



Town Ethics Policy

As found in Chapter 2 of the Town Code, Article 6

ARTICLE 6. ETHICS POLICY

Section 2-601 Applicability.

The provisions of this article apply to all elected or appointed officials and employees of the Town or Rising Sun except as hereafter provided

Section -602 Ethics Board.

There shall be a Town of Rising Sun Ethics Board, which shall be composed of three (3) members appointed by the Mayor with the approval of the Commissioners. The Board shall be advised by the Town of Rising Sun Attorney and shall have the following responsibilities:

- (a) To devise, receive and maintain all forms generated by this article;
- (b) To provide published advisory opinions to persons subject to the article as to the applicability of the provisions of this article to them;
- (c) To process and make determinations as to complaints filed by any person alleging violations of this article; and
- (d) To conduct a public information program regarding the purposes and application of this article.
- (e) To adopt rules of procedures
- (f) To issue subpoenas, and compel attendee of witnesses and production of documents in proceedings.

Section 2-603 Conflicts of Interest and Prohibited Activities.

Town of Rising Sun officials and employees who are subject to this article shall not:

- (a) Participate on behalf of the Town of Rising Sun in any matter which would, to their knowledge, have a direct financial impact, as distinguished from the public generally, on them, their spouse or dependent child, or a business entity with which they are affiliated.
- (b) Hold or acquire an interest of either one thousand dollars (\$1,000) or ten percent (10%) or greater in a business entity that has or is negotiating a contract of one thousand dollars (\$1,000) or more with the Town of Rising Sun except as exempted by the Ethics Board pursuant to Section 2-607 of this article and except that

this subsection shall not apply to any official or employee who shall disqualify himself from consideration of any matter before the Town or regulated by the Town relating to said business entity.

(c) Be employed by a business entity that has or is negotiating a contract of more than five thousand dollars (\$5,000) with the Town of Rising Sun, except as exempted by the Ethics Board pursuant to Section 2-607 of this article and except that this subsection shall not apply to any official or employee who shall disqualify himself from consideration of any matter before the Town or regulated by the Town relating to said business entity.

(d) Hold any outside employment relationship that would impair their impartiality or independence of judgment.

(e) Represent any party, whether or not for a fee, before the Board of Commissioners or any board or commission of the Town.

(f) Within 1 year following termination of Town of Rising Sun service, act as a compensated representative of another in connection with any specific matter in which he/she participated substantially as a Town of Rising Sun official or employee.

(g) Gifts

(1) Solicit any gift or accept gifts of greater than twenty five dollars (\$25) in value, from any person that has or is negotiating a contract with the Town of Rising Sun or is regulated by the Town. . For purposes of this section, gift includes any benefit, thing, act or service with monetary value in excess of twenty-five dollars (\$25.00) or combination of benefits, things, acts or services received from any person or entity within one-calendar year period with a monetary value in excess of \$150.

(2) Unless a gift of any of the following would tend to impair the impartiality and the independence of judgment of the official or employee receiving it , or if of significant value, would give the appearance of doing so, or if of significant value, the recipient official or employee believes or has reason to believe that it is designed to do so, this section shall not apply to:

a. Reasonable expenses for food, travel, lodging and scheduled entertainment of the official or employee for a meeting which is given in return for participation in a panel or speaking engagement at the meeting;

b. Campaign contribution; or

- c. Any other gift that would not present a conflict of interest as determined by the Board of Ethics?
- (h) Use the prestige of their office.
 - (1) Use the prestige of his or her office to advance his or her own private interest or the private interest of another. For purposes of this section, “use of the prestige of an office” shall include, but not be limited to:
 - a. The acting, and/or creating the appearance of acting, on behalf of the Town by making any policy statement, and/or by promising to authorize or to prevent any official action of any nature, when the official or employee is not authorized to make such a statement;
 - b. Representing his or her personal opinion to be the official position of the Town;
 - c. Using and/or attempting to use his or her official position improperly to unreasonably request, grant, and/or obtain in any manner any unlawful and/or unwarranted privileges, advantages, benefits and/or exemptions for him or herself or others;
 - d. Using, for immediate private financial gain and/or advantage, his or her Town time and/or the Town staff, facilities, equipment and/or supplies, to secure privileges and/or exemptions for himself or herself and/or others.
 - (2) The performance of usual and customary constituent services, without additional compensation, does not constitute the “use of the prestige of office” within the meaning of this Section.
- (i) Without proper legal authorization, use or disclose confidential information that is not available to the public, acquired in their official Town of Rising Sun position for their own benefit or that of another.
- (j) Cause or advocate a member of their family to be hired, employed, promoted, transferred, appointed or advanced to any type of employment, board or commission with the Town. No Town official or employee shall participate in an action relating to the discipline of a member of the Town official’s or employee’s family.

Section 2-604 Disclosure of conflicts of interest.

All elected officials and candidates for elective office shall disclose, either in writing or orally in open meeting, the substance of any transaction, anticipated transaction or the action which falls within the scope of Section 2-603 of this article. Any written

disclosures so filed shall be available for inspection as required and in accordance with applicable state law.

Section 2-605 Financial Disclosure.

(a) The Town of Rising Sun officials and employees listed in Paragraph (c) of this section shall file annually not later than January 31 of each calendar year during which they hold office, a statement with the Board disclosing any gifts received during the preceding calendar year from any person having a contract with the Town of Rising Sun or any person regulated by the Town. The statement shall identify the donor of the gift and its approximate retail value at the time of receipt.

(b) Candidates for elective offices listed in Paragraph (c) of this section shall file statements consistent with the requirements of Subsection (a) of this section at the time that they file their certificate of candidacy.

(c) Officials and employees required to file a financial disclosure include:

- (1) The Mayor and Board of Commissioners;
- (2) All officers and department heads; and
- (3) Members of any Town commissions or boards.

(d) All Town of Rising Sun officials and employees or candidates for elective office to positions subject to this section shall file a statement with the Board disclosing any interest or employment, the holding of which would require disqualification from participation pursuant to section 2-603 of this article, sufficiently in advance of any anticipated action to allow adequate disclosure to the public.

(e) Disclosure statements filed pursuant to this section shall be forwarded to the Town Clerk as public records available for public inspection and copying.

Section 2-606 Lobbying Disclosure.

(a) Any person who personally appears before any Town of Rising Sun official or employee with the intent to influence that person in performance of his official duties, and who, in connection with such intent expends or reasonably expects to expend in a given calendar year in excess of one hundred dollars (\$100) on food, entertainment or other gifts for such officials, shall file a registration statement with the Board not later than January 15 of the calendar year or within 5 days after first making these appearances.

(b) The registration statement shall include complete identification of the registrant and of any other person on whose behalf the registrant acts. It shall also identify the subject matter on which the registrant proposes to make these appearances, and shall cover a defined registration period not to exceed one calendar year.

(c) Registrants under this section shall file a report within 30 days after the end of any calendar year during which they were registered, disclosing the value, date, and nature of

any food, entertainment or other gift provided to a Town of Rising Sun official or employee. When a gift or series of gifts to a single official or employee exceed twenty-five dollars (\$25) in value, the official or employee shall also be identified.

(d) The registrations and reports filed pursuant to this section shall be maintained by the Board as public records available for public inspection and copying.

Section 2-607 Exemptions and Modifications.

The Board may grant exemptions and modifications to the provisions of Sections 2-603 and section 2-605 of this article if it determines that application of those provisions would:

- (a) Constitute an unreasonable invasion of privacy;
- (b) Significantly reduce the availability of qualified persons for public service;
- (c) Not be required to preserve the purposes of this article.; and

(d) Not require strict enforcement where it is found that the interest of the official and/or employee is too remote or insubstantial to affect the integrity of his or her public act.

Section 2-608 Enforcement.

(a) With respect o any person found to be in violation of this article, the Ethics Board shall have the following powers:

- (1) Issue a cease and desist order against
- (2) Impose a fine in an amount not to exceed \$500.00.
- (3) Order restitution.

(b) The Ethics Board may seek compliance with an order by filing an action for injunctive or other appropriate relief in the Circuit Court of Cecil County, Maryland.

(c) A Rising Sun Town Official or employee found to have violated this article may be subject to disciplinary or other appropriate personnel action, which may include termination from employment, and including suspension of salary or other compensation.

Section 2-609 Removal of Ethics Board member.

A member of the Ethics Board may be removed by the majority vote of the Board of Town Commissioners after a hearing for:

- (a) Neglect of duties;

- (b) Misconduct in office;
- (c) A disability that makes the member unable to discharge the powers and duties of office; or
- (d) A violation of this Article.