

## **Council to Select Mayor from amongst its Membership, Applicants Sought for Anticipated City Council Vacancy**

**Gaithersburg, MD (September 3, 2014)** With the conditional resignation of Mayor Sidney A. Katz, effective November 10, 2014 pending his election as District 3 representative on the Montgomery County Council in November's general election, the Gaithersburg City Council will select a new Mayor from amongst its membership. The Council will make the selection in Executive Session on October 6, 2014 and announce the results on October 7. The new Mayor, who will be sworn in on November 10, will serve until the next City of Gaithersburg election in November of 2015. In that election, the Mayoral term will be for two years, fulfilling the remainder of the four year term which began in 2013.

Applications are now being accepted to fill the anticipated vacant City Council position. Interested residents must meet the council qualifications as provided in Section 4 of the City Charter, submit a Financial Disclosure Statement and be prepared to adhere to anticipated expanded ethics requirements. The application should include a letter of interest, a resume, and a statement of the applicant's priorities and vision for the City. Applications are due by 5 p.m. on October 6, 2014. The City Charter, the application form and the financial disclosure form are available on the City website at [www.gaithersburgmd.gov](http://www.gaithersburgmd.gov). Any questions regarding the application submittal or ethics disclosure requirements should be directed to the City Attorney, N. Lynn Board, at [lboard@gaithersburgmd.gov](mailto:lboard@gaithersburgmd.gov).

The City Council will meet in Executive Session on October 13 to narrow the selection of candidates to no more than five. Selected candidates will be invited to each deliver a three-minute statement at the Mayor and City Council Work Session on October 27 and participate in evening interviews with City Council Members, tentatively scheduled for October 27 and 29. Selection of the new Council Member will take place in Executive Session on November 3, with the swearing in taking place on November 10, to be immediately followed by a reception in the City Hall Gallery.



## APPLICATION FOR COUNCIL MEMBER

To: Gaithersburg City Council  
c/o The City Attorney

I hereby request that you include my name for consideration for the office of Council Member

Please Print: \_\_\_\_\_  
(Legal First, Middle Initial and Last Name. No nicknames or titles.)

### I DO HEREBY CERTIFY THE FOLLOWING:

1. My name is: \_\_\_\_\_

2. I am a registered voter in the City of Gaithersburg.

3. I now reside at: \_\_\_\_\_  
(Address, City & Zip Code)

Home Telephone: \_\_\_\_\_ Business Telephone: \_\_\_\_\_

4. I have attached a Financial Disclosure Statement and a letter of interest detailing why I am interested in the position and my priorities for the City of Gaithersburg.

5. I consent to the public release of my name, this Application, Financial Disclosure Statement and letter of interest.

### I DO FURTHER CERTIFY:

1. I meet the qualifications for the above stated office, as set forth in Sections 4 of the City Charter.

2. I am not a candidate for any other elected office in the City of Gaithersburg.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date of this Application

**THIS APPLICATION FOR COUNCIL MEMBER SHALL BE FILED AT THE OFFICE OF THE CITY ATTORNEY ON OR BEFORE 5:00 P.M. ON MONDAY, OCTOBER 6, 2014.**



**CITY OF GAITHERSBURG, MARYLAND  
FINANCIAL STATEMENT  
APPLICANTS FOR COUNCIL MEMBER**

**NAME:** \_\_\_\_\_

**ELECTED OFFICE SEEKING:** \_\_\_\_\_

This Financial Disclosure Statement covers the period of time from January 1, 2014 through October 6, 2014.

Please list the gifts\* exceeding Fifty Dollars (\$50.00) in value or a combination of transfers from any person or entity exceeding One Hundred Dollars (\$100.00) in value which you received. If you have **NOT** received any gifts, please print **NONE RECEIVED**.

Date Received	Name & Address Of Donor	Description of Gift	Approximate Retail Value (at time of receipt)

**I HEREBY CERTIFY** that the above information which is provided in compliance with Chapter 7A of the City Code ("Ethics Code") is true and correct.

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

\*The term "gift" is defined in Chapter 7A of the City Code ("Ethics Code"), Sections 7A-1.3(c) and 7A-4(h) and does not include campaign contributions.



**CITY OF GAITHERSBURG, MARYLAND  
INTEREST OR EMPLOYMENT DISCLOSURE  
APPLICANTS FOR COUNCIL MEMBER**

**NAME:** \_\_\_\_\_

**ELECTED OFFICE SEEKING:** \_\_\_\_\_

This Interest or Employment Disclosure Statement must be filed by October 6, 2014.

I have the following interests that may create a conflict of interest under Chapter 7A of the City Code ("Ethics Code") Section 7A-4.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I am employed by:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**I HEREBY CERTIFY** that the above information which is provided in compliance with Chapter 7A of the City Code ("Ethics Code") is true and correct.

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**Sec. 4. Same—Qualifications of councilmen.**

No person shall be eligible to the office of councilman unless that person is domiciled in the city immediately preceding their election and unless that person is also a qualified voter of the city at the time of their election. All council members must continue their domicile in the city during their term in office.

*(Ord. No. CA-2-74, § 1; Res. No. CA-2-87, 12-7-87)*



**Ethics Code Provisions**  
**Chapter 7A of the Gaithersburg City Code**

***Sec. 7A-1.1. - Findings and purpose.***

(a) The council finds that:

(1) Officials, employees and representatives of the city shall maintain the highest standards of political and professional responsibility and maintain the highest respect for the interests of the citizens and the city.

(2) Representative government depends upon the citizens having the highest trust in their public officials.

(3) The trust, necessary to our system of government, is dangerously eroded not only by improper conduct by employees and officials of government but by the appearance of improper conduct, as well.

(4) In order to maintain the fact and appearance of high standards of conduct, it is necessary to have clearly articulated standards of conduct, a procedure for resolving questions that may arise concerning the propriety of specific acts and a forum for receipt and review of complaints and questions, whether raised by concerned citizens, employees or those doing business with the city.

(5) The citizens have a right to expect that decisions made in the name of the government of the City of Gaithersburg will be made for the general welfare of the citizens of Gaithersburg, rather than for the private gain or personal motives of the official or employee making the decision.

(6) Employees and officials of government have a right to know that the government clearly articulates the standards of conduct by which their actions will be measured.

(7) Employees and officials of government have a right to expect that their personal lives, choices, associations and those of their families will not unduly or unnecessarily be burdened because of their choice to serve the city.

(8) Full and timely disclosure to the ethics commission as required by this chapter of information and private activities that could affect the nature of public decisions allows the public to be aware of real or actual conflicts and make its own judgments about such conflicts.

(b) In order to meet these needs and to articulate the balance which the council has struck between the needs and expectations of the citizens, employees and those with whom the city does business, the council has enacted this ethics chapter.

(c) On behalf of the citizens of the City of Gaithersburg, the council intends that this chapter be liberally construed to accomplish these goals without unduly restricting the rights of the officials and employees and their families.

***Sec. 7A-1.2. - Applicability of chapter.***

The provisions of this chapter shall apply to all city employees, all elected officials, as well as officials appointed to the following boards and commissions:

Planning commission;

Board of appeals;

Board of supervisors of elections;

Ethics commission;

Landlord-tenant commission;

Animal control board;

Personnel review board;

Historic district commission.

In addition, section 7A-6 of this chapter applies to lobbyist.

***Sec. 7A-1.3. - Definitions.***

(a) Business relationship. A relationship that may include, but is not limited to, any of the following:

(1) The commitment or securing of one thousand five hundred dollars (\$1,500.00) or more of city funds, with the exception of funds expended on charitable organizations and trade associations.

(2) Prospective employment with the city in any capacity.

(3) Approval of a zoning entitlement or building permit application until such time construction has received all final approvals.

(b) Community event. An event to which the public is invited that takes place in the City of Gaithersburg or Montgomery County.

(c) Gift. Unless otherwise provided in this chapter, the transfer of anything of economic value valued at fifty dollars (\$50.00) or more or a combination of transfers from any person or entity within a one calendar year period valued at one hundred dollars (\$100.00) or more. A gift does not include campaign contributions or contributions or donations to the city or sponsorships of city events or programs.

(d) Honoraria. Payments of money or anything of value given to an individual for services for which fees are not legally or traditionally required, such as speeches and attending a meeting or event.

***Sec. 7A-2. - Ethics commission.***

There shall be a city ethics commission, which shall be composed of three (3) members appointed by the mayor and subject to confirmation by the city council. The commission shall be advised by the city attorney and shall have the following responsibilities:

- (a) To review all forms generated by this chapter for compliance with the provisions of this chapter.
- (b) To provide published advisory opinions to persons subject to this chapter as to the applicability of the provisions of this chapter to them.
- (c) To process and make determinations as to complaints filed by any person alleging violations of this chapter.

***Sec. 7A-3. - Responsibilities of city attorney.***

The city attorney shall have the following responsibilities:

- (a) To create and maintain all forms generated by this chapter.
- (b) To provide staff assistance to the city ethics commission.
- (c) To provide information, guidance, and training on a regular basis in order to promote understanding and compliance with this chapter.
- (d) To maintain all forms and disclosure statements filed pursuant to this chapter for at least five (5) years as public records available for inspection and copying.

***Sec. 7A-4. - Conflicts of interest.***

Persons who are subject to this chapter shall not:

- (a) Participate on behalf of the city in any matter which would, to their knowledge, have a direct financial impact on:
  - (i) Them;
  - (ii) Their spouse;
  - (iii) Their children;
  - (iv) Their siblings;
  - (v) Their parents;
  - (vi) Any other relative who shares the person's legal residence or over whose financial affairs the person has legal or actual control; or
  - (vii) Any business entities with which they are affiliated, as distinguished from the public generally.
- (b) Hold or acquire interests of either five (5) percent or greater in business entities that have or are negotiating contracts of five thousand dollars (\$5,000.00) or more with the city or are regulated by their agency, except as exempted by the commission pursuant to section 7A-7.
- (c) Be employed by business entities that have or are negotiating contracts of more than five thousand dollars (\$5,000.00) with the city or are regulated by their agency, except as exempted by the commission pursuant to section 7A-7.

- (d) Hold any outside employment relationships that would directly impact their impartiality or independence of judgment with regard to their official capacities.
- (e) Represent any parties, for contingent fees, before any city agency or department.
- (f) Within one year following termination of city service, act as compensated representatives of others in connection with any specific matters within their official responsibilities in which they participated substantially as city officials or employees.
- (g) Solicit any gift from any person or business entity.
- (h) Accept any gift from any person or business entity, except as provided herein, that has or seeks a business relationship with the city or is regulated by their office, department or board, except where such gifts would not violate this chapter.

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, would give the appearance of doing so, or, the recipient official or employee believes, or has reason to believe, that it is designed to do so, subsection (h) of this section does not apply to:

- (1) Meals and beverages valued at up to fifty dollars (\$50.00) consumed in the presence of the donor;
- (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 or the employee for a meeting which is given in return for participation in a board, committee, panel or speaking engagement at a meeting;
- (5) Gifts of tickets or free admission extended by the sponsoring entity of the event that does business with the city to an elected official to attend a charitable, community, cultural or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the office;
- (6) A specific gift or class of gifts which the commission exempts from the operation of this section upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the City of Gaithersburg or that the gift is purely personal and private in nature;
- (7) Gifts that are purely personal and private in nature from family and household members that would not be detrimental to the impartial conduct of the business of the city; or
- (8) Honoraria, provided the honorarium is limited to reasonable expenses for the official's or employee's meals, travel, and lodging and provided that:
  - (i) The payor of the honorarium does not have an interest that may be affected substantially and materially, in a manner distinguishable from the public generally, by the performance or nonperformance of the official's or employee's official duties; and
  - (ii) The offering of the honorarium is not related in any way to the official's or employee's official position.
- (i) Use the prestige of their position except to aid or benefit the public generally.
- (j) Use confidential information acquired in their official city positions for their own benefit or that of others.
- (k) While employed with or in the service of the city or within one year following termination of city service, purchase any property or equipment from the city, either directly or through a third party such as an auction house, unless the purchase is subject to prior written approval by the city manager.

***Sec. 7A-5. - Financial statements and disclosure statements.***

- (a) A financial statement is required from all elected officials, all appointed officials designated in section 7A-1.2, the city manager, the city attorney, the assistant city manager(s), the heads of all departments, and all candidates for elective office. Statements shall be filed on an annual basis by no later than January 31 for the preceding year and shall be under oath. In addition, a disclosure statement shall be filed by all persons subject to this chapter for each incident when there is non-compliance with the requirements of this chapter. The statement shall identify the date of occurrence, donor, gift, value and reason for acceptance. The statement must be filed with the ethics commission for review within thirty (30) days of each occurrence. All occurrences in which honoraria in excess of the gift limit have been accepted must be reported.
- (b) Candidates for elective office shall file statements consistent with the requirements of subsection (a) of this section at the time that they file their certificates of candidacy.
- (c) All city officials and candidates for elective office subject to this chapter shall file a statement with the commission disclosing any interest or employment, the holding of which would require disqualification from participation pursuant to section 7A-4, sufficiently in advance of any anticipated action to allow adequate disclosure to the public.

***Sec. 7A-6. - Lobbying disclosures.***

- (a) Any person who personally appears before any city official with the intent to influence that person in performance of his official duties and who, in connection with such intent, expends funds on food, entertainment or Gifts for such officials, shall file a registration statement with the commission no later than January 15 of the calendar year or within five (5) days after making such appearances.
- (b) The registration statement shall include complete identification of the registrant and of any other person or entity on whose behalf the registrant acts. It shall also identify the subject matter on which the registrant proposes to make such appearances and shall cover a defined registration period, not to exceed one calendar year.
- (c) Registrants under this section shall file a report with the city attorney's office within thirty (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 Gift provided to a city official.
- (d) The registrations and reports filed pursuant to this section shall be maintained by the commission as public records, available for public inspection and copying.

***Sec. 7A-7. - Exemptions and modifications.***

The commission may grant exemptions and modifications to the provisions of sections 7A-4 and 7A-5, 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; and
- (c) Not be required to procure the purposes of this chapter.

***Sec. 7A-8. - Enforcement of chapter; violations and penalties.***

- (a) The commission may issue a cease and desist order against any person found to be in violation of this chapter and may seek enforcement of such order in the circuit court of the county. The court may issue a cease and desist order and may also impose a fine of up to five hundred dollars (\$500.00) for any intentional violation of the provisions of this chapter.
- (b) Persons found to have violated this chapter may be subject to disciplinary or other appropriate personnel action, including suspension of city salary or other compensation and suspension and/or removal from office.
- (c) Violations of this chapter shall be a misdemeanor, subject to the provisions of section 1-7.