

Chapter 2

ADMINISTRATION*

* **Cross References:** Elections, Ch. 8; personnel, Ch. 13.

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ARTICLE I.

IN GENERAL

Sec. 2-1. Use of city vehicles restricted.

Only city employees, officials, members of the city council, visitors on city business or other authorized persons shall be permitted to ride, operate or be in or on any vehicle or piece of motor-driven equipment owned or operated by the city, except in cases of emergency. Any employee or official of the city who violates or permits the violation of any of the provisions of this section shall be subject to dismissal.

(Code 1971, § 2-1)

Sec. 2-2. Job classification and salary of city manager.

The job classification and salary of the city manager shall be fixed by motion of the city council.
(Code 1971, § 2-2)

Cross References: Employee compensation plan, § 13-101 et seq.

Sec. 2-3. Bonds for city employees.

(a) The city manager shall obtain from a recognized surety company a public employees faithful performance bond to provide coverage on all employees except the city treasurer in the amount of at least fifty thousand dollars (\$50,000.00).

(b) The city manager shall be included as an employee in the public employees faithful performance bond. However, an endorsement shall be obtained increasing the limit of liability upon the position of city manager to at least one hundred thousand dollars (\$100,000.00).

(c) The city manager shall obtain bond for the city treasurer in the amount of at least one hundred thousand dollars (\$100,000.00) from a recognized surety company.
(Code 1971, §§ 2-45--2-47)

Charter References: Premium on official bonds to be paid by city, § 70.

Secs. 2-4--2-20. Reserved.

ARTICLE II.

FINANCIAL AFFAIRS*

* **Charter References:** Financial affairs, § 46 et seq.

Cross References: Cable television franchise fee, § 5-20; perpetual maintenance cemetery trust fund, § 6-19; licenses, permits and miscellaneous business regulations, Ch. 10; taxation, Ch. 19.

State Law References: Power of municipality to control its finances, Anno. Code of Md., Art. 23A, § 2(a)(11).

DIVISION 1.

GENERALLY

Sec. 2-21. City depositories.

The city manager shall designate from time to time one or more financial institutions in which the city treasurer shall deposit city funds. Only Maryland financial institutions meeting the requirements of the state for the deposit of municipal funds shall be designated. City funds not required to meet current obligations of the city may be invested in such manner as may be authorized by the state.

(Code 1971, § 8-1; Ord. No. 933, 1-24-83)

Sec. 2-22. Signatures on checks, vouchers and purchase orders.

(a) All checks, vouchers and purchase orders of the city shall be signed by both the city treasurer and the city manager, except as otherwise provided. If either office shall be vacant or the person holding such office shall be absent or incapacitated, the city council shall by resolution designate a substitute person to sign such checks, vouchers and purchase orders.

(b) Only one signature shall be required on checks drawn against the payroll account of the city for the purpose of paying salaries or wages. The signature appearing on payroll checks shall be that of either the person holding the position of city treasurer or the person holding the position of city manager.

(c) Upon the recommendation of the city manager, the city council may authorize the assistant city manager to sign checks, vouchers and purchase orders in the place of the city manager, subject to such regulations or restrictions as may be imposed either by the city manager or the city council.
(Code 1971, §§ 8-2, 8-3; Ord. No. 989, 6-10-86)

Sec. 2-23. Equipment replacement fund.

(a) An equipment replacement fund is hereby established for the purpose of receiving money annually appropriated for replacement of equipment previously in use. This fund shall be maintained as a separate account subject to internal accounting controls; and no disbursement shall be made therefrom, except for the purpose of replacing equipment which may be necessary, from budgetary appropriations for replacement purposes. Deposits shall be made in such fund so as to record the deposit of all replacement appropriations prior to the close of each fiscal year.

(b) The city manager and the city treasurer shall be authorized to invest funds not required to meet current obligations in short-term interest-bearing notes, bonds or other obligations as authorized by the Charter of the city and to temporarily transfer such funds to another fund of the city as a short-term interfund loan pending the receipt of anticipated money in the fund to which the interfund loan is made, provided that all such money loaned to another fund shall be repaid prior to the close of each fiscal year and further provided that any fund receiving an interfund loan shall pay the equipment replacement fund interest for the term of the loan comparable to the interest which would be earned if the replacement fund moneys had been invested in interest-bearing notes, bonds or other obligations.
(Code 1971, § 8-5; Ord. No. 981, 2-24-86)

Sec. 2-24. Reserved.

Editors Note: Ord. No. 1068, adopted May 29, 1991, repealed former § 2-24, which pertained to the revenue sharing fund and derived from the 1971 Code, § 8-5.1; and Ord. No. 981, adopted Feb. 24, 1986.

Sec. 2-25. Capital projects fund.

(a) A capital projects fund is hereby established for the purpose of accounting for the cost of capital improvements to streets, parks, buildings, and other city facilities, and for the acquisition of land. Revenues of the fund shall be such funds as may be appropriated to this fund annually in the general fund and such other funds as may be designated to be received into this fund. The council shall appropriate from time to time from the unappropriated fund balance for capital improvement projects. Such appropriations shall not expire at the close of a fiscal year and shall continue in effect until such time as the project is completed, at which time any unexpended and unencumbered balance of funds shall be returned to the unappropriated fund balance.

(b) The city manager and the city treasurer shall be authorized to invest funds not required to meet current obligations in short-term interest-bearing notes, bonds or other obligations as authorized by the Charter of the city and to temporarily transfer such funds to another fund of the city as a short-term interfund loan pending the receipt of anticipated money in the fund to which the interfund loan is made, provided that all such money loaned to another fund shall be repaid prior to the close of each fiscal year and further provided, that any fund receiving any interfund loan shall pay the capital projects fund interest for the term of the loan comparable to the interest which would be earned if the replacement fund moneys had been invested in interest-bearing notes, bonds or other obligations.

(Ord. No. 1009, 1-12-88)

Sec. 2-26. Reserved.

Editors Note: Ord. No. 1263, adopted Feb. 27, 2006, repealed § 2-26, which pertained to the unemployment compensation reserve fund and derived from the 1971 Code; and Ord. No. 981, adopted Feb. 24, 1986.

Sec. 2-27. Procedure for levy and collection of special assessments.

Pursuant to the authority granted in section 64 of the city Charter, the following methods and procedures shall govern the levy and collection of special assessments for benefits conferred:

- (1) A proposal to install or provide a permanent or continuing benefit shall be made by ordinance.
- (2) The ordinance shall clearly set forth a description or nature of the special service or benefits, to be performed or undertaken by the city, which requires a special levy or assessment. A reference to a set of plans or specifications, officially approved by the city council, may serve as a proper reference or description of a special improvement.
- (3) The ordinance shall describe, in a readily identifiable manner, the property to be benefited and shall list the names and addresses of the owners.
- (4) The ordinance shall state the estimated total or periodic cost of the improvement or service.
- (5) The ordinance shall state the proposed basis, or levy and collection of the special assessment, such as proportionate front footage, ad valorem or other basis, and whether the assessment will be a fixed amount, payable in one or more periodic installments, as an annual or other periodic amount, payable as long as the service or benefit is provided.
- (6) The city council shall set a time and place for a public hearing to be held on such proposal, to determine whether such benefit shall be provided, and the basis for the levy and assessment for the cost of such benefit.
- (7) A copy of such proposed ordinance shall be mailed, by regular mail, to each owner of property proposed to be assessed, as such address appears upon the tax records of the city, not less than ten (10) days before the date of the hearing.
- (8) After such hearing, the city council may adopt the ordinance providing for the proposed benefits and making the levy and assessment for the cost of such benefit.

- (9) No separate board of revision or appraisal shall be created, but the city council shall perform such function.

(Code 1971, § 8-6; Ord. No. 937, 4-4-83)

Sec. 2-28. Reserved.

Editors Note: Ord. No. 1264, adopted Feb. 27, 2006, repealed § 2-28, which pertained to the temporary disability reserve fund and derived from Ord. No. 1042, adopted July 10, 1989; Ord. No. 1140, adopted Aug. 14, 1995; and Ord. No. 1208, adopted Mar. 11, 2002.

Sec. 2-29. Special projects fund.

(a) A special projects fund is hereby established for the purpose of receiving federal, state, and local government and other private source grants that support specific one-time initiatives. This fund shall be maintained separately subject to internal accounting controls; and no disbursements shall be made from the special projects fund except for the purpose of paying expenses directly related to the funding source.

(b) Interest revenue earned by this fund shall be transferred to the general fund at the close of each fiscal year unless the funding source requires that all interest revenue derived from its grant be used toward funding the project that its grant monies support.

(c) All expenditures funded in the special projects fund shall be approved by the city council on a "project length" basis. A grant from a single source that funds several projects shall require city council approval for each project separately. Further, several grants obtained by the city may support a single project which shall require that city council approve the sole initiative only.

(d) The city manager and city treasurer shall be authorized to invest funds not required to meet current obligations in short-term interest-bearing notes, bonds or other obligations, as authorized by the Charter of the city; and to temporarily transfer such funds to another fund of the city as a short-term interfund loan, pending the receipt of anticipated monies in the fund to which the interfund loan is made, provided that all such money lent to another fund shall be repaid prior to the close of each fiscal year, and further provided that any fund receiving an interfund loan shall pay to the special projects fund interest for the term of the loan comparable to the interest that would be earned if the fund monies had been invested in interest-bearing notes, bonds or other obligations.

(Ord. No. 1200, 6-11-01)

Sec. 2-30. Building Capital Reserve Fund.

(a) A building capital reserve fund is hereby established for the purpose of receiving money annually appropriated for the replacement of building systems, such as roofs and heating cooling systems, in city facilities. This fund shall be maintained as a separate account subject to internal accounting controls; and no disbursement shall be made therefrom, except for the purpose of replacing building systems that may be necessary from budgetary appropriations. Deposits shall be made in such fund so as to record the deposit of all appropriations prior to the close of each fiscal year.

(b) The city manager and city treasurer shall be authorized to invest funds not required to meet current obligations in short-term interest-bearing notes, bonds or other obligations, as authorized by the Charter

of the city; and to temporarily transfer such funds to another fund of the city as a short-term interfund loan, pending the receipt of anticipated monies in the fund to which the interfund loan is made, provided that all such money lent to another fund shall be repaid prior to the close of each fiscal year, and further provided that any fund receiving an interfund loan shall pay to the building capital reserve fund interest for the term of the loan comparable to the interest that would be earned if the fund monies had been invested in interest-bearing notes, bonds or other obligations.

(Ord. No. 1236, 6-30-03)

Secs. 2-31--2-35. Reserved.

DIVISION 2.

PURCHASING PROCEDURES*

* **Charter References:** Purchases, § 40.

Sec. 2-36. Purchasing office established; supervision of purchasing office.

There is hereby established a purchasing office within the administrative services of the city which shall be headed by the purchasing agent who shall be the city manager or a qualified employee appointed by the city manager. He shall perform all duties required by law and shall have the powers and duties prescribed by this division.

(Code 1971, § 8-15)

Charter References: Manager to control purchasing, § 40.

Sec. 2-37. Purchasing agent generally.

(a) The purchasing agent is authorized to purchase or contract for all supplies and contractual services needed by any using agency or department which derives its support wholly or in part from the city in accordance with purchasing procedures as prescribed by this division and such rules and regulations as the agent shall adopt for the internal management and operation of the purchasing office, and such other rules and regulations which are from time to time prescribed by the city council.

(b) In addition to any powers and duties prescribed by this article the purchasing agent shall:

- (1) Act to procure for the city the highest quality in supplies and contractual services at the lowest expense to the city;
- (2) Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases and sales;
- (3) Establish and amend, when necessary, all rules and regulations authorized by this article and any others necessary to its operation;
- (4) Keep informed of current developments in the field of purchasing, prices, market conditions, and new products, and secure for the city the benefits of research done in the field of purchasing by

other governmental jurisdictions, national technical societies, trade associations having national recognition, and by private businesses and organizations;

- (5) Prescribe and maintain such forms as he shall find reasonably necessary to the operation of this article;
- (6) Exploit the possibilities of buying "in bulk", so as to take full advantage of discounts;
- (7) Act so as to procure for the city all federal and state exemptions to which it is entitled;
- (8) Have the authority to declare vendors who default on their quotations, irresponsible bidders, and to disqualify them from receiving any business from the city for a stated period of time.

(Code 1971, §§ 8-16, 8-17)

Sec. 2-38. Competitive bidding.

(a) Any purchase of supplies or contractual services, when the estimated or known cost thereof exceeds ten thousand dollars (\$10,000.00) shall be authorized by the city council and such purchases shall be made after the taking of competitive bids unless the taking of bids is not required as otherwise provided in this division.

(b) Public notice of all required bidding shall be given in one issue of a newspaper having general circulation within the city, and such other newspapers or trade publications as may be considered appropriate for notifying a sufficient number of vendors to assure effective competition. Such public notice shall be published not less than twenty (20) days prior to the opening of bids. Copies of the notice shall be mailed to a list of qualified vendors prepared by the purchasing agent, which list shall include all responsible prospective suppliers who have requested their names to be placed on the list of bidders. Special attention shall be given to notifying vendors having offices or residing within the city or which have qualified with the federal government, state or county as a minority-owned business enterprise. The notice required herein shall include a general description of the articles to be purchased or sold, shall state where bid specifications may be secured, and the time and place for opening bids. Copies of the bid notice shall be provided each member of the city council at the same time.

(c) The closing date and time for receiving bids shall be during normal business hours of the city or at the time of a meeting of the city council. Bids shall be identified as bids on the envelope. Bids shall be publicly opened by the purchasing agent or the agent's designee in a room suitable for accommodating persons who may wish to be present immediately following the closing of the time for the receiving of bids and shall be publicly read; provided, that no bids shall be opened unless there are at least two (2) competitive bids received. All bids received shall be tabulated and a copy of the tabulation shall be furnished each vendor.

(d) The purchasing agent shall not accept the bid of a contractor who is in default on the payment of taxes, licenses or other monies due to the city.

(e) The purchasing agent or the city council shall have the right to reject all bids, parts of all bids, or all bids for any one or more supplies or contractual services included in the proposed contract, when such action would be in the best interests of the city.

(f) For purchases or contract for which the taking of competitive bids is required, the purchasing agent shall furnish the council as soon as practical a tabulation of all bids, the purchasing agent's recommendation as to award of the bid and such other information as the city council may need or shall require. The city council shall award the purchase and authorize the purchasing agent to enter into contract with that bidder offering the best bid.

(g) In determining the best bid, the purchasing agent and the city council shall give consideration to the following:

- (1) The ability, capacity and skill of the bidder to perform the contract or provide the service required;
- (2) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
- (3) The character, integrity, reputation, judgment, experience and efficiency of the bidder;
- (4) The quality of performance of previous contract or services;
- (5) The previous and existing compliance by the bidder with the laws and ordinances relating to the contract or service;
- (6) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
- (7) The quality, availability and adaptability of the supplies, or contractual services to the particular use required;
- (8) The ability of the bidder to provide future maintenance and service of the items to be purchased, if required, and the convenience to the city of the location at which such maintenance or service will be performed;
- (9) The number of scope of conditions attached to the bid;
- (10) The estimated life cycle costs of the items to be purchased when it is possible to reasonably estimate such costs;
- (11) The cost of delivery of supplies or services to be purchased, or, if the city must obtain delivery of supplies or receive services at a place other than the premises of the city, the convenience of the location at which delivery or receipt is to be made;
- (12) Whether or not the bidder is a person or business located within the corporate limits of the City of Greenbelt or a minority-owned business enterprise that has submitted a bid which has been adjudged to be equal in all other respects to the bids received from bidders which are neither minority-owned or located within the corporate limits of the city;

- (13) Such other information which, in the judgment of the city council, may have a bearing upon the determination as to which bidder has offered the best bid.

(h) When the purchasing agent recommends award to other than the lowest bidder, he shall have caused to be prepared for the city council a full and complete statement of the reasons for placing the order elsewhere.

(Code 1971, §§ 8-18--8-26; Ord. No. 964, 2-25-85; Ord. No. 1030, 3-9-89; Ord. No. 1122, 7-11-94; Ord. No. 1141, 9-11-95)

Sec. 2-39. Same--Exceptions to requirements.

Subject to the approval of the purchase by the city council, the requirements for the taking of competitive bids shall not be required if:

- (1) The council, by resolution, waives the requirement for the taking of competitive bids and authorizes a negotiated purchase or contract upon its determination that it is in the best interests of the city or that an emergency exists.
- (2) A competitive bid procedure is not feasible because the purchase is made from one of the following regulated companies:

The Potomac Electric Power Company

The Washington Gas Light Company

The Chesapeake and Potomac Telephone Company

- (3) A competitive bid procedure is not feasible because the purchase is made from the central stores or services of Prince George's County, the Washington Suburban Sanitary Commission, the Maryland-National Capital Park and Planning Commission, State of Maryland, or another governmental agency.
- (4) A competitive bid procedure is not feasible because the purchase is for the employment of a professional engineer, architect, attorney, medical practitioner or another professional service.
- (5) The purchase is to be made from a supplier to another governmental agency at such prices as are offered to that governmental agency if the prices for such items have been obtained as the result of a competitive bid procedure, or if the purchase is to be made based upon competitive bids solicited and received by another governmental agency or the Metropolitan Washington Council of Governments under a cooperative joint purchasing arrangement in which the city is a participant. The council is to be provided with information concerning the specifications of the items or services to be purchased and the bidding procedure that was followed. Upon the approval of the purchase by the council, the procedures for the taking of bids followed by the other governmental agency shall be considered to meet all city requirements for the taking of bids.

(Code 1971, § 8-27; Ord. No. 964, 2-25-85)

Sec. 2-40. Open market procedures.

All purchases of supplies, and contractual services, and all sales of personal property which have become obsolete and unusable, the estimated or known value of which is such that the approval of the city council is not required may be made in the open market upon the authorization of the purchasing agent, without newspaper advertisement. All open market purchases shall, whenever possible, be made from the supplier offering the best quotation and opportunity shall be given to all suppliers to furnish the city with product or service and price information and to be considered in the making of purchases.

(Code 1971, § 8-28; Ord. No. 964, 2-25-85)

Sec. 2-41. Purchase order forms and verification of funds for purchases over five hundred dollars.

All purchases estimated to be one thousand dollars (\$1,000.00) or more, shall be made by the purchasing agent on a written purchase order form. Prior to making any such purchase, the purchasing agent shall obtain from the finance department a verification of the availability of appropriated funds for the purchase and that funds have been encumbered for the amount of the estimated purchase.

(Code 1971, § 8-29; Ord. No. 1123, 7-11-94; Ord. No. 1265, 2-27-06)

Sec. 2-42. Procedures for minor purchases.

The city manager may establish by administrative regulation simplified procedures for the purchase by departments of supplies and services costing less than one thousand dollars (\$1,000.00). Such procedures may provide for the authorizing of such purchases to be made at the departmental level without prior approval of the purchasing agent. Whenever purchases are authorized at the departmental level, it shall be the responsibility of the authorizing individual to ascertain that the purchase made shall not exceed the balance remaining of an appropriation and that the purchase is made in the manner prescribed in Section 2-40.

(Code 1971, § 8-30; Ord. No. 1124, 7-11-94; Ord. No. 1265, 2-27-06)

Sec. 2-43. Reserved.

Editors Note: Section 2-43, relative to surplus stock and derived from Code 1971, § 8-31, was repealed by Ord. No. 1030, adopted March 9, 1989.

Secs. 2-44--2-60. Reserved.

ARTICLE III.

DEPARTMENT OF PUBLIC SAFETY*

* **Charter References:** Department of public safety, § 61 et seq.

Cross References: Fire prevention and protection, Ch. 9; persons authorized to direct traffic, § 11-6.

DIVISION 1.

GENERALLY

Sec. 2-61. Director of public safety.

(a) The city manager shall serve as director of public safety.

(b) The director of public safety shall be head of the department of public safety and shall be in charge of preserving peace and good order, control and maintain fire protection and perform such other duties as may be prescribed by ordinance.

(Code 1971, §§ 2-3, 2-4)

Charter References: Duties of director, § 61.

Sec. 2-62. Functions generally.

The functions of the department of public safety shall be broken down into two (2) major phases, namely police protection and fire protection.

(Code 1971, § 2-5)

Sec. 2-63. Oath of office.

The director of public safety, the chief of police and all police officers, including full time, part time and special policemen, shall take and subscribe to the following oath or affirmation, to be made before the mayor or the mayor pro tempore in the absence or disability of the mayor:

"I _____ swear (or affirm) that I will support the Constitution of the United States, and that I will be faithful and bear true allegiance to the State of Maryland and support the constitution and laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice execute the office of _____ according to the Constitution and laws of this State."

(Code 1971, § 2-7)

Secs. 2-64--2-75. Reserved.

DIVISION 2.

POLICE*

* **Charter References:** Police, § 62.
Cross References: Motor vehicles and traffic, Ch. 11; public safety offenses, Ch. 16.

Sec. 2-76. Duties generally.

It shall be the duty of all members of the police department to preserve the peace and good order of the city.

(Code 1971, § 2-6)

Sec. 2-77. Park patrol officers and police cadets.

All police cadets and all persons appointed by the city manager to perform the duty of park patrol shall have the authority to issue citations for violations of city parking regulations, to issue warnings relating to the violation of city ordinances and regulations; and to request the assistance of a regular police officer, when required, for the purpose of assuring the enforcement of all laws and maintaining good order and peace. (Code 1971, § 2-6A)

Secs. 2-78--2-85. Reserved.

DIVISION 3.

FIRE PROTECTION AND RESCUE WORK*

* **Cross References:** Designation of fire lanes, § 11-10.

Sec. 2-86. Responsibilities of volunteer department and rescue squad.

The Greenbelt Volunteer Fire Department and Rescue Squad, affiliated with the Prince George's County Volunteer Fire Department and Rescue Squad Association, is hereby designated the responsible fire-fighting, rescue and ambulance organizations for the city. (Code 1971, § 2-8)

Secs. 2-87--2-105. Reserved.

ARTICLE IV.

PUBLIC ETHICS*

* **Editors Note:** Ord. No. 1318, adopted September 26, 2011, amended Art. IV, in its entirety, to read as herein set out in §§ 2-106--2-115. Prior to inclusion of said ordinance, Art. IV pertained to "ethics." See also the Code Comparative Table.

Cross References: Miscellaneous employee conduct rules, § 13-161 et seq.

Sec. 2-106. Short title.

This article may be cited as the City of Greenbelt, Maryland Public Ethics Ordinance. (Ord. No. 1318, 9-26-11)

Sec. 2-107. Statement of purpose and policy.

(a) The City of Greenbelt recognizing that our system of representative government is dependent in part upon the people maintaining the highest trust in their public officials and employees, finds and declares that the people have a right to be assured that the impartiality and independent judgment of public officials and employees will be maintained.

(b) It is evident that this confidence and trust is eroded when the conduct of the city's business is subject to improper influence and even the appearance of improper influence.

(c) For the purpose of guarding against improper influence, the Greenbelt City Council enacts this Public Ethics Ordinance to require City of Greenbelt elected officials, appointed officials, employees, and individuals appointed to various boards and committees to disclose their financial affairs and to set minimum standards for the conduct of local government business.

(d) It is the intention of the Greenbelt City Council that this article, except its provisions for criminal sanctions, be liberally construed to accomplish this purpose.
(Ord. No. 1318, 9-26-11)

Sec. 2-108. Definitions.

In this section, the following terms have the meanings indicated.

(a) "Business entity:"i>

(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.

(2) Business entity does not include a governmental entity.

(b) "Commission"i> means the City of Greenbelt Ethics Commission established under section 2-109(a) of this article.

(c) "Compensation:"i>

(1) "Compensation" means any money or thing of value, regardless of form, received or to be received by any individual covered by this article from an employer for service rendered.

(2) For the purposes of section 2-113 of this article, 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.

(d) "Doing business with"i> means:

(1) Having or negotiating a contract that involves the commitment, either in a single or combination of transactions, of five thousand dollars (\$5,000.00) or more of city controlled funds;

(2) Being regulated by or otherwise subject to the authority of the City of Greenbelt; or

(3) Being registered as a lobbyist under section 2-113 of this article.

(e) "Elected official"i> means any individual who holds an elective office of the City of Greenbelt.

- (f) "Employee:"i>
- (1) "Employee" means an individual who is employed by the City of Greenbelt.
 - (2) "Employee" does not include an elected local official.
- (g) "Financial interest"i> means:
- (1) Ownership of any interest as the result of which the owner has received, within the past three (3) years, or is presently receiving, or in the future is entitled to receive, more than one thousand dollars (\$1,000.00) per year; or
 - (2) Ownership, or the ownership of securities of any kind representing or convertible into ownership, of more than three (3) percent of a business entity by a City of Greenbelt official or employee, or the spouse of an official or employee.
- (h) "Gift:"i>
- (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 political campaign contribution regulated under Election Law Article, Annotated Code of Maryland, or any other provision of state or local law regulating the conduct of elections or the receipt of political campaign contributions.
- (i) "Immediate family"i> means a spouse and dependent children.
- (j) "Interest:"i>
- (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 section 2-111 of this article, "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 twenty-five (25) participants and which has been determined by the Internal Revenue Service to be a qualified trust under the Internal Revenue Code; or

(v) A college savings plan under the Internal Revenue Code.

(k) "Lobbyist"i> means a person required to register and report expenses related to lobbying under section 2-113 of this article.

(l) "Lobbying"i> means:

(1) Communicating in the presence of a City of Greenbelt 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 Greenbelt official or employee with the intent to influence that official or employee.

(m) "Official"i> means an elected official, an employee of the City of Greenbelt or a person appointed to or employed by the City of Greenbelt, City Advisory Board or Committee, or similar entity:

(1) Whether or not paid in whole or in part with City of Greenbelt funds; and

(2) Whether or not compensated.

(n) "Person"i> includes an individual or business entity.

(o) "Qualified relative"i> means a spouse, parent, child, brother, or sister.

(Ord. No. 1318, 9-26-11)

Sec. 2-109. Administration.

(a) (1) There is a City of Greenbelt Ethics Commission that consists of three (3) regular members, appointed by the city council.

(2) The commission members shall serve three-year terms.

(3) A commission member may serve until a successor is appointed and qualifies.

(b) (1) The commission shall elect a chair and a vice-chair from among its members.

(2) The term of the chair and vice-chair is one (1) year.

- (3) The chair and vice-chair may be reelected.
- (c)
 - (1) The city solicitor shall assist the commission in carrying out the commission's duties.
 - (2) If a conflict of interest under section 2-110 of this article or other conflict prohibits the city solicitor from assisting the commission in a matter, the city shall provide sufficient funds for the commission to hire independent counsel for the duration of the conflict.
- (d) The commission is the advisory body responsible for interpreting this article and advising persons subject to this article regarding its application.
- (e) The commission shall hear and decide, with the advice of the city solicitor or other legal counsel if appropriate, all complaints filed regarding alleged violations of this article by any person.
- (f) The commission or an office designated by the commission shall retain as a public record all forms submitted by any person under this article for at least four (4) years after receipt by the commission.
- (g) The commission shall conduct a public information and education program regarding the purpose and implementation of this article.
- (h) The commission shall certify to the state ethics commission on or before October 1 of each year that the City of Greenbelt is in compliance with the requirements of State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland, for elected local officials.
- (i) The commission shall:
 - (1) Determine if changes to this article are required to be in compliance with the requirements of State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland; and
 - (2) Shall forward any recommended changes and amendments to the city council for enactment.
- (j)
 - (1) Any person subject to this article may request an advisory opinion from the commission concerning the application of this article.
 - (2) The commission shall respond promptly to a request for an advisory opinion and shall provide interpretations of this article based on the facts provided or reasonably available to the commission within sixty (60) days of the request.
 - (3) In accordance with all applicable state and city laws regarding public records, the commission shall publish or otherwise make available to the public copies of the advisory opinions, with the identities of the subjects deleted.
 - (4) The commission may adopt additional policies and procedures related to the advisory opinion request process.

(k) (1) Any person may file a complaint with the commission alleging a violation of any of the provisions of this article.

(2) A complaint shall be in writing and under oath.

(3) The commission may refer a complaint to the city solicitor or other legal counsel if appropriate, for investigation and review.

(4) The commission may dismiss a complaint if, after receiving an investigative report, the commission determines that there are insufficient facts upon which to base a determination of a violation.

(5) If there is a reasonable basis for believing a violation has occurred, the subject of the complaint shall be given an opportunity for a hearing conducted in accordance with the applicable commission rules of procedure.

(6) A final determination of a violation resulting from the hearing shall include findings of fact and conclusions of law.

(7) Upon finding of a violation, the commission may take any enforcement action provided for in section 2-114 of this article.

(8) (i) After a complaint is filed and until a final finding of a violation by the commission, all actions regarding a complaint are confidential.

(ii) A finding of a violation is public information.

(9) The commission may adopt additional policies and procedures related to complaints, complaint hearings, the use of independent investigators and staff, the use of witness and document subpoenas, and cure and settlement agreements.

(l) The commission may grant exemptions to or modifications of the conflict of interest and financial disclosure provisions of this article to officials or employees serving as members of city boards and committees, when the commission finds that the exemption or modification would not be contrary to the purposes of this article, and the application of this article would:

(1) Constitute an unreasonable invasion of privacy; and

(2) Significantly reduce the availability of qualified persons for public service.

(m) The commission may:

(1) Assess a late fee of two dollars (\$2.00) per day up to a maximum of two hundred fifty dollars (\$250.00) for a failure to timely file a financial disclosure statement required under section 2-111 or section 2-112 of this article; and

- (2) Assess a late fee of ten dollars (\$10.00) per day up to a maximum of two hundred fifty dollars (\$250.00) for a failure to file a timely lobbyist registration or lobbyist report required under section 2-113 of this article.

(Ord. No. 1318, 9-26-11)

Sec. 2-110. Prohibited conduct and interests.

- (a) Participation prohibitions.i>

- (1) Except as permitted by commission regulation or opinion, an official or employee may not participate in:

- (i) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision of the matter, any matter in which, to the knowledge of the official or employee, the official or employee or a qualified relative of the official or employee has an interest.

- (ii) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision with respect to the matter, any matter in which any of the following is a party:

- (A) A business entity in which the official or employee has a direct financial interest of which the official or employee may reasonably be expected to know;

- (B) A business entity for which the official, employee, or a qualified relative of the official or employee is an officer, director, trustee, partner, or employee;

- (C) A business entity with which the official or employee or, to the knowledge of the official or employee, a qualified relative is negotiating employment or has any arrangement concerning prospective employment;

- (D) If the contract reasonably could be expected to result in a conflict between the private interests of the official or employee and the official duties of the official or employee, a business entity that is a party to an existing contract with the official or employee, or which, to the knowledge of the official or employee, is a party to a contract with a qualified relative;

- (E) An entity, doing business with the city in which a direct financial interest is owned by another entity in which the official or employee has a direct financial interest, if the official or employee may be reasonably expected to know of both direct financial interests; or

- (F) A business entity that:

- 1. The official or employee knows is a creditor or obligee of the official or employee or a qualified relative of the official or employee with respect to

a thing of economic value; and

2. As a creditor or obligee, is in a position to directly and substantially affect the interest of the official or employee or a qualified relative of the official or employee.

- (2) A person who is disqualified from participating under paragraph (1) of this subsection shall disclose the nature and circumstances of the conflict and may participate or act if:
- (i) The disqualification leaves a body with less than a quorum capable of acting;
 - (ii) The disqualified official or employee is required by law to act; or
 - (iii) The disqualified official or employee is the only person authorized to act.
- (3) The prohibitions of paragraph (1) of this subsection do not apply if participation is allowed by regulation or opinion of the commission.
- (b) Employment and financial interest restrictions.i>
- (1) Except as permitted by regulation of the commission when the interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official or employee may not:
- (i) Be employed by or have a financial interest in any entity:
 - (A) Subject to the authority of the official or employee or the city agency, board, committee or commission with which the official or employee is affiliated; or
 - (B) That is negotiating or has entered a contract with the agency, board, committee or commission with which the official or employee is affiliated; or
 - (ii) Hold any other employment relationship that would impair the impartiality or independence of judgment of the official or employee.
- (2) The prohibitions of paragraph (1) of this subsection do not apply to:
- (i) An official or employee who is appointed to a regulatory or licensing authority pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to the authority;
 - (ii) Subject to other provisions of law, a member of a board or commission in regard to a financial interest or employment held at the time of appointment, provided the financial interest or employment is publicly disclosed to the appointing authority and the commission;

- (iii) An official or employee whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted and in accordance with regulations adopted by the commission; or
 - (iv) Employment or financial interests allowed by regulation of the commission if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.
- (c) Post-employment limitations and restrictions.i>
- (1) A former official or employee may not assist or represent any party other than the city for compensation in a case, contract, or other specific matter involving the city if that matter is one in which the former official or employee significantly participated as an official or employee.
 - (2) Until the conclusion of the next regular session that begins after the elected official leaves office, a former member of the city council may not assist or represent another party for compensation in a matter that is the subject of legislative action.
- (d) Contingent compensation.i> Except in a judicial or quasi-judicial proceeding, an official or employee may not assist or represent a party for contingent compensation in any matter before or involving the city.
- (e) Use of prestige of office.i>
- (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.
 - (2) This subsection does not prohibit the performance of usual and customary constituent services by an elected official without additional compensation.
- (f) Solicitation and acceptance of gifts.i>
- (1) An official or employee may not solicit any gift.
 - (2) An official or employee may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual regulated lobbyist.
 - (3) An official or employee may not knowingly accept a gift, directly or indirectly, from a person that the official or employee knows or has reason to know:
 - (i) Is doing business with or seeking to do business with the city office, agency, board, committee or commission with which the official or employee is affiliated;
 - (ii) Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the official duties of the official or employee;

- (iii) Is engaged in an activity regulated or controlled by the official's or employee's governmental unit; or
 - (iv) Is a lobbyist with respect to matters within the jurisdiction of the official or employee.
- (4) (i) This paragraph does apply to a gift:
- (A) That would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift;
 - (B) Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee; or
 - (C) Of significant value that the recipient official or employee believes or has reason to believe is designed to impair the impartiality and independence of judgment of the official or employee.
- (ii) Notwithstanding paragraph (3) of this subsection, an official or employee may accept the following:
- (A) Meals and beverages consumed in the presence of the donor or sponsoring entity;
 - (B) Ceremonial gifts or awards that have insignificant monetary value;
 - (C) Unsolicited gifts of nominal value that do not exceed twenty dollars (\$20.00) in cost or trivial items of informational value;
 - (D) Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or the employee at a meeting which is given in return for the participation of the official or employee in a panel or speaking engagement at the meeting;
 - (E) Gifts of tickets or free admission extended to an elected official to attend a charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the elected official's office;
 - (F) A specific gift or class of gifts that the commission exempts from the operation of this subsection upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the City of Greenbelt and that the gift is purely personal and private in nature;
 - (G) Gifts from a person related to the official or employee by blood or marriage, or any other individual who is a member of the household of the official or employee; or
 - (H) Honoraria for speaking to or participating in a meeting, provided that the offering

of the honorarium is in no way related to the official's or employee's official position.

(g) Disclosure of confidential information.i> Other than in the discharge of official duties, an official or 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 and that is not available to the public, for the economic benefit of the official or employee or that of another person.

(h) Participation in procurement.i>

(1) An individual or a person that employs an individual who assists a City of Greenbelt agency or unit in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement may not submit a bid or proposal for that procurement, or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.

(2) The commission may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments solicited by the procuring agency.

(i) Nepotism.i>

(1) No city official or employee shall cause or advocate a member of his or her family to be hired, employed, promoted, transferred or advanced to any full or part-time paid employment of the city.

(2) This prohibition shall not apply to the process of selecting appointed city officials, nor shall a city official or employee participate in an action relating of the discipline of a member of the city official's or employee's family.

(3) This shall not apply to city employees who marry after they are already city employees. However, in such a situation, neither city employee may directly or indirectly supervise the other city employee; and where possible, they should not work in the same department nor work together.

(j) Abuse of position.i>

(1) No elected or appointed city official shall use the prestige of his or her office to advance his or her own political interests, private interest or the private interest of any other person, or entity whether for profit or non-profit.

(2) No elected or appointed city official or city employee may seek monetary or non-monetary favors or contributions from any person or entity who is subject to that person's official duties. Contributions from any person or entity over which such city official or city employee has any responsibility to approve or inspect the work of or in any way approve contracts with, zoning of property in which the person or entity has a direct or indirect interest (including any professional or non-professional fee) permits, or the like. In no case shall any city official or city employee

seek monetary or non-monetary gifts or favors or contributions from any person or entity seeking a contract with the city; any person or entity involved directly or indirectly with any zoning or permit request before any city department, board, committee, or the and city council.

This does not include city employees discharging their official job duties as laid out in their official city position descriptions.
(Ord. No. 1318, 9-26-11)

Sec. 2-111. Financial disclosure--Elected officials, appointed officials, and employees.

(a) This section applies to all elected officials, all candidates to be elected officials, and the following city employees:

Elected city officials, the city manager, the assistant city manager, the city clerk, all directors and assistant directors of city departments, police command staff at the rank of captain and above, and candidates for elective city office.

(b) Except as provided in subsection (d) of this section, an elected official, employee, or candidate to be an elected official shall file the financial disclosure statement required under this subsection:

- (1) On a form provided by the commission;
- (2) Under oath or affirmation; and
- (3) With the commission.

(c) Deadlines for filing statements.i>

(1) An incumbent official or employee shall file a financial disclosure statement annually no later than April 30 of each year for the preceding calendar year.

(2) An official or employee who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within thirty (30) days after appointment.

(3) (i) An individual who, other than by reason of death, leaves an office for which a statement is required shall file a statement within sixty (60) days after leaving the office.

(ii) The statement shall cover:

(A) The calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and

(B) The portion of the current calendar year during which the individual held the office.

- (d) Candidates to be elected officials.i>
- (1) Except for an official or employee who has filed a financial disclosure statement under another provision of this section for the reporting period, a candidate to be an elected official shall file a financial disclosure statement each year beginning with the year in which the nomination petition is filed through the year of the election.
- (2) A candidate to be an elected official shall file a statement required under this section:
 - (i) In the year the nomination petition is filed, no later than the filing deadline for the nomination petition; and
 - (ii) In all other years for which a statement is required, on or before April 30.
- (3) A candidate to be an elected official:
 - (i) Shall file the statement required under section 2-111(d)(2)(i) of this article with the city clerk with the nomination petition; and
 - (ii) Shall file the statements required under section 2-111(d)(2)(ii) of this article with the city clerk.
- (4) The city clerk will not authorize a candidate unless a statement required under this section has been filed in proper form by the established deadlines.
- (5) Within thirty (30) days of the receipt of a statement required under this section, the city clerk shall forward the statement to the commission, or an office designated by the commission.
- (e) Public record.i>
- (1) The commission or office designated by the commission shall maintain all financial disclosure statements filed under this section.
- (2) The commission or office designated by the commission shall make financial disclosure statements available during normal office hours for examination and copying by the public, subject to reasonable fees and administrative procedures established by the commission.
- (3) If an individual examines or copies a financial disclosure statement, the commission or the office designated by the commission shall record:
 - (i) The name and home address of the individual reviewing or copying the statement; and
 - (ii) The name of the person whose financial disclosure statement was examined or copied.
- (4) Upon request by the individual whose financial disclosure statement was examined or copied, the

commission or the office designated by the commission shall provide the official or employee with a copy of the name and home address of the person who reviewed the official's or employee's financial disclosure statement.

- (f) Retention requirements.i> The commission or the office designated by the commission shall retain financial disclosure statements for four (4) years from the date of receipt.
- (g) Contents of statement.i>
- (1) Interests in real property.i>
 - (i) A statement filed under this section shall include a schedule of all interests in real property wherever located.
 - (ii) For each interest in real property, the schedule shall include:
 - (A) The nature of the property and the location by street address, mailing address, or legal description of the property;
 - (B) The nature and extent of the interest held, including any conditions and encumbrances on the interest;
 - (C) The date when, the manner in which, and the identity of the person from whom the interest was acquired;
 - (D) The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;
 - (E) If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and
 - (F) The identity of any other person with an interest in the property.
- (2) Interests in corporations and partnerships.i>
 - (i) A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with the City of Greenbelt;
 - (ii) For each interest reported under this paragraph, the schedule shall include:
 - (A) The name and address of the principal office of the corporation, partnership,

limited liability partnership, or limited liability corporation;

- (B) The nature and amount of the interest held, including any conditions and encumbrances on the interest;
 - (C) With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and, if known, the identity of the person to whom the interest was transferred; and
 - (D) With respect to any interest acquired during the reporting period:
 - 1. The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
 - 2. The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.
- (iii) An individual may satisfy the requirement to report the amount of the interest held under item (ii)(B) of this paragraph by reporting, instead of a dollar amount:
- (A) For an equity interest in a corporation, the number of shares held and, unless the corporation's stock is publicly traded, the percentage of equity interest held; or
 - (B) For an equity interest in a partnership, the percentage of equity interest held.
- (3) Interests in business entities doing business with the City of Greenbelt.i>
- (i) A statement filed under this section shall include a schedule of all interests in any business entity that does business with the City of Greenbelt other than interests reported under paragraph (2) of this subsection.
 - (ii) For each interest reported under this paragraph, the schedule shall include:
 - (A) The name and address of the principal office of the business entity;
 - (B) The nature and amount of the interest held, including any conditions to and encumbrances on the interest;
 - (C) With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received in exchange for the interest, and, if known, the identity of the person to whom the interest was transferred; and
 - (D) With respect to any interest acquired during the reporting period:

1. The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
2. The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

(4) Gifts.i>

- (i) A statement filed under this section shall include a schedule of each gift in excess of twenty dollars (\$20.00) in value or a series of gifts totaling one hundred dollars (\$100.00) or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with the City of Greenbelt.
- (ii) For each gift reported, the schedule shall include:
 - (A) A description of the nature and value of the gift; and
 - (B) The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.

(5) Employment with or interests in entities doing business with the City of Greenbelt.i>

- (i) A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family of the individual held at any time during the reporting period with entities doing business with the City of Greenbelt.
- (ii) For each position reported under this paragraph, the schedule shall include:
 - (A) The name and address of the principal office of the business entity;
 - (B) The title and nature of the office, directorship, or salaried employment held and the date it commenced; and
 - (C) The name of each City of Greenbelt agency with which the entity is involved as indicated by identifying one or more of the three (3) categories of "doing business", as defined in section 2-108(d) of this article.

(6) Indebtedness to entities doing business with City of Greenbelt.i>

- (i) A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with the City of Greenbelt owed at any time during the reporting period:

- (A) By the individual; or
 - (B) By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.
- (ii) For each liability reported under this paragraph, the schedule shall include:
- (A) The identity of the person to whom the liability was owed and the date the liability was incurred;
 - (B) The amount of the liability owed as of the end of the reporting period;
 - (C) The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and
 - (D) The security given, if any, for the liability.
- (7) Employment with the City of Greenbelt.i> A statement filed under this section shall include a schedule of the immediate family members of the individual employed by the City of Greenbelt in any capacity at any time during the reporting period.
- (8) Sources of earned income.i>
- (i) 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.
 - (ii) A minor child's employment or business ownership need not be disclosed if the agency that employs the individual does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.
- (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.
- (h) For the purposes of section 2-111(g)(1), (2), and (3) of this article, the following interests are considered to be the interests of the individual making the statement:
- (1) An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.
 - (2) An interest held by a business entity in which the individual held a thirty (30) percent or greater interest at any time during the reporting period.
 - (3) An interest held by a trust or an estate in which, at any time during the reporting period:

- (i) The individual held a reversionary interest or was a beneficiary; or
- (ii) If a revocable trust, the individual was a settlor.

(i) (1) The commission shall review the financial disclosure statements submitted under this section for compliance with the provisions of this section and shall notify an individual submitting the statement of any omissions or deficiencies within fifteen (15) days after nomination petition deadline for candidates for election, and within sixty (60) days after the established deadline for all other officials and employees.

(2) The City of Greenbelt Ethics Commission may take appropriate enforcement action to ensure compliance with this section.

(Ord. No. 1318, 9-26-11)

Sec. 2-112. Financial disclosure--Appointed members of boards and commissions.

(a) (1) The City of Greenbelt appointed officials listed in paragraph (b) of this section shall file the statement required by section 2-111 of this article.

(2) The appointed officials shall be required to disclose the information specified in section 2-111(g) of this article only with respect to those interests, gifts, compensated positions, and liabilities that may create a conflict, as provided in section 2-110 of this article, between the member's personal interests and the member's official local duties.

(3) An official shall file a statement required under this section annually, not later than April 30 of each calendar year during which the official holds office.

(b) Appointed officials required to file:i>

Each member of the City of Greenbelt Advisory Planning Board, Board of Appeals, Ethics Commission, and others identified from time to time by the city council, must file an annual conflict of interest disclosure statement with the commission.

(c) The commission shall maintain all disclosure statements filed under this section as public records available for public inspection and copying as provided in section 2-111(e) of this article.

(Ord. No. 1318, 9-26-11)

Sec. 2-113. Lobbying.

(a) Except as provided in subsections (b) and (c) of this section, a person or entity who engages in lobbying as defined in section 2-108(l) shall file a lobbying registration with the commission if the person or entity, during the calendar year:

(1) Expends, exclusive of personal travel and subsistence expenses, in excess of one hundred dollars (\$100.00) in furtherance of this activity; or

- (2) Is compensated in excess of one hundred dollars (\$100.00) in connection with this activity.
- (b) The following activities are exempt from regulation under this section:
 - (1) Professional services in drafting bills or in advising and rendering opinions to clients as to the construction and effect of proposed or pending city actions when these services do not otherwise constitute lobbying activities;
 - (2) Appearances before the Greenbelt City Council upon its specific invitation or request if the person or entity engages in no further or other activities in connection with the passage or defeat of city council actions;
 - (3) Appearances before a city agency upon the specific invitation or request of the agency if the person or entity engages in no further or other activities in connection with the passage or defeat of any agency executive action;
 - (4) Appearance as part of the official duties of a duly elected or appointed official or employee of the state or a political subdivision of the state, or of the United States, and not on behalf of any other entity;
 - (5) Actions of a publisher or working member of the press, radio, or television in the ordinary course of the business of disseminating news or making editorial comment to the general public who does not engage in further or other lobbying that would directly and specifically benefit the economic, business, or professional interests of the person or entity or the employer of the person or entity;
 - (6) Appearances by an individual before the Greenbelt City Council at the specific invitation or request of a registered lobbyist if the person performs no other lobbying act and notifies the Greenbelt City Council that the person or entity is testifying at the request of the lobbyist;
 - (7) Appearances by an individual before a government agency at the specific invitation or request of a registered lobbyist if the person or entity performs no other lobbying act and notifies agency that the person or entity is testifying at the request of the lobbyist;
 - (8) The representation of a bona fide religious organization solely for the purpose of protecting the right of its own members to practice the doctrine of the organization; and
 - (9) Appearance as part of the official duties of an officer, director, member, or employee of an association engaged exclusively in lobbying for counties and municipalities and not on behalf of any other entity.
- (c) Limited exemption--employer of a lobbyist.i>
 - (1) A person or entity who compensates one (1) or more lobbyists and who would otherwise be required to register as a lobbyist is not required to file a registration and submit lobbying reports

if the person or entity reasonably believes that all expenses incurred in connection with the lobbying activities will be reported by a properly registered person or entity acting on behalf of the person or entity.

- (2) A person or entity exempted under this subsection becomes subject to this section immediately upon failure of the lobbyist to report any information required under this section.
- (d)
 - (1) The registration filed under this section shall be filed on or before the later of the beginning of the calendar year in which the person or entity expects to lobby and within five (5) days of first engaging in lobbying activities in the calendar year.
 - (2) The registration filed under this section:
 - (i) Shall be dated and on a form developed by the commission;
 - (ii) Shall include:
 - (A) The lobbyist's full and legal name and permanent address;
 - (B) The name, address, and nature of business of any person or entity on whose behalf the lobbyist acts; and
 - (C) The written authorization of any person or entity on whose behalf the lobbyist acts or an authorized officer or agent, who is not the lobbyist, of the person or entity on whose behalf the lobbyist acts;
 - (iii) A statement of whether the person or entity on whose behalf the lobbyist acts is exempt from registration under subsection (c) of this section;
 - (iv) The identification, by formal designation, if known, of matters on which the lobbyist expects to act;
 - (v) Identification of the period of time within a single calendar year during which the lobbyist is authorized to engage in these activities, unless terminated sooner; and
 - (vi) The full legal signature of the lobbyist and, when appropriate, the person or entity on whose behalf the lobbyist acts or an agent or authorized officer of the person or entity on whose behalf the lobbyist acts.
- (e) A lobbyist shall file a separate registration for each person or entity that has engaged or employed the lobbyist for lobbying purposes.
- (f) A lobbyist may terminate the lobbyist's registration by providing written notice to the commission and submitting all outstanding reports and registrations.
- (g) A person or entity may not engage in lobbying activities on behalf of another person or entity for

compensation that is contingent upon the passage or defeat of any action by the Greenbelt City Council or the outcome of any executive action.

- (h) Activity report.
- (1) A lobbyist shall file with the commission or the office designated by the commission:
 - (i) By July 31, one (1) report concerning the lobbyist's lobbying activities covering the period beginning January 1 through June 30; and
 - (ii) By January 31, one (1) report covering the period beginning July 1 through December 31.
- (2) A lobbyist shall file a separate activity report for each person or entity on whose behalf the lobbyist acts.
- (3) If the lobbyist is not an individual, an authorized officer or agent of the entity shall sign the form.
- (4) The report shall include:
 - (i) A complete and current statement of the information required to be supplied with the lobbyist's registration form.
 - (ii) Total expenditures on lobbying activities in each of the following categories:
 - (A) Total compensation paid to the lobbyist not including expenses reported under items (B)--(I) of this subparagraph;
 - (B) Office expenses of the lobbyist;
 - (C) Professional and technical research and assistance not reported in item (i) of this subparagraph;
 - (D) Publications which expressly encourage persons to communicate with city officials or employees;
 - (E) Names of witnesses, and the fees and expenses paid to each witness;
 - (F) Meals and beverages for city officials and employees;
 - (G) Reasonable expenses for food, lodging, and scheduled entertainment of city officials or employees for a meeting which is given in return for participation in a panel or speaking engagement at the meeting;
 - (H) Other gifts to or for officials or employees or their spouses or dependent children; and

(I) Other expenses.

(i) Special gift report.i>

(1) (i) With the six-month activity report required under subsection (h) of this section, a lobbyist shall report, except for gifts reported in item (h)(4)(ii)(G) of this section, gifts from the lobbyist with a cumulative value of seventy-five dollars (\$75.00) or more during the reporting period to an official, employee, or member of the immediate family of an official or employee.

(ii) The lobbyist shall report gifts under this paragraph regardless of whether the gift was given in connection with lobbying activities.

(2) The report shall include the date, beneficiary, amount or value, and nature of the gift.

(j) Notification to official and confidentiality.i>

(1) If any report filed under this section contains the name of an official or employee or a member of the immediate family of an official or employee, the commission shall notify the official or employee within thirty (30) days.

(2) The commission shall keep the report confidential for sixty (60) days following receipt by the commission.

(3) Within thirty (30) days of the notice required under paragraph (1) of this subsection, the official or employee may file a written exception to the inclusion in the report of the name of the official, employee, or member of the immediate family of the official or employee.

(k) The commission may require a lobbyist to submit other reports the commission determines to be necessary.

(l) The commission or office designated by the commission shall maintain all registrations and reports filed under this section.

(m) (1) The commission shall review the registrations and reports filed under this section for compliance with this section and shall notify persons engaging in lobbying activities of any omissions or deficiencies.

(2) The commission may take appropriate enforcement action to ensure compliance with this section.

(n) Annual report.i>

(1) The commission shall compute and make available a subtotal under each of the ten (10) required categories in subparagraph (h)(4)(ii) of this section.

(2) The commission shall compute and make available the total amount reported by all lobbyists for

their lobbying activities during the reporting period.

(o) The commission shall make lobbying registrations and reports available during normal business hours for examination and copying subject to reasonable fees and procedures established by the commission. (Ord. No. 1318, 9-26-11)

Sec. 2-114. Enforcement.

- (a) (1) Upon a finding of a violation of any provision of this article, the commission may:
 - (i) Issue an order of compliance directing the respondent to cease and desist from the violation;
 - (ii) Issue a reprimand; or
 - (iii) Recommend to the appropriate authority other appropriate discipline of the respondent, including censure or removal if that discipline is authorized by law.
- (2) If the commission finds that a respondent has violated section 2-113 of this article, the commission may:
 - (i) Require a respondent who is a registered lobbyist to file any additional reports or information that reasonably related to the information that is required under section 2-113 of this article;
 - (ii) Impose a fine not exceeding five thousand (\$5,000.00) for each violation; and
 - (iii) Suspend the registration of an individual registered lobbyist if the commission finds that the lobbyist has knowingly and willfully violated section 2-113 of this article or has been convicted of a criminal offense arising from lobbying activities.
- (b) (1) Upon request of the commission, the city solicitor may file a petition for injunctive or other relief in the Circuit Court of Prince George's County, or in any other court having proper venue for the purpose of requiring compliance with the provisions of this article.
- (2) (i) The court may:
 - (A) Issue an order to cease and desist from the violation;
 - (B) Except as provided in subparagraph (ii) of this paragraph, void an official action taken by an official or employee with a conflict of interest prohibited by this article when the action arises from or concerns the subject matter of the conflict and if the legal action is brought within ninety (90) days of the occurrence of the official action, if the court deems voiding the action to be in the best interest of the public; or

(C) Impose a fine of up to five thousand dollars (\$5,000.00) for any violation of the provisions of this article, with each day upon which the violation occurs constituting a separate offense.

(ii) A court may not void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidences of public obligations.

(c) (1) Any person who knowingly and willfully violates the provisions of section 2-113 of this article is guilty of a misdemeanor, and upon conviction, is subject to a fine of not more than one thousand dollars (\$1,000.00) or imprisonment for not more than one (1) year, or both.

(2) If the person is a business entity and not a natural person, each officer and partner of the business entity who knowingly authorized or participated in the violation is guilty of a misdemeanor and, upon conviction, is subject to the same penalties as the business entity.

(d) In addition to any other enforcement provisions in this article, a person who the commission or a court finds has violated this article:

(1) Is subject to termination or other disciplinary action; and

(2) May be suspended from receiving payment of salary or other compensation pending full compliance with the terms of an order of the commission or a court.

(e) (1) A person who is subject to the provisions of this article shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to complete and substantiate a report, statement, or record required under this article for three (3) years from the date of filing the report, statement, or record.

(2) These papers and documents shall be available for inspection upon request by the Commission or the City Council of Greenbelt after reasonable notice.

(Ord. No. 1318, 9-26-11)

Sec. 2-115. Severability.

If any section, sentence, clause, or phrase of this article is held invalid or unconstitutional by any court of competent jurisdiction, the ruling shall not affect the validity of the remaining portions of this article.

(Ord. No. 1318, 9-26-11)

Secs. 2-116--2-130. Reserved.

ARTICLE V.

SURPLUS STOCK AND PROPERTY IN POLICE CUSTODY*

* **Editors Note:** Ord. No. 1030, adopted March 9, 1989, repealed Art. V and enacted a new Art. V to read as herein set forth. Former Art. V, §§ 2-131--2-138, pertained to unclaimed personal property, and was derived from Code 1971, §§ 19-1--19-3, 19-5--19-8; and Ord. No. 961, § 2, adopted Jan. 28, 1985.

DIVISION 1.

SURPLUS STOCK AND PERSONAL PROPERTY

Sec. 2-131. Disposal.

The purchasing agent shall have the authority to dispose of serviceable property and stock not required for use by the city by the taking of competitive bids, by the holding of a competitive spot bid sale, by the conducting of a competitive auction sale, or by trade-in or exchange for goods which are of current need. The purchasing agent may negotiate a sale, except that the sale of any item having a value in excess of five thousand dollars (\$5,000.00) shall be approved by the city council. The purchasing agent may negotiate a sale when the above methods are not appropriate or have failed to produce a fair price or value. Nonserviceable property of no value may be disposed of in an appropriate manner. The proceeds of all items sold shall be paid to the general operating fund of the city, or in the replacement fund of the city if the property sold was an item of equipment for which a replacement account was established in that fund.

(Ord. No. 1030, 3-9-89)

Secs. 2-132--2-134. Reserved.

DIVISION 2.

PROPERTY IN POLICE CUSTODY

Sec. 2-135. Application of division.

(a) This division shall not be applicable to motor vehicles of whatever nature, to controlled dangerous substances as defined by state law, or to property acquired for use by the police department.

(b) The chief of police, or his designee, is authorized to extend the period of police custody of property:

(1) Until the completion of a pertinent criminal investigation or prosecution; or

(2) Where there is reasonable belief that the property is stolen or that the owner may be located; or

(3) Other good and reasonable cause.

(Ord. No. 1030, 3-9-89)

Sec. 2-136. Property custodians; appointment; records.

(a) The chief of police is authorized to appoint or designate either sworn or civilian employees of the police department to act as property custodians. The property custodians shall keep a complete record, under the direction and supervision of the chief of police, of all property and money coming into their possession under the provisions of this division. The record shall include, among other pertinent information:

- (1) The name of the person delivering the property to them;
- (2) The date of delivery;
- (3) The name of the owner, if known; and
- (4) Detailed information concerning the circumstances under which the property came into possession of the delivering party.

(Ord. No. 1030, 3-9-89)

Sec. 2-137. Property in possession of officers; disposition; report.

(a) Every member of the police department shall, within forty-eight (48) hours, deliver to the property custodians for immediate registering in the property record book all property and money coming into their possession in any manner whatever by reason of their official duties. The property custodians shall give a receipt for and retain all such property except as provided in subsection (b) of this section.

(b) In every instance in which a law enforcement officer or member of the state's attorney's office informs the property custodians that such property is required to be retained by such officer for the time being for the purpose of investigating crime or for use as evidence in the trial of a criminal case, the property custodians shall, after duly registering such property, return the property to the officer for such purpose. All property thus returned to any law enforcement officer or member of the state's attorney's office shall, after having served its purpose for investigation or as evidence, be redelivered to the property custodians who shall then give a receipt for the property.

(c) The chief of police shall file with the city manager, by the thirty-first day of July of each year, a written report, under oath, of all property sold or otherwise disposed of as of the last day in June, pursuant to this subtitle.

(Ord. No. 1030, 3-9-89)

Sec. 2-138. Custody and disposition of personal property.

(a) The police department shall maintain custody of all personal property, equipment, incidental articles, and currency which may be turned over to, found, recovered or otherwise acquired by the police department.

(b) Upon the receipt by the police department of any personal property, equipment, incidental articles, or currency which is claimed to have been found by the person turning over such property to the police department, the police department shall inform that person that he or she is entitled to request the return of the property if the owner of the property fails to claim it within three (3) months of the date that the property is turned over to the police department. An appropriate claim form will be supplied the finder.

(c) Return to owner:

- (1) If any property coming into police custody is reasonably and readily identifiable as to ownership,

the department shall make every reasonable effort to ensure that the owner is notified.

(2) Except as provided otherwise, the police property custodians shall return upon demand any property in police custody to the rightful owner on satisfactory evidence of ownership and after obtaining a proper receipt.

(d) Property held in police custody for three (3) months, or for three (3) months after notification to the purported owner, whichever is later, may be disposed of as follows:

(1) A legal notice advising of the intent to dispose of property shall be placed in a newspaper of general circulation within the city. The notice shall provide a summary description of the nature and kind of property to be disposed of and the procedure for owners of lost or stolen property to follow to make claim for any property which may belong to them.

(2) In the absence of any claim by the owner, the property shall be deemed forfeited and may be returned to the finder if the finder has entered a claim as stated in subsection (b) above.

(3) If there is no claim by an owner or finder, the property shall be deemed unclaimed and shall be transferred to the purchasing agent for action in accordance with section 2-131 of Division 1 of this article.

(4) A handgun or automatic firearm shall not be returned to a finder but shall be subject to the provisions of section 2-139(b).

(Ord. No. 1030, 3-9-89)

Sec. 2-139. Sale or destruction of unclaimed property; proceeds.

(a) The chief of police shall transfer to the city purchasing agent all unclaimed property under this division. The purchasing agent shall reassign for use of the city or otherwise dispose of serviceable confiscated property and unclaimed property pursuant to the provisions of section 2-131 of this article.

(b) The chief of police shall provide for the destruction of all confiscated weapons or firearms and all other weapons placed in the custody of the police department if not claimed by the owner, except as provided herein. The chief of police may retain any weapons suitable for the official use of public law enforcement officers. Any weapons retained may be assigned for official use of officers of the police department or sold to another police agency. Upon the approval of the city council, weapons or firearms determined to be of special interest to collectors or otherwise determined to be suitable for reuse may be disposed of in such manner as may be authorized by the council.

(Ord. No. 1030, 3-9-89)

Secs. 2-140--2-150. Reserved.

ARTICLE VI.

BOARDS, COMMITTEES, ETC.*

* **Charter References:** Advisory planning board, § 13; employee relations board, § 12; board of elections, § 16 et seq.
Cross References: Park and recreation advisory board, § 12-16; advisory planning board, § 14-16 et seq.

DIVISION 1.

GENERALLY

Sec. 2-151. Rules of procedure.

All city boards and committees shall establish such standing rules of procedure as may be required and in the manner prescribed by the authorization which created the board or committee. In the absence of any restrictions placed upon any board or committee, each board or committee may establish such rules of procedure as it deems necessary in order to conduct business. In the absence of any standing rule or rules governing a part or parts of proceedings, the customary rules of procedure established by approved practice in American parliamentary bodies shall be followed. It shall be the duty of the chair or presiding officer of a board or committee to decide all questions of order and procedure (subject to an appeal by any two (2) members to the members of the board or committee present), unless, when in doubt, the chair or presiding officer prefers to submit the question to the members present.

(Ord. No. 908, § 2-3, 3-23-81)

Secs. 2-152--2-160. Reserved.

DIVISION 2.

COMMUNITY RELATIONS ADVISORY BOARD

Sec. 2-161. Established.

There is hereby established a community relations advisory board.
(Code 1971, § 2-30; Ord. No. 990, 7-14-86; Ord. No. 1033, 4-17-89)

Sec. 2-162. Membership.

(a) The community relations advisory board shall be composed of eight (8) members and shall elect from its members a chairman, vice-chairman, and such other officers as it deems necessary. One member shall be a member of the clergy. The city manager or a member of the city staff designated by the city manager shall be an ex officio, nonvoting member of the board.

(b) The members of the community relations advisory board shall be selected from the citizenry of the city and appointed by the city council to serve three-year terms of office or until a successor has been appointed. A vacancy in an unexpired term shall be filled by council by appointment for the remainder of the term. Appointments or reappointments shall be made at the discretion of the council.

(c) The members of the community relations advisory board shall not receive any compensation for their services as members of the board.

(d) Attendance criteria. Members of the community relations advisory board shall be allowed three (3) unexcused absences or five (5) total absences annually. Whenever a member of the community relations advisory board shall fail to meet the attendance criteria, the chairman may so advise the city council, which may void the appointment and appoint another person to fill the position. However, recognizing the responsibilities of members of the clergy, the clergy member of the community relations advisory board shall be exempt from the attendance criteria.

(Code 1971, §§ 2-31--2-33; Ord. No. 990, 7-14-86; Ord. No. 1033, 4-17-89)

Sec. 2-163. Purpose.

The purpose of the community relations advisory board shall be to foster sympathetic understanding, harmonious relationships, tolerance, good-will, individual responsibility and a practical cooperation among all groups and individuals, to the end that the city may grow and develop wholesome attitudes in respecting the individual opportunities and freedoms within the American ideals of equality and justice.

(Code 1971, § 2-34; Ord. No. 990, 7-14-86; Ord. No. 1033, 4-17-89)

Sec. 2-164. Duties; meetings; rules of procedure.

(a) The primary function of the community relations advisory board shall be to carry on research and studies. The board shall act in an advisory capacity to the city council in carrying out its duties. It shall also be available to consider problems involving community relations and to implement the policy stated in section 2-163. The board shall submit to the city council reports of its endeavors.

(b) The board shall meet upon the request of the mayor, city council, city manager, chairman of the board, or four (4) members of the board. The board shall adopt its own rules of procedure or by-laws, and all meetings shall be held in accordance with such rules.

(Code 1971, § 2-35; Ord. No. 990, 7-14-86; Ord. No. 1033, 4-17-89)

Sec. 2-165. Liaison with city council.

The mayor shall designate a member of the city council to serve as liaison between the city council and the community relations advisory board.

(Ord. No. 1033, 4-17-89)