement.

What kinds of information does the Ethics Ordinance require of lobbyists?

The Registration Statement includes:

- The identification of the person or business who expects to appear before any City official or employee and any other person on whose behalf the person or business acts.
- The subject matter on which the person or business proposes to make appearances before any City official or employee.
- The value, date, and nature of any food, entertainment, or other gift provided to any City official or employee.

When must Registration Statements and Reports be filed?

An initial Registration Statement must be filed not later than January 15th of each calendar year or within 5 days after first making an appearance. In addition, a Report detailing any food, entertainment, or other gifts provided to any City official or employee must be filed by January 30th for any previous calendar year during which they were registered.

What happens to the Registration Statements and Reports?

The Registration Statements and Reports are reviewed by the Ethics Commission to determine whether the information provided indicates the existence of any conflicts of interest.

The Commission maintains Statements and Reports as public records available for public inspection and copying.

Advisory Opinions

What is an Advisory Opinion?

An Advisory Opinion is a formal, written opinion, issued by the Ethics Commission, stating whether an activity, conduct, or action would violate the Ethics Ordinance.

How do I request an Advisory Opinion?

If a City employee or elected official questions whether an activity, conduct, or action violates the Ethics Law, that individual should contact the City Staff Liaison to the Ethics Commission or visit the City of Brunswick Ethics website at www.brunswickmd.gov/ethics-commission to receive a Request for Advisory Opinion Form. Once the requestor has completed the Request for Advisory Opinion Form it should be returned to the City Staff Liaison in a sealed envelope marked "Request for Advisory Opinion," either via hand-delivery or first-class mail to City of Brunswick Ethics Commission, City Hall, 1 West Potomac Street, Brunswick, Maryland 21716. The City Staff Liaison shall forward all received requests directly to the Ethics Commission.

The request should include the name, address, telephone number, and signature of the requestor, and should describe the facts and circumstances in question.

The Ethics Commission meets to hear and decide requests for Advisory Opinions monthly.

What happens after a request for an Advisory Opinion is submitted to the Ethics Commission?

After receipt of the Request, the Ethics Commission shall make an initial determination as to whether the information provides a sufficient basis to issue an Advisory Opinion. The Ethics Commission may instruct the City Attorney to investigate the facts to aid the Commission in its evaluation of the request. If the Ethics Commission requires additional information in order to provide an Advisory Opinion, the Ethics Commission may compel the requestor to attend a hearing to further develop the facts and circumstances. After deliberation, the Commission will provide an interpretation of the applicability of the provisions of the Ethics Ordinance to the requestor based on the facts provided to it.

The Commission's interpretation shall be rendered as a formal, written Advisory Opinion, and shall be sent to the requestor. If appropriate and/or requested, a Waiver may be part of the Advisory Opinion. All Advisory Opinions shall be written without disclosing the names of any persons involved in order to maintain confidentiality. Once the Advisory Opinion has been released to the requestor, it is available for public inspection and copying.

Complaints

What is a Complaint?

A Complaint is a written statement, signed under oath, alleging a violation of the Ethics Ordinance. Any person may file a Complaint. A Complaint must be filed within 1 year of the alleged violation. In addition, the Ethics Commission on its own initiative may issue a Complaint alleging a violation of the Ethics Ordinance. The Ethics Commission may dismiss a Complaint at any time if it determines that the evidence does not support further action.

How do I file a Complaint?

If you question whether an activity, conduct, or action violates the Ethics Ordinance, contact the City Staff Liaison to the Ethics Commission for guidance. An Ethics Complaint must be submitted to the City Ethics Commission using the Ethics Complaint form, available on the web at www.brunswickmd.gov/ethics-commission. Submit the completed form to the City of Brunswick Ethics Commission, c/o City Hall, 1 W. Potomac St., Brunswick, MD 21716. The request should include the name, address, telephone number, and signature of the requestor, and should describe the facts and circumstances in question. Ethics Complaint Forms must also be notarized in order to be processed by the Ethics Commission. The Ethics Commission will only consider Ethics Complaint Forms that are filled out properly and completely, signed by the complainant, and notarized.

What happens after a Complaint is received?

1. After an Ethics Complaint Form is received, the Ethics Commission will make an initial determination as to whether the evidence supports further action. As part of its initial determination, the Ethics Commission may dismiss the Complaint, direct the City Attorney to investigate the allegations to aid the Commission in its initial evaluation of the Complaint, or set a formal hearing on the Complaint. The Ethics Commission shall notify the complainant in writing of its initial determination.
2. At the formal hearing on the Complaint, the complainant and City employee or elected official named in the Complaint shall be given the opportunity to present evidence and cross-examine witnesses.
3. The Commission may issue subpoenas and compel the attendance of witnesses and production of documents.
4. All testimony shall be taken under oath.
5. If the Commission decides after considering the evidence that no violation of the Ethics Ordinance has occurred, the Complaint shall be dismissed.
 1. If the Commission determines that any provision of the Ethics Ordinance has been violated, the Commission will issue a formal written Decision that includes findings of fact and conclusions of law based on the evidence presented.
 2. Upon a finding of a violation of the Ethics Ordinance, the Commission may order administrative sanctions or refer the matter to the appropriate civil authority for enforcement.

3. Once a final determination is made by the Commission on a Complaint, the formal Decision of the Commission is available for public inspection and copying.

If I file a Complaint, who will know about it?

The Ethics Ordinance requires that any proceedings, meetings, hearings, and activities of the Commission and its staff in connection with a Complaint shall be conducted, to the extent possible, in a confidential manner, and subject to the Open Meetings Act.

Enforcement and Penalties

What can happen to someone who violates the Ethics Ordinance?

If the Ethics Commission determines that the Ethics Ordinance has been violated, it may:

- Issue a cease and desist order to stop the violation.
- Impose a fine of up to \$5,000.
- Void an official action taken by an official or employee when the action was taken in violation of the Ethics Ordinance.
- Order the violator to pay restitution.

An official or employee found to have violated the Ethics Ordinance may also be subject to disciplinary or other appropriate personnel action, including but not limited to suspension of salary or other compensation.