

**CITY OF ANNAPOLIS**  
**REGULAR MEETING OF THE CITY COUNCIL**  
December 10, 2012, 7:00 p.m.

Call to Order  
Invocation  
Pledge of Allegiance  
Roll Call  
Approval of Agenda

Mayor Cohen  
Alderwoman Finlayson  
Mayor Cohen  
City Clerk Watkins-Eldridge

Special Business

Resignation of Alderman Silverman

**CITY COUNCIL CITATIONS**

Martha Wood Leadership Award

Mayor Cohen

Eastport Volunteer Fire Department

Mayor Cohen

**PETITIONS, REPORTS AND COMMUNICATIONS**

Proposed City Dock Master Plan

City Dock Advisory Committee

Jon Arason  
Director, Department of Planning and Zoning

Virginia Burke  
Chief, Comprehensive Planning  
Department of Planning and Zoning

Approval of Journal Proceedings

Regular Meeting November 5, 2012  
Special Meeting November 26, 2012

Reports by Committees

Comments by the General Public

*A person appearing before the City Council with a petition, report or communication shall be limited to a presentation of not more than three minutes.*

**PUBLIC HEARINGS**

**O-31-12 Merging the Transportation Board and Parking Advisory Commission** – For the purpose of merging the Transportation Board and Parking Advisory Commission due to significant overlap in their current roles and responsibilities.

**LEGISLATIVE HISTORY**  
*Legislative referrals are subject to City Council action at the time of introduction*

<i>and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
10/8/12	12/10/12		1/4/13
Referred to	Referral Date	Meeting Date	Action Taken
Public Safety	10/08/12		
Rules	10/08/12		
Transportation	10/08/12		

**O-41-12 Public Ethics and Financial Disclosure** - For the purpose of establishing minimum standards for the conduct of Annapolis government business and to assure the citizens of the City of that they may have the highest trust in public officials and employees and that the impartiality and independent judgment of public officials and employees will be maintained without improper or even the appearance of improper influence. To guard against improper influence, it is required that all City officials and employees maintain the highest ethical standards in conducting City business and that select City officials and employees disclose their financial affairs as provided in Sections 2.08.050, 2.08.051, and 2.08.052.

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
11/05/12	12/10/12	11/01/12	02/02/13
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Government	11/05/12		

**LEGISLATIVE ACTIONS**

**CHARTER AMENDMENTS, ORDINANCES and RESOLUTIONS – 2<sup>ND</sup> READING**

**O-28-12 Amending the Procedures for the Sale and Rental of Moderately Priced Dwelling Units** – For the purpose of amending the procedures for the sale and rental of moderately priced dwelling units.

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	180 Day Rule
7/23/12	9/24/12	9/14/12	1/21/13
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	7/23/12	11/13/12	Favorable

Housing and Human Welfare	7/23/12	11/13/12	Favorable
Planning Commission	7/23/12	9/13/12	Favorable w/amd.

**ORDINANCES and RESOLUTIONS – 1<sup>st</sup> READER**

**O-44-12 Lease of City Property: Boat Shows in Spring 2013** - For the purpose of authorizing a lease of certain municipal property located in the areas of Susan B. Campbell Park, Annapolis City Donner Parking Lot, Ego Alley Water Space, and other property and water locations as described in the lease to CRUISERS UNIVERSITY, INC., t/a Annapolis Spring Sailboat Show, for a certain period of time in April 2013, to conduct boat shows.

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
12/10/12			03/10/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters			
Environmental Matters			

**R-49-12 2012 City Dock Master Plan** - For the purpose of adopting the Draft City Dock Master Plan as an addendum to the 2009 Annapolis Comprehensive Plan

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	180 Day Rule
12/10/12			06/8/13
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Government			
Economic Matters			
Planning Commission			
Historic Preservation Commission			

## **BUSINESS and MISCELLANEOUS**

1. Appointments and reappointments
2. Budget Revision Requests

## **UPCOMING CITY COUNCIL EVENTS**

Special Meeting: Monday, December 17, 2012, 7:00 p.m. City Council Chambers  
Work Session: Thursday, December 20, 2012, 1:30-4:30 p.m. City Council Chambers  
Regular Meeting: Monday, January 14, 2013, 7:00 p.m. City Council Chambers

**Carol Richardson**  
**Legislative and Policy Analyst**  
**City of Annapolis Office of Law**

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December 6, 2012

TO: The Capital Legal Notices: legalad@capgaz.com  
FROM: Carol Richardson, Legislative and Policy Analyst  
RE: Notice of Public Hearing  
PUBLISH: Please publish on: **Monday, December 10, 2012**

Please send bill and certificate of publication to the City of Annapolis Office of Law, 93 Main Street, 3rd Floor, Annapolis, MD 21401.

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**NOTICE OF ANNAPOLIS CITY COUNCIL PUBLIC HEARING**

Notice is hereby given that the Annapolis City Council will hold a public hearing on Monday, December 10, 2012 at 7:00 p.m., in City Council Chambers, 160 Duke of Gloucester Street, Annapolis, to consider:

- O-31-12 Merging the Transportation Board and Parking Advisory Commission** – For the purpose of merging the Transportation Board and Parking Advisory Commission due to significant overlap in their current roles and responsibilities.
  
- O-41-12 Public Ethics and Financial Disclosure** - For the purpose of establishing minimum standards for the conduct of Annapolis government business and to assure the citizens of the City of that they may have the highest trust in public officials and employees and that the impartiality and independent judgment of public officials and employees will be maintained without improper or even the appearance of improper influence. To guard against improper influence, it is required that all City officials and employees maintain the highest ethical standards in conducting City business and that select City officials and employees disclose their financial affairs as provided in Sections 2.08.050, 2.08.051, and 2.08.052.

The above legislation on the City Council agenda for public hearing can be viewed on the City’s website at: <http://www.annapolis.gov/Government/Departments/LawOffice/PendingLegis.aspx>

DRAFT  
REGULAR MEETING  
November 5, 2012

The Regular Meeting of the Annapolis City Council was held on, 2011 in the Council Chamber. Mayor Cohen called the meeting to order at 7:09 p.m.

Present on Roll Call: Mayor Cohen, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Silverman, Kirby, Pfeiffer, Arnett

Staff Present: City Attorney Hardwick, Finance Director Miller, Public Works Director Jarrell, Assistant City Attorney Elson, Deputy Chief Simmons, Civil Engineer Burkhart, Fire Chief Stokes

Approval of Agenda

- Alderwoman Finlayson moved to approve the Regular Meeting Agenda as amended to move business and miscellaneous item numbers 3. Beale Street Property Conveyance and 4. Lease 93 Main Street, 2<sup>nd</sup> Floor to the beginning of the agenda after the public hearing items. Seconded. CARRIED on voice vote.

HONORARY MAYORAL CITATIONS

Martha Wood Leadership Award

Mayor Cohen invited Alderman Kirby to present to Linda Jones the Mayoral Citation in recognition of being honored by the Housing Authority of the City of Annapolis as the twenty-ninth recipient of the prestigious Martha Wood Leadership Award.

PETITIONS, REPORTS AND COMMUNICATIONS

Approval of Journal Proceedings

- Alderman Israel moved to approve the Journal of Proceedings for the Regular Meeting October 8, 2012 and the Special Meeting of October 22, 2012. Seconded. CARRIED on voice vote.

Report on Hurricane Sandy

Fire Chief Stokes gave a brief presentation on Hurricane "Sandy" and the City's response to it, and introduced the Deputy Chief Simmons who shared a power point presentation on Hurricane "Sandy" and answered questions from Council.

Public Works Director Jarrell was present and answered questions from Council related to the sand bag program.

Comments by the General Public

Heather Hurt, 820 Chester Avenue, Annapolis, Maryland 21401 representing Connect Annapolis spoke in favor of the design plan for the City Dock.

- Mayor Cohen declared petitions, reports and communications closed.

PUBLIC HEARINGS

Without objection, the public hearings on O-39-12 and R-47-12 were held jointly.

- O-39-12 Issuance of Bonds – Water Treatment Plant - For the purpose of authorizing and empowering the City of Annapolis (the "City") to finance and refinance the construction, renovation and equipping of a water treatment plant through the issuance and sale, upon its full**

faith and credit, of general obligation bonds or notes in an aggregate principal amount not to exceed Thirty Five Million Dollars (\$35,000,000), pursuant to Sections 31 through 39, inclusive, of Article 23A of the Annotated Code of Maryland (2011 Replacement Volume), as amended, and Article VII, Section 11 of the Charter of the City, as amended; prescribing the form and tenor of said bonds or notes; determining the method of sale of said bonds or notes and other matters relating to the issuance and sale thereof; providing for the disbursement of the proceeds of said bonds and notes; covenanting to levy and collect all taxes necessary to provide for the payment of the principal of and interest on said bonds and notes; and generally providing for and determining various matters relating to the issuance, sale and delivery of all said bonds and notes.

&

- R-47-12**      **Revision to the Capital Improvement Budget and Program: FY 2013 to FY 2018 – For the purposes of revising the capital improvement budget for the Fiscal Year 2013, and the capital improvement program (Water Treatment Plant) for the six-year period from July 1, 2012, to June 30, 2018.**

Finance Director Miller gave a brief presentation on the ordinance and the resolution and answered questions from Council.

Public Works Director Jarrell and Civil Engineer Burkhardt were also present and answered questions from Council.

Spoke on the ordinance and resolution:

Will Taylor, 401 East Pratt Street, Suite 2315, Baltimore, Maryland 21202 representing McKennon, Shelton & Henn, LLP

No one from the general public spoke in favor of or in opposition to the ordinance and the resolution.

- Mayor Cohen declared the public hearings closed

- O-40-12**      **Lease of City Property: Fall Boat Shows in 2013 - For the purpose of authorizing an amendment to the lease of certain municipal property located in the general harbor, Dock Street and Edgewood Road areas to United States Sailboat Shows, Inc. and United States Powerboat Shows, Inc., in the following manner - Line eight of ARTICLE I, SECTION 1.1, PREMISES and TERM of the original Lease Agreement reading: "2013 – October 7 through October 22, inclusive" shall be and is hereby deleted and is hereby replaced with the following language: "2013 – September 30 through October 15."**

Assistant City Attorney Elson gave a brief presentation on the ordinance.

No one from the general public spoke in favor of or in opposition to the ordinance.

- Mayor Cohen declared the public hearing closed.

The order of the agenda was amended to allow for Business and Miscellaneous item numbers 3 and 4.

BUSINESS and MISCELLANEOUS

**3. Beale Street Property Conveyance**

Assistant City Attorney Elson gave a brief presentation on the conveyance of the Beale Street Property and answered questions from Council.

Finance Director Miller was present and answered questions from Council.

**4. Lease 93 Main Street, 2<sup>nd</sup> Floor**

Assistant City Attorney Elson was present and answered questions from Council.

The order of the agenda was resumed.

LEGISLATIVE ACTIONS

CHARTER AMENDMENT, ORDINANCES & RESOLUTION – 2<sup>ND</sup> READING

**CA-4-12 Designating Emergency Preparedness and Risk Management Responsibility to the City of Annapolis Fire Department – For the purpose of making the City Charter consistent with the City Code by designating emergency preparedness and risk management responsibility to the City of Annapolis Fire Department.**

- Alderwoman Finlayson moved to adopt CA-4-12 on second reading. Seconded.

The Rules and City Government Committee reported favorably on CA-4-12.

The main motion CARRIED on voice vote.

- Alderman Finlayson moved to adopt CA-4-12 on third reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Aldermen Israel, Paone, Alderwomen Hoyle, Finlayson, Aldermen Silverman, Kirby, Pfeiffer, Arnett

NAYS:

CARRIED: 9/0

**O-28-12 Amending the Procedures for the Sale and Rental of Moderately Priced Dwelling Units – For the purpose of amending the procedures for the sale and rental of moderately priced dwelling units.**

- Alderman Israel moved to postpone O-28-12 on second reading until the Special Meeting of November 26, 2012. Seconded. CARRIED on voice vote.

ORDINANCE and RESOLUTIONS – 1<sup>ST</sup> READER

**O-41-12 Public Ethics and Financial Disclosure - the purpose of establishing minimum standards for the conduct of Annapolis government business and to assure the citizens of the City of that they may have the highest trust in public officials and employees and that the impartiality and independent judgment of public officials and employees will be maintained without improper or even the appearance of improper influence. To guard against improper influence, it is required that all City officials and employees maintain the highest ethical standards in conducting City business and that select City officials and employees disclose their financial affairs as provided in Section 2.08.60.**

- Alderman Arnett moved to adopt O-41-12 on first reader. Seconded. CARRIED on voice vote

Referred to the Rules and City Government Committee.

**BUSINESS and MISCELLANEOUS**

**1. Appointments and Re-appointments**

- Mayor Cohen referred the proposed appointments to the Hillman Garage Advisory Committee to the Transportation Committee.

11/5/12 Hillman Garage Advisory Committee	John Giannetti, Jr – Chair
11/5/12 Hillman Garage Advisory Committee	Joe Budge
11/5/12 Hillman Garage Advisory Committee	Whitney Chellis
11/5/12 Hillman Garage Advisory Committee	Arthur “Jib” Edwards
11/5/12 Hillman Garage Advisory Committee	Keith Gross
11/5/12 Hillman Garage Advisory Committee	Jim Jaffe
11/5/12 Hillman Garage Advisory Committee	Sean O’Neil
11/5/12 Hillman Garage Advisory Committee	Steve Samaras
11/5/12 Hillman Garage Advisory Committee	Jay Schwarz

**2. Budget Revision Request – No Action**

Upon motion duly made, seconded and adopted, the meeting was adjourned at 8:38 p.m.

Regina C. Watkins-Eldridge, MMC  
City Clerk

DRAFT  
SPECIAL MEETING  
November 26, 2012

The Special Meeting of the Annapolis City Council was held on November 26, 2012 in the Council Chamber. Mayor Cohen called the meeting to order at 7:06 p.m.

Present on Roll Call: Mayor Cohen, Aldermen Israel, Paone, Alderwomen Hoyle, Finlayson, Aldermen Silverman, Kirby, Pfeiffer, Arnett

Staff Present: City Attorney Hardwick, City Manager Mallinoff, Planning and Zoning Director Arason, Chief of Comprehensive Planning Burke, Chief of Historic Preservation Craig, Finance Director Miller, Senior Planner Nash, Police Chief Pristoop

Approval of Agenda

- Alderman Arnett moved to approve the Special Meeting Agenda. Seconded. CARRIED on voice vote.

PETITIONS, REPORTS AND COMMUNICATIONS

Main Street Annapolis Partnership

Chief of Historic Preservation Craig introduced Commander Smith who gave a brief presentation on Take Back the Tug and presented the trophy to Lisa Bolter owner representing Red Red Wine Bar. Commandant Captain Robert Clark representing the United States Naval Academy and Police Chief Pristoop were present and answered questions from Council.

Proposed City Dock Master Plan

Hon. Kurt Schmoke, 2400 6th Street, NW, Suite 321 Washington, DC 20059 representing the City Dock Advisory Committee gave a brief presentation on the proposed City Dock Master Plan and answered questions from Council.

Christopher Jakubiak, 222 Courthouse Court, Suite 1C, Towson, MD 21204 representing Jakubiak & Associates presented the committees power point presentation and answered questions from Council.

Planning and Zoning Director Arason and Chief of Comprehensive Planning Burke were present and answered questions from Council.

Comments by the General Public

Greg Guzzi, 110 Dock Street, Annapolis, Maryland 21401 representing Guzzi Gifts, Jewelry and Christmas Corner spoke on the reduction in parking in the proposed City Dock Master Plan

Denise Worthen, 65 Southgate Avenue, Annapolis, Maryland 21401 spoke on the proposed City Dock Master Plan

Jeff Schaub, 110 Dock Street, Annapolis, Maryland 21401 representing Annapolis Marine Art Gallery spoke on the proposed City Dock Master Plan and the Market House

Chris Stelzig, 10 Monticello Avenue, Annapolis, Maryland 21401 spoke in favor of the City Dock Master Plan

Heather Hunt, 870 Chester Avenue, Annapolis, Maryland 21403 representing Connect Annapolis spoke in favor of the City Dock Master Plan

Michael Ernst, 55 Maryland Avenue, Annapolis, Maryland 21401 representing the Blue Crab Antiques and the Ward One Residents Parking Committee spoke in opposition to the plan for parking in the proposed City Dock Master Plan

Juliet Thompson, 9 College Avenue, Annapolis, Maryland 21401 representing the Ward One Residents Association and the Ward One Parking Committee spoke on

the plan for parking in the proposed City Dock Master Plan

Gilbert Renaut, 115 Monticello Avenue, Annapolis, Maryland 21401 spoke on the Hall of Fame Feasibility Plan and the plan for parking in the proposed City Dock Master Plan

Bob Baugl, 312 Severn Avenue, Apt E-103, Annapolis, Maryland 21403 representing Connect Annapolis spoke in favor of the proposed City Dock Master Plan

Roger Kizerball, 9 Silopanna Road, Annapolis, Maryland 21401 spoke in favor of the proposed City Dock Master Plan

Tara Boyle, 824 Chesapeake Avenue, Annapolis, Maryland 21403 representing the Fresh Farm Markets spoke on the proposed City Dock Master Plan

Ann Murphy, 23 Randall Street, Annapolis, Maryland 21401 spoke in favor of Tri Rock and spoke on parking issues on Main Street and the proposed City Dock Master Plan

Joyce Roper, 513 Sixth Street, Annapolis, Maryland 21403 spoke on the use of traffic lights and pedestrian cross walks

- Mayor Cohen declared petitions, reports and communications closed.

#### PUBLIC HEARINGS

**O-26-12 Revision to the Zoning Map Amendment Process – For the purpose of amending Chapter 21.34 (Zoning Map Amendments) of the Annapolis City Code by establishing new procedures for local zoning map amendments, sectional zoning map amendments, and comprehensive zoning map amendments. Repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2011 Edition Section 21.34.020, Section 21.34.030, and Section 21.34.040.**

Planning and Zoning Director Arason was present and answered questions from Council. Senior Planner Nash gave a brief presentation on the ordinance and answered questions from Council.

No one from the general public spoke in favor of or in opposition to the ordinance.

- Mayor Cohen accepted into the record a Memorandum to the Annapolis City Council from the Planning Commission dated 10/4/12.
- Mayor Cohen declared the public hearing closed.

#### LEGISLATIVE ACTIONS

##### ORDINANCES and RESOLUTION – 2<sup>ND</sup> READING

**O-51-11Amd. Use and Redevelopment of Property in C2 Zoning Districts – For the purpose of adding certain provisions governing use and redevelopment of property located in a C2 Zoning District.**

Charles F. Delavan, Esq., Blumenthal, Delavan & Williams, P.A., 170 Jennifer Road # 240, Annapolis, MD 21401-7995 representing Chandler, LLC was present and answered questions from Council.

- Alderwoman Finlayson moved to postpone O-51-11 amended on third reading until the Special Meeting of February 25, 2013. Seconded. CARRIED on voice vote.

**O-52-11Amd. Rezoning Parcels 1244 1247 and 1255, Grid 20, Tax Map 52A – F the purpose of rezoning parcels 1244 1247 and 1255, Grid 20, Tax Map 52A to C2, “Conservation Business” Zoning District**

- Alderwoman Finlayson moved to postpone O-52-11 amended on third reading until the Special Meeting of February 25, 2013. Seconded.

CARRIED on voice vote.

**O-28-12 Amending the Procedures for the Sale and Rental of Moderately Priced Dwelling Units – For the purpose of amending the procedures for the sale and rental of moderately priced dwelling units.**

Planning and Zoning Director Arason was present and answered questions from Council.

- Alderwoman Finlayson moved to postpone O-28-12 on second reading until the Regular Meeting of December 10, 2012. Seconded. CARRIED on voice vote.

**O-30-12 Parking and Storage of Automobiles, Motorcycles, Trailers, Motor Homes, Recreational Vehicles, Boats, and Personal Watercraft in Residential Zoning Districts – For the purpose of designating certain areas for parking and storage of automobiles, motorcycles, trailers, motor homes, recreational vehicles, boats, and personal watercraft in residential zoning districts.**

- Alderman Arnett moved to withdraw O-30-12 on second reading. Seconded. CARRIED on voice vote.

**R-39-12 Fines Schedule Updated for Violations of Parking and Storage of Automobiles, Motorcycles, Trailers, Motor Homes, Recreational Vehicles, Boats, and Personal Watercraft in Undesignated Areas within Residential Zoning Districts – For the purpose of establishing a fine for parking and storage of automobiles, motorcycles, trailers, motor homes, recreational vehicles, boats, and personal watercraft in undesignated areas within residential zoning districts.**

- Alderman Arnett moved to withdraw R-39-12 on second reading. Seconded. CARRIED on voice vote.

**O-40-12 Lease of City Property: Fall Boat Shows in 2013 - For the purpose of authorizing an amendment to the lease of certain municipal property located in the general harbor to United States Sailboat Shows, Inc. and United States Powerboat Shows, Inc., in the following manner -Line eight of ARTICLE I, SECTION 1.1, PREMISES and TERM of the original Lease Agreement reading: “2013 – October 7 through October 22, inclusive” shall be and is hereby deleted and is hereby replaced with the following language: “2013 – September 30 through October 15.”**

General Manager Paul Jacobs, 3536 Saratoga Avenue, Annapolis, Maryland 21401 representing United States Boat Shows was present and answered questions from Council.

- Alderman Arnett moved to adopt O-40-12 on second reading. Seconded.

The Economic Matters Committee reported favorably on O-40-12.

The main motion CARRIED on voice vote.

- Alderman Arnett moved to adopt O-40-12 on third reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Aldermen Paone, Alderwomen Hoyle, Finlayson, Aldermen Silverman, Kirby, Pfeiffer, Arnett, Israel

NAYS:

CARRIED: 9/0

ORDINANCE – 1<sup>st</sup> READER

**O-42-12 Residency Requirements for Certain Department Directors – For the purpose of changing the residency requirement for certain department directors by amending the following portion of the Code of the City of Annapolis, 2011 Edition: 2.04.060.**

- Alderman Arnett moved to adopt O-42-12 on first reader. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee.

BUSINESS and MISCELLANEOUS

**1. Appointments and Reappointments**

- Alderman Arnett moved approval of the Mayor's appointment of the following individuals:

11/26/12 Council Compensation Commission	Richard Hillman
11/26/12 Council Compensation Commission	Candice Donoho

Seconded. CARRIED on voice vote.

The Transportation Committee reported favorably on the appointment to the Hillman Garage Advisory Commission.

- Alderman Arnett moved to approve the Mayor's appointment of the following individual:

11/26/12 Hillman Garage Advisory Commission	Charles Weikel
11/26/12 Hillman Garage Advisory Commission	Ann Berger
11/26/12 Hillman Garage Advisory Committee	John Giannetti, Jr – Chair
11/26/12 Hillman Garage Advisory Committee	Joe Budge
11/26/12 Hillman Garage Advisory Committee	Whitney Chellis
11/26/12 Hillman Garage Advisory Committee	Arthur "Jib" Edwards
11/26/12 Hillman Garage Advisory Committee	Keith Gross
11/26/12 Hillman Garage Advisory Committee	Jim Jaffe
11/26/12 Hillman Garage Advisory Committee	Sean O'Neil
11/26/12 Hillman Garage Advisory Committee	Steve Samaras
11/26/12 Hillman Garage Advisory Committee	Jay Schwarz

Seconded. CARRIED on voice vote.

**2. Budget Revision Requests**

Finance Director Miller was present and answered questions from Council.

The Finance Committee reported favorable on GT-7-13, GT-9-13 and GT-10-13.

- Alderwoman Finlayson moved to approve budget revision requests GT-7-13 CIP, Transfer for Park Projects, GT-9-13 outstanding invoices from FY12 and GT-10-13 Water Treatment Plant Emergency Repair. Seconded. CARRIED on voice vote.
- Alderman Paone voted no on the budget revision requests.

City Manager Mallinoff gave a brief presentation on GT-8-13 and answered questions from Council.

The Finance Committee reported no action on GT-8-13.

- Alderman Kirby moved to postpone GT-8-13 Lease payments for 93 Main Street 2<sup>nd</sup> Floor until 12/10/12. Seconded. CARRIED on voice vote.

**3. Referrals**

**O-27-12 Removing the Requirement that a Certified Public Accountant Attest to Ratio Reports for Restaurants Renewing Their Alcoholic Beverage Licenses.**

- Mayor Cohen referred O-27-12 to the Alcoholic Beverage Control Board.

**O-36-12 Permitted Hours of Sidewalk Cafes.**

- Mayor Cohen referred to the Alcoholic Beverage Control Board and the Planning Commission.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 10:38 p.m.

Regina C. Watkins-Eldridge, MMC  
City Clerk

1 CITY COUNCIL OF THE  
2 City of Annapolis

3  
4 Ordinance No. O-31-12

5 Introduced by: Alderman Pfeiffer  
6  
7

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
10/8/12	12/10/12		1/4/13
Referred to	Referral Date	Meeting Date	Action Taken
Public Safety	10/8/12		
Rules	10/8/12		
Transportation	10/8/12		

8  
9 **AN ORDINANCE** concerning

10 **Merging the Transportation Board and Parking Advisory Commission**

11 **FOR** the purpose of merging the Transportation Board and Parking Advisory Commission due  
12 to significant overlap in their current roles and responsibilities.

13 **BY** repealing and re-enacting with amendments the following portions of the Code of the  
14 City of Annapolis, 2011 Edition  
15 Section 2.48.320

16  
17 **BY** repealing the following portions of the Code of the City of Annapolis, 2011 Edition  
18 Section 12.04.030  
19

20 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**  
21 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

22 **CHAPTER 2.48 – BOARDS, COMMISSIONS AND COMMITTEES**

23 **ARTICLE X – TRANSPORTATION BOARD**

24 **2.48.320 - Transportation Board.**

25 A. Established—Duties. There is created a Transportation Board. The duties of the Board are:  
26 to provide informed analysis of the facts relating to transportation matters affecting the City and  
27 all transportation matters pending before the City Council or before any City agency, board or  
28 commission; to recommend to the Mayor and [aldermen] CITY COUNCIL, a comprehensive  
29 transportation master plan for the City; to provide oversight, guidance, and expertise in the  
30 planning of comprehensive traffic, [and] transit, AND PARKING policies. In performing its  
31 functions, the [b]Board shall:

- 1 1. Study, review and make recommendations with respect to all transportation and traffic  
2 matters, INCLUDING POLICIES, LAWS, AND REGULATIONS;
- 3 2. Advise the City Council on the implementation of the transportation master plan and  
4 improvement of City transportation and traffic conditions;
- 5 3. Provide a forum for citizens and residents to express their views and opinions  
6 regarding transportation, traffic policies and procedures and to inform the public with  
7 respect to proposals for changes in existing transportation and traffic policies and  
8 procedures;
- 9 4. Assist the City in the presentation of reports, recommendations, analysis, or policies  
10 to other public or quasi-public bodies whose actions may impact transportation conditions  
11 within the City; and
- 12 5. Participate in activities with Anne Arundel County and the State of Maryland intended  
13 to further the transportation concerns of the City.
- 14 6. PERFORM SUCH OTHER DUTIES AS DIRECTED BY THE MAYOR OR CITY  
15 COUNCIL.

16 B. Composition and Procedures.

17 1. The [b]Board shall consist of [eleven residents of the City] 15 MEMBERS, EIGHT  
18 CITY OF ANNAPOLIS RESIDENTS (one from each ward) and [three] FIVE appointed at-  
19 large, who shall be appointed by the Mayor and confirmed by the City Council for a term of  
20 three years, commencing on July 1st of the year in which appointed. The appointment shall  
21 designate the term of each member of the board so that the terms of not more than three  
22 members of the board shall expire in any one year.

23 A. IF A WARD-SPECIFIC POSITION ON THE BOARD VACATED ON JUNE 30 OF  
24 ANY YEAR IS NOT FILLED BY OCTOBER 1 OF THE SAME YEAR OR IS  
25 VACATED AFTER A TERM HAS COMMENCED AND THE POSITION IS NOT  
26 FILLED AFTER BEING VACANT FOR THREE MONTHS, THE MAYOR AND CITY  
27 COUNCIL SHALL NO LONGER BE REQUIRED TO ADHERE TO THE WARD  
28 REQUIREMENT. THE POSITION MAY THEN BE FILLED BY A CITY RESIDENT  
29 LIVING IN ANY WARD AND SHALL BE CONSIDERED AN AT-LARGE MEMBER.  
30 THE NEW AT-LARGE MEMBER SHALL SERVE FOR THE DURATION OF THE  
31 TERM. WHEN THE POSITION IS VACATED, IT SHALL BE RETURN TO BEING  
32 WARD-SPECIFIC.

33  
34 B. THE BOARD SHALL INCLUDE IN ITS MEMBERSHIP A REPRESENTATIVE  
35 FROM THE UNITED STATES NAVAL ACADEMY AND ST. JOHN'S COLLEGE.

36 2. Each member shall have a demonstrated interest or expertise in transportation,  
37 parking, or traffic. At least two of the members shall possess professional or academic  
38 training in one or more of the above listed disciplines.

39 3. The [b]Board shall annually select, from among its duly appointed members, officers  
40 of at least a chairperson, vice chairperson, and a secretary, whose authority shall be that  
41 prescribed in the current edition of Robert's Rules of Order, Newly Revised.

42 4. The Board shall, under its own authority, establish rules of procedure and practice to  
43 provide for the carrying out of its duties and responsibilities consistent with the provisions

1 of this chapter.

2 5. The Director of Transportation, the Director of Planning and Zoning, [and] the Director  
3 of Public Works AND A REPRESENTATIVE FROM THE STATE OF MARYLAND shall be  
4 ex officio, non-voting members of the Board. The Mayor may designate additional City  
5 officials or individuals to participate in an ex officio, non-voting capacity.

6 [6. The Transportation Board shall confer periodically with the Parking Advisory  
7 Commission and shall review and comment on recommendations of the Parking Advisory  
8 Commission before the recommendations are submitted to the Mayor and Aldermen.]

9 C. Reports and Decisions.

10 1. A recommendation, or action of the Board shall be adopted only upon a majority of  
11 the members present and voting, a quorum of [six] SEVEN being necessary to conduct its  
12 business and shall be based upon publicly available information, statistics, or data.

13 2. A report, delineating the basis thereforE, shall be rendered for each recommendation  
14 or action.

15 3. Each report shall be delivered to the City Council for its consideration.

16 4. The Board shall render an annual report to be received by the City Council not later  
17 than February 1st of the year following the year being reported. The report shall review the  
18 status of transportation and traffic affecting the City, and shall summarize all actions of the  
19 Council and Board taken during the calendar year past. The report shall delineate current  
20 difficulties, identify upcoming problems and view pending matters. The transportation  
21 master plan shall be reviewed, and the Board shall recommend necessary plans, studies,  
22 actions and expenditures for the following year to accomplish the objectives of the plan.  
23 The Board shall, as part of its annual report, notify the Council of any and all trends and  
24 developments which are becoming, or will become, a significant transportation concern of  
25 the City, whether or not a particular matter is physically located within the corporate  
26 borders of the municipality.  
27

28 **CHAPTER 12.04 – GENERAL PROVISIONS**

29 **[12.04.030 - Parking Advisory Commission.]**

30 [A. Establishment. There is established a Parking Advisory Commission.]

31 [B. Membership and Appointment. The Commission consists of eleven members who are  
32 appointed for terms of three years by the Mayor with the approval of the City Council as follows:

33 1. Six members shall be residents of the City and at least five of the six shall have a  
34 residential parking permit.

35 2. Three members shall own or manage a business located in a residential parking  
36 district.

37 3. One member shall be associated with St. John's College and one member shall be  
38 associated with the United States Naval Academy. In the case of these two members, the  
39 Mayor shall invite the President of the College and the Superintendent of the Academy to  
40 recommend a prospective member.]

- 1 [C. Chair. Annually the Mayor shall designate a member to serve as chair of the Commission.]
- 2 [D. Purpose. The purpose of the Commission is to advise the Mayor and Aldermen on all  
3 matters relating to the parking of motor vehicles. In doing so, the Commission is to consider the  
4 interests of all affected parties.]
- 5 [E. Meetings. The Commission is to meet periodically after due notice at a time and place to  
6 be determined by the chair after consulting with the members.]
- 7 [F. Duties. The duties of the Commission are, as follows:
- 8 1. Review existing principles, policies, laws and regulations relating to parking;
  - 9 2. Recommend revision of principles, policies, laws and regulations relating to parking;
  - 10 3. Monitor administration and enforcement of parking law and regulations;
  - 11 4. Recommend measures to improve administration and enforcement;
  - 12 5. Study and recommend on the advisability of consolidating all parking-related  
13 functions in a single department of parking or in the alternative, of transportation and  
14 parking;
  - 15 6. Submit an annual report by February 15th of each calendar year to the City Council;
  - 16 7. Periodically confer with Transportation Board and submit to the Board for its review  
17 and comment all proposed recommendations to the Mayor and Aldermen; and
  - 18 8. Perform such other duties as directed by the Mayor or the City Council.]

20 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**  
21 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its passage.

22 **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

23  
24  
25  
ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

\_\_\_\_\_  
Regina C. Watkins-Eldridge, MMC, City Clerk

\_\_\_\_\_  
Joshua J. Cohen, Mayor

26  
27  
28  
29 **EXPLANATION**

30 CAPITAL LETTERS indicate matter added to existing law.

31 [brackets] indicate matter stricken from existing law.

32 Underlining indicates amendments.

**O-31-12**

**Merging the Transportation Board and Parking Advisory Commission**

**Policy Report**

The proposed ordinance would merge the Transportation Board and Parking Advisory Commission due to significant overlap in their current roles and responsibilities.

The revamped Transportation Board membership would consist of 15 members, eight City of Annapolis residents (one from each ward) and five appointed at-large. If a ward-specific position on the Board vacated on June 30 of any year is not filled by October 1 of the same year or is vacated after a term has commenced and the position is not filled after being vacant for three months, the Mayor and City Council shall no longer be required to adhere to the ward requirement. The position may then be filled by a City resident living in any ward and shall be considered an at-large member. The new at-large member shall serve for the duration of the term. When the position is vacated, it shall be return to being ward-specific. The Board's membership would include a representative from the United States Naval Academy and St. John's College. The proposed ordinance also provides for ex officio members: The Directors of Transportation, Planning and Zoning, and Public Works in addition to a representative from the State of Maryland.

Prepared by: Jessica Cowles, City of Annapolis Office of Law, JCCowles@annpolis.gov or (410) 263-1184.

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**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance No. O-41-12**

**Introduced by: Mayor Cohen**

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
11/05/12	12/10/12	11/1/12	02/02/13
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Government	11/05/12		

**AN ORDINANCE** concerning

**Public Ethics and Financial Disclosure**

**FOR** the purpose of establishing minimum standards for the conduct of Annapolis government business and to assure the citizens of the City of that they may have the highest trust in public officials and employees and that the impartiality and independent judgment of public officials and employees will be maintained without improper or even the appearance of improper influence. To guard against improper influence, it is required that all City officials and employees maintain the highest ethical standards in conducting City business and that select City officials and employees disclose their financial affairs as provided in Sections 2.08.050, 2.08.051, and 2.08.052.

**BY** repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2011 Edition:

- 2.08.010
- 2.08.020
- 2.08.030
- 2.08.040
- 2.08.050
- 2.08.060
- 2.08.070
- 2.08.080
- 2.08.085
- 2.08.090
- 2.08.100
- 2.08.110

**BY** adding new the following portionS to the Code of the City of Annapolis, 2011 Edition:

- 2.08.051

1 2.08.052  
2 2.08.120  
3

4 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**  
5 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

6 **Chapter 2.08 Public Ethics and Financial Disclosure**

7 **Sections:**

- 8 2.08.010 - PURPOSE AND Policy.
- 9 2.08.020 - Definitions.
- 10 2.08.030 - Ethics Commission.
- 11 2.08.040 - PROHIBITED CONDUCT AND [Conflicts of i]InterestS.
- 12 2.08.050 - Financial disclosure FOR ELECTED OFFICIALS AND CANDIDATES FOR
- 13 ELECTED OFFICE.
- 14 2.08.051 – FINANCIAL DISCLOSURE FOR EMPLOYEES AND APPOINTED
- 15 OFFICIALS.
- 16 2.08.052 – FINANCIAL DISCLOSURE FOR THE HOUSING AUTHORITY OF THE
- 17 CITY OF ANNAPOLIS.
- 18 2.08.060 – [Financial disclosure—Content of statement] STATEMENT OF
- 19 COMPLIANCE.
- 20 2.08.070 - [Financial] LOBBYING disclosure[—Attributable interests].
- 21 2.08.080 - [Lobbying disclosure] RESPONSIBILITIES OF CITY ATTORNEY.
- 22 [2.08.085 - Financial disclosure—Annapolis Housing Authority.]
- 23 2.08.090 - Exemptions and modifications.
- 24 2.08.100 - [Responsibilities of City Attorney] ENFORCEMENT.
- 25 2.08.110 - [Enforcement] COMPLAINT PROCEDURE.
- 26 2.08.120 – SEVERABILITY.
- 27

28 **2.08.010 PURPOSE AND Policy**

29 [The proper operation of representative government requires that public officials and employees  
30 be independent, impartial, and responsive to the general public whom they represent; that  
31 public office not be used to advance personal gain; and that the public maintain a high degree of  
32 trust in their public officials and employees. Recognizing these principles, the City Council  
33 declares that it is the policy of the City, in enacting these provisions, that:

34 A. Elected and appointed officials and employees shall not engage in any business or  
35 transaction or have a financial interest, direct or indirect, which is incompatible with the  
36 proper discharge of official duties or would tend to impair independence of judgment or  
37 action in the performance of official duties.

38 B. Designated elected and appointed officials and employees, and candidates for public  
39 office, shall disclose fully their financial interests in order to ensure that the interests  
40 present no conflict with their public duties.

41 C. Elected and appointed officials or employees shall not engage in any activity or  
42 participate in any transaction which would create, or tend to create, a conflict of interest in  
43 the exercise of their public or official duties.

1 D. Individuals, firms or organizations of any type which seek to influence elected or  
2 appointed officials, agencies or employees in the performance of their official duties have  
3 an obligation to register with the City as lobbyists and to disclose fully certain information  
4 as to their activities as lobbyists in order that the general public may be assured that no  
5 conduct resulting in a conflict of interest or interfering with the proper discharge of official  
6 duties has occurred.】  
7

8 A. PURPOSE. THE PURPOSE OF THIS CHAPTER IS TO SET MINIMUM STANDARDS  
9 FOR THE CONDUCT OF ANNAPOLIS GOVERNMENT BUSINESS AND TO ASSURE THE  
10 CITIZENS OF THE CITY THAT THEY MAY HAVE THE HIGHEST TRUST IN THEIR  
11 PUBLIC OFFICIALS AND EMPLOYEES AND THAT THE IMPARTIALITY AND  
12 INDEPENDENT JUDGMENT OF THEIR PUBLIC OFFICIALS AND EMPLOYEES WILL BE  
13 MAINTAINED WITHOUT IMPROPER OR EVEN THE APPEARANCE OF IMPROPER  
14 INFLUENCE. TO GUARD AGAINST IMPROPER INFLUENCE IT IS REQUIRED THAT ALL  
15 CITY OFFICIALS AND EMPLOYEES MAINTAIN THE HIGHEST ETHICAL STANDARDS IN  
16 CONDUCTING CITY BUSINESS AND THAT SELECT CITY OFFICIALS AND  
17 EMPLOYEES DISCLOSE THEIR FINANCIAL AFFAIRS AS PROVIDED IN SECTIONS  
18 2.08.050, 2.08.051, AND 2.08.052 .  
19

20 B. POLICY. IT IS THE POLICY OF THE CITY COUNCIL THAT OFFICIALS AND  
21 EMPLOYEES BE INDEPENDENT, IMPARTIAL, AND RESPONSIVE TO THE PUBLIC  
22 WHOM THEY REPRESENT AND SERVE; THAT PUBLIC OFFICE OR POSITION NOT BE  
23 USED TO ADVANCE PERSONAL GAIN; AND THAT LOBBYIST ACTIONS SHALL NOT  
24 PRESENT A CONFLICT OF INTEREST OR INTERFERE WITH THE DUTIES OF  
25 OFFICIALS AND EMPLOYEES. RECOGNIZING THESE PRINCIPLES, THE CITY  
26 COUNCIL DECLARES THAT IT IS THE POLICY OF THE CITY, IN ENACTING THESE  
27 PROVISIONS, THAT:  
28

29 1. OFFICIALS AND EMPLOYEES SHALL NOT ENGAGE IN ANY BUSINESS OR  
30 TRANSACTION OR HAVE A FINANCIAL INTEREST, DIRECT OR INDIRECT, WHICH  
31 IS INCOMPATIBLE WITH THE PROPER DISCHARGE OF THEIR DUTIES OR WOULD  
32 APPEAR TO IMPAIR INDEPENDENCE OF JUDGMENT OR ACTION IN THE  
33 PERFORMANCE OF THEIR DUTIES.  
34

35 2. ELECTED AND DESIGNATED OFFICIALS AND EMPLOYEES, AND CANDIDATES  
36 FOR PUBLIC OFFICE, SHALL DISCLOSE FULLY THEIR FINANCIAL INTERESTS IN  
37 ORDER TO ENSURE THAT SUCH INTERESTS PRESENT NO CONFLICT WITH  
38 THEIR DUTIES.  
39

40 3. OFFICIALS AND EMPLOYEES SHALL NOT ENGAGE IN ANY ACTIVITY OR  
41 PARTICIPATE IN ANY TRANSACTION WHICH WOULD CREATE, OR APPEAR TO  
42 CREATE, A CONFLICT OF INTEREST IN THE EXERCISE OF THEIR PUBLIC OR  
43 OFFICIAL DUTIES.  
44

45 4. PERSONS WHO SEEK TO INFLUENCE OFFICIALS, AGENCIES OR EMPLOYEES  
46 IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES HAVE AN OBLIGATION TO  
47 REGISTER WITH THE CITY AS LOBBYISTS AND TO DISCLOSE INFORMATION AS  
48 TO THEIR LOBBYING ACTIVITIES TO ASSURE THEIR CONDUCT DOES NOT  
49 RESULT IN A CONFLICT OF INTEREST OR INTERFERE WITH THE DUTIES OF  
50 OFFICIALS AND EMPLOYEES.  
51

1  
2 **2.08.020 Definitions**  
3

4 A. Definitions. The following words and phrases shall have the meanings ascribed to them as  
5 follows:

6 [A. "Business entity" includes a corporation, general or limited partnership, sole  
7 proprietorship, joint venture, unincorporated association, real estate investment trust or  
8 other business trust.

9 B. "Business with the municipality" means any one or any combination of sales,  
10 purchases, leases or contracts to, from or with the municipality or any agency of the  
11 municipality involving consideration of one thousand dollars or more on a cumulative basis  
12 during the calendar year for which a required statement is to be filed.

13 C. "Child" includes a child, adopted child, step-child, foster child or grandchild, of  
14 whatever age.

15 D. "Gift" means the transfer of anything of economic value, regardless of form and  
16 without adequate and lawful consideration, whether or not it relates to the performance of  
17 official duties. However, "gift" does not include the solicitation, acceptance or receipt of any  
18 campaign contributions regulated in accordance with any law pertaining to the conduct of  
19 elections or the receipt of political campaign contributions.

20 E. "Interest" means any legal or equitable interest, whether or not subject to an  
21 encumbrance or a condition, which was owned or held, in whole or in part, jointly or  
22 severally, directly or indirectly at any time during the calendar year for which a required  
23 statement is to be filed. "Interest" includes an interest in any stock or similar security,  
24 preorganization certificate or subscription, investment contract, voting trust certificate,  
25 limited or general partnership or joint venture, business trust or certificate of interest or  
26 participation in a profit-sharing agreement, or in an oil, gas or other mineral royalty or  
27 lease; a certificate or instrument of deposit for any of the foregoing; a certificate or  
28 instrument of interest or participation in, or a certificate or instrument convertible, with or  
29 without consideration, into, or a guarantee of, or warrant or right to subscribe to or  
30 purchase, any of the foregoing; a put, call, straddle or other option or privilege of  
31 subscribing to or purchasing any of the foregoing; or any other equity interest, however  
32 evidenced, which entitles the owner or holder of the interest, directly or indirectly, alone or  
33 in concert with others, to receive or direct any part of the profits from, or to exercise any  
34 part of the control over, a business entity, as well as any interest which, conditionally or  
35 unconditionally, with or without consideration, is convertible thereto. "Interest" also includes  
36 an interest in a note, bond, debenture or any other evidence of a creditor interest.  
37 However, "interest" does not include an interest held solely in the capacity of a personal  
38 representative, agent, custodian, fiduciary or trustee, nor an interest in a time or demand  
39 deposit in a financial institution, nor an interest in an insurance or endowment policy or  
40 annuity contract under which an insurance company promises to pay a fixed number of  
41 dollars, either in a lump sum or periodically for life or some other specified period.

42 F. "Person" includes any natural person, corporation, partnership, trust, unincorporated  
43 association or other organization, entity or enterprise.]  
44

45 1. "BUSINESS ENTITY" MEANS A CORPORATION, LIMITED LIABILITY COMPANY,  
46 GENERAL OR LIMITED PARTNERSHIP, SOLE PROPRIETORSHIP, JOINT

1 VENTURE, UNINCORPORATED ASSOCIATION OR FIRM, INSTITUTION, TRUST,  
2 FOUNDATION, OR OTHER ORGANIZATION, WHETHER OR NOT OPERATED FOR  
3 PROFIT. "BUSINESS ENTITY" DOES NOT INCLUDE A GOVERNMENTAL ENTITY.  
4

5 2. "COMMISSION" MEANS THE CITY OF ANNAPOLIS ETHICS COMMISSION AS  
6 ESTABLISHED IN SECTION 2.08.030.  
7

8 3. "COMPENSATION" MEANS ANY MONEY OR THING OF VALUE, REGARDLESS  
9 OF FORM, RECEIVED OR TO BE RECEIVED BY ANY INDIVIDUAL COVERED BY  
10 THIS CHAPTER FROM AN EMPLOYER FOR SERVICE RENDERED. FOR THE  
11 PURPOSES OF SECTION 2.08.070 OF THIS CHAPTER, IF LOBBYING IS ONLY A  
12 PORTION OF A PERSON'S EMPLOYMENT, "COMPENSATION" MEANS A  
13 PRORATED AMOUNT BASED ON THE TIME DEVOTED TO LOBBYING COMPARED  
14 TO THE TIME DEVOTED TO OTHER EMPLOYMENT DUTIES.  
15

16 4. "DOING BUSINESS WITH" MEANS:

- 17 (A) HAVING OR NEGOTIATING A CONTRACT THAT INVOLVES THE  
18 COMMITMENT (EITHER IN A SINGLE OR COMBINATION OF  
19 TRANSACTIONS) OF \$1,000 OR MORE OF CITY CONTROLLED FUNDS; OR
- 20 (B) BEING REGULATED BY OR OTHERWISE UNDER THE AUTHORITY OF  
21 THE CITY; OR
- 22 (C) BEING REGISTERED AS A LOBBYIST IN ACCORDANCE WITH SECTION  
23 2.08.070 OF THIS CHAPTER.  
24

25 5. "ELECTED OFFICIAL" INCLUDES THE MAYOR AND MEMBERS OF THE CITY  
26 COUNCIL.  
27

28 6. "EMPLOYEE" MEANS AN INDIVIDUAL WHO IS EMPLOYED BY CITY OF  
29 ANNAPOLIS. "EMPLOYEE" DOES NOT INCLUDE AN ELECTED OFFICIAL.  
30

31 7. "FINANCIAL INTEREST" MEANS:

- 32 (A) OWNERSHIP OF ANY INTEREST AS THE RESULT OF WHICH THE  
33 OWNER HAS RECEIVED, WITHIN THE PAST 3 YEARS, OR IS PRESENTLY  
34 RECEIVING, OR IN THE FUTURE IS ENTITLED TO RECEIVE, MORE THAN  
35 \$1,000 PER YEAR ANY COMPENSATION; OR
- 36 (B) OWNERSHIP, OR THE OWNERSHIP OF SECURITIES OF ANY KIND  
37 REPRESENTING OR CONVERTIBLE INTO OWNERSHIP, OF MORE THAN 3  
38 PERCENT OF A BUSINESS ENTITY BY A CITY OFFICIAL OR EMPLOYEE,  
39 OR THE SPOUSE OF AN OFFICIAL OR EMPLOYEE.  
40

41 8. "GIFT" MEANS THE TRANSFER OF ANYTHING OF ECONOMIC VALUE  
42 REGARDLESS OF THE FORM WITHOUT ADEQUATE AND LAWFUL  
43 CONSIDERATION, WHETHER OR NOT IT RELATES TO THE PERFORMANCE OF  
44 OFFICIAL DUTIES. HOWEVER, "GIFT" DOES NOT INCLUDE THE SOLICITATION,  
45 ACCEPTANCE OR RECEIPT OF ANY CAMPAIGN CONTRIBUTIONS REGULATED IN  
46 ACCORDANCE WITH ANY LAW PERTAINING TO THE CONDUCT OF ELECTIONS  
47 OR THE RECEIPT OF POLITICAL CAMPAIGN CONTRIBUTIONS.  
48

49 9. "INTEREST" MEANS ANY LEGAL OR EQUITABLE ECONOMIC INTEREST,  
50 WHETHER OR NOT SUBJECT TO AN ENCUMBRANCE OR A CONDITION, WHICH  
51 WAS OWNED OR HELD, IN WHOLE OR IN PART, JOINTLY OR SEVERALLY,

1 DIRECTLY OR INDIRECTLY. FOR PURPOSES OF 2.08.050 OF THIS CHAPTER,  
2 "INTEREST" APPLIES TO ANY INTERESTS HELD AT ANY TIME DURING THE  
3 CALENDAR YEAR FOR WHICH A REQUIRED STATEMENT IS TO BE FILED.  
4 "INTEREST" DOES NOT INCLUDE:

5 (A) AN INTEREST HELD IN THE CAPACITY OF A PERSONAL AGENT,  
6 REPRESENTATIVE CUSTODIAN, FIDUCIARY, OR TRUSTEE, UNLESS THE  
7 HOLDER HAS AN EQUITABLE INTEREST THEREIN;

8 (B) AN INTEREST IN A TIME OR DEMAND DEPOSIT IN A FINANCIAL  
9 INSTITUTION;

10 (C) AN INTEREST IN AN INSURANCE OR ENDOWMENT POLICY OR  
11 ANNUITY CONTRACT UNDER WHICH AN INSURANCE COMPANY  
12 PROMISES TO PAY A FIXED NUMBER OF DOLLARS EITHER IN A LUMP  
13 SUM OR PERIODICALLY FOR LIFE OR SOME OTHER SPECIFIED PERIOD;

14 (D) A COMMON TRUST FUND OR A TRUST WHICH FORMS PART OF A  
15 PENSION OR PROFIT SHARING PLAN WHICH HAS MORE THAN 25  
16 PARTICIPANTS AND WHICH HAS BEEN DETERMINED BY THE INTERNAL  
17 REVENUE SERVICE TO BE A QUALIFIED TRUST UNDER §§401 AND 501 OF  
18 THE INTERNAL REVENUE CODE OF 1954; OR

19 (E) AN INTEREST IN A CITY PENSION PLAN, CITY DEFERRED  
20 COMPENSATION PLAN OR A COLLEGE SAVINGS PLAN UNDER THE  
21 INTERNAL REVENUE CODE.  
22

23 10. "LOBBYIST" OR "LOBBYING" MEANS THE PERSON OR ACT OF  
24 COMMUNICATING IN THE PRESENCE OF A CITY OFFICIAL OR EMPLOYEE WITH  
25 THE INTENT TO INFLUENCE ANY OFFICIAL ACTION OF THAT OFFICIAL OR  
26 EMPLOYEE; OR THE PERSON OR ACT OF ENGAGING IN ACTIVITIES HAVING THE  
27 EXPRESS PURPOSE OF SOLICITING OTHERS TO COMMUNICATE WITH A CITY  
28 OFFICIAL OR EMPLOYEE WITH THE INTENT TO INFLUENCE THAT OFFICIAL OR  
29 EMPLOYEE; AND WHO EXPENDS (EXCLUSIVE OF PERSONAL TRAVEL AND  
30 SUBSISTENCE) IN EXCESS OF \$250.00 PER CALENDAR YEAR ON FOOD,  
31 ENTERTAINMENT OR GIFTS FOR ANY OFFICIALS OR EMPLOYEES OF THE CITY.  
32

33 11. "OFFICIAL" MEANS AN ELECTED OFFICIAL, AN EMPLOYEE OF THE CITY  
34 DIRECTLY OR BY CONTRACT, OR A PERSON APPOINTED TO OR EMPLOYED BY  
35 A CITY AGENCY, BOARD, COMMISSION, OR SIMILAR ENTITY WHETHER OR NOT  
36 PAID IN WHOLE OR IN PART WITH CITY FUNDS AND WHETHER OR NOT  
37 COMPENSATED.  
38

39 12. "PERSON" INCLUDES ANY NATURAL PERSON, OR BUSINESS ENTITY.  
40

41 13. "RELATIVE", "FAMILY", AND "IMMEDIATE FAMILY" INCLUDE SPOUSE,  
42 SIBLINGS, PARENTS, CHILDREN, AND THEIR SPOUSES.  
43

44 **2.08.030 Ethics Commission**

46 A. Composition and Appointment. [There is established an Ethics Commission, which shall be  
47 composed of five members, all of whom shall be residents of the City, appointed by the Mayor,  
48 and confirmed by a majority vote of the City Council. Each member of the Commission shall  
49 serve for a term of three years, or until a successor is appointed and duly qualified, commencing  
50 on March 1st of the year in which appointed. The City Council shall designate the initial terms of

1 the members of the Commission, so that the terms of not more than two members of the  
2 Commission shall expire in any one year. No member of the Commission shall be an elected or  
3 appointed official of the City, or any individual who is otherwise subject to the provisions of this  
4 section of the code.] THE CITY ETHICS COMMISSION IS COMPOSED OF FIVE CITY  
5 RESIDENT MEMBERS WHO ARE NOMINATED BY THE MAYOR AND CONFIRMED BY A  
6 MAJORITY VOTE OF THE CITY COUNCIL WITHIN 30 DAYS OF A NOMINATION. EACH  
7 MEMBER OF THE COMMISSION SHALL SERVE FOR A TERM OF ONE TO FIVE YEARS  
8 FROM THE DATE OF CONFIRMATION SO MEMBER TERMS ARE OVERLAPPING. NO  
9 MEMBER OF THE COMMISSION SHALL BE AN ELECTED OR APPOINTED OFFICIAL OF  
10 THE CITY, OR ANY INDIVIDUAL WHO IS OTHERWISE SUBJECT TO THE PROVISIONS OF  
11 THIS SECTION OF THE CODE. UPON OCCURRENCE OF A VACANCY ON THE  
12 COMMISSION FOR ANY REASON, THE MAYOR SHALL NOMINATE AN INDIVIDUAL TO  
13 FILL THAT POSITION FOR A TERM OF UP TO 5 YEARS. A COMMISSION MEMBER MAY  
14 SERVE UNTIL RE-APPOINTED OR A SUCCESSOR IS APPOINTED. NOTHING HEREIN  
15 SHALL PRECLUDE THE NOMINATION AND CONFIRMATION OF A MEMBER TO SERVE  
16 SUCCESSIVE TERMS.  
17

18 [B. Duties and Responsibilities. The Ethics Commission has the following duties and  
19 responsibilities:

- 20 1. To devise, receive and maintain all forms generated by this chapter;
- 21 2. Upon the receipt of a written request from a person who is or may be subject to this  
22 chapter or from a City official who would require the opinion to assist or guide the official in  
23 the performance of the official's duties, to provide a written confidential advisory opinions to  
24 be rendered within sixty days from the receipt of such request unless the circumstances  
25 dictate a more rapid reply. A copy of each decision shall be filed and held in strict  
26 confidence with the Mayor's office. An official or employee who in good faith relies on an  
27 advisory opinion of the Commission shall not be disciplined if the action is found thereafter  
28 to be a violation of this chapter;
- 29 3. To expeditiously process, investigate and make determinations as to complaints filed  
30 by any person alleging violations of this section; provided, that upon the request of any  
31 alleged violator, the Commission shall compel the originating complainant to attend and  
32 testify at investigatory proceedings;
- 33 4. To issue subpoenas, administer oaths and compel the attendance of witnesses and  
34 production of documents at its proceedings;
- 35 5. To conduct a public information program regarding the purposes and application of  
36 this section; and
- 37 6. To take enforcement actions as are authorized by the provisions of Section 2.08.110]

38  
39 B. THE COMMISSION SHALL ELECT A CHAIRMAN AND VICE CHAIRMAN FOR ONE YEAR  
40 TERMS FROM AMONG ITS MEMBERS. THEY MUST BE ELECTED ANNUALLY IN  
41 FEBRUARY AND MAY BE REELECTED. THE CHAIRMAN SHALL PROVIDE THE MAYOR  
42 AND CITY COUNCIL AN ANNUAL REPORT BY JANUARY 31 FOR THE PRIOR CALENDAR  
43 YEAR.  
44

1 C. DUTIES AND RESPONSIBILITIES. THE COMMISSION SHALL BE ASSISTED IN  
2 CARRYING OUT ITS DUTIES AND RESPONSIBILITIES BY THE CITY ATTORNEY OR, IN  
3 SITUATIONS WHERE THERE IS A POTENTIAL CONFLICT OF INTEREST, MAY USE  
4 OTHER LEGAL COUNSEL. THE ETHICS COMMISSION HAS THE FOLLOWING DUTIES  
5 AND RESPONSIBILITIES:  
6

7 1. TO DEVELOP ALL FORMS REQUIRED BY THIS CHAPTER. COMPLETED  
8 COPIES OF SUCH FORMS SHALL BE REVIEWED BY THE COMMISSION FOR  
9 COMPLIANCE WITH THIS CHAPTER AND RETAINED BY THE CITY ATTORNEY'S  
10 OFFICE;  
11

12 2. TO RECEIVE AND RESPOND TO WRITTEN REQUESTS FROM ANY PERSON  
13 WHO IS SUBJECT TO OR WHO MAY BE SUBJECT TO THE PROVISIONS OF THIS  
14 CHAPTER FOR AN OPINION, ASSISTANCE, OR GUIDANCE IN INTERPRETING THE  
15 REQUIREMENTS OF THIS CHAPTER. ADVISORY OPINIONS MAY ALSO BE  
16 PROVIDED IN RESPONSE TO QUESTIONS FROM ANY PERSON INTERESTED IN  
17 MAINTAINING HIGH ETHICAL STANDARDS OF CONDUCT WITHIN THE CITY  
18 GOVERNMENT. SUCH ADVISORY OPINIONS OF THE ETHICS COMMISSION  
19 SHALL BE PROVIDED IN A TIMELY MANNER IN WRITING WITH A COPY FILED IN  
20 THE CITY ATTORNEY'S OFFICE. EXTRACTS FROM OR SUMMARIES OF  
21 ADVISORY OPINIONS MAY BE MADE PUBLIC AT THE DISCRETION OF THE  
22 ETHICS COMMISSION. THE COMMISSION SHALL REDACT THE OPINION BY  
23 DELETING THE NAME OF THE PERSON SUBJECT TO THE OPINION AND, TO THE  
24 FULLEST EXTENT POSSIBLE, ANY OTHER INFORMATION THAT MAY IDENTIFY  
25 THE PERSON WHO IS SUBJECT OF THE OPINION IF SUCH INFORMATION IS NOT  
26 MATERIAL. IF AN ADVISORY OPINION IS NOT MADE PUBLIC BY THE ETHICS  
27 COMMISSION, THE OPINION AND THE IDENTITY OF THE PERSON SUBJECT TO  
28 THE OPINION SHALL BE CONFIDENTIAL AND MAY NOT OTHERWISE BE  
29 REVEALED. ANY OFFICIAL OR EMPLOYEE WHO IN GOOD FAITH RELIES ON AN  
30 ADVISORY OPINION OF THE COMMISSION SHALL NOT BE DISCIPLINED IF THE  
31 ACTION IS FOUND THEREAFTER TO BE A VIOLATION OF THIS CHAPTER;  
32

33 3. TO EXPEDITIOUSLY PROCESS, INVESTIGATE AND MAKE DETERMINATIONS  
34 AS TO COMPLAINTS INITIATED BY A MAJORITY OF THE COMMISSION OR FILED  
35 BY ANY PERSON ALLEGING VIOLATION OF THE PROVISIONS OF THIS CHAPTER;  
36

37 4. TO ISSUE SUBPOENAS, ADMINISTER OATHS AND COMPEL THE ATTENDANCE  
38 OF WITNESSES AND PRODUCTION OF DOCUMENTS AT ITS PROCEEDINGS;  
39

40 5. TO TAKE ENFORCEMENT ACTIONS AS ARE AUTHORIZED BY THE  
41 PROVISIONS OF SECTION 2.08.100;  
42

43 6. TO PROVIDE THE CITY'S DEPARTMENT OF HUMAN RESOURCES WITH  
44 INFORMATION CONCERNING THE PURPOSE AND IMPLEMENTATION OF THIS  
45 CHAPTER SO THEY MAY ENSURE THAT ALL CITY OFFICIALS AND EMPLOYEES  
46 ARE AWARE OF THEIR RESPONSIBILITY FOR MAINTAINING HIGH ETHICAL  
47 STANDARDS IN CONDUCTING THE BUSINESS OF THE CITY; AND  
48

49 7. THE ETHICS COMMISSION SHALL ADOPT PROCEDURES FOR THE CONDUCT  
50 OF ITS BUSINESS IN ACCORDANCE WITH THIS CHAPTER, AND SUCH  
51 PROCEDURES SHALL BE AVAILABLE TO THE PUBLIC.

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**2.08.040 PROHIBITED Conduct and Interests**

[No elected or appointed official, employee, or appointee of the City shall engage in any of the following acts, which are deemed to be conflicts of interest:

A. Participating on behalf of the City in any matter which would have a direct financial impact, as distinguished from the public generally, on the employee, official or appointee, the employee's, official's or appointee's spouse or independent child, or a business entity with which the employee, official or appointee is affiliated;

B. Holding or acquiring an interest of fifty percent or more in a business entity that has or is negotiating a contract of one thousand dollars or more with the City, or is regulated by the employee's, official's or appointee's agency, except as may be exempted by the Commission where the interest is disclosed pursuant to the provisions of this chapter;

C. While being employed by a business entity that has or is negotiating a contract of more than one thousand dollars with the City, or is regulated by the employee's, official's or appointee's agency, is normally to be construed as a conflict of interest through the framework of this chapter, the elected or appointed official may either be exempted by the Commission pursuant to the provisions of this chapter, or otherwise refrain from participating in any decisionmaking matter or process between the City and the business entity;

D. Holding any outside employment relationship that would impair the employee's impartiality or independence of judgment;

E. Representing any party, for a contingent fee, before any department, agency or decisionmaking body of the City;

F. Acting as a compensated representative of any other person, firm or organization, within one year following termination of City employment or service, in connection with any specific matter pending before the City in which the person participated substantially as a City official or employee;

G. Soliciting any gift, or accepting any gift which would tend to impair the impartiality and independence of judgment of the person receiving it, or would give the appearance of doing so, or the recipient believes or has reason to believe that it is designed to do so, with the following exceptions:

1. Meals and beverages,
2. Ceremonial gifts or awards which have insignificant monetary value,
3. Gifts of nominal value or trivial items of informational value,
4. Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official and spouse or the employee and spouse for a meeting which is given in return for participation in a panel or speaking engagement at the meeting,
5. Gifts of tickets or free admission to attend professional or intercollegiate sporting

1 events or charitable, cultural or political events, if the purpose of the gift or admission  
2 is a courtesy,

3 6. A specific gift or class of gifts which the City Council, by resolution, exempts  
4 from the operation of this subsection upon a finding, in writing, that the acceptance of  
5 the gift or class of gifts would not be detrimental to the impartial conduct of the  
6 business of the City and that the gift is purely personal and private in nature,

7 7. Gifts from a person related by blood or marriage, or a member of his household,

8 8. Honoraria, or

9 9. Gifts which would not present a conflict of interest as determined by the Ethics  
10 Commission;

11 H. Use of confidential information acquired in his official position with the City for his own  
12 benefit or the benefit of another person;

13 I. Intentional use of the prestige of his office for his own private gain or the private gain  
14 of another person. The performance of usual and customary constituent services, without  
15 additional compensation, does not constitute the use of the prestige of office, within the  
16 meaning of this subsection. ]

17  
18 A. PARTICIPATION PROHIBITIONS.

19  
20 1. EXCEPT AS PERMITTED BY COMMISSION REGULATION OR OPINION, AN  
21 OFFICIAL OR EMPLOYEE MAY NOT PARTICIPATE IN:

22 (A) EXCEPT IN THE EXERCISE OF AN ADMINISTRATIVE OR MINISTERIAL  
23 DUTY THAT DOES NOT AFFECT THE DISPOSITION OR DECISION OF THE  
24 MATTER, ANY MATTER IN WHICH, TO THE KNOWLEDGE OF THE OFFICIAL  
25 OR EMPLOYEE, THE OFFICIAL OR EMPLOYEE OR A QUALIFIED RELATIVE  
26 OF THE OFFICIAL OR EMPLOYEE HAS AN INTEREST.

27 (B) EXCEPT IN THE EXERCISE OF AN ADMINISTRATIVE OR MINISTERIAL  
28 DUTY THAT DOES NOT AFFECT THE DISPOSITION OR DECISION WITH  
29 RESPECT TO THE MATTER ANY MATTER IN WHICH ANY OF THE  
30 FOLLOWING IS A PARTY:

31 (1) A BUSINESS ENTITY IN WHICH THE OFFICIAL OR EMPLOYEE  
32 HAS A DIRECT FINANCIAL INTEREST OF WHICH THE OFFICIAL OR  
33 EMPLOYEE MAY REASONABLY BE EXPECTED TO KNOW;

34 (2) A BUSINESS ENTITY FOR WHICH THE OFFICIAL, EMPLOYEE, OR  
35 A QUALIFIED RELATIVE OF THE OFFICIAL OR EMPLOYEE IS AN  
36 OFFICER, DIRECTOR, TRUSTEE, PARTNER, OR EMPLOYEE;

37 (3) A BUSINESS ENTITY WITH WHICH THE OFFICIAL OR EMPLOYEE  
38 OR, TO THE KNOWLEDGE OF THE OFFICIAL OR EMPLOYEE, A  
39 QUALIFIED RELATIVE IS NEGOTIATING EMPLOYMENT OR HAS ANY  
40 ARRANGEMENT CONCERNING PROSPECTIVE EMPLOYMENT;

41 (4) IF THE CONTRACT REASONABLY COULD BE EXPECTED TO  
42 RESULT IN A CONFLICT BETWEEN THE PRIVATE INTERESTS OF  
43 THE OFFICIAL OR EMPLOYEE AND THE OFFICIAL DUTIES OF THE  
44 OFFICIAL OR EMPLOYEE, A BUSINESS ENTITY THAT IS A PARTY  
45 TO AN EXISTING CONTRACT WITH THE OFFICIAL OR EMPLOYEE,

1 OR WHICH, TO THE KNOWLEDGE OF THE OFFICIAL OR EMPLOYEE,  
2 IS A PARTY TO A CONTRACT WITH A QUALIFIED RELATIVE;

3 (5) AN ENTITY, DOING BUSINESS WITH THE CITY IN WHICH A  
4 DIRECT FINANCIAL INTEREST IS OWNED BY ANOTHER ENTITY IN  
5 WHICH THE OFFICIAL OR EMPLOYEE HAS A DIRECT FINANCIAL  
6 INTEREST, IF THE OFFICIAL OR EMPLOYEE MAY BE REASONABLY  
7 EXPECTED TO KNOW OF BOTH DIRECT FINANCIAL INTERESTS; OR

8 (6) A BUSINESS ENTITY THAT:

9 I. THE OFFICIAL OR EMPLOYEE KNOWS IS A CREDITOR OR  
10 OBLIGEE OF THE OFFICIAL OR EMPLOYEE OR A QUALIFIED  
11 RELATIVE OF THE OFFICIAL OR EMPLOYEE WITH RESPECT  
12 TO A THING OF ECONOMIC VALUE; AND

13 II. AS A CREDITOR OR OBLIGEE IS IN A POSITION TO  
14 DIRECTLY AND SUBSTANTIALLY AFFECT THE INTEREST OF  
15 THE OFFICIAL OR EMPLOYEE OR A QUALIFIED RELATIVE OF  
16 THE OFFICIAL OR EMPLOYEE.

17  
18 2. A PERSON WHO IS DISQUALIFIED FROM PARTICIPATING UNDER  
19 PARAGRAPH A1 OF THIS SUBSECTION SHALL DISCLOSE THE NATURE AND  
20 CIRCUMSTANCES OF THE CONFLICT AND MAY PARTICIPATE OR ACT IF:

21 (A) THE DISQUALIFICATION LEAVES A BODY WITH LESS THAN A QUORUM  
22 CAPABLE OF ACTING;

23 (B) THE DISQUALIFIED OFFICIAL OR EMPLOYEE IS REQUIRED BY LAW TO  
24 ACT; OR

25 (C) THE DISQUALIFIED OFFICIAL OR EMPLOYEE IS THE ONLY PERSON  
26 AUTHORIZED TO ACT.

27  
28 3. THE PROHIBITIONS OF PARAGRAPH 1 OF THIS SUBSECTION DO NOT APPLY  
29 IF PARTICIPATION IS ALLOWED BY REGULATION OR OPINION OF THE  
30 COMMISSION.

31  
32 B. EMPLOYMENT AND FINANCIAL INTEREST RESTRICTIONS.

33  
34 1. EXCEPT AS PERMITTED BY REGULATION OF THE COMMISSION WHEN THE  
35 INTEREST IS DISCLOSED OR WHEN THE EMPLOYMENT DOES NOT CREATE A  
36 CONFLICT OF INTEREST OR APPEARANCE OF CONFLICT, AN OFFICIAL OR  
37 EMPLOYEE MAY NOT:

38 (A) BE EMPLOYED BY OR HAVE A FINANCIAL INTEREST IN ANY ENTITY:

39 (1) SUBJECT TO THE AUTHORITY OF THE OFFICIAL OR EMPLOYEE  
40 OR THE CITY AGENCY, BOARD, OR COMMISSION WITH WHICH THE  
41 OFFICIAL OR EMPLOYEE IS AFFILIATED; OR

42 (2) THAT IS NEGOTIATING OR HAS ENTERED A CONTRACT WITH  
43 THE AGENCY, BOARD, OR COMMISSION WITH WHICH THE  
44 OFFICIAL OR EMPLOYEE IS AFFILIATED; OR

45 (B) HOLD ANY OTHER EMPLOYMENT RELATIONSHIP THAT WOULD  
46 IMPAIR THE IMPARTIALITY OR INDEPENDENCE OF JUDGMENT OF THE  
47 OFFICIAL OR EMPLOYEE.

48  
49 2. THE PROHIBITIONS OF PARAGRAPH 1 OF THE SUBSECTION DO NOT APPLY  
50 TO:

1 (A) AN OFFICIAL OR EMPLOYEE WHO IS APPOINTED TO A REGULATORY  
2 OR LICENSING AUTHORITY PURSUANT TO A STATUTORY REQUIREMENT  
3 THAT PERSONS SUBJECT TO THE JURISDICTION OF THE AUTHORITY BE  
4 REPRESENTED IN APPOINTMENTS TO THE AUTHORITY;

5 (B) SUBJECT TO OTHER PROVISIONS OF LAW, A MEMBER OF A BOARD  
6 OR COMMISSION IN REGARD TO A FINANCIAL INTEREST OR  
7 EMPLOYMENT HELD AT THE TIME OF APPOINTMENT, PROVIDED THE  
8 FINANCIAL INTEREST OR EMPLOYMENT IS PUBLICLY DISCLOSED TO THE  
9 APPOINTING AUTHORITY AND THE COMMISSION;

10 (C) AN OFFICIAL OR EMPLOYEE WHOSE DUTIES ARE MINISTERIAL, IF  
11 THE PRIVATE EMPLOYMENT OR FINANCIAL INTEREST DOES NOT  
12 CREATE A CONFLICT OF INTEREST OR THE APPEARANCE OF A  
13 CONFLICT OF INTEREST, AS PERMITTED AND IN ACCORDANCE WITH  
14 REGULATIONS ADOPTED BY THE COMMISSION; OR

15 (D) EMPLOYMENT OR FINANCIAL INTERESTS ALLOWED BY REGULATION  
16 OF THE COMMISSION IF THE EMPLOYMENT DOES NOT CREATE A  
17 CONFLICT OF INTEREST OR THE APPEARANCE OF A CONFLICT OF  
18 INTEREST OR THE FINANCIAL INTEREST IS DISCLOSED.

19  
20 C. POST-EMPLOYMENT LIMITATIONS AND RESTRICTIONS.

21  
22 1. A FORMER OFFICIAL OR EMPLOYEE MAY NOT ASSIST OR REPRESENT ANY  
23 PARTY OTHER THAN THE CITY IN A CASE, CONTRACT, OR OTHER SPECIFIC  
24 MATTER INVOLVING THE CITY IF THAT MATTER IS ONE IN WHICH THE FORMER  
25 OFFICIAL OR EMPLOYEE SIGNIFICANTLY PARTICIPATED AS AN OFFICIAL OR  
26 EMPLOYEE.

27  
28 2. FOR A PERIOD OF 1 YEAR AFTER AN ELECTED OFFICIAL LEAVES OFFICE, A  
29 FORMER MEMBER OF THE CITY COUNCIL MAY NOT ASSIST OR REPRESENT  
30 ANOTHER PARTY IN A MATTER THAT IS THE SUBJECT OF LEGISLATIVE ACTION.

31  
32 D. CONTINGENT COMPENSATION. EXCEPT IN A JUDICIAL OR QUASI-JUDICIAL  
33 PROCEEDING, AN OFFICIAL OR EMPLOYEE MAY NOT ASSIST OR REPRESENT A PARTY  
34 FOR CONTINGENT COMPENSATION IN ANY MATTER BEFORE OR INVOLVING THE CITY.

35  
36 E. USE OF PRESTIGE OF OFFICE.

37  
38 1. AN OFFICIAL OR EMPLOYEE MAY NOT INTENTIONALLY USE THE PRESTIGE  
39 OF OFFICE OR PUBLIC POSITION FOR THE PRIVATE GAIN OF THAT OFFICIAL OR  
40 EMPLOYEE OR THE PRIVATE GAIN OF ANOTHER.

41  
42 2. THIS SUBSECTION DOES NOT PROHIBIT THE PERFORMANCE OF USUAL AND  
43 CUSTOMARY CONSTITUENT SERVICES BY AN ELECTED OFFICIAL WITHOUT  
44 ADDITIONAL COMPENSATION.

45  
46 F. SOLICITATION AND ACCEPTANCE OF GIFTS.

47  
48 1. AN OFFICIAL OR EMPLOYEE MAY NOT SOLICIT ANY GIFT.  
49

1 2. AN OFFICIAL OR EMPLOYEE MAY NOT DIRECTLY SOLICIT OR FACILITATE  
2 THE SOLICITATION OF A GIFT, ON BEHALF OF ANOTHER PERSON, FROM AN  
3 INDIVIDUAL REGULATED LOBBYIST.  
4

5 3. AN OFFICIAL OR EMPLOYEE MAY NOT KNOWINGLY ACCEPT A GIFT,  
6 DIRECTLY OR INDIRECTLY, FROM A PERSON THAT THE OFFICIAL OR  
7 EMPLOYEE KNOWS OR HAS REASON TO KNOW:

8 (A) IS DOING BUSINESS WITH OR SEEKING TO DO BUSINESS WITH THE  
9 CITY OFFICE, AGENCY, BOARD, OR COMMISSION WITH WHICH THE  
10 OFFICIAL OR EMPLOYEE IS AFFILIATED;

11 (B) HAS FINANCIAL INTERESTS THAT MAY BE SUBSTANTIALLY AND  
12 MATERIALLY AFFECTED, IN A MANNER DISTINGUISHABLE FROM THE  
13 PUBLIC GENERALLY, BY THE PERFORMANCE OR NONPERFORMANCE OF  
14 THE OFFICIAL DUTIES OF THE OFFICIAL OR EMPLOYEE;

15 (C) IS ENGAGED IN AN ACTIVITY REGULATED OR CONTROLLED BY THE  
16 OFFICIAL'S OR EMPLOYEE'S GOVERNMENTAL UNIT; OR

17 (D) IS A LOBBYIST WITH RESPECT TO MATTERS WITHIN THE  
18 JURISDICTION OF THE OFFICIAL OR EMPLOYEE.  
19

20 4. ACCEPTABLE GIFTS.

21 (A) THIS PARAGRAPH DOES NOT APPLY TO A GIFT:

22 (1) THAT WOULD TEND TO IMPAIR THE IMPARTIALITY AND THE  
23 INDEPENDENCE OF JUDGMENT OF THE OFFICIAL OR EMPLOYEE  
24 RECEIVING THE GIFT;

25 (2) OF SIGNIFICANT VALUE THAT WOULD GIVE THE APPEARANCE  
26 OF IMPAIRING THE IMPARTIALITY AND INDEPENDENCE OF  
27 JUDGMENT OF THE OFFICIAL OR EMPLOYEE; OR

28 (3) OF SIGNIFICANT VALUE THAT THE RECIPIENT OFFICIAL OR  
29 EMPLOYEE BELIEVES OR HAS REASON TO BELIEVE IS DESIGNED  
30 TO IMPAIR THE IMPARTIALITY AND INDEPENDENCE OF JUDGMENT  
31 OF THE OFFICIAL OR EMPLOYEE.

32 (B) NOTWITHSTANDING PARAGRAPH 3 OF THIS SUBSECTION, AN  
33 OFFICIAL OR EMPLOYEE MAY ACCEPT THE FOLLOWING:

34 (1) MEALS AND BEVERAGES COSTING LESS THAN \$35.00 FROM  
35 ANY ONE PERSON IN THE CALENDAR YEAR IF CONSUMED IN THE  
36 PRESENCE OF THE DONOR OR SPONSORING ENTITY;

37 (2) CEREMONIAL GIFTS OR AWARDS THAT HAVE INSIGNIFICANT  
38 MONETARY VALUE;

39 (3) UNSOLICITED GIFTS OF NOMINAL VALUE THAT DO NOT  
40 EXCEED \$20 IN COST OR TRIVIAL ITEMS OF INFORMATIONAL  
41 VALUE;

42 (4) REASONABLE EXPENSES FOR FOOD, TRAVEL, LODGING, AND  
43 SCHEDULED ENTERTAINMENT OF THE OFFICIAL OR THE  
44 EMPLOYEE AT A MEETING WHICH IS GIVEN IN RETURN FOR THE  
45 PARTICIPATION OF THE OFFICIAL OR EMPLOYEE IN A PANEL OR  
46 SPEAKING ENGAGEMENT AT THE MEETING;

47 (5) GIFTS OF TICKETS OR FREE ADMISSION EXTENDED TO AN  
48 ELECTED OFFICIAL TO ATTEND A CHARITABLE, CULTURAL, OR  
49 POLITICAL EVENT (ACCEPTANCE OF TICKETS TO PROFESSIONAL  
50 OR INTERCOLLEGIATE SPORTING EVENTS IS PROHIBITED  
51 UNLESS PROVIDED BY A GOVERNMENT OFFICIAL, AGENCY, OR

1 ENTITY THEREOF), IF THE PURPOSE OF THIS GIFT OR ADMISSION  
2 IS A COURTESY OR CEREMONY EXTENDED TO THE ELECTED  
3 OFFICIAL'S OFFICE;

4 (6) A SPECIFIC GIFT OR CLASS OF GIFTS THAT THE COMMISSION  
5 EXEMPTS FROM THE OPERATION OF THIS SUBSECTION UPON A  
6 FINDING, IN WRITING, THAT ACCEPTANCE OF THE GIFT OR CLASS  
7 OF GIFTS WOULD NOT BE DETRIMENTAL TO THE IMPARTIAL  
8 CONDUCT OF THE BUSINESS OF THE CITY AND THAT THE GIFT IS  
9 PURELY PERSONAL AND PRIVATE IN NATURE;

10 (7) GIFTS FROM A PERSON RELATED TO THE OFFICIAL OR  
11 EMPLOYEE BY BLOOD OR MARRIAGE, OR ANY OTHER INDIVIDUAL  
12 WHO IS A MEMBER OF THE HOUSEHOLD OF THE OFFICIAL OR  
13 EMPLOYEE; OR

14 (8) HONORARIA FOR SPEAKING TO OR PARTICIPATING IN A  
15 MEETING, PROVIDED THAT THE OFFERING OF THE HONORARIUM  
16 IS IN NO WAY RELATED TO THE OFFICIAL'S OR EMPLOYEE'S  
17 OFFICIAL POSITION.  
18

19 G. DISCLOSURE OF CONFIDENTIAL INFORMATION. OTHER THAN IN THE DISCHARGE  
20 OF OFFICIAL DUTIES, AN OFFICIAL OR EMPLOYEE MAY NOT DISCLOSE OR USE  
21 CONFIDENTIAL INFORMATION, THAT THE OFFICIAL OR EMPLOYEE ACQUIRED BY  
22 REASON OF THE OFFICIAL'S OR EMPLOYEE'S PUBLIC POSITION AND THAT IS NOT  
23 AVAILABLE TO THE PUBLIC, FOR THE ECONOMIC BENEFIT OF THE OFFICIAL OR  
24 EMPLOYEE OR THAT OF ANOTHER PERSON.  
25

26 H. PARTICIPATION IN PROCUREMENT.  
27

28 1. AN INDIVIDUAL OR A PERSON THAT EMPLOYS AN INDIVIDUAL WHO ASSISTS  
29 A CITY AGENCY OR UNIT IN THE DRAFTING OF SPECIFICATIONS, AN INVITATION  
30 FOR BIDS, OR A REQUEST FOR PROPOSALS FOR A PROCUREMENT MAY NOT  
31 SUBMIT A BID OR PROPOSAL FOR THAT PROCUREMENT, OR ASSIST OR  
32 REPRESENT ANOTHER PERSON, DIRECTLY OR INDIRECTLY, WHO IS  
33 SUBMITTING A BID OR PROPOSAL FOR THE PROCUREMENT.  
34

35 2. THE COMMISSION MAY ESTABLISH EXEMPTIONS FROM THE REQUIREMENTS  
36 OF THIS SECTION FOR PROVIDING DESCRIPTIVE LITERATURE, SOLE SOURCE  
37 PROCUREMENTS, AND WRITTEN COMMENTS SOLICITED BY THE PROCURING  
38 AGENCY.  
39  
40

41 **2.08.050 Financial Disclosure for Elected OFFICIALS AND CANDIDATES FOR**  
42 **ELECTED OFFICE**

43 [All elected and appointed officials of the City and all other persons specified in subsection A of  
44 this section shall file annually, not later than January 31st of each calendar year during which  
45 they are subject to the filing requirements of this section, a statement of financial interests with  
46 the Commission, containing the information required by the provisions of this section and  
47 Sections 2.08.060 and 2.08.070, for the calendar year immediately preceding.

48 A. Officials and Employees. All elected municipal officials or those appointed to fill the  
49 vacant office of an elected municipal official, exempt service positions as established in

1 Section 3.08.010, excluding contractual or temporary positions, public works bureau chiefs,  
2 public works inspectors, purchasing agent, firefighters whose primary duties are the  
3 enforcement of fire codes, members of the Board of Appeals, members of the alcoholic  
4 beverage control board, members of the Planning Commission, members of the Historic  
5 District Commission, members of the Ethics Commission, port wardens, members of the  
6 Board of Supervisors of Election, members of the building Board of Appeals, members of  
7 the Plumbing Inspectors Committee and all candidates for elective municipal office are  
8 required to file the statements provided for in this section. The City Council, by resolution,  
9 may require persons holding positions compensated in whole or in part by public funds to  
10 disclose annually, and within thirty days of confirmed appointment, as public records, such  
11 relevant information concerning their financial affairs as may be deemed necessary to  
12 promote the continued trust and confidence of the people in the municipal government.

13 B. Candidates.

14 1. Except for an elected or an appointed official who has already filed a statement  
15 for the same year, each candidate for election to a municipal office shall file with the  
16 Commission, at or before the same time that person's certificate of candidacy is filed,  
17 the statement required by this subsection, for the calendar year immediately  
18 preceding the year in which that certificate of candidacy is filed.

19 2. If the certificate of candidacy is filed prior to January 31st of the year in which  
20 the election is held, the candidate, on or before the last day for the withdrawal of  
21 candidacy, shall file a supplementary statement for the calendar year immediately  
22 preceding the election; and if the candidate fails to do so, after written notice of the  
23 obligation, given at least twenty days prior to the last day for the withdrawal of  
24 candidacy, the candidate shall be deemed to have withdrawn the candidacy.

25 3. The municipality shall not accept any certificate of candidacy unless a statement  
26 in proper form has been filed.

27 C. Availability to Public. All statements filed pursuant to this subsection shall be  
28 maintained by the Commission and shall be made available during normal office hours, for  
29 examination and copying by the public. All statements shall be retained as public records  
30 for at least four years from the date of their receipt by the Commission.

31 D. Forms. The Commission shall provide forms for use in the filing of statements  
32 required by this subsection to the persons required to file statements.]

33  
34 A. THIS SECTION APPLIES TO ALL ELECTED OFFICIALS AND CANDIDATES FOR  
35 ELECTED OFFICE:

36 B. EXCEPT AS PROVIDED IN SUBSECTION D OF THIS SECTION, AN ELECTED OFFICIAL  
37 OR A CANDIDATE TO BE AN ELECTED OFFICIAL SHALL FILE THE FINANCIAL  
38 DISCLOSURE STATEMENT REQUIRED UNDER THIS SUBSECTION:

39  
40 1. ON A FORM PROVIDED BY THE COMMISSION;

41  
42 2. UNDER OATH OR AFFIRMATION; AND

43  
44 3. WITH THE COMMISSION.

45  
46 C. DEADLINES FOR FILING STATEMENTS.

1  
2 1. AN INCUMBENT OFFICIAL SHALL FILE A FINANCIAL DISCLOSURE STATEMENT  
3 ANNUALLY NO LATER THAN JANUARY 31 OF EACH YEAR FOR THE PRECEDING  
4 CALENDAR YEAR.

5  
6 2. AN OFFICIAL WHO IS APPOINTED TO FILL A VACANCY IN AN OFFICE FOR  
7 WHICH A FINANCIAL DISCLOSURE STATEMENT IS REQUIRED AND WHO HAS  
8 NOT ALREADY FILED A FINANCIAL DISCLOSURE STATEMENT SHALL FILE A  
9 STATEMENT FOR THE PRECEDING CALENDAR YEAR WITHIN 30 DAYS AFTER  
10 APPOINTMENT.

11  
12 3. OFFICIALS LEAVING OFFICE.

13 (A) AN INDIVIDUAL WHO, OTHER THAN BY REASON OF DEATH, LEAVES  
14 AN OFFICE FOR WHICH A STATEMENT IS REQUIRED SHALL FILE A  
15 STATEMENT WITHIN 60 DAYS AFTER LEAVING THE OFFICE.

16 (B) THE STATEMENT SHALL COVER:

17 (1) THE CALENDAR YEAR IMMEDIATELY PRECEDING THE YEAR IN  
18 WHICH THE INDIVIDUAL LEFT OFFICE, UNLESS A STATEMENT  
19 COVERING THAT YEAR HAS ALREADY BEEN FILED BY THE  
20 INDIVIDUAL; AND

21 (2) THE PORTION OF THE CURRENT CALENDAR YEAR DURING  
22 WHICH THE INDIVIDUAL HELD THE OFFICE.

23  
24 D. CANDIDATES TO BE ELECTED OFFICIALS.

25  
26 1. EXCEPT FOR AN OFFICIAL WHO HAS FILED A FINANCIAL DISCLOSURE  
27 STATEMENT UNDER ANOTHER PROVISION OF THIS SECTION FOR THE  
28 REPORTING PERIOD, A CANDIDATE TO BE AN ELECTED OFFICIAL SHALL FILE A  
29 FINANCIAL DISCLOSURE STATEMENT EACH YEAR BEGINNING WITH THE YEAR  
30 IN WHICH THE CERTIFICATE OF CANDIDACY IS FILED THROUGH THE YEAR OF  
31 THE ELECTION.

32  
33 2. A CANDIDATE TO BE AN ELECTED OFFICIAL SHALL FILE A STATEMENT  
34 REQUIRED UNDER THIS SECTION:

35 (A) IN THE YEAR THE CERTIFICATE OF CANDIDACY IS FILED, NO LATER  
36 THAN THE FILING OF THE CERTIFICATE OF CANDIDACY;

37 (B) IN THE YEAR OF THE ELECTION, ON OR BEFORE THE EARLIER OF  
38 APRIL 30 OR THE LAST DAY FOR THE WITHDRAWAL OF CANDIDACY; AND

39 (C) IN ALL OTHER YEARS FOR WHICH A STATEMENT IS REQUIRED, ON  
40 OR BEFORE APRIL 30.

41  
42 3. A CANDIDATE TO BE AN ELECTED OFFICIAL:

43 (A) MAY FILE THE STATEMENT REQUIRED UNDER SUBSECTION D2(A) OF  
44 THIS SECTION WITH THE CITY CLERK OR BOARD OF ELECTION  
45 SUPERVISORS WITH THE CERTIFICATE OF CANDIDACY OR WITH THE  
46 COMMISSION PRIOR TO FILING THE CERTIFICATE OF CANDIDACY; AND

47 (B) SHALL FILE THE STATEMENTS REQUIRED UNDER SUBSECTION D2(B)  
48 AND D2(C) OF THIS SECTION WITH THE COMMISSION.

49  
50 4. IF A CANDIDATE FAILS TO FILE A STATEMENT REQUIRED BY THIS SECTION  
51 AFTER WRITTEN NOTICE IS PROVIDED BY THE CITY CLERK OR BOARD OF

1 ELECTION SUPERVISORS AT LEAST 20 DAYS BEFORE THE LAST DAY FOR THE  
2 WITHDRAWAL OF CANDIDACY, THE CANDIDATE IS DEEMED TO HAVE  
3 WITHDRAWN THE CANDIDACY.  
4

5 5. THE CITY CLERK OR BOARD OF ELECTION SUPERVISORS MAY NOT ACCEPT  
6 ANY CERTIFICATE OF CANDIDACY UNLESS A STATEMENT REQUIRED UNDER  
7 THIS SECTION HAS BEEN FILED IN PROPER FORM.  
8

9 6. WITHIN 30 DAYS OF THE RECEIPT OF A STATEMENT REQUIRED UNDER THIS  
10 SECTION, THE CITY CLERK OR BOARD OF ELECTION SUPERVISORS SHALL  
11 FORWARD THE STATEMENT TO THE COMMISSION.  
12

13 E. PUBLIC RECORD.

14  
15 1. THE CITY ATTORNEY'S OFFICE SHALL MAINTAIN ALL FINANCIAL DISCLOSURE  
16 STATEMENTS FILED UNDER THIS SECTION.  
17

18 2. THE CITY ATTORNEY'S OFFICE SHALL MAKE FINANCIAL DISCLOSURE  
19 STATEMENTS AVAILABLE DURING NORMAL OFFICE HOURS FOR EXAMINATION  
20 AND COPYING BY THE PUBLIC, SUBJECT TO REASONABLE FEES AND  
21 ADMINISTRATIVE PROCEDURES ESTABLISHED BY THE COMMISSION.  
22

23 3. IF AN INDIVIDUAL EXAMINES OR COPIES A FINANCIAL DISCLOSURE  
24 STATEMENT, THE CITY ATTORNEY'S OFFICE SHALL RECORD:

25 (A) THE NAME AND HOME ADDRESS OF THE INDIVIDUAL REVIEWING OR  
26 COPYING THE STATEMENT; AND

27 (B) THE NAME OF THE PERSON WHOSE FINANCIAL DISCLOSURE  
28 STATEMENT WAS EXAMINED OR COPIED.  
29

30 4. UPON REQUEST BY THE INDIVIDUAL WHOSE FINANCIAL DISCLOSURE  
31 STATEMENT WAS EXAMINED OR COPIED, THE CITY ATTORNEY'S OFFICE SHALL  
32 PROVIDE THE OFFICIAL OR EMPLOYEE WITH A COPY OF THE NAME AND HOME  
33 ADDRESS OF THE PERSON WHO REVIEWED THE OFFICIAL'S OR EMPLOYEE'S  
34 FINANCIAL DISCLOSURE STATEMENT.  
35

36 F. RETENTION REQUIREMENTS. THE CITY ATTORNEY'S OFFICE SHALL RETAIN  
37 FINANCIAL DISCLOSURE STATEMENTS FOR FOUR YEARS FROM THE DATE OF  
38 RECEIPT.  
39

40 G. CONTENTS OF STATEMENT.

41  
42 1. INTERESTS IN REAL PROPERTY.

43 (A) A STATEMENT FILED UNDER THIS SECTION SHALL INCLUDE A  
44 SCHEDULE OF ALL INTERESTS IN REAL PROPERTY WHEREVER  
45 LOCATED.

46 (B) FOR EACH INTEREST IN REAL PROPERTY, THE SCHEDULE SHALL  
47 INCLUDE:

48 (1) THE NATURE OF THE PROPERTY AND THE LOCATION BY  
49 STREET ADDRESS, MAILING ADDRESS, OR LEGAL DESCRIPTION  
50 OF THE PROPERTY;

- 1 (2) THE NATURE AND EXTENT OF THE INTEREST HELD, INCLUDING  
2 ANY CONDITIONS AND ENCUMBRANCES ON THE INTEREST;  
3 (3) THE DATE WHEN, THE MANNER IN WHICH, AND THE IDENTITY  
4 OF THE PERSON FROM WHOM THE INTEREST WAS ACQUIRED;  
5 (4) THE NATURE AND AMOUNT OF THE CONSIDERATION GIVEN IN  
6 EXCHANGE FOR THE INTEREST OR, IF ACQUIRED OTHER THAN BY  
7 PURCHASE, THE FAIR MARKET VALUE OF THE INTEREST AT THE  
8 TIME ACQUIRED;  
9 (5) IF ANY INTEREST WAS TRANSFERRED, IN WHOLE OR IN PART,  
10 AT ANY TIME DURING THE REPORTING PERIOD, A DESCRIPTION  
11 OF THE INTEREST TRANSFERRED, THE NATURE AND AMOUNT OF  
12 THE CONSIDERATION RECEIVED FOR THE INTEREST, AND THE  
13 IDENTITY OF THE PERSON TO WHOM THE INTEREST WAS  
14 TRANSFERRED; AND  
15 (6) THE IDENTITY OF ANY OTHER PERSON WITH AN INTEREST IN  
16 THE PROPERTY.

17  
18 2. INTERESTS IN CORPORATIONS AND PARTNERSHIPS.

19 (A) A STATEMENT FILED UNDER THIS SECTION SHALL INCLUDE A  
20 SCHEDULE OF ALL INTERESTS IN ANY CORPORATION, PARTNERSHIP,  
21 LIMITED LIABILITY PARTNERSHIP, OR LIMITED LIABILITY CORPORATION,  
22 REGARDLESS OF WHETHER THE CORPORATION OR PARTNERSHIP  
23 DOES BUSINESS WITH THE CITY.

24 (B) FOR EACH INTEREST REPORTED UNDER THIS PARAGRAPH, THE  
25 SCHEDULE SHALL INCLUDE:

26 (1) THE NAME AND ADDRESS OF THE PRINCIPAL OFFICE OF THE  
27 CORPORATION, PARTNERSHIP, LIMITED LIABILITY PARTNERSHIP,  
28 OR LIMITED LIABILITY CORPORATION;

29 (2) THE NATURE AND AMOUNT OF THE INTEREST HELD,  
30 INCLUDING ANY CONDITIONS AND ENCUMBRANCES ON THE  
31 INTEREST;

32 (3) WITH RESPECT TO ANY INTEREST TRANSFERRED, IN WHOLE  
33 OR IN PART, AT ANY TIME DURING THE REPORTING PERIOD, A  
34 DESCRIPTION OF THE INTEREST TRANSFERRED, THE NATURE  
35 AND AMOUNT OF THE CONSIDERATION RECEIVED FOR THE  
36 INTEREST, AND, IF KNOWN, THE IDENTITY OF THE PERSON TO  
37 WHOM THE INTEREST WAS TRANSFERRED; AND

38 (4) WITH RESPECT TO ANY INTEREST ACQUIRED DURING THE  
39 REPORTING PERIOD:

40 (I) THE DATE WHEN, THE MANNER IN WHICH, AND THE  
41 IDENTITY OF THE PERSON FROM WHOM THE INTEREST  
42 WAS ACQUIRED; AND

43 (II) THE NATURE AND THE AMOUNT OF THE  
44 CONSIDERATION GIVEN IN EXCHANGE FOR THE INTEREST  
45 OR, IF ACQUIRED OTHER THAN BY PURCHASE, THE FAIR  
46 MARKET VALUE OF THE INTEREST AT THE TIME ACQUIRED.

47  
48 (C) AN INDIVIDUAL MAY SATISFY THE REQUIREMENT TO REPORT THE  
49 AMOUNT OF THE INTEREST HELD UNDER ITEM (B)(2) OF THIS  
50 PARAGRAPH BY REPORTING, INSTEAD OF A DOLLAR AMOUNT:

1 (1) FOR AN EQUITY INTEREST IN A CORPORATION, THE NUMBER  
2 OF SHARES HELD AND, UNLESS THE CORPORATION'S STOCK IS  
3 PUBLICLY TRADED, THE PERCENTAGE OF EQUITY INTEREST  
4 HELD; OR

5 (2) FOR AN EQUITY INTEREST IN A PARTNERSHIP, THE  
6 PERCENTAGE OF EQUITY INTEREST HELD.  
7

8 3. INTERESTS IN BUSINESS ENTITIES DOING BUSINESS WITH CITY.

9 (A) A STATEMENT FILED UNDER THIS SECTION SHALL INCLUDE A  
10 SCHEDULE OF ALL INTERESTS IN ANY BUSINESS ENTITY THAT DOES  
11 BUSINESS WITH THE CITY, OTHER THAN INTERESTS REPORTED UNDER  
12 PARAGRAPH 2 OF THIS SUBSECTION.

13 (B) FOR EACH INTEREST REPORTED UNDER THIS PARAGRAPH, THE  
14 SCHEDULE SHALL INCLUDE:

15 (1) THE NAME AND ADDRESS OF THE PRINCIPAL OFFICE OF THE  
16 BUSINESS ENTITY;

17 (2) THE NATURE AND AMOUNT OF THE INTEREST HELD,  
18 INCLUDING ANY CONDITIONS TO AND ENCUMBRANCES ON THE  
19 INTEREST;

20 (3) WITH RESPECT TO ANY INTEREST TRANSFERRED, IN WHOLE  
21 OR IN PART, AT ANY TIME DURING THE REPORTING PERIOD, A  
22 DESCRIPTION OF THE INTEREST TRANSFERRED, THE NATURE  
23 AND AMOUNT OF THE CONSIDERATION RECEIVED IN EXCHANGE  
24 FOR THE INTEREST, AND, IF KNOWN, THE IDENTITY OF THE  
25 PERSON TO WHOM THE INTEREST WAS TRANSFERRED; AND

26 (4) WITH RESPECT TO ANY INTEREST ACQUIRED DURING THE  
27 REPORTING PERIOD:

28 (I) THE DATE WHEN, THE MANNER IN WHICH, AND THE  
29 IDENTITY OF THE PERSON FROM WHOM THE INTEREST  
30 WAS ACQUIRED; AND

31 (II) THE NATURE AND THE AMOUNT OF THE  
32 CONSIDERATION GIVEN IN EXCHANGE FOR THE INTEREST  
33 OR, IF ACQUIRED OTHER THAN BY PURCHASE, THE FAIR  
34 MARKET VALUE OF THE INTEREST AT THE TIME ACQUIRED.  
35

36 4. GIFTS.

37 (A) A STATEMENT FILED UNDER THIS SECTION SHALL INCLUDE A  
38 SCHEDULE OF EACH GIFT IN EXCESS OF \$20 IN VALUE OR A SERIES OF  
39 GIFTS TOTALING \$100 OR MORE RECEIVED DURING THE REPORTING  
40 PERIOD FROM OR ON BEHALF OF, DIRECTLY OR INDIRECTLY, ANY ONE  
41 PERSON WHO DOES BUSINESS WITH THE CITY.

42 (B) FOR EACH GIFT REPORTED, THE SCHEDULE SHALL INCLUDE:

43 (1) A DESCRIPTION OF THE NATURE AND VALUE OF THE GIFT;  
44 AND

45 (2) THE IDENTITY OF THE PERSON FROM WHOM, OR ON BEHALF  
46 OF WHOM, DIRECTLY OR INDIRECTLY, THE GIFT WAS RECEIVED.  
47

48 5. EMPLOYMENT WITH OR INTERESTS IN ENTITIES DOING BUSINESS WITH  
49 CITY.

50 (A) A STATEMENT FILED UNDER THIS SECTION SHALL INCLUDE A  
51 SCHEDULE OF ALL OFFICES, DIRECTORSHIPS, AND SALARIED

1 EMPLOYMENT BY THE INDIVIDUAL OR MEMBER OF THE IMMEDIATE  
2 FAMILY OF THE INDIVIDUAL HELD AT ANY TIME DURING THE REPORTING  
3 PERIOD WITH ENTITIES DOING BUSINESS WITH THE CITY.

4 (B) FOR EACH POSITION REPORTED UNDER THIS PARAGRAPH, THE  
5 SCHEDULE SHALL INCLUDE:

6 (1) THE NAME AND ADDRESS OF THE PRINCIPAL OFFICE OF THE  
7 BUSINESS ENTITY;

8 (2) THE TITLE AND NATURE OF THE OFFICE, DIRECTORSHIP, OR  
9 SALARIED EMPLOYMENT HELD AND THE DATE IT COMMENCED;  
10 AND

11 (3) THE NAME OF EACH CITY AGENCY WITH WHICH THE ENTITY IS  
12 INVOLVED AS INDICATED BY IDENTIFYING ONE OR MORE OF THE  
13 THREE CATEGORIES OF "DOING BUSINESS", AS DEFINED IN  
14 2.08.020A4 OF THIS CHAPTER.  
15

16 6. INDEBTEDNESS TO ENTITIES DOING BUSINESS WITH CITY.

17 (A) A STATEMENT FILED UNDER THIS SECTION SHALL INCLUDE A  
18 SCHEDULE OF ALL LIABILITIES, EXCLUDING RETAIL CREDIT ACCOUNTS,  
19 TO PERSONS DOING BUSINESS WITH THE CITY OWED AT ANY TIME  
20 DURING THE REPORTING PERIOD:

21 (1) BY THE INDIVIDUAL; OR

22 (2) BY A MEMBER OF THE IMMEDIATE FAMILY OF THE INDIVIDUAL  
23 IF THE INDIVIDUAL WAS INVOLVED IN THE TRANSACTION GIVING  
24 RISE TO THE LIABILITY.

25 (B) FOR EACH LIABILITY REPORTED UNDER THIS PARAGRAPH, THE  
26 SCHEDULE SHALL INCLUDE:

27 (1) THE IDENTITY OF THE PERSON TO WHOM THE LIABILITY WAS  
28 OWED AND THE DATE THE LIABILITY WAS INCURRED;

29 (2) THE AMOUNT OF THE LIABILITY OWED AS OF THE END OF THE  
30 REPORTING PERIOD;

31 (3) THE TERMS OF PAYMENT OF THE LIABILITY AND THE EXTENT  
32 TO WHICH THE PRINCIPAL AMOUNT OF THE LIABILITY WAS  
33 INCREASED OR REDUCED DURING THE YEAR; AND

34 (4) THE SECURITY GIVEN, IF ANY, FOR THE LIABILITY.  
35

36 7. EMPLOYMENT WITH CITY. A STATEMENT FILED UNDER THIS SECTION SHALL  
37 INCLUDE A SCHEDULE OF THE IMMEDIATE FAMILY MEMBERS OF THE  
38 INDIVIDUAL EMPLOYED BY THE CITY IN ANY CAPACITY AT ANY TIME DURING  
39 THE REPORTING PERIOD.  
40

41 8. SOURCES OF EARNED INCOME.

42 (A) A STATEMENT FILED UNDER THIS SECTION SHALL INCLUDE A  
43 SCHEDULE OF THE NAME AND ADDRESS OF EACH PLACE OF  
44 EMPLOYMENT AND OF EACH BUSINESS ENTITY OF WHICH THE  
45 INDIVIDUAL OR A MEMBER OF THE INDIVIDUAL'S IMMEDIATE FAMILY  
46 WAS A SOLE OR PARTIAL OWNER AND FROM WHICH THE INDIVIDUAL OR  
47 MEMBER OF THE INDIVIDUAL'S IMMEDIATE FAMILY RECEIVED EARNED  
48 INCOME, AT ANY TIME DURING THE REPORTING PERIOD.

49 (B) A MINOR CHILD'S EMPLOYMENT OR BUSINESS OWNERSHIP NEED  
50 NOT BE DISCLOSED IF THE AGENCY THAT EMPLOYS THE INDIVIDUAL  
51 DOES NOT REGULATE, EXERCISE AUTHORITY OVER, OR CONTRACT

1 WITH THE PLACE OF EMPLOYMENT OR BUSINESS ENTITY OF THE MINOR  
2 CHILD.  
3

4 9. A STATEMENT FILED UNDER THIS SECTION MAY ALSO INCLUDE A  
5 SCHEDULE OF ADDITIONAL INTERESTS OR INFORMATION THAT THE  
6 INDIVIDUAL MAKING THE STATEMENT WISHES TO DISCLOSE.  
7

8 H. FOR THE PURPOSES 2.08.050G1, 2, AND 3 OF THIS CHAPTER, THE FOLLOWING  
9 INTERESTS ARE CONSIDERED TO BE THE INTERESTS OF THE INDIVIDUAL MAKING  
10 THE STATEMENT:  
11

12 1. AN INTEREST HELD BY A MEMBER OF THE INDIVIDUAL'S IMMEDIATE FAMILY,  
13 IF THE INTEREST WAS, AT ANY TIME DURING THE REPORTING PERIOD,  
14 DIRECTLY OR INDIRECTLY CONTROLLED BY THE INDIVIDUAL.  
15

16 2. AN INTEREST HELD BY A BUSINESS ENTITY IN WHICH THE INDIVIDUAL HELD  
17 A 30% OR GREATER INTEREST AT ANY TIME DURING THE REPORTING PERIOD.  
18

19 3. AN INTEREST HELD BY A TRUST OR AN ESTATE IN WHICH, AT ANY TIME  
20 DURING THE REPORTING PERIOD:

21 (A) THE INDIVIDUAL HELD A REVERSIONARY INTEREST OR WAS A  
22 BENEFICIARY; OR

23 (B) IF A REVOCABLE TRUST, THE INDIVIDUAL WAS A SETTLOR.  
24

25 I. THE COMMISSION SHALL REVIEW THE FINANCIAL DISCLOSURE STATEMENTS  
26 SUBMITTED UNDER THIS SECTION FOR COMPLIANCE WITH THE PROVISIONS OF THIS  
27 SECTION AND SHALL NOTIFY AN INDIVIDUAL SUBMITTING THE STATEMENT OF ANY  
28 OMISSIONS OR DEFICIENCIES.  
29

30 J. THE COMMISSION MAY TAKE APPROPRIATE ENFORCEMENT ACTION TO ENSURE  
31 COMPLIANCE WITH THIS SECTION.  
32

33  
34 **2.08.051 FINANCIAL DISCLOSURE FOR EMPLOYEES AND APPOINTED OFFICIALS.**  
35

36 A. THIS SECTION APPLIES TO THE FOLLOWING EMPLOYEES AND APPOINTED  
37 OFFICIALS:  
38

39 1. THE CITY MANAGER, CITY ATTORNEY, ALL DEPARTMENT DIRECTORS AND  
40 DEPUTIES, AND ALL MEMBERS OF THE EXEMPT SERVICE, AND  
41

42 2. INSPECTORS AND INVESTIGATORS WHO ENFORCE CITY CODES, CITY  
43 PROCUREMENT OFFICERS AND THEIR PURCHASING STAFF, AND MEMBERS OF  
44 THE FOLLOWING QUASI-JUDICIAL BOARDS AND COMMISSIONS: ALCOHOL  
45 BEVERAGE CONTROL BOARD, THE BOARD OF APPEALS, THE CIVIL SERVICE  
46 BOARD, THE BUILDING BOARD OF APPEALS, THE HISTORIC PRESERVATION  
47 COMMISSION, THE PLANNING COMMISSION, THE BOARD OF SUPERVISORS OF  
48 ELECTIONS, THE ETHICS COMMISSION, PORT WARDENS, AND THE POLICE AND  
49 FIRE RETIREMENT PLAN COMMISSION, AND  
50

1 3. ALL OTHER CITY OFFICIALS, EMPLOYEES, CONTRACT EMPLOYEES OR  
2 TEMPORARY EMPLOYEES OVER PAY GRADE 15, F15 (FIRE DEPARTMENT), AND  
3 P15 (POLICE DEPARTMENT), OR WHO HAVE AUTHORITY TO AWARD OR  
4 RECOMMEND THE AWARD OF CONTRACTS OR GRANTS.  
5

6 B. FINANCIAL DISCLOSURE STATEMENTS FILED UNDER THIS SECTION SHALL BE  
7 FILED WITH THE COMMISSION UNDER OATH OR AFFIRMATION.  
8

9 C. EMPLOYEES AND APPOINTED OFFICIALS INCLUDED PARAGRAPH "A" ABOVE SHALL  
10 FILE A FINANCIAL DISCLOSURE STATEMENT ANNUALLY NO LATER THAN JANUARY 31  
11 OF EACH YEAR FOR THE PRECEDING CALENDAR YEAR.  
12

13 D. THE CITY ATTORNEY'S OFFICE SHALL:  
14

15 1. MAINTAIN ALL DISCLOSURE STATEMENTS FILED UNDER THIS SECTION AS  
16 PUBLIC RECORDS AVAILABLE FOR PUBLIC INSPECTION AND COPYING AS  
17 PROVIDED IN SECTION 2.08.050E OF THIS CHAPTER.  
18

19 2. RETAIN FINANCIAL DISCLOSURE STATEMENTS FILED UNDER THIS SECTION  
20 AS PROVIDED IN SECTION 2.08.050F OF THIS CHAPTER.  
21

22 E. CONTENTS OF STATEMENT.  
23

24 1. INTERESTS IN REAL PROPERTY.  
25

26 (A) A STATEMENT FILED UNDER THIS SECTION SHALL INCLUDE A  
27 SCHEDULE OF ALL INTERESTS IN REAL PROPERTY LOCATED IN THE  
28 MARYLAND.

29 (B) FOR EACH INTEREST IN REAL PROPERTY, THE SCHEDULE SHALL  
30 INCLUDE:

31 (1) THE NATURE OF THE PROPERTY AND THE LOCATION BY  
32 STREET ADDRESS AND A DESCRIPTION OF THE PROPERTY;

33 (2) THE NATURE AND EXTENT OF THE INTEREST HELD, INCLUDING  
34 ANY CONDITIONS AND ENCUMBRANCES ON THE INTEREST;

35 (3) THE DATE WHEN, THE MANNER IN WHICH, AND THE IDENTITY  
36 OF THE PERSON FROM WHOM THE INTEREST WAS ACQUIRED;

37 (4) THE IDENTITY OF ANY OTHER PERSON WITH AN INTEREST IN  
38 THE PROPERTY.  
39

40 2. INTERESTS IN CORPORATIONS AND PARTNERSHIPS.  
41

42 (A) A STATEMENT FILED UNDER THIS SECTION SHALL INCLUDE A  
43 SCHEDULE OF ALL INTERESTS IN ANY CORPORATION, PARTNERSHIP,  
44 LIMITED LIABILITY PARTNERSHIP, OR LIMITED LIABILITY CORPORATION,  
45 REGARDLESS OF WHETHER THE CORPORATION OR PARTNERSHIP  
46 DOES BUSINESS WITH THE CITY. INTERESTS IN MUTUAL FUNDS ARE  
47 NOT REPORTABLE.

48 (B) FOR EACH INTEREST REPORTED UNDER THIS PARAGRAPH, THE  
49 SCHEDULE SHALL INCLUDE THE NAME OF THE CORPORATION,  
50 PARTNERSHIP, LIMITED LIABILITY PARTNERSHIP, OR LIMITED LIABILITY  
51 CORPORATION.

51 3. GIFTS.

1 (A) A STATEMENT FILED UNDER THIS SECTION SHALL INCLUDE A  
2 SCHEDULE OF EACH GIFT IN EXCESS OF \$20 IN VALUE OR A SERIES OF  
3 GIFTS TOTALING \$100 OR MORE RECEIVED DURING THE REPORTING  
4 PERIOD FROM OR ON BEHALF OF, DIRECTLY OR INDIRECTLY, ANY ONE  
5 PERSON WHO DOES BUSINESS WITH THE CITY.

6 (B) FOR EACH GIFT REPORTED, THE SCHEDULE SHALL INCLUDE:

- 7 (1) A DESCRIPTION OF THE NATURE AND VALUE OF THE GIFT;  
8 AND  
9 (2) THE IDENTITY OF THE PERSON FROM WHOM, OR ON BEHALF  
10 OF WHOM, DIRECTLY OR INDIRECTLY, THE GIFT WAS RECEIVED.

11  
12 4. EMPLOYMENT WITH OR INTERESTS IN ENTITIES DOING BUSINESS WITH THE  
13 CITY.

14 (A) A STATEMENT FILED UNDER THIS SECTION SHALL INCLUDE A  
15 SCHEDULE OF ALL OFFICES, DIRECTORSHIPS, AND SALARIED  
16 EMPLOYMENT BY THE INDIVIDUAL OR MEMBER OF THE IMMEDIATE  
17 FAMILY OF THE INDIVIDUAL HELD AT ANY TIME DURING THE REPORTING  
18 PERIOD WITH ENTITIES DOING BUSINESS WITH THE CITY.

19 (B) FOR EACH POSITION REPORTED UNDER THIS PARAGRAPH, THE  
20 SCHEDULE SHALL INCLUDE:

- 21 (1) THE NAME AND ADDRESS OF THE PRINCIPAL OFFICE OF THE  
22 BUSINESS ENTITY;  
23 (2) THE TITLE AND NATURE OF THE OFFICE, DIRECTORSHIP, OR  
24 SALARIED EMPLOYMENT HELD AND THE DATE IT COMMENCED;  
25 AND  
26 (3) THE NAME OF EACH CITY AGENCY WITH WHICH THE ENTITY IS  
27 INVOLVED AS INDICATED BY IDENTIFYING ONE OR MORE OF THE  
28 THREE CATEGORIES OF "DOING BUSINESS", AS DEFINED IN  
29 2.08.020A4 OF THIS CHAPTER.

30  
31 5. INDEBTEDNESS TO ENTITIES DOING BUSINESS WITH CITY.

32 (A) A STATEMENT FILED UNDER THIS SECTION SHALL INCLUDE A  
33 SCHEDULE OF ALL LIABILITIES, EXCLUDING RETAIL CREDIT ACCOUNTS,  
34 TO PERSONS DOING BUSINESS WITH THE CITY OWED AT ANY TIME  
35 DURING THE REPORTING PERIOD:

- 36 (1) BY THE INDIVIDUAL; OR  
37 (2) BY A MEMBER OF THE IMMEDIATE FAMILY OF THE INDIVIDUAL  
38 IF THE INDIVIDUAL WAS INVOLVED IN THE TRANSACTION GIVING  
39 RISE TO THE LIABILITY.

40 (B) FOR EACH LIABILITY REPORTED UNDER THIS PARAGRAPH, THE  
41 SCHEDULE SHALL INCLUDE:

- 42 (1) THE IDENTITY OF THE PERSON TO WHOM THE LIABILITY WAS  
43 OWED AND THE DATE THE LIABILITY WAS INCURRED;  
44 (2) THE AMOUNT OF THE LIABILITY OWED AS OF THE END OF THE  
45 REPORTING PERIOD;  
46 (3) THE TERMS OF PAYMENT OF THE LIABILITY AND THE EXTENT  
47 TO WHICH THE PRINCIPAL AMOUNT OF THE LIABILITY WAS  
48 INCREASED OR REDUCED DURING THE YEAR; AND  
49 (4) THE SECURITY GIVEN, IF ANY, FOR THE LIABILITY.

50

1 6. EMPLOYMENT WITH CITY. A STATEMENT FILED UNDER THIS SECTION SHALL  
2 INCLUDE A SCHEDULE OF THE IMMEDIATE FAMILY MEMBERS OF THE  
3 INDIVIDUAL EMPLOYED BY THE CITY IN ANY CAPACITY AT ANY TIME DURING  
4 THE REPORTING PERIOD.

5  
6 7. SOURCES OF EARNED INCOME.

7 (A) A STATEMENT FILED UNDER THIS SECTION SHALL INCLUDE A  
8 SCHEDULE OF THE NAME AND ADDRESS OF EACH PLACE OF  
9 EMPLOYMENT AND OF EACH BUSINESS ENTITY OF WHICH THE  
10 INDIVIDUAL OR A MEMBER OF THE INDIVIDUAL'S IMMEDIATE FAMILY  
11 WAS A SOLE OR PARTIAL OWNER AND FROM WHICH THE INDIVIDUAL OR  
12 MEMBER OF THE INDIVIDUAL'S IMMEDIATE FAMILY RECEIVED EARNED  
13 INCOME, AT ANY TIME DURING THE REPORTING PERIOD.

14 (B) A MINOR CHILD'S EMPLOYMENT OR BUSINESS OWNERSHIP NEED  
15 NOT BE DISCLOSED IF THE AGENCY THAT EMPLOYS THE INDIVIDUAL  
16 DOES NOT REGULATE, EXERCISE AUTHORITY OVER, OR CONTRACT  
17 WITH THE PLACE OF EMPLOYMENT OR BUSINESS ENTITY OF THE MINOR  
18 CHILD.

19  
20 8. A STATEMENT FILED UNDER THIS SECTION MAY ALSO INCLUDE A  
21 SCHEDULE OF ADDITIONAL INTERESTS OR INFORMATION THAT THE  
22 INDIVIDUAL MAKING THE STATEMENT WISHES TO DISCLOSE.

23  
24 F. FOR THE PURPOSES 2.08.051E1 AND 2 OF THIS CHAPTER, THE FOLLOWING  
25 INTERESTS ARE CONSIDERED TO BE THE INTERESTS OF THE INDIVIDUAL MAKING  
26 THE STATEMENT:

27  
28 1. AN INTEREST HELD BY A MEMBER OF THE INDIVIDUAL'S IMMEDIATE FAMILY,  
29 IF THE INTEREST WAS, AT ANY TIME DURING THE REPORTING PERIOD,  
30 DIRECTLY OR INDIRECTLY CONTROLLED BY THE INDIVIDUAL.

31  
32 2. AN INTEREST HELD BY A BUSINESS ENTITY IN WHICH THE INDIVIDUAL HELD  
33 A 30% OR GREATER INTEREST AT ANY TIME DURING THE REPORTING PERIOD.

34  
35 3. AN INTEREST HELD BY A TRUST OR AN ESTATE IN WHICH, AT ANY TIME  
36 DURING THE REPORTING PERIOD:

37 (A) THE INDIVIDUAL HELD A REVERSIONARY INTEREST OR WAS A  
38 BENEFICIARY; OR

39 (B) IF A REVOCABLE TRUST, THE INDIVIDUAL WAS A SETTLOR.

40  
41 G. THE COMMISSION SHALL REVIEW THE FINANCIAL DISCLOSURE STATEMENTS  
42 SUBMITTED UNDER THIS SECTION FOR COMPLIANCE WITH THE PROVISIONS OF THIS  
43 SECTION AND SHALL NOTIFY AN INDIVIDUAL SUBMITTING THE STATEMENT OF ANY  
44 OMISSIONS OR DEFICIENCIES.

45  
46 H. THE COMMISSION MAY TAKE APPROPRIATE ENFORCEMENT ACTION TO ENSURE  
47 COMPLIANCE WITH THIS SECTION.

48  
49  
50 **2.08.052 FINANCIAL DISCLOSURE FOR THE HOUSING AUTHORITY OF THE CITY**  
51 **OF ANNAPOLIS**

1  
2 MEMBERS OF THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE  
3 CITY OF ANNAPOLIS (HACA), THE EXECUTIVE DIRECTOR OF HACA AND THE DEPUTY  
4 DIRECTOR(S) OF HACA SHALL FILE ANNUALLY, NOT LATER THAN JANUARY 31ST OF  
5 EACH CALENDAR YEAR DURING WHICH THEY ARE SUBJECT TO THE PROHIBITIONS  
6 SET FORTH IN THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE, SECTION 13-  
7 105(A) OF THE ANNOTATED CODE OF MARYLAND, OR OTHER APPLICABLE PORTIONS  
8 OF STATE LAW, A STATEMENT OF FINANCIAL INTERESTS WITH THE ETHICS  
9 COMMISSION OF THE CITY. THE FORM OF THE STATEMENT OF FINANCIAL INTERESTS  
10 REQUIRED BY THIS SECTION SHALL BE PREPARED AND APPROVED BY THE ETHICS  
11 COMMISSION. THE CONTENTS OF THE STATEMENT SHALL BE AS PROVIDED IN  
12 SECTION 2.08.051E OF THIS CHAPTER.  
13  
14

15 **2.08.060 [Financial disclosure – Content of] STATEMENT OF COMPLIANCE.**

16 [The statement required to be filed by Section 2.08.050 shall contain schedules disclosing the  
17 following interests of the person making the statement, together with the following information,  
18 for the calendar year for which the required statement is to be filed:

19 A. A schedule of all interests, including leasehold interests and interests in any oil, gas  
20 or other mineral royalty or lease, in or with respect to any real property in the State or  
21 elsewhere. This schedule, as to each such interest, shall include:

- 22 1. The nature of the property and the location by street address, mailing address or  
23 legal description of the property,
- 24 2. The nature, exclusive of dollar value, of the interest held, including any  
25 conditions to the interest and the name of the holder of the encumbrances on the  
26 interest,
- 27 3. The date when, the manner in which and the identity of the person from whom  
28 the interest was acquired;
- 29 4. With respect to any interest transferred, in whole or in part, at any time during  
30 the year for which the statement is filed, a description of the interest transferred, and
- 31 5. The identity of any other person with an interest in the property or business  
32 entity;

33 B. A schedule of all interests, exclusive of dollar value, in any business entity, whether or  
34 not the business entity does business with the municipality. This schedule, as to each such  
35 interest, shall include:

- 36 1. The name and address of the principal office of the business entity,
- 37 2. The nature, exclusive of dollar value, of the interest held, including any  
38 conditions thereto and the name of the holder of any encumbrances thereon;  
39 provided, that an amount of stock or like evidence of equity interest, at the option of  
40 the person making the report, may be reported by the number of shares held, if the  
41 business entity's stock is publicly traded on a stock exchange or on an over-the-  
42 counter market, or otherwise, the percentage of equity interest so held, and

- 1           3. With respect to any interest transferred, in whole or in part, at any time during  
2           the year for which the statement is filed, a description of the interest transferred;
- 3           C. A schedule of all interests in any other business entity which does business with the  
4           municipality. This schedule, as to each such interest, shall include:
- 5           1. The name and address of the principal office of the business entity,  
6           2. The nature, exclusive of dollar value, of the interest held, including any  
7           conditions to the interest and the name of the holder of any encumbrances on the  
8           interest, and  
9           3. With respect to any interest transferred, in whole or in part, at any time during  
10           the year for which the statement is filed, a description of the interest transferred;
- 11           D. A schedule of any gift, including the forgiveness of any liability, received at any time  
12           during the year for which the statement is filed by the person making the statement, or by  
13           any other person at the direction of the person making the statement, from or on behalf of,  
14           directly or indirectly, any person who does business with the municipality or is regulated by  
15           the municipality; provided, that gifts received from the spouse or a relative within the third  
16           degree of consanguinity of the person making the statement, or from the spouse of any  
17           such relative, or campaign contributions which are otherwise reported as required by law,  
18           need not be disclosed. This schedule, as to each such gift shall include:
- 19           1. The nature of the gift, including its approximate retail value at the time of its  
20           receipt, and  
21           2. The identity of the person from whom or on behalf of whom, directly or indirectly,  
22           the gift was received;
- 23           E. A schedule of all offices, directorships and salaried employment held by the person  
24           making the statement or by that person's spouse or dependent child at any time during the  
25           year for which the statement is filed. This schedule, as to each such office, directorship or  
26           salaried employment, shall include:
- 27           1. The name and address of the principal office of the business entity, and  
28           2. The title and nature of the office, directorship or salaried employment held;
- 29           F. A schedule of all debts, exclusive of dollar values, to any person doing business with  
30           the municipality owed at any time during the year for which the statement is filed, excluding  
31           retail credit accounts, by the person making the statement, and all debts, exclusive of  
32           dollar values, to any person doing business with the municipality owed at any time during  
33           the year for which the statement is filed, excluding retail credit accounts, by the spouse or  
34           a child of the person making the statement, if the person making the statement was  
35           involved in the transaction giving rise to the debt. This schedule, as to each such debt,  
36           shall include the identity of the person to whom the debt was owed;
- 37           G. A list of all members of the immediate family of the person making the statement  
38           required by this section who are employed by the municipality in any capacity. For the  
39           purpose of this subsection, "immediate family" includes only spouse and dependent  
40           children;

1 H. Such additional interests or information as the person making the statement might  
2 desire to make.] TO ENSURE THAT MEMBERS OF CITY BOARDS, COMMISSIONS,  
3 TEAMS, AND COMMITTEES, BOTH PERMANENT AND AD HOC, UNDERSTAND  
4 THEIR ETHICAL RESPONSIBILITIES, THEY SHALL PROVIDE A SIGNED STATEMENT  
5 SWEARING AND AFFIRMING UNDER PENALTY OF PERJURY THAT THEY ARE  
6 AWARE OF AND UNDERSTAND THE PROVISIONS OF CITY CODE CHAPTER 2.08,  
7 PUBLIC ETHICS AND FINANCIAL DISCLOSURE, INCLUDING BUT NOT LIMITED TO  
8 SECTION 2.08.040, PROHIBITED CONDUCT AND INTERESTS, OF THE ANNAPOLIS  
9 CITY CODE. ALSO, IN ACCEPTING THEIR POSITION THAT THEY WILL MAINTAIN  
10 HIGH ETHICAL STANDARDS IN THE EXERCISE OF THEIR PUBLIC OR OFFICIAL  
11 DUTIES AND WILL NOT ENGAGE IN ANY BUSINESS OR TRANSACTION OR HAVE A  
12 FINANCIAL INTEREST, DIRECT OR INDIRECT, WHICH IS INCOMPATIBLE WITH THE  
13 PROPER DISCHARGE OF THEIR DESIGNATED DUTIES AND THAT THEY WILL NOT  
14 ENGAGE IN ANY ACTIVITY WHICH WOULD CREATE, OR APPEAR TO CREATE, A  
15 CONFLICT OF INTEREST IN THE EXERCISE OF THEIR PUBLIC OR OFFICIAL  
16 DUTIES. THIS REQUIREMENT DOES NOT APPLY TO THE MEMBERS OF BOARDS  
17 AND COMMISSIONS SPECIFIED IN SECTION 2.08.051A2 WHO ARE REQUIRED TO  
18 PROVIDE FINANCIAL DISCLOSURE STATEMENTS.

19  
20 **2.08.070 [Financial] LOBBYING Disclosure [attributable interests] AND**  
21 **REGISTRATION**

22 [For the purposes of the disclosures required by Section 2.08.050, the following shall be  
23 considered to be the interests of the person making the statement:

24 A. Any interest, exclusive of dollar value, held by the spouse or a child of the person  
25 making the statement, if such interest was at any time during the year for which the  
26 statement is filed directly or indirectly controlled by the person making the statement;

27 B. Any interest, exclusive of dollar value, held by a business entity, in which business  
28 entity any interest was at any time during the year for which the statement is filed an  
29 interest of the person making the statement;

30 C. Any interest, exclusive of dollar value, held by a trust other than a common trust fund,  
31 under which trust the person making the statement held a reversionary interest at any time  
32 during the year for which the statement is filed or under which trust the person making the  
33 statement was at any time during that year a trustor, if a revocable trust, or a beneficiary.]

34  
35 A. GENERAL REQUIREMENTS. ANY PERSON WHO APPEARS BEFORE ANY  
36 OFFICIAL OR EMPLOYEE OF THE CITY, WITH THE INTENT TO INFLUENCE THAT  
37 PERSON IN THE PERFORMANCE OF THAT PERSON'S OFFICIAL DUTIES AND WHO,  
38 IN CONNECTION WITH ANY SUCH ACTIVITIES EXPENDS OR REASONABLY  
39 EXPECTS TO EXPEND IN ANY CALENDAR YEAR IN EXCESS OF TWO HUNDRED  
40 FIFTY (\$250.00) DOLLARS, ON FOOD, ENTERTAINMENT OR GIFTS FOR ANY  
41 OFFICIALS OR EMPLOYEES OF THE CITY, SHALL FILE A REGISTRATION  
42 STATEMENT WITH THE COMMISSION NOT LATER THAN JANUARY 31ST OF THE  
43 CALENDAR YEAR FOR WHICH THE STATEMENT IS FILED, OR WITHIN FIFTEEN  
44 DAYS AFTER THE COMMENCEMENT OF ANY ACTIVITIES REGULATED BY THIS  
45 SECTION.

46  
47 B. REGISTRATION STATEMENT. THE REGISTRATION STATEMENT SHALL INCLUDE

1 COMPLETE IDENTIFICATION OF THE REGISTRANT AND OF ANY OTHER PERSON  
2 ON WHOSE BEHALF THE REGISTRANT ACTS OR WILL BE ACTING. IT SHALL ALSO  
3 IDENTIFY THE SUBJECT MATTER ON WHICH THE REGISTRANT PROPOSES TO  
4 MAKE THESE APPEARANCES, AND SHALL COVER A PERIOD NOT TO EXCEED ONE  
5 CALENDAR YEAR.  
6

7 C. REPORT OF ACTIVITIES. REGISTRANTS UNDER THIS SECTION SHALL FILE A  
8 REPORT, NOT LATER THAN JANUARY 31ST OF EACH YEAR, COVERING ACTIVITIES  
9 FOR WHICH THEY WERE REGISTERED FOR THE PRECEDING YEAR, DISCLOSING  
10 THE VALUE, DATE AND NATURE OF ANY FOOD, ENTERTAINMENT OR GIFTS  
11 PROVIDED TO ANY CITY OFFICIAL OR EMPLOYEE. WHEN A GIFT OR SERIES OF  
12 GIFTS TO A SINGLE OFFICIAL OR EMPLOYEE EXCEEDS THIRTY FIVE (\$35.00)  
13 DOLLARS IN VALUE, THE OFFICIAL OR EMPLOYEE SHALL ALSO BE IDENTIFIED.  
14

15 D. NO CONTINGENCY FEES. NO PERSON MAY ENGAGE IN LOBBYING ACTIVITIES  
16 ON BEHALF OF ANOTHER PERSON FOR COMPENSATION OF THE PAYMENT OF  
17 WHICH IS CONTINGENT UPON THE PASSAGE OR DEFEAT OF ANY ACTION BY THE  
18 CITY COUNCIL.  
19

20 E. AVAILABILITY TO PUBLIC. THE REGISTRATIONS AND REPORTS FILED  
21 PURSUANT TO THIS SECTION SHALL BE MAINTAINED BY THE CITY ATTORNEY'S  
22 OFFICE, AND SHALL BE MADE AVAILABLE, DURING NORMAL OFFICE HOURS, FOR  
23 EXAMINATION AND COPYING BY THE PUBLIC. ALL SUCH REGISTRATIONS AND  
24 REPORTS SHALL BE RETAINED AS PUBLIC RECORDS FOR AT LEAST FOUR YEARS  
25 FROM THE DATE OF THEIR RECEIPT BY THE COMMISSION.  
26

27 F. FORMS. THE COMMISSION SHALL PROVIDE FORMS FOR USE IN THE FILING OF  
28 THE REGISTRATION STATEMENTS AND REPORTS REQUIRED BY THIS SECTION  
29 TO THE PERSONS REQUIRED TO FILE SUCH STATEMENTS AND REPORTS.  
30  
31

32 **2.08.080 [Lobbying Disclosure] RESPONSIBILITIES OF CITY ATTORNEY**

33 [A. General Requirements. Any person who appears before any official or employee of the  
34 City, with the intent to influence that person in the performance of that person's official duties  
35 and who, in connection with any such activities expends or reasonably expects to expend in any  
36 calendar year in excess of two hundred fifty dollars, on food, entertainment or gifts for any  
37 officials or employees of the City, shall file a registration statement with the Commission not  
38 later than January 31st of the calendar year for which the statement is filed, or within fifteen  
39 days after the commencement of any activities regulated by this section.

40 B. Registration Statement. The registration statement shall include complete identification of  
41 the registrant and of any other person on whose behalf the registrant acts or will be acting. It  
42 shall also identify the subject matter on which the registrant proposes to make these  
43 appearances, and shall cover a period not to exceed one calendar year.

44 C. Report of Activities. Registrants under this section shall file a report, not later than January  
45 31st of each year, covering activities for which they were registered for the preceding year,  
46 disclosing the value, date and nature of any food, entertainment or gifts provided to any City  
47 official or employee. When a gift or series of gifts to a single official or employee exceeds fifty  
48 dollars in value, the official or employee shall also be identified.

1 D. Availability to Public. The registrations and reports filed pursuant to this section shall be  
2 maintained by the Commission, and shall be made available, during normal office hours, for  
3 examination and copying by the public. All such registrations and reports shall be retained as  
4 public records for at least four years from the date of their receipt by the Commission.

5 E. Forms. The Commission shall provide forms for use in the filing of the registration  
6 statements and reports required by this section to the persons required to file such statements  
7 and reports.]  
8

9 IN ADDITION TO ANY OTHER DUTIES AND RESPONSIBILITIES SET FORTH IN THIS  
10 CHAPTER OR ANY OTHER PROVISION OF THIS CODE OR OTHER CITY ORDINANCE, IT  
11 IS THE FUNCTION OF THE CITY ATTORNEY:  
12

13 A. TO ADOPT PROCEDURES AS MAY BE NECESSARY TO CARRY OUT THE CITY  
14 ATTORNEY'S FUNCTIONS IN ACCORDANCE WITH THE PROVISIONS OF THIS  
15 CHAPTER,  
16

17 B. TO PROVIDE, UPON THE REQUEST OF PERSONS REQUIRED TO FILE  
18 STATEMENTS BY THIS CHAPTER, ANY ASSISTANCE NEEDED IN COMPLYING WITH  
19 THE PROVISIONS OF THIS CHAPTER, AND  
20

21 C. WHEN REQUESTED BY THE COMMISSION, PROVIDE ADVICE WITH RESPECT TO  
22 ITS DUTIES AND RESPONSIBILITIES UNDER THIS CHAPTER, AND FURNISH LEGAL  
23 GUIDANCE AND ASSISTANCE IN THE PREPARATION OF FORMS, ADVISORY  
24 OPINIONS, INVESTIGATIONS AND DETERMINATIONS OF COMPLAINTS ALLEGING  
25 VIOLATIONS OF THIS CHAPTER.  
26

27 **[2.08.085 - Financial disclosure—Annapolis Housing Authority.**

28 Members of the Board of Commissioners of the Annapolis Housing Authority, the Executive  
29 Director of the Annapolis Housing Authority and the Deputy Director of the Annapolis Housing  
30 Authority shall file annually, not later than January 31st of each calendar year during which they  
31 are subject to the prohibitions set forth in Article 44A, Section 6 of the Annotated Code of  
32 Maryland, or other applicable portions of State law, a statement of financial interests with the  
33 Ethics Commission of the City. The form of the statement of financial interests required by this  
34 section shall be approved by the Ethics Commission.]  
35  
36

37 **2.08.090 Exemptions and Modifications**  
38

39 The Commission may grant exemptions and modifications to the PROVISIONS of [this chapter  
40 pertaining to conflicts of interest and to financial disclosure, if it determines that application of  
41 those provisions would:] sections 2.08.040, Prohibited Conduct and Interests; 2.08.050,  
42 Financial Disclosure for Elected Officials and Candidates for Elected Office; 2.08.051, Financial  
43 Disclosure for Employees and Appointed Officials; and 2.08.052, Financial Disclosure for the  
44 Housing Authority of the City of Annapolis, of this chapter when the Commission finds that an  
45 exemption or modification would not be contrary to the purposes of this chapter, and the  
46 application of this chapter would:  
47

A. Constitute an unreasonable invasion of privacy; or

1 B. Significantly reduce the availability of qualified persons for public service [; and].

2 [C. Not be required to preserve the purposes of this chapter.]

3  
4  
5 **2.08.100 [Responsibilities of City Attorney] ENFORCEMENT**  
6

7 [In addition to any other duties and responsibilities set forth in this chapter or any other  
8 provision of this Code or other City ordinance, it is the function of the City Attorney:

9 A. To adopt, subject to approval by the City Council, procedures as may be necessary to  
10 carry out the City Attorney's functions in accordance with the provisions of this chapter;

11 B. To provide, upon the request of persons required to file statements by this chapter,  
12 any assistance needed in complying with the provisions of this chapter;

13 C. To advise the Commission with respect to its duties and responsibilities under this  
14 chapter, and, when requested by the Commission, to furnish legal guidance and  
15 assistance in the preparation of forms, advisory opinions, investigations and  
16 determinations of complaints alleging violations of this chapter.]  
17

18 A. ENFORCEMENT AUTHORITY OF COMMISSION.  
19

20 1. UPON A FINDING OF A VIOLATION OF ANY PROVISION OF THIS CHAPTER, THE  
21 COMMISSION MAY:

22 (A) ISSUE AN ORDER OF COMPLIANCE DIRECTING THE RESPONDENT TO  
23 CEASE AND DESIST FROM THE VIOLATION;

24 (B) ISSUE A REPRIMAND; OR

25 (C) RECOMMEND TO THE APPROPRIATE CITY AUTHORITY:

26 (I) DISCIPLINE OF THE RESPONDENT, INCLUDING CENSURE,  
27 SUSPENSION, DEMOTION IN POSITION, OR REMOVAL IF THAT  
28 DISCIPLINE IS AUTHORIZED BY LAW, AND/OR

29 (II) SUSPENSION FROM RECEIVING PAYMENT OR SALARY OR  
30 OTHER COMPENSATION PENDING FULL COMPLIANCE WITH THE  
31 TERMS OF AN ORDER OF THE COMMISSION, CITY COUNCIL, OR  
32 COURT.  
33

34 2. AFTER RECEIPT OF A RECOMMENDATION PROVIDED FOR IN PARAGRAPH  
35 1(C) ABOVE, THE MAYOR, CITY MANAGER, SUPERVISOR, OR THE HUMAN  
36 RESOURCES DEPARTMENT, AS APPROPRIATE, WILL REPORT TO THE  
37 COMMISSION WITHIN 14 DAYS AFTER ANY ACTION IS TAKEN IN RESPONSE TO  
38 THE COMMISSION'S RECOMMENDATIONS, BUT NO LATER THAN 60 DAYS AFTER  
39 RECOMMENDATIONS ARE ISSUED BY THE COMMISSION.  
40

41 3. IF THE COMMISSION FINDS THAT A RESPONDENT HAS VIOLATED SECTION  
42 2.08.070, LOBBYING DISCLOSURE, OF THIS CHAPTER, THE COMMISSION MAY:

43 (A) REQUIRE A RESPONDENT WHO IS A REGISTERED LOBBYIST TO FILE  
44 ANY ADDITIONAL REPORTS OR INFORMATION THAT REASONABLY  
45 RELATED TO THE INFORMATION THAT IS REQUIRED UNDER SECTION  
46 2.08.070 OF THIS CHAPTER;

1 (B) IMPOSE A FINE NOT EXCEEDING \$5,000 FOR EACH VIOLATION; AND  
2 (C) SUSPEND THE REGISTRATION OF AN INDIVIDUAL REGISTERED  
3 LOBBYIST IF THE COMMISSION FINDS THAT THE LOBBYIST HAS  
4 KNOWINGLY AND WILLFULLY VIOLATED SECTION 2.08.070 OF THIS  
5 CHAPTER OR HAS BEEN CONVICTED OF A CRIMINAL OFFENSE ARISING  
6 FROM LOBBYING ACTIVITIES.  
7

8 B. INJUNCTIVE RELIEF.  
9

10 1. UPON REQUEST OF THE COMMISSION, THE CITY ATTORNEY MAY FILE A  
11 PETITION FOR INJUNCTIVE OR OTHER RELIEF IN THE CIRCUIT COURT OF ANNE  
12 ARUNDEL COUNTY, OR IN ANY OTHER COURT HAVING PROPER VENUE FOR  
13 THE PURPOSE OF REQUIRING COMPLIANCE WITH THE PROVISIONS OF THIS  
14 CHAPTER.  
15

16 2. COURT AUTHORITY.

17 (A) THE COURT MAY:

18 (1) ISSUE AN ORDER TO CEASE AND DESIST FROM THE  
19 VIOLATION;

20 (2) EXCEPT AS PROVIDED IN SUBPARAGRAPH (B) OF THIS  
21 PARAGRAPH, VOID AN OFFICIAL ACTION TAKEN BY AN OFFICIAL  
22 OR EMPLOYEE WITH A CONFLICT OF INTEREST PROHIBITED BY  
23 THIS CHAPTER WHEN THE ACTION ARISES FROM OR CONCERNS  
24 THE SUBJECT MATTER OF THE CONFLICT AND IF THE LEGAL  
25 ACTION IS BROUGHT WITHIN 90 DAYS OF THE OCCURRENCE OF  
26 THE OFFICIAL ACTION, IF THE COURT DEEMS VOIDING THE  
27 ACTION TO BE IN THE BEST INTEREST OF THE PUBLIC;

28 (3) IMPOSE A FINE OF UP TO \$5,000 FOR ANY VIOLATION OF THE  
29 PROVISIONS OF THIS CHAPTER, WITH EACH DAY UPON WHICH  
30 THE VIOLATION OCCURS CONSTITUTING A SEPARATE OFFENSE.

31 (B) A COURT MAY NOT VOID ANY OFFICIAL ACTION APPROPRIATING  
32 PUBLIC FUNDS, LEVYING TAXES, OR PROVIDING FOR THE ISSUANCE OF  
33 BONDS, NOTES, OR OTHER EVIDENCES OF PUBLIC OBLIGATIONS.  
34

35 C. MAINTENANCE OF RECORDS.  
36

37 1. A PERSON WHO IS SUBJECT TO THE PROVISIONS OF THIS CHAPTER SHALL  
38 OBTAIN AND PRESERVE ALL ACCOUNTS, BILLS, RECEIPTS, BOOKS, PAPERS,  
39 AND DOCUMENTS NECESSARY TO COMPLETE AND SUBSTANTIATE A REPORT,  
40 STATEMENT, OR RECORD REQUIRED UNDER THIS CHAPTER FOR THREE (3)  
41 YEARS FROM THE DATE OF FILING THE REPORT, STATEMENT, OR RECORD.  
42

43 2. THESE PAPERS AND DOCUMENTS SHALL BE AVAILABLE FOR INSPECTION  
44 WITHIN FIFTEEN (15) DAYS OF A WRITTEN REQUEST BY THE COMMISSION.  
45

46 **2.08.110 COMPLAINT PROCEDURE**  
47

48 COMPLAINTS SHALL BE FILED WITHIN SIX (6) MONTHS OF THE ALLEGED VIOLATION  
49 OR THE DISCOVERY OF THE ALLEGED VIOLATION. COMPLAINTS TO THE COMMISSION  
50 SHALL BE WRITTEN AND MAY BE REFERRED BY THE COMMISSION TO THE CITY  
51

1 ATTORNEY OR OTHER LEGAL COUNSEL, IF APPROPRIATE, FOR INVESTIGATION. ALL  
2 COMPLAINTS SHALL BE SIGNED UNDER OATH IN THE FORM OF GENERAL  
3 KNOWLEDGE: "I SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE  
4 CONTENTS OF THE FOREGOING COMPLAINT ARE TRUE TO THE BEST OF MY  
5 KNOWLEDGE, INFORMATION, AND BELIEF." IF AFTER CONDUCTING AN  
6 INVESTIGATION OR RECEIVING AN INVESTIGATIVE REPORT, THE COMMISSION  
7 DETERMINES THAT THERE ARE INSUFFICIENT FACTS UPON WHICH TO BASE A  
8 DETERMINATION OF A VIOLATION, IT MAY DISMISS THE COMPLAINT. IF THERE IS A  
9 REASONABLE BASIS FOR BELIEVING A VIOLATION HAS OCCURRED THEN THE  
10 PARTIES TO THE COMPLAINT SHALL BE AFFORDED AN OPPORTUNITY FOR A HEARING  
11 BEFORE THE COMMISSION. ANY FINAL DETERMINATION RESULTING FROM THE  
12 HEARING SHALL INCLUDE FINDINGS OF FACT AND CONCLUSIONS OF LAW. UPON  
13 FINDING OF A VIOLATION, THE COMMISSION MAY TAKE ANY ENFORCEMENT ACTION  
14 PROVIDED FOR IN ACCORDANCE WITH SECTION 2.08.100 OF THIS CHAPTER. AFTER A  
15 COMPLAINT IS FILED AND UNTIL A FINAL DETERMINATION IS MADE BY THE  
16 COMMISSION, ALL ACTIONS REGARDING A COMPLAINT SHALL BE TREATED  
17 CONFIDENTIALLY. IF A FINDING OF VIOLATION IS MADE, THE FINAL DETERMINATION  
18 WILL BE MADE PUBLIC AND POSTED ON THE CITY'S WEB SITE.  
19  
20

21 **2.08.120 SEVERABILITY**

22  
23 IF ANY SECTION, SENTENCE, CLAUSE, OR PHRASE OF THIS CHAPTER IS HELD  
24 INVALID OR UNCONSTITUTIONAL BY ANY COURT OF COMPETENT JURISDICTION, THE  
25 RULING SHALL NOT AFFECT THE VALIDITY OF THE REMAINING PORTIONS OF THIS  
26 CHAPTER.  
27

28 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**  
29 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its passage.

30  
31 **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
32  
33

ATTEST: THE ANNAPOLIS CITY COUNCIL

BY \_\_\_\_\_  
Regina C. Watkins-Eldridge, MMC, City Clerk Joshua J. Cohen, Mayor

34  
35  
36  
37  
38  
39  
40

**EXPLANATION**  
CAPITAL LETTERS indicate matter added to existing law.  
[brackets] indicate matter stricken from existing law.  
Underlining indicates amendments.

1 CITY COUNCIL OF THE  
2 City of Annapolis

3 Ordinance No. O-28-12

4 Introduced by: Mayor Cohen  
5  
6  
7

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	180 Day Rule
7/23/12	09/24/12	09/14/12	01/21/13
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	07/23/12	11/05/12	Favorable
Planning Commission	07/23/12	09/13/12	Favorable w/amd.

8  
9 **AN ORDINANCE** concerning

10 **Amending the Procedures for the Sale and Rental of Moderately Priced Dwelling Units**

11 **FOR** the purpose of amending the procedures for the sale and rental of moderately priced  
12 dwelling units.

13 **BY** repealing and re-enacting with amendments the following portions of the Code of the  
14 City of Annapolis, 2011 Edition  
15 Section 20.30.130  
16

17 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**  
18 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

19 **CHAPTER 20.30 – MODERATELY PRICED DWELLING UNITS.**

20 **20.30.130 - Procedures for sale and rental of MPDUs.**

21 [A. Procedures for Sale or Rental of MPDUs.]

22 [1]A. Every MPDU required under this chapter [must] SHALL be [rented or] sold OR RENTED to  
23 eligible persons to be used for his or her OR THEIR own residence.

24 [2]B. Before offering any MPDUs for sale or rent, the applicant [must] SHALL notify the  
25 Department of Planning and Zoning of the proposed offering and the date on which the  
26 applicant will be ready to begin marketing to eligible persons. The notice [must] SHALL include:

27 1. THE ADDRESS OF EACH MPDU OFFERED FOR SALE OR RENT; [a. Whether the units  
28 will be sold or rented;]

29 2. IDENTIFICATION OF WHICH MPDUS SHALL BE SOLD AND WHICH SHALL BE

1 OFFERED FOR RENT;

2 [b. The number of units offered;]

3 [c]3. The number of bedrooms IN EACH MPDU OFFERED;

4 [d]4. The floor area for each [unit type] MPDU;

5 [e]5. A description of the amenities [offered] in each MPDU; [unit and a statement of the  
6 availability of each unit for sale or rent;]

7 [f]6. A vicinity map of the offering; and

8 [g]7. Other information or documents as the Department of Planning and Zoning finds  
9 necessary [to determine] FOR compliance with this chapter. [This notice by the Department of  
10 Planning and Zoning shall be issued within thirty days of the date from which the applicant first  
11 submitted its notice to commence marketing.]

12 [3]C. The Department of Planning and Zoning [will] SHALL maintain a list of eligible persons and  
13 [must] SHALL SEND WRITTEN NOTICE TO [notify] eligible persons OF AN MPDU OFFERING  
14 [by mail and by newspaper] prior to the start of the marketing period. THE NOTICE SHALL  
15 INCLUDE A STATEMENT INDICATING THAT IF NO ELIGIBLE PERSON RESPONDS IN  
16 WRITING TO THE NOTICE WITHIN FIFTEEN (15) BUSINESS DAYS AFTER THE DATE OF  
17 THE NOTICE, OR IF ELIGIBLE PERSONS DO RESPOND WITHIN FIFTEEN (15) BUSINESS  
18 DAYS AFTER THE DATE OF THE NOTICE BUT DO NOT QUALIFY FOR FINANCING OR  
19 CANNOT PURCHASE THE MPDU FOR ANY OTHER REASON, OR IF NO ELIGIBLE  
20 PERSON HAS ENTERED INTO A CONTRACT OF SALE FOR THE MPDU WITHIN NINETY  
21 (90) DAYS AFTER THE START OF THE MARKETING PERIOD, THE CITY MAY PURCHASE  
22 THE MPDU AT THE PURCHASE PRICE ESTABLISHED FOR THE MPDU, BUT THAT IF THE  
23 CITY DOES NOT OPT TO PURCHASE THE MPDU, THE DEPARTMENT OF PLANNING AND  
24 ZONING INTENDS TO ISSUE A WRITTEN NOTICE TO THE APPLICANT AUTHORIZING  
25 THE APPLICANT TO OFFER THE MPDU TO THE GENERAL PUBLIC FOR SALE. THE  
26 DEPARTMENT OF PLANNING AND ZONING SHALL NOT BE REQUIRED TO ISSUE ANY  
27 FURTHER NOTICE TO ELIGIBLE PERSONS BEFORE AUTHORIZING THE APPLICANT TO  
28 OFFER THE MPDU FOR SALE TO THE GENERAL PUBLIC.

29 [4]D. An applicant [must] SHALL not sell or rent any [unit] MPDU to aN ELIGIBLE [qualified]  
30 person as defined in this chapter] until such person has obtained a certificate of eligibility issued  
31 by the Department of Planning and Zoning. [from the buyer or lessee. A copy of each certificate  
32 must be maintained on file by the Department of Planning and Zoning.]

33 [5]E. IF NO ELIGIBLE PERSON HAS ENTERED INTO A CONTRACT OF SALE FOR ANY  
34 MPDU OFFERED FOR SALE WITHIN ninety (90) days after the start of a marketing period,  
35 THE CITY [Department of Planning and Zoning] may purchase THE MPDU AT THE  
36 PURCHASE PRICE ESTABLISHED FOR THE MPDU [a for sale MPDU if no eligible person  
37 has entered into a purchase agreement or contracted to buy that MPDU]. IF THE CITY  
38 PURCHASES AN MPDU UNDER THESE CIRCUMSTANCES, THE STATUS OF THE MPDU  
39 AS A FOR SALE MPDU SHALL NOT CHANGE. THE CITY [The Department of Planning and  
40 Zoning] shall only [rent or] sell the CITY OWNED MPDU to an eligible person AND THE CITY  
41 OWNED MPDU SHALL BE SUBJECT TO THE PROVISIONS OF THIS CHAPTER.

42 F. IF THE CITY OPTS NOT TO PURCHASE AN MPDU FOR WHICH NO ELIGIBLE PERSON  
43 HAS ENTERED INTO A CONTRACT OF SALE WITHIN THE NINETY (90)

1 DAY MARKETING PERIOD TO ELIGIBLE PERSONS, THE DEPARTMENT OF PLANNING  
2 AND ZONING SHALL PROVIDE WRITTEN NOTICE TO THE APPLICANT CONTAINING AN  
3 AUTHORIZATION TO MARKET THE MPDU TO THE GENERAL PUBLIC FOR SALE AT THE  
4 APPROVED PURCHASE PRICE. THE DEPARTMENT OF PLANNING AND ZONING SHALL  
5 NOT ISSUE AN AUTHORIZATION TO MARKET TO THE GENERAL PUBLIC UNLESS ALL  
6 REQUIREMENTS OF THIS CHAPTER HAVE BEEN SATISFIED. THE STATUS OF AN MPDU  
7 FOR SALE SHALL NOT CHANGE AS A RESULT OF AN OFFERING TO THE GENERAL  
8 PUBLIC, AND ALL MPDUS THAT ARE SOLD TO THE GENERAL PUBLIC SHALL BE  
9 SUBJECT TO MPDU INCOME REQUIREMENTS AND SHALL BE OFFERED TO RESIDENTS  
10 OF ANNE ARUNDEL COUNTY.

11 [6]G. The deposit required with the sales contract for the purchase of an MPDU shall not exceed  
12 one thousand dollars.

13 [7]H. Every buyer or renter of an MPDU, INCLUDING THOSE MPDUS BOUGHT OR LEASED  
14 BY MEMBERS OF THE GENERAL PUBLIC UNDER THE PROVISIONS OF THIS CHAPTER,  
15 [must] SHALL occupy the [unit] MPDU as his or her OR THEIR primary residence during the  
16 [control] OCCUPANCY period. [Each] EVERY buyer and renter [must] SHALL certify before  
17 taking occupancy that he or she OR THEY SHALL [will] occupy the [unit] MPDU as his or her  
18 primary residence during [the] ANY occupancy period. The Director of Planning and Zoning may  
19 require an MPDU owner who does not occupy the [unit] MPDU as [his or her] A primary  
20 residence to offer the unit for resale [to an eligible person] under the [resale] provisions of THIS  
21 CHAPTER [Section 20.30.140] OR MAY REQUIRE A RENTER WHO IS NOT AN ELIGIBLE  
22 PERSON TO VACATE. [Every MPDU required under this chapter must be offered to the  
23 general public for sale or rental to a good-faith purchaser or renter to be used for his or her own  
24 primary residence, except units offered for sale or rent to a non-profit corporation, whose  
25 purpose is to provide housing for persons of moderate income.]

26 [8]I. An owner of an MPDU [may] SHALL not rent the [unit] MPDU unless the renter is an  
27 eligible person, and the rental is approved in writing by the Department of Planning and Zoning  
28 annually. ALL ANNUAL RENTAL RENEWALS SHALL BE GOVERNED BY TITLE 17 OF THE  
29 ANNAPOLIS CITY CODE.

30 [9]J. ANY MPDU OWNER WHO RENTS AN MPDU TO AN INELIGIBLE PERSON [Any rent  
31 obtained for a MPDU that is rented to an ineligible person must] SHALL [be paid] PAY ALL  
32 SUCH RENT into the CITY'S Homeownership Assistance Trust Fund [by the owner within  
33 ninety] THIRTY (30) days after the Department of Planning and Zoning notifies the owner of the  
34 rental violation. THE DEPARTMENT OF PLANNING AND ZONING MAY ASSESS THE  
35 OWNER [Any amount unpaid after ninety days is grounds for the Department of Planning and  
36 Zoning to assess] a monthly fee that is equal to the HUD fair market rent for the MPDU["] FOR  
37 EACH MONTH THAT RENT WAS CHARGED AND RECEIVED IN VIOLATION OF THIS  
38 CHAPTER.  
39

40 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**  
41 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its passage.  
42

43 **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
44  
45

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

---

Regina C. Watkins-Eldridge, MMC, City Clerk

---

Joshua J. Cohen, Mayor

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**EXPLANATION**

CAPITAL LETTERS indicate matter added to existing law.

[brackets] indicate matter stricken from existing law.

Underlining indicates amendments.

1 **Policy Report**

2  
3 **O-28-12**

4  
5 **Amending the Procedures for the Sale and Rental**  
6 **of Moderately Priced Dwelling Units**

7  
8 The proposed ordinance would amend the procedures for the sale and rental of  
9 moderately priced dwelling units (MPDU). Specifically, if the City opts not to purchase  
10 an MPDU for which no eligible person has entered into a contract of sale within the 90  
11 day marketing period to eligible persons, the Department of Planning and Zoning shall  
12 provide written notice to the applicant containing an authorization to market the MPDU  
13 to the general public for sale at the approved purchase price. The Department of  
14 Planning and Zoning shall not issue an authorization to market to the general public  
15 unless all requirements of Chapter 20.30 of the City Code have been satisfied. The  
16 status of an MPDU for sale shall not change as a result of an offering to the general  
17 public and all MPDUs that are sold to the general public shall be subject to MPDU  
18 income requirements and shall be offered to residents of Anne Arundel County.

19  
20 Any MPDU owner who rents an MPDU to an ineligible person shall pay all such rent into  
21 the City's Homeownership Assistance Trust Fund 30 days after the Department of  
22 Planning and Zoning notifies the owner of the rental violation. The Department of  
23 Planning and Zoning may assess the owner a monthly fee that is equal to the HUD fair  
24 market rent for the MPDU for each month that rent was charged and received in  
25 violation of this chapter.

26  
27 Prepared by Jessica Cowles, Legislative and Policy Analyst, Office of Law at  
28 [JCCowles@annapolis.gov](mailto:JCCowles@annapolis.gov) or (410) 263-1184.  
29

FISCAL IMPACT NOTE

**Legislation No:** O-28-12

**First Reader Date:** 7-23-12

**Note Date:** 9-14-12

**Legislation Title: Amending the Procedures for the Sale and Rental of Moderately Priced Dwelling Units**

**Description:** For the purpose of amending the procedures for the sale and rental of moderately priced dwelling units.

**Analysis of Fiscal Impact:**

This legislation produces no significant fiscal impact.



City of Annapolis City Council  
Committee & Commission Referral Action Report

Date: 11/05/12

To: Jessica Cowles,  
City of Annapolis Office of Law,  
Legislative and Policy Analyst

The Housing and Human Welfare Committee has reviewed 0-28-12 and  
has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

Roll Call Vote:

Ald. Kirby, Chair yes    Ald. Hoyle yes    Ald. Silverman n/A

Meeting Date 11-5-12

Signature of Chair Kenneth A Kirby



PLANNING COMMISSION  
(410) 263-7961  
MUNICIPAL BUILDING  
ANNAPOLIS, MARYLAND 21401

September 13, 2012

**MEMORANDUM**

**To: Annapolis City Council**

**From: Planning Commission**

**Re: Findings on Ordinance 0-28-12; Procedures for the Sale and Rental of Moderately Priced Dwelling Units.**

**SUMMARY**

The proposed amendment to City Code Title 20 Chapter 20.30.130 modifies the procedure for developers to sell their MPDUs if the City cannot find eligible buyers within the specified marketing period. The amendment would change the law to allow sale to the public once the 90-day marketing period is completed and the Department is not interested in purchasing the MPDU.

On September 6, 2012, the Planning Commission held its regularly scheduled meeting and heard the proposed amendment, being properly advertised in accordance with the Annapolis City Code.

**STAFF RECOMMENDATION**

At the meetings referenced above, the Planning and Zoning staff presented their analysis of the amendment in a report dated August 29, 2012. Staff recommended approval of the amendment.

**PUBLIC HEARING AND DELIBERATION**

In accordance with the Annapolis City Code a public hearing was held and the public was invited to comment on the Application. No member of the public spoke at the public hearing.

**RECOMMENDATION**

In the discussion, it became clear that there was an inadvertent grammatical error in the language of the proposed amendment. The correct wording should be:

“IF NO BUYER WHO IS INCOME ELIGIBLE AND AN ANNE ARUNDEL COUNTY RESIDENT IS FOUND WITHIN 30 DAYS OF THE NOTICE TO SELL TO THE GENERAL PUBLIC THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING SHALL HAVE THE AUTHORITY TO WAIVE THESE REQUIREMENTS.” (Change underlined).

The Planning Commission, by a vote of 5-0-1, recommends approval of the amendment, as further amended.

Adopted this 4th day of October, 2012

Annapolis City Council  
"Rodgers Property" Findings  
October 20, 2005  
Page 2

A handwritten signature in cursive script that reads "Dr. Eleanor Harris". The signature is written in dark ink and is positioned above the printed name.

Dr. Eleanor Harris, Chair



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 11/13/12

To: Jessica Cowles,  
City of Annapolis Office of Law,  
Legislative and Policy Analyst

The Rules and City Government Committee has reviewed 0-28-12 and  
has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

*with the understanding that  
Staff will work on legislation  
to revamp the MPDU program*

Roll Call Vote:

Ald. Israel, Chair yes

Ald. Hoyle yes

Ald. Arnett yes

Meeting Date 11/13/12

Signature of Chair *Rebel Grand*

**CITY COUNCIL OF THE  
City of Annapolis**

**ORDINANCE NO. O-44-12**

**Introduced by: Mayor Cohen**

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
12/10/12			03/10/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters			
Environmental Matters			

**AN ORDINANCE** concerning

**Lease of City Property: Boat Shows in Spring 2013**

**FOR** the purpose of authorizing a lease of certain municipal property located in the areas of Susan B. Campbell Park, Annapolis City Donner Parking Lot, Ego Alley Water Space, and Old City Recreation Center and other property and water locations as described in the lease to CRUISERS UNIVERSITY, INC., t/a Annapolis Spring Sailboat Show, in April 2013, to conduct boat shows.

**WHEREAS**, CRUISERS UNIVERSITY, INC., t/a Annapolis Spring Sailboat Show, desires to lease certain municipal property for the purpose of conducting boat shows; and

**WHEREAS**, the Annapolis City Council believes that these proposed boat shows would inure to the benefit of the City; and

**WHEREAS**, a lease setting forth details of the rental has been prepared and is considered satisfactory; and

**WHEREAS**, Article III, Section 8 of the Charter of the City of Annapolis requires the passage of an ordinance to authorize the lease.

**NOW THEREFORE:**

1           **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS**  
2 **CITY COUNCIL** that the proposed lease between the City of Annapolis and CRUISERS  
3 UNIVERSITY, INC., t/a Annapolis Spring Sailboat Show, for the rental of certain  
4 municipal property in the area of Susan B. Campbell Park, Annapolis City Donner  
5 Parking Lot, Ego Alley Water Space, and Old City Recreation Center and other property  
6 and water locations from April 23, 2013 to April, 30, 2013 specifically described in the  
7 lease, a copy of which is attached hereto and made a part hereof, more specifically  
8 described in the attached lease, is hereby approved and the Mayor is hereby authorized  
9 to execute the lease on behalf of the City of Annapolis.

10  
11           **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**  
12 **ANNAPOLIS CITY COUNCIL** that it is expressly found by the City Council that the  
13 property to be leased will better serve the public need for which the property was  
14 acquired by stimulating local interest in the boating industry, encouraging visitors and  
15 residents of the City to visit the harbor and dock area, by generating tax revenues and  
16 rental income to the City and otherwise providing economic benefits to the City.

17  
18           **SECTION III: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**  
19 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its  
20 passage.

21  
22  
23           **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

24  
25 **ATTEST:**

**THE ANNAPOLIS CITY COUNCIL**

26  
27  
28  
29 \_\_\_\_\_  
Regina C. Watkins-Eldridge, MMC City Clerk

**BY:** \_\_\_\_\_  
Joshua C. Cohen, MAYOR

**LEASE AGREEMENT**

Authorized by O-44-12

**Lease will be forthcoming.**

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**CITY COUNCIL OF THE  
City of Annapolis**

**Resolution No. R-49-12**

**Introduced by: Mayor Cohen**

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
12/10/12			
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Government			
Economic Matters			
Planning Commission			
Historic Preservation Commission			

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**A RESOLUTION** concerning

**2012 City Dock Master Plan**

**FOR** the purpose of adopting the Draft City Dock Master Plan as an addendum to the 2009 Annapolis Comprehensive Plan.

**WHEREAS,** The Maryland Annotated Code, Land Use Article, Title 3, requires municipalities to adopt comprehensive plans, which are to include policies, statements, goals, and interrelated plans for private and public land use, transportation, and community facilities, and which are to be documented in texts and maps that constitute the guide for future development; and

**WHEREAS,** the Annapolis City Council adopted successive comprehensive plans for the City in 1975, 1985, 1998, and 2009; and

**WHEREAS,** on October 5, 2009 the Annapolis City Council adopted the 2009 Annapolis Comprehensive Plan pursuant to R-32-09Amended; and

**WHEREAS,** pursuant to the stated policy of the 2009 Annapolis Comprehensive Plan to “enhance the public realm of City Dock and its environs,” in September 2010 the City Council established the City Dock Advisory Committee to advise the City on rejuvenating City Dock; and

**WHEREAS,** the City Dock Advisory Committee, is comprised of 25 members and includes business owners, property owners, historians, artisans, and designers; and

1 **WHEREAS,** the City Dock Advisory Committee, conducted public forums, solicited input  
2 from stakeholders, held public meetings, and developed a Draft City Dock  
3 Master Plan; presented their phase one report, "Visions and Guiding Principles"  
4 to City Council on July 21, 2011; and made a presentation to the City of  
5 Annapolis City Council on November 26, 2012; and  
6

7 **WHEREAS,** the City Dock Advisory Committee has recommended to the City Council the  
8 adoption of a City Dock Master Plan as an addendum to the 2009 Annapolis  
9 Comprehensive Plan and transmitted the Draft City Dock Master Plan to the  
10 Annapolis City Council on December 10, 2012; and  
11

12 **WHEREAS,** the City Dock Master Plan, if adopted by the City Council by passage of this  
13 Resolution, shall constitute an addendum to the 2009 Annapolis  
14 Comprehensive Plan which sets forth goals and a guide for future  
15 development; and  
16

17 **NOW, THEREFORE, BE IT RESOLVED BY THE ANNAPOLIS CITY** that the Draft City Dock  
18 Master Plan, attached to this Resolution, is also available online at  
19 <http://www.annapolis.gov/Government/Departments/PlanZone/CityDockPlan/masterplan.aspx>,  
20 is hereby adopted; and  
21

22 **BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the City Dock Master  
23 Plan be, and the same hereby, made part of the 2009 Annapolis Comprehensive Plan. The Plan  
24 shall be known as the "2012 City Dock Master Plan;" and  
25

26 **BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the adoption of the  
27 City Dock Master Plan shall not be construed as an approval of individual projects that may be  
28 recommended therein, and that the Annapolis City Council reserves the right to consider,  
29 debate, oppose, or support specific actions that may come before the Council and that are  
30 intended to implement specific elements of the Plan.  
31

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34 **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
35  
36

ATTEST: THE ANNAPOLIS CITY COUNCIL

BY \_\_\_\_\_  
Regina C. Watkins-Eldridge, MMC, City Clerk Joshua J. Cohen, Mayor

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41  
42 **EXPLANATION**  
43 CAPITAL LETTERS indicate matter added to existing law.  
44 [brackets] indicate matter stricken from existing law.  
45 Underlining indicates amendments.  
46

## Staff Report

R-49-12

### 2012 City Dock Master Plan

This resolution, if adopted, will approve the 2012 City Dock Master Plan and designate the plan as an addendum to the 2009 Annapolis Comprehensive Plan (adopted by the City Council on October 5, 2009 pursuant to R-32-09Amended). The City Dock Master Plan seeks to advance the policy directive, found in the 2009 Comprehensive Plan, to “enhance the public realm of City Dock and its environs.” The plan represents a framework for guiding improvements and redevelopment in the City Dock area.

The City Dock Master Plan was created by the City Dock Advisory Committee (CDAC). Formed by the City Council in September 2010, CDAC was directed to:

- Establish the guiding principles for the use and redevelopment of the City Dock area;
- Develop and define a design plan for City Dock based on those principles, and
- Encourage and coordinate public participation via a series of public events throughout the process.

Since its founding, CDAC, together with the Planning & Zoning Department and a team of consultants, developed the Draft City Dock Master Plan. All of CDAC’s meeting were open to the public and included presentation stakeholder meetings and two public workshops. On July 21, 2011, the CDAC presented its phase one report, "Visions and Guiding Principles" to the City Council. As explained more fully in that report, CDAC’s five guiding principles are:

- Gradual improvement with emphasis on historic layout, scale, and vistas;
- High quality walkable public open spaces,
- Toward balance in transportation on City Dock,
- Greening and sustainability; and
- Public art – nurturing the uniqueness of place.

The City Dock Master Plan recommends a comprehensive strategy for improvements based on the principles from the Phase 1 Report. It also recommends strategies in support of the plan, including a management entity, parking management, a comprehensive rezoning of the City Dock area, redevelopment sites, capital improvements, and traffic engineering.

Prepared by Virginia Burke, Chief of Comprehensive Planning, Department of Planning and Zoning, [VJBurke@annapolis.gov](mailto:VJBurke@annapolis.gov) and Carol Richardson, Legislative and Policy Analyst, City of Annapolis Office of Law at [cdrichardson@annapolis.gov](mailto:cdrichardson@annapolis.gov) or 410.263.1184.



Chartered 1708

Joshua J. Cohen, Mayor  
City of Annapolis  
160 Duke of Gloucester Street  
Annapolis, Maryland 21401

December 3, 2012

To: Alderpersons, City Of Annapolis

From: Mayor Joshua J. Cohen

Re: Education Commission

I respectfully submit for your approval the appointment of Ms. Jessica L. Pachler to the Education Commission. Ms. Pachler is a resident of Ward 8 and this appointment fills a vacancy on the Commission. Her resume is attached.

Jessica L. Pachler  
506 President Street  
Annapolis, MD 21403  
410-916-5500  
jess@pachler.us

Thank You.

JJC/hrr

Reviewed by: <u>Housing and Human Welfare Committee</u>
<input checked="" type="checkbox"/> Favorable <input type="checkbox"/> Unfavorable
<u>[Signature]</u> <u>12.3.12</u>
Committee Chair      Date

**Jessica L. Pachler**  
**506 President Street, Annapolis, MD 21403**  
**410-916-5500 ~ jess@pachler.us**

With over 17 years of experience in event management and marketing, Ms. Pachler has extensive experience coordinating events logistics in a variety of settings. Ms. Pachler maintains a small event-planning firm that provides event management for numerous clients. The events range in size from 15 to 10,000 and encompass a wide scope of theme and requirements. As a contractor for Courtesy Associates, Ms. Pachler has managed logistics on a range of projects including ICASA 2012, TOPOFF3 and TOPOFF4, IEEE Energy Conversion Congress and Exposition '10, '11 and '12, PEPFAR Tanzania 2010, the Department of Energy's Weatherization conference, the Fuel Cell Seminar, the Treatment and Management of HIV Infection in the United States Conference and the Indoor Tanning Association Leadership Council. Additionally, Ms. Pachler has extensive experience in the charity event sector. She has been a director of Second Street Benefits, which puts on the charity music festival Eastport a Rockin', since 2004. Additionally, she has worked in the food service and catering industry. She was Director of Marketing for a technology company, managing the advertising, marketing and events for the 24-person firm. She is also a freelance writer and editor, and a weekly columnist for the Annapolis Capital newspaper, researching and conveying details of music, nightlife and special events in the Annapolis and Anne Arundel county area for the After Dark column, which averages 2000 words each week.

### **Areas of Expertise**

- ~ Conference Logistics Management
- ~ Travel/Transportation Logistics Management
- ~ Financial Management
- ~ Contract Negotiation
- ~ Marketing and Sales Management
- ~ Creative Design Management
- ~Exhibit Sales and Management

### **Professional Experience**

#### **Event Planner**

Courtesy Associates

March 2005 – Present

As a contractor, provide event support services on several events, including ICASA 2012, TOPOFF3 and TOPOFF4, IEEE Energy Conversion Congress and Exposition, PEPFAR Tanzania 2010, the Department of Energy's 2009 Weatherization conference, the Fuel Cell Seminar, the Treatment and Management of HIV Infection in the United States Conference and the Indoor Tanning Association Leadership Council., and more.

~ Services include, but are not limited to, on site management and logistics, travel and transportation planning, research, exhibit sales, attendee organization, event coordination, marketing, graphic design, proposal writing and budget development for numerous government and commercial projects.

#### **Director**

Second Street Benefits

March 2004 – Present

Director of annual charity music festival, Eastport A Rockin'. Event draws over 3500 attendees, 28 local and regional bands, 9 food and beverage vendors, 36 local art, craft and game vendors.

- ~Manage a 7 person executive team
- ~Coordinate equipment rentals, vendor negotiations, web and art direction, schedule, merchandising, site plan and personnel direction.
- ~Create, write, edit and distribute marketing and media materials.
- ~Respond to requests for information, verbally and in writing.
- ~Create, update and edit website and web-related marketing – emails, surveys, etc.
- ~Manage event social networking sites.

#### **Freelance Writer**

February 2004 – Present

Write a weekly column, entitled After Dark, for The Capital (Primary Annapolis/Anne Arundel newspaper), approximately 2500 words.

~Research and convey details of music, nightlife and special events.

~Focus on Anne Arundel County and Annapolis area, with occasional forays into Baltimore and DC.

~Create and cultivate relationships with industry partners, restaurateurs, musicians, tourism organizations and news media, as well as local readers.

### **Sales Representative**

VI Imports

2009 – 2011

Sales representative for small wine distributor and importer.

~Researched market and created new accounts.

~Managed promotion events.

~Maintained over 50 accounts for a portfolio of over 1200 wines.

### **Premier**

Maritime Republic of Eastport

February 2005 – January 2007

Managed a non-profit organization. Serves as a board member and community liaison.

~Coordinates event planning, community relations, volunteer actions and networking programs.

~Oversaw fiduciary responsibilities for charitable distributions.

~November '06 event raised over \$25,000 for local charities.

Director of Communications, March 2003 – February 2005

Managed communications and public affairs.

~Responded verbally and in writing to requests for information from media and membership.

~Assisted Premier as an advisor and regarding public affairs and communications.

~Created, edited and distributed mailings, signage and press releases.

2004 Tug of War Director, Fall 2004

~Planned and coordinated all aspects 2004 Tug of War, a dual-site, day-long event that drew a crowd of 1000+ and incorporated 4 bands, a 1700' Tug of War, a chili-cook-off and the coordination of 50+ volunteers. Supervised and directed 15-person Tug Committee. Also directed sponsorship and donation activities.

### **Manager**

Davis Pub

April 2004 – January 2006, on a contract basis - present

Manage daily operations and merchandise at popular local restaurant and bar. Manage staff; supervise food preparation, quality control and delivery; order and control merchandise. Provide input for policy decisions. Complete independent projects.

### **Director of Marketing**

#### **Marketing Manager**

e-IDC

February 2000 – March 2003

Produced marketing efforts for e-IDC, a digital solutions provider. Primary press and public affairs contact. Achieved increase in number of qualified leads through marketing campaigns.

~Developed marketing strategies, policies and procedures

~Created, maintained publicity, advertising, web, promotional and collateral materials

~Wrote, edited business plans, press releases, articles, web content, advertisements and other publications

~Served as media relations contact, fielding and responding to inquiries

~Communicated information to clients, investors and partners

~Coordinated trade shows; served as company representative at conferences and other events

~Produced presentations for conferences, meetings and training events

~Coordinated, planned travel, meetings and fund-raising, promotional and staff events

~Conducted competitor, user/customer/client and industry trend research and analysis

~Supported, assisted in overall development of web sites

## **Resources and Field Services Assistant**

World Learning, Inc.

September 1998 – January 2000

Supported World Learning's Global Training for Development contract with USAID, working with DC office, ten field offices in Central and Eastern Europe and over 3,000 trainers in the US and abroad.

- ~Produced conference and training presentations.
- ~Created advertising and marketing materials and supported staff with program information.
- ~Wrote and edited quarterly and monthly reports and supported Resource Center library and database.
- ~Served as representative at conferences and events.
- ~Organized informational seminars for staff and trainers.
- ~Coordinated field staff travel information and itineraries.
- ~Liaised for home and field offices and maintained relationships between staff and trainers.
- ~Supervised interns and provided backup assistance to MIS department.
- ~Vice-President of Community Council - Planned annual and monthly staff events, coordinated fund-raising activities, served as elected staff liaison.

## **Other Experience**

### **Co-Founder/Leader**

MRE Moms and Dads

February 2007 – Present

Together with another Annapolis mom, created a family group that has grown to include 450+ families since inception. Focus of group is on supporting families in the Annapolis community through social, civic and informational avenues.

- ~ Manage website and three email lists with over 600 email addresses.
- ~ Plan social and networking events.
- ~ Market group to new and expecting parents in the area.
- ~ Liaise with community at large as group representative.
- ~ Advocate for families and group in civic and community initiatives.

## **Education**

Colby College, Waterville, Maine

BA, Anthropology and International Studies (dual major), concentration in African Development, 1993 – 1997

Activities and Societies: Rugby, Student Government, Social Event Planning

School for International Training, Central and Northern Kenya

Tourism and Development, 1995 – 1996

Georgetown Visitation

1989 – 1993

## **Languages**

Spanish, Swahili

## **Computer Experience**

### **Operating Systems**

Microsoft Windows XP, Vista, and Windows 7

MS-DOS

Macintosh OS 8.0

### **Microsoft Office**

### **Web Design Software**

Dreamweaver CS5

Fireworks CS5

### **Print Layout Software**

Adobe Creative Suite

CorelDraw

QuarkXpress

### **Social Media Software**

Twitter

**Budget Transfers Report  
Finance Committee**

**November 21, 2012**

<b>GT-7-13 CIP Transfers for Park Projects</b>	<b>Approved</b>
<b>GT-8-13 lease payments for 93 Main Street</b>	<b>No Action</b>
<b>GT-9-13 Outstanding invoices from FY12</b>	<b>Approved</b>
<b>GT-10-13 Water Treatment Plant – Emergency repair</b>	<b>Approved</b>

## City of Annapolis Budget Revision Request

Control number GT-8-13

Department Finance

Date 14-Nov-2012

Number	Account Title	Amount	
		Increase	Decrease
01430-527010	GG Buildings Rent	39,300.00	
01960-597100	Contingency		39,300.00

To provide funds to pay rent for office space needed for Law Dept



Approved for Financial & Accounting Sufficiency:

  
 Finance Director

  
 Department Director

Approved by:

Mayor 

Finance Committee Carole Annett 20 Nov 12

City Council \_\_\_\_\_

*no action*

**RECEIVED**

NOV 15 2012

MAYOR'S  
OFFICE

## LEASE

This Lease is made this \_\_\_\_\_ day of \_\_\_\_\_ 2012, by and between Mills Real Estate, LLC, a Maryland limited liability company ("Landlord"), and the City of Annapolis, a municipal corporation of the State of Maryland ("Tenant").

Whereas, the Tenant seeks from the Landlord a lease for certain premises at 93 Main Street, Annapolis, Maryland 21401, which the Landlord owns and is willing to let to the Tenant under the terms stated in this Lease.

Now, Therefore, in consideration of this premise and the terms stated in this Lease, the parties agree as follows:

### 1. Leased Premises and Utilities

a. The Landlord leases to Tenant and Tenant leases from Landlord all of the second floor at the building known as 93 Main Street, Annapolis, Maryland 21401, the total square footage being 2200 along with all furniture, fixtures and improvements at the premises, in as is condition, without warranty from the Landlord.

b. The Landlord shall provide and pay for all maintenance and repair of the leased premises including, but not limited to, water, sewage, electric, heating and air conditioning for the leased premises during the course of this Lease.

c. The tenant shall use the premises only for municipal business.

d. The Landlord shall let the leased premises to the Tenant in good condition.

### 2. Common Areas

a. The Tenant, its employees and business invitees shall have the right to use the common areas of the building in common with the Landlord.

b. The Landlord shall have exclusive control over the common areas of the building and shall be responsible for their maintenance and repair of the common areas.

c. The Tenant shall have no responsibility for the maintenance and repair of the common areas in the building.

### 3. Alterations

a. The Tenant shall not make any alterations or additions to the leased premises without the Landlord's prior written consent.

b. The Tenant shall pay for any alterations or additions which the Landlord permits the Tenant to make unless the parties otherwise agree.

4. Term

a. The term of the Lease shall commence on December 1, 2012 and end on December 31, 2013.

5. Rent and Utilities

a. The annual rent is \$64,441.00, payable in 13 monthly installments of \$4,957.00.

b. The annual charge for all utilities is \$8,437.00, payable in 13 monthly installments of \$649.00.

<p>Per month = \$4,957.00 + \$649.00 = \$5,606 \$5,606 x 7 months (December 1, 2012 - June 30, 2012) = <u>\$39,242</u> Budget Revision Request for <u>\$39,300</u></p>
--

c. If the Landlord installs a new heating and air-conditioning system in the building that can measured or pro-rate proportionate use by the Tenant through meter reading by the utility company, the Landlord shall then charge the Tenant for utilities for actual use starting with the first month after meter reading is available, instead of the fixed utility rate set forth in this provision.

d. The payment for rent and utilities shall be received by the Landlord no later than the fifth day of each month.

e. Rent and utilities shall increase by 4% for each subsequent term of this Lease, if any.

f. There shall no security deposit paid by the Tenant to the Landlord for the initial term or any subsequent term under this Lease.

g. The Landlord may charge the Tenant a late charge of 5% of the rent and utilities for a payment of the same that is not received by the Landlord, from the Tenant by the fifth day of each month.

h. The Landlord's acceptance of any late payment of rent or utilities shall not excuse any future late or constitute a waiver of any of the Landlord's rights under this Lease.

6. Notice

a. This Lease shall not automatically renew.

b. If the Landlord has no intention of allowing a subsequent term, the Landlord shall given written notice to the City no later than September 30, 2013.

c. Absent a notice from the Landlord of intent not to allow a subsequent term, if the Tenant desires a subsequent term, the Tenant shall give the Landlord written notice to this effect no later than October 31, 2013, and such notice shall be binding on the Landlord. the result being that a subsequent one year term shall go into effect on January 1, 2014 and end on December 31, 2014.

#### 7. End of Lease

a. At the end of the Lease, whether it is the initial term or a subsequent term, the Tenant shall quit and surrender the leased premises to the Landlord broom clean and in good order and condition, ordinary wear and tear excepted, and all keys for the leased premises and the building.

#### 8. Holding Over

a. The Tenant shall vacate the leased premises at the end of the Lease.

b. The Tenant shall not hold over under any circumstances.

c. The Landlord shall be entitled to the benefit of all legal proceedings allowed by the laws of the State of Maryland to recover possession of the leased premises at the end of the Lease.

d. If the Tenant holds over and remains in possession of the leased premises after the end of the Lease, such action shall not cause a renewal of this Lease.

e. Nothing in this Lease and no action of the Tenant shall be deemed a consent by the Landlord to the Tenant's holding over and remaining in the leased premises.

f. If Tenant fails to vacate the leased premises at the end of the Lease, the Tenant shall be liable to the Landlord for rent and utilities for any month or part of any month that the Tenant continues to hold over at 4% above the amount for the term just ended and all other covenants of this Lease shall remain in full force and effect.

#### 9. Sale of Building

a. The Landlord shall give notice to the Tenant of any contract of sale into which the Landlord enters for the sale of the building.

b. In the event of a sale of the building, the tenant shall be allowed to complete the existing term of the Lease.

#### 10. Indemnity

a. The Tenant agrees that the Landlord shall not be liable for injuries to its employees or other persons or damages to its property or the property of others caused by reason of the Tenant's use, occupancy or enjoyment of the leased premises, or any repairs or alterations which

Tenant may make upon the Premises, and the Tenant shall indemnify and hold the Landlord and its agents and employees harmless from all claims, actions, demands, damages, costs and expenses and liability whatsoever therefor, including reasonable attorneys fees,

b. The Tenant's indemnity shall not, however, extend to injuries to its employees or other persons or damages to its property or the property of others occasioned by the negligence or the willful acts of the Landlord or its agents or employees.

#### 11. Equipment Failures

a. As long as the Landlord has not been negligent and has not engaged in willful conduct related to any of the conditions set forth in this provision, the Landlord shall not be liable to the Tenant for loss or damage to the Tenant's business or injury or damage to persons or property sustained by Tenant, or any person claiming by, through or under the Tenant, resulting from equipment or appurtenances being or becoming out of repair, from wind or weather, from any defect in or failure to operate any sprinkler, HVAC equipment, electric wiring, gas, water or steam pipe, stair, railing, or walk, from broken glass, from the backing up of any sewer pipe or downspout, from water, snow or ice being upon the property or coming into the leased premises, or from the falling of any fixture, plaster, tile, stucco, or other material.

b. The Landlord shall not be liable to the Tenant for the quality, quantity, failure, unavailability, or disruption of any public utility service.

#### 12. Insurance

a. The Tenant is a self insured municipality and acknowledges that the Tenant will appropriate sufficient funds to cover injuries to person or damages to the leased premises the Tenant may cause during the course of this Lease.

b. The Tenant shall not do anything in or about the leased premises which contravenes any policy of insurance which the Landlord has protecting against loss by fire, vandalism or otherwise.

#### 13. Janitorial Services

a. The Tenant shall provide and pay for janitorial services and supplies for the leased premises during the course of this Lease.

#### 14. Assignment/Sublet

a. The Tenant shall not assign this Lease or sublet the leased premises without the Landlord's prior written consent.

#### 15. Destruction of Premises

a. If, for any period of time, the leased premises are destroyed or rendered untenable or uninhabitable by fire, vandalism, unavoidable accident or otherwise, the Tenant may terminate the tenancy and the Tenant's liability for rent shall cease upon payment of rent proportionately to the date the leased premises became unattainable or uninhabitable.

#### 16. Default or Breach

a. Either party may pursue statutory or other lawful remedies for a default or breach of this Lease.

#### 17. No Waiver

a. No act or omission by the Landlord shall be deemed to be an acceptance or a surrender of the leased premises or a termination of the Tenant's liabilities under this Lease, unless the Landlord shall execute a written release of the Tenant.

b. The Tenant's liability under this Lease shall not be terminated by the execution by the Landlord of any new lease for all or any portion of the Premises or the acceptance of rent from any assignee or subtenant.

#### 18. Applicable Law

a. This Lease shall be interpreted and governed in accordance with the laws of the State of Maryland.

b. The venue for all actions pursuant to this Lease shall be the courts of Anne Arundel County, Maryland.

c. The parties waive a jury trial in any action brought pursuant to this Lease.

#### 19. Modification/Amendment

a. This Lease may be modified or amended only by a written instrument signed by the parties and witnesses.

#### 20. Severability

a. If a court exercising competent jurisdiction finds that any provision of this Lease may not be enforce or is illegal for any reason, the remaining provisions shall continue in force and effect.

#### 21. Availability of Funds

a. All terms of this Lease are dependent upon necessary funding authorized by the Annapolis City Council for each fiscal year.

22. Binding Effect

a. This Lease Agreement shall be binding upon and inure to the benefit of the parties and their successors and assigns.

23. Integration

a. This Lease represents the final and entire agreement of the parties with respect to the subject matter set forth herein. There are no conditions, terms or understandings, verbal or written, other than those expressly set forth herein.

Witness the signatures and seals of the parties.

Mills Real Estate, LLC

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Hillard Donner, Co-Owner (Seal)  
Co-owner

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Cynthia Donner Reiner, (Seal)  
Co-Owner

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Janis Donner Rotner, (Seal)  
Co-Owner

Attest:

City of Annapolis

\_\_\_\_\_  
Regina Watkins-Eldridge, City Clerk

By: \_\_\_\_\_  
Joshua J. Cohen, Mayor (Seal)

Approved for form and legal sufficiency:

Approved for financial sufficiency:

\_\_\_\_\_  
Karen M. Hardwick,  
City Attorney

\_\_\_\_\_  
Bruce Miller,  
Director of Finance