

Village of Martin's Additions
Ethics Committee meeting
October 14th, 2020, 7:30 p.m.
Via Zoom

1. Call to Order. (Efron)
2. Report on the status of the Ethics Committee's recommendations to the VMA Council. (Efron, Mann)
3. Consideration of WORKING DRAFTS of changes to VMA Code prepared by Village Counsel to address the Ethics Committee's recommendations, principally expanding the Committee's jurisdiction to include the handling of complaints of violations of the requirement that members of the VMA Council and VMA committees execute their duties with "strict impartiality." WORKING DRAFTS are attached. (Full Committee)
4. Other business. (Committee members, guests)
5. Adjournment. (Efron)

**The Village of Martin's Additions
(Ethics Committee Jurisdiction)**

Ordinance No.: 2020-9-1
Introduced:
Adopted:
Effective Date:

**ORDINANCE TO EXPAND THE JURISDICTION
OF THE ETHICS COMMITTEE TO INCLUDE OATHS OF SERVICE**

WHEREAS, Maryland Code, Local Government Article, Section 5-202, as amended, grants to the legislative body of every incorporated municipality in Maryland general power to pass such ordinances not contrary to the Constitution of Maryland, or the public general law, as deemed necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality;

WHEREAS, Section 501 of the Charter of the Village of Martin's Additions authorizes the Village Council to pass such ordinances as it may deem necessary for the preservation of the property, rights, and privileges of the Village and its residents;

WHEREAS, after proper notice to the public, the Village Council introduced the following Ordinance in an open meeting conducted on the ___ day of _____, 2020;

WHEREAS, after proper notice to the public, the Council considered this Ordinance in public session assembled on the ___ day of _____, 2020; and

WHEREAS, upon consideration of the testimony and evidence presented at the public hearing, the Village Council finds that the foregoing Ordinance would assure the good government of the municipality, protect and preserve the municipality's rights, property, and privileges, preserve peace and good order, secure persons and property from danger and destruction, and protect the health, comfort and convenience of the citizens of the Village of Martin's Additions, and is necessary for the preservation of the property, rights, and privileges of the Village and its residents.

NOW, THEREFORE, the Village Council does hereby adopt the following Ordinance.

BE IT ORDAINED AND ORDERED, this ___ day of _____, 2020, by the Village Council, acting under and by virtue of the authority given it by the Maryland Code and the Charter of the Village of Martin's Additions, that the Village Code is hereby amended as follows:

* * *

Section 2-101.

Village Elections Committee and Ethics Committee

(a) There shall be a Village Elections Committee, which shall be composed of a minimum of three (3) members appointed by the Village Council. Members of the Elections Committee shall be qualified to vote in Village elections and shall not be members of the Village Council. The Elections Committee members shall serve until the end of the fiscal year in which they were appointed. The Elections Committee shall manage all Village elections as provided in Section 602 of the Charter of the Village of Martin’s Additions.

(b) There shall be a Village Ethics Committee which shall be composed of a minimum of three (3) members appointed by the Village Council. Members of the Ethics Committee shall be qualified to vote in Village elections and shall not be members of the Village Council or the Elections Committee. The Ethics Committee members shall serve until the end of the fiscal year in which they were appointed. The Ethics Committee shall have the following responsibilities:

(1) To provide advisory opinions to persons subject to the provisions of Chapter 4 of this Code as to its applicability; and

(2) To make determinations as authorized by Chapter 4 of this Code.

* * *

**CHAPTER 4
CONFLICT OF INTEREST ETHICS**

ARTICLE 1. GENERAL

Section 4-101. Definitions

For purposes of this Chapter, the following words and phrases shall have the following meanings:

- (a) The “Committee” means the “Village Ethics Committee” as constituted and described in Section 2-101.
- (b) “Gift” means the transfer of anything or service of value without identifiable and adequate consideration; “gift” does not mean or include any regulated campaign contribution.
- (c) “Public Official” or “Official” means all members of the Village Council; **all members of any Village committee or task force; the Village Tree Supervisor;** and all persons employed by the Village.
- (d) “Private interest or relationship” includes, without limitation, any existing or prospective interest or relationship of a business, contract, creditor, oblige or employment nature in which an Official or an immediate family member (including spouse, father, mother, brother, sister or child) has a direct or indirect

financial interest and by which such Official or immediate family member has a reasonable potential of profiting or otherwise benefiting financially.

(Ord. No. 08-15-01, adopted 09/17/15, effective 10/7/15; Ord. No. 11-15-1, adopted 1/21/16, effective 2/10/16)

Section 4-102. Intent and Application

- (a) This Chapter provides criteria for determining **whether Officials properly act with strict impartiality when executing their official duties and** the presence or absence of conflicts between private interests or relationships and public interests. At the same time this Chapter establishes procedures for remedy when **a breach of an oath of service or a conflict of interest** has been determined.
- (i) Public Officials have an affirmative duty to disclose potential conflicts with a public interest, as provided in this Chapter. Such duty extends to and includes private interests or relationships, the mere outward appearance of which suggests a possible conflict with a public interest. The procedures herein are intended both to preserve the privacy interests of persons subject to this Chapter and to encourage voluntary disqualifications in the event of conflicts of interest under the provisions of this Chapter. Private interests or relationships disclosed hereunder are not to be made a part of the public record, except in the event of the imposition of any order or penalty under the provisions of Section 4-204 herein.
- (ii) **Public Officials have an affirmative duty to execute their duties and responsibilities with strict impartiality, in good faith, and in accordance with the Village Charter, the Code of Ordinances, and any applicable rules or procedures adopted by the Village Council.**
- (b) The provisions of this Chapter shall apply to all Officials and to all persons or entities retained by the Village or who do or seek to do business with the Village.
- (c) No part of this Chapter shall be construed to prohibit an Official from appearing in the pursuit of his private interests as a citizen; or from accepting or receiving any benefit by operation of law, or prosecuting or pursuing any claim, right, privilege or remedy which is his by operation of law.

(Ord. No. 11-15-1, adopted 1/21/16, effective 2/10/16)

ARTICLE 2. PROCEDURES

Section 4-201. Duty to Disclose; Solicitation Prohibited; Ex-Parte Communications; Oath of Service

- (a) Before participating, on behalf of the Village, in any debate or determination that may have a reasonable potential of thereafter affecting a public interest, any Public Official who is subject to this Chapter shall have an affirmative duty to disclose in writing to the Council and to the Committee the receipt of any gift and

the existence of any private interest or relationship either having a reasonable potential of conflict with a public interest or having a reasonable potential of giving the outward appearance of conflict with a public interest.

- (b) No Official may solicit any gift or knowingly accept any gift, directly or indirectly, from any person whom the Official knows or has reason to know: (i) is doing or seeking to do business of any kind with the Village; or (ii) has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or non-performance of his or her official duty.
- (c) No Official may solicit any gift or knowingly accept any gift, directly or indirectly, from any person whom is engaged in activities that are regulated or controlled by the Village; except that unsolicited gifts having a value of less than fifty dollars (\$50.00) tendered for personal or social reasons may be accepted.
- (d) An Official shall not consider any ex-parte or private communication from any person, whether oral or written, that said Official knows is, or reasonably may be, intended to influence unlawfully the decision on the merits of any matter. Any such ex-parte or private communication shall be reported to the Village Council, which shall include such disclosure in the minutes of the meeting at which the matter was considered.
- (e) **Officials shall faithfully execute their duties with strict impartiality, and without personal bias or prejudice, regarding all matters of public interest. During the performance of their duties, Officials shall not discriminate against any person because of race, color, religion, sex, sexual orientation, gender identity, national origin, or other protected class. Officials shall reasonably act in good faith, in accordance with the Village Charter, the Code of Ordinances, and any applicable rules or procedures adopted by the Village Council.**
- (f) Officials shall file with the Committee, on an annual basis, prior to the 30th day of April of each year, **an oath of service and** a conflicts of interest disclosure in a form recommended by the Committee and approved by the Village Council. Such filings shall be in addition to the filing required by the Village Charter, Section 903.

(Ord. No. 08-15-01, adopted 09/17/15, effective 10/7/15; Ord. No. 11-15-1, adopted 1/21/16, effective 2/10/16; Ord. No. 6-17-1, adopted 7/17/17, effective 8/7/17)

Section 4-202. Disqualification Procedures; Complaints; Records

- (a) After complying with the disclosure requirements of Section 4-201, the Public Official shall either (i) voluntarily disqualify himself and withdraw from participating in further debates or determinations with respect to the public interest in conflict with the Official's private interest or relationship, or (ii) request that the Committee determine the presence or absence of a conflict of interest and advise as to an appropriate course of conduct.

- (b) Any person alleging a violation of this Chapter may file a written complaint, under oath, with the Committee. Upon the receipt of such complaint, the Committee shall send a written acknowledgement of its receipt, notify the Official and the Council of the allegation, and review the complaint with the Village attorney. If the Village attorney recommends that special counsel be appointed, special counsel shall be selected by the Committee and appointed by the Council. If, upon consultation with the Village attorney or special counsel, the Committee determines that the complaint should be addressed by the Committee, the Committee shall request that the Official provide the Committee such information as the Committee finds necessary to ~~determine the presence or absence of a conflict of interest~~ **address the complaint**. A written complaint shall not require a formal hearing; such complaints shall be processed under the procedures described in subsections (c), (d), (e), and (f) of this Section. Upon final resolution of the matters alleged, the Committee shall provide a written summary of the resolution to the Official, the Council and the person who filed the complaint.
- (c) For the purposes of this Section, the Committee may find and advise an absence of a **violation of an oath of service or** disqualifying conflict of interest when the **asserted violation or the** Official's private interest or relationship is found to be too remote and insubstantial to affect the integrity of the Official's public actions. The intent of the foregoing is by no means to be construed as condoning a lax approach on the part of the Committee; rather, the intent is to discourage frivolous charges.
- (d) Upon being advised by the Committee of **a violation of an oath of service or** the presence of a conflict of interest, the Official shall voluntarily disqualify him/herself and so notify the Committee and the Council. If the Official does not voluntarily disqualify him/herself, the Committee shall: **(i) in the case of a Council member,** mandate that the Official be disqualified from participating in further debates, **actions,** or determinations with respect to **the violation of the oath or service or** the public interest in conflict with the Official's private interest or relationship; **or; (ii) in the case of any other Official, refer the matter to the Council for the Council to determine whether disqualification should be mandated by the Council and/or whether other action should be taken by the Council.**
- (e) Any Official who voluntarily disqualifies him/herself shall notify the Council, providing a full description of the public interest matters from which the Official has withdrawn from participation. A voluntary disqualification does not require a disclosure of the specific nature of a **violation of an oath or service or** private interest or relationship considered to be in conflict; only the **oath of service impediment or** public interest object of conflict must be disclosed.
- (f) The Committee shall notify the Council and the Official in writing of all mandated **and recommended** disqualifications and shall therein provide a full description of the public interest matters with which the Official has been found to be **in violation or** conflict and about which such Official is disqualified from participation. The Committee shall mandate a disqualification **in the case of a Council member or recommend disqualification in the case of any other**

Official for any such ~~any~~ Official who fails or refuses to provide the Committee with such information as the Committee finds necessary to ~~determine the presence or absence of a conflict of interest~~ **address a complaint**.

- (g) Any disqualifications relating to any public interest ~~description~~ shall be recorded in the minutes of the Council meeting at which the matter was considered.
- (h) The Committee shall meet in closed session (i) to protect the privacy or reputation of individuals with respect to their **alleged violations and** private interests or relationships not related to the public business, (ii) to discuss the discipline of an Official under the provisions of this Chapter, (iii) to consult with counsel or (iv) to consult with staff, consultants or other individuals about pending or potential litigation.
- (i) The Village records maintained under the provisions of this Chapter shall be privileged and not subject to public inspection to the extent that such records contain any of the following: (i) information about the finances of an individual, (including assets, income, liabilities, net worth, bank balances, financial history or activities or credit worthiness), (ii) any otherwise confidential financial information, (iii) confidential commercial information, or (iv) trade secrets. For the purpose of this Section, confidential or secret information shall be such information as is customarily regarded as confidential in business.

(Ord. No. 11-15-1, adopted 1/21/16, effective 2/10/16; Ord. No. 4-16-1, effective 7/6/16).

Section 4-203. Failure of Quorum

If, because of a voluntary or mandatory disqualification under the provisions of this Chapter, less than a quorum of the Council **or a committee** is available to act upon any particular matter, the matter shall be deferred until a quorum is assembled.

Section 4-204. Enforcement

- (a) The Council may file a petition for injunctive or other relief in a court of competent jurisdiction for the purpose of requiring compliance with this Chapter.
- (b) Any ~~person~~ **member of the Council or person employed by the Village** who knowingly and willfully violates the provisions of this Chapter, **with respect to a conflict of interest**, is guilty of a misdemeanor and, upon conviction, is subject to a fine of not more than \$1,000.00 or imprisonment for not more than one year, or both. ~~If the person is a business entity and not a natural person, each officer and partner of the business entity who knowingly authorized or participated in the violation is guilty of a misdemeanor and, upon conviction, is subject to the same penalties as the business entity.~~
- (c) Any ~~person~~ **member of the Council or person employed by the Village** who violates the provisions of this Chapter **with respect to a conflict of interest**, shall be guilty of a municipal infraction and shall be subject to a civil penalty of \$100.00.

- (d) In addition to any other enforcement provisions in this Chapter, **any member of any committee or task force, or the Tree Supervisor, who is found by the Committee, the Council, or a court of competent jurisdiction to have violated this Chapter with respect to Oath of Service shall be subject to removal by the Council; and** any member of the Council who is found by the Committee or a court to have violated this Chapter shall be subject to recall, as provided in the Village Charter.
- (e) In addition to any other enforcement provisions in this Chapter, any employee found by the Committee or a court to have violated this Chapter shall be subject to disciplinary or other appropriate action, including dismissal or suspension of compensation.

* * *

SECTION 2. AND BE IT FURTHER ORDAINED AND ORDERED, by the Council of the Village of Martin’s Additions, acting under and by virtue of the aforementioned authority, that:

(1) If any part or provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and

(2) This Ordinance shall take effect on the _____ day of _____, 2020 (at least 20 days after adoption).

ATTEST: THE VILLAGE OF MARTIN’S ADDITIONS

Katya Hill, Secretary

Susan Fattig, Chair
Village Council

Underline indicates new material
~~Strikethrough~~ indicates material deleted
 * * * indicates material unchanged

**The Village of Martin's Additions
(Ethics Committee Jurisdiction)**

Ordinance No.: 2020-9-1
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WHEREAS, Maryland Code, Local Government Article, Section 5-202, as amended, grants to the legislative body of every incorporated municipality in Maryland general power to pass such ordinances not contrary to the Constitution of Maryland, or the public general law, as deemed necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality;

WHEREAS, Section 501 of the Charter of the Village of Martin's Additions authorizes the Village Council to pass such ordinances as it may deem necessary for the preservation of the property, rights, and privileges of the Village and its residents;

WHEREAS, after proper notice to the public, the Village Council introduced the following Ordinance in an open meeting conducted on the ___ day of _____, 2020;

WHEREAS, after proper notice to the public, the Council considered this Ordinance in public session assembled on the ___ day of _____, 2020; and

WHEREAS, upon consideration of the testimony and evidence presented at the public hearing, the Village Council finds that the foregoing Ordinance would assure the good government of the municipality, protect and preserve the municipality's rights, property, and privileges, preserve peace and good order, secure persons and property from danger and destruction, and protect the health, comfort and convenience of the citizens of the Village of Martin's Additions, and is necessary for the preservation of the property, rights, and privileges of the Village and its residents.

NOW, THEREFORE, the Village Council does hereby adopt the following Ordinance.

BE IT ORDAINED AND ORDERED, this ___ day of _____, 2020, by the Village Council, acting under and by virtue of the authority given it by the Maryland Code and the Charter of the Village of Martin's Additions, that the Village Code is hereby amended as follows:

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(1) To provide advisory opinions to persons subject to the provisions of Chapter 4 of this Code as to its applicability; and

(2) To make determinations as authorized by Chapter 4 of this Code.

* * *

**CHAPTER 4
CONFLICT OF INTEREST ETHICS**

ARTICLE 1. GENERAL

Section 4-101. Definitions

For purposes of this Chapter, the following words and phrases shall have the following meanings:

- (a) The “Committee” means the “Village Ethics Committee” as constituted and described in Section 2-101.
- (b) “Gift” means the transfer of anything or service of value without identifiable and adequate consideration; “gift” does not mean or include any regulated campaign contribution.
- (c) “Public Official” or “Official” means all members of the Village Council; **all members of any Village committee or task force; the Village Tree Supervisor;** and all persons employed by the Village.
- (d) “Private interest or relationship” includes, without limitation, any existing or prospective interest or relationship of a business, contract, creditor, oblige or employment nature in which an Official or an immediate family member (including spouse, father, mother, brother, sister or child) has a direct or indirect

financial interest and by which such Official or immediate family member has a reasonable potential of profiting or otherwise benefiting financially.

(Ord. No. 08-15-01, adopted 09/17/15, effective 10/7/15; Ord. No. 11-15-1, adopted 1/21/16, effective 2/10/16)

Section 4-102. Intent and Application

- (a) This Chapter provides criteria for determining **whether Officials properly act with strict impartiality when executing their official duties and** the presence or absence of conflicts between private interests or relationships and public interests. At the same time this Chapter establishes procedures for remedy when **a breach of an oath of service or a conflict of interest** has been determined.
- (i) Public Officials have an affirmative duty to disclose potential conflicts with a public interest, as provided in this Chapter. Such duty extends to and includes private interests or relationships, the mere outward appearance of which suggests a possible conflict with a public interest. The procedures herein are intended both to preserve the privacy interests of persons subject to this Chapter and to encourage voluntary disqualifications in the event of conflicts of interest under the provisions of this Chapter. Private interests or relationships disclosed hereunder are not to be made a part of the public record, except in the event of the imposition of any order or penalty under the provisions of Section 4-204 herein.
- (ii) **Public Officials have an affirmative duty to execute their duties and responsibilities with strict impartiality, in good faith, and in accordance with the Village Charter, the Code of Ordinances, and any applicable rules or procedures adopted by the Village Council.**
- (b) The provisions of this Chapter shall apply to all Officials and to all persons or entities retained by the Village or who do or seek to do business with the Village.
- (c) No part of this Chapter shall be construed to prohibit an Official from appearing in the pursuit of his private interests as a citizen; or from accepting or receiving any benefit by operation of law, or prosecuting or pursuing any claim, right, privilege or remedy which is his by operation of law.

(Ord. No. 11-15-1, adopted 1/21/16, effective 2/10/16)

ARTICLE 2. PROCEDURES

Section 4-201. Duty to Disclose; Solicitation Prohibited; Ex-Parte Communications; Oath of Service

- (a) Before participating, on behalf of the Village, in any debate or determination that may have a reasonable potential of thereafter affecting a public interest, any Public Official who is subject to this Chapter shall have an affirmative duty to disclose in writing to the Council and to the Committee the receipt of any gift and

the existence of any private interest or relationship either having a reasonable potential of conflict with a public interest or having a reasonable potential of giving the outward appearance of conflict with a public interest.

- (b) No Official may solicit any gift or knowingly accept any gift, directly or indirectly, from any person whom the Official knows or has reason to know: (i) is doing or seeking to do business of any kind with the Village; or (ii) has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or non-performance of his or her official duty.
- (c) No Official may solicit any gift or knowingly accept any gift, directly or indirectly, from any person whom is engaged in activities that are regulated or controlled by the Village; except that unsolicited gifts having a value of less than fifty dollars (\$50.00) tendered for personal or social reasons may be accepted.
- (d) An Official shall not consider any ex-parte or private communication from any person, whether oral or written, that said Official knows is, or reasonably may be, intended to influence unlawfully the decision on the merits of any matter. Any such ex-parte or private communication shall be reported to the Village Council, which shall include such disclosure in the minutes of the meeting at which the matter was considered.
- (e) **Officials shall faithfully execute their duties with strict impartiality, and without personal bias or prejudice, regarding all matters of public interest. During the performance of their duties, Officials shall not discriminate against any person because of race, color, religion, sex, sexual orientation, gender identity, national origin, or other protected class. Officials shall reasonably act in good faith, in accordance with the Village Charter, the Code of Ordinances, and any applicable rules or procedures adopted by the Village Council.**
- (f) Officials shall file with the Committee, on an annual basis, prior to the 30th day of April of each year, **an oath of service and** a conflicts of interest disclosure in a form recommended by the Committee and approved by the Village Council. Such filings shall be in addition to the filing required by the Village Charter, Section 903.

(Ord. No. 08-15-01, adopted 09/17/15, effective 10/7/15; Ord. No. 11-15-1, adopted 1/21/16, effective 2/10/16; Ord. No. 6-17-1, adopted 7/17/17, effective 8/7/17)

Section 4-202. Disqualification Procedures; Complaints; Records

- (a) After complying with the disclosure requirements of Section 4-201, the Public Official shall either (i) voluntarily disqualify himself and withdraw from participating in further debates or determinations with respect to the public interest in conflict with the Official's private interest or relationship, or (ii) request that the Committee determine the presence or absence of a conflict of interest and advise as to an appropriate course of conduct.

- (b) Any person alleging a violation of this Chapter may file a written complaint, under oath, with the Committee. Upon the receipt of such complaint, the Committee shall send a written acknowledgement of its receipt, notify the Official and the Council of the allegation, and review the complaint with the Village attorney. If the Village attorney recommends that special counsel be appointed, special counsel shall be selected by the Committee and appointed by the Council. If, upon consultation with the Village attorney or special counsel, the Committee determines that the complaint should be addressed by the Committee, the Committee shall request that the Official provide the Committee such information as the Committee finds necessary to ~~determine the presence or absence of a conflict of interest~~ **address the complaint**. A written complaint shall not require a formal hearing; such complaints shall be processed under the procedures described in subsections (c), (d), (e), and (f) of this Section. Upon final resolution of the matters alleged, the Committee shall provide a written summary of the resolution to the Official, the Council and the person who filed the complaint.
- (c) For the purposes of this Section, the Committee may find and advise an absence of a **violation of an oath of service or** disqualifying conflict of interest when the **asserted violation or the** Official's private interest or relationship is found to be too remote and insubstantial to affect the integrity of the Official's public actions. The intent of the foregoing is by no means to be construed as condoning a lax approach on the part of the Committee; rather, the intent is to discourage frivolous charges.
- (d) Upon being advised by the Committee of **a violation of an oath of service or** the presence of a conflict of interest, the Official shall voluntarily disqualify him/herself and so notify the Committee and the Council. If the Official does not voluntarily disqualify him/herself, the Committee shall mandate that the Official be disqualified from participating in further debates, **actions**, or determinations with respect to **the violation of the oath or service or** the public interest in conflict with the Official's private interest or relationship.
- (e) Any Official who voluntarily disqualifies him/herself shall notify the Council, providing a full description of the public interest matters from which the Official has withdrawn from participation. A voluntary disqualification does not require a disclosure of the specific nature of a **violation of an oath or service or** private interest or relationship considered to be in conflict; only the **oath of service impediment or** public interest object of conflict must be disclosed.
- (f) The Committee shall notify the Council and the Official in writing of all mandated disqualifications and shall therein provide a full description of the public interest matters with which the Official has been found to be **in violation or** conflict and about which such Official is disqualified from participation. The Committee shall mandate a disqualification for any Official who fails or refuses to provide the Committee with such information as the Committee finds necessary to ~~determine the presence or absence of a conflict of interest~~ **address a complaint**.
- (g) Any disqualifications relating to any public interest ~~description~~ shall be recorded in the minutes of the Council meeting at which the matter was considered.

- (h) The Committee shall meet in closed session (i) to protect the privacy or reputation of individuals with respect to their **alleged violations and** private interests or relationships not related to the public business, (ii) to discuss the discipline of an Official under the provisions of this Chapter, (iii) to consult with counsel or (iv) to consult with staff, consultants or other individuals about pending or potential litigation.
- (i) The Village records maintained under the provisions of this Chapter shall be privileged and not subject to public inspection to the extent that such records contain any of the following: (i) information about the finances of an individual, (including assets, income, liabilities, net worth, bank balances, financial history or activities or credit worthiness), (ii) any otherwise confidential financial information, (iii) confidential commercial information, or (iv) trade secrets. For the purpose of this Section, confidential or secret information shall be such information as is customarily regarded as confidential in business.

(Ord. No. 11-15-1, adopted 1/21/16, effective 2/10/16; Ord. No. 4-16-1, effective 7/6/16).

Section 4-203. Failure of Quorum

If, because of a voluntary or mandatory disqualification under the provisions of this Chapter, less than a quorum of the Council, **a committee, or task force** is available to act upon any particular matter, the matter shall be deferred until a quorum is assembled.

Section 4-204. Enforcement

- (a) The Council may file a petition for injunctive or other relief in a court of competent jurisdiction for the purpose of requiring compliance with this Chapter.
- (b) Any ~~person~~ **member of the Council or person employed by the Village** who knowingly and willfully violates the provisions of this Chapter, **with respect to a conflict of interest**, is guilty of a misdemeanor and, upon conviction, is subject to a fine of not more than \$1,000.00 or imprisonment for not more than one year, or both. ~~If the person is a business entity and not a natural person, each officer and partner of the business entity who knowingly authorized or participated in the violation is guilty of a misdemeanor and, upon conviction, is subject to the same penalties as the business entity.~~
- (c) Any ~~person~~ **member of the Council or person employed by the Village** who violates the provisions of this Chapter **with respect to a conflict of interest**, shall be guilty of a municipal infraction and shall be subject to a civil penalty of \$100.00.
- (d) In addition to any other enforcement provisions in this Chapter, **any member of any committee or task force, or the Tree Supervisor, who is found by the Committee or a court of competent jurisdiction to have violated this Chapter with respect to Oath of Service shall be subject to removal by the Council;**

and any member of the Council who is found by the Committee or a court to have violated this Chapter shall be subject to recall, as provided in the Village Charter.

- (e) In addition to any other enforcement provisions in this Chapter, any employee found by the Committee or a court to have violated this Chapter shall be subject to disciplinary or other appropriate action, including dismissal or suspension of compensation.

* * *

SECTION 2. AND BE IT FURTHER ORDAINED AND ORDERED, by the Council of the Village of Martin's Additions, acting under and by virtue of the aforementioned authority, that:

(1) If any part or provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and

(2) This Ordinance shall take effect on the _____ day of _____, 2020 (at least 20 days after adoption).

ATTEST: THE VILLAGE OF MARTIN'S ADDITIONS

Katya Hill, Secretary

Susan Fattig, Chair
Village Council

Underline indicates new material
~~Strikethrough~~ indicates material deleted
* * * indicates material unchanged

WORKING DRAFT