

RESOLUTION TO ADOPT AMERICAN RESCUE PLAN ACT OF 2021

CONFLICT-OF-INTEREST STATEMENT

RECITAL

The Town of Keedysville, Maryland as an incorporated municipality in the State of Maryland has been deemed eligible to receive funds under the *American Relief Plan* pursuant to the *American Rescue Plan Act of 2021*. As a condition of the receipt of said funds and in conjunction with Town's expenditure, use and administration of same the Town of Keedysville is required to have in place a *Conflict-of-Interest Statement*. In an effort to comply with the aforementioned *Act* and applicable regulations pertaining to same and in order to allow the Town to properly utilize the *American Relief Plan* funds, Mayor and Council deem it to be in the best interests of the citizenry of the Town of Keedysville to adopt the attached **AMERICAN RESCUE PLAN ACT OF 2021, TOWN OF KEEDYSVILLE, MARYLAND CONFLICT OF INTEREST STATEMENT** as part of the Town's receipt, expenditure, use and administration of any funds related to the *American Rescue Plan Act of 2021*.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Keedysville as the duly constituted body of said Town as follows:

1. The **RECITAL** is incorporated herein by reference.
2. The **AMERICAN RESCUE PLAN ACT OF 2021, TOWN OF KEEDYSVILLE, MARYLAND CONFLICT OF INTEREST STATEMENT** attached hereto as *Exhibit 'A'* and incorporated herein by reference be and is hereby adopted.
3. The Town of Keedysville shall abide by and follow the aforementioned **CONFLICT OF INTEREST STATEMENT** same is applicable to the Town's receipt, use, expenditure and/or administration of funds under the **AMERICAN RESCUE PLAN ACT OF 2021**.



Lisa Riner, Town Administrator



Kenneth Lord, Mayor

Date of Introduction: 10/6/2021

Date of Passage: 10/6/2021

Effective Date: 10/6/2021

Please return originals:
Lisa Riner, Adminis.
Town of Keedysville
P.O. Box 359
Keedysville, MD 21756

AMERICAN RESCUE PLAN ACT OF 2021
TOWN OF KEEDYSVILLE, MARYLAND CONFLICT OF INTEREST STATEMENT

The Mayor and Council of the Town of Keedysville pursuant to a Resolution and in accordance with the requirements for the utilization of funds issued to the Town of Keedysville as part of the **AMERICAN RESCUE PLAN ACT OF 2021/AMERICAN RELIEF PLAN** the Mayor and Council of the Town of Keedysville at a duly constituted Meeting on the 26 day of October, 2021 adopted the **CONFLICT OF INTEREST STATEMENT** as set forth herein as part of the Town's expenditure, use and administration of the aforementioned funds:

CONFLICT OF INTEREST STATEMENT

(a) In this section, "qualified relative" means a spouse, parent, child or sibling.

(b) All Town elected officials, officials appointed to Town boards and commissions subject to this chapter, and employees are subject to this section.

(c) Participation prohibitions. An official or employee may not participate in:

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

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

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

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

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

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

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

(vi) A business entity that:

(A) The official or employee knows is a creditor or obligee of the official or employee or a qualified relative of the official or employee with respect to a thing of economic value; and

(B) As a creditor or obligee, is in a position to directly and substantially affect the interests of the official or employee or a qualified relative of the official or employee.

(3) A person who is disqualified from participating in paragraphs (1) or (2) of this subsection shall disclose the nature and circumstances of the conflict and may participate or act if:

(i) The disqualification leaves a body with less than a quorum capable of acting;

(ii) The disqualified official or employee is required by law to act; or

(iii) The disqualified official or employee is the only person authorized to act.

(4) The prohibitions of paragraph 1 and 2 of this subsection do not apply if participation is allowed by regulation.

(d) Employment and financial interest restrictions.

(1) When the interest is disclosed or when the employment does create a conflict of interest or appearance of conflict, an official or employee may not:

(i) Be employed by or have a financial interest in any entity:

(A) Subject to the authority of the official or employee or the Town agency, board, commission with which the official or employee is affiliated; or

(B) That is negotiating or has entered into a contract with the agency, board, or commission with which the official or employee is affiliated; or

(ii) Hold any other employment relationship that would impair the impartiality or independence of judgment of the official or employee.

(2) This prohibition does not apply to:

(i) An official or employee who is appointed to a regulatory or licensing authority pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to the authority;

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(ii) Subject to other provisions of law, a member of a board or commission in regard to a financial interest or employment held at the time of appointment, provided the financial interest or employment is publicly disclosed to the appointing authority;

(iii) An official or employee whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted by and in accordance with these regulations adopted; or

(iv) Employment or financial interests allowed by the Mayor and Council if the employment does not create a conflict of interest or the appearance of a conflict of interest if the financial interest is disclosed.

(e) Post-employment limitations and restrictions.

(1) A former official or employee may not assist or represent any party other than the Town for compensation in a case, contract, or other specific matter involving the Town if that matter is one in which the former official or employee significantly participated in as an official or employee.

(2) Until the conclusion of the next regular session that begins after the elected official leaves office, a former member of the Town Council or legislative body may not assist or represent another party for compensation in a matter that is the subject of legislative action.

(f) Contingent compensation. Except in a judicial or quasi-judicial proceeding, an official or employee may not assist or represent a party for contingent compensation in any matter before or involving the Town.

(g) Use of prestige of office.

(1) An official or employee may not intentionally use the prestige of office or public position for the private gain of that official or employee or the private gain of another.

(2) This subsection does not prohibit the performance of usual and customary constituent services by an elected local official without additional compensation.

(h) Solicitation and acceptance of gifts.

(1) An official or employee may not solicit any gift.

(2) An official or employee may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual regulated lobbyist.

(3) An official or employee may not knowingly accept a gift, directly or indirectly, from a person that the official or employee knows or has the reason to know:

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(i) Is doing business with or seeking to do business with the Town office, agency, board, or commission with which the official or employee is affiliated;

(ii) Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the official duties of the official or employee;

(ii) Is engaged in an activity regulated or controlled by the official's or employee's governmental unit; or

(iv) Is a lobbyist with respect to matters within the jurisdiction of the official or employee.

(4) Paragraph (5) of this subsection does not apply to a gift:

(i) That would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift;

(ii) Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee; or

(iii) Of significant value that the recipient official or employee believes or has reason to believe is designated to impair the impartiality and independence of judgment of the official or employee.

(5) Notwithstanding paragraph (3) of this subsection, an official or employee may accept the following:

(i) Meals and beverages consumed in the presence of the donor or sponsoring entity;

(ii) Ceremonial gifts or awards that have insignificant monetary value;

(iii) Unsolicited gifts of nominal value that do not exceed \$20 in cost or trivial items of informational value;

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

(v) Gifts of tickets or free admission extended to an elected local official to attend a charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the elected official's office;

(vi) A specific gift or class of gifts that the Mayor and Council exempts from the operation of this subsection upon a finding, in writing, that acceptance of the gift or class of gifts

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would not be detrimental to the impartial conduct of the business of the Town and that the gift is purely personal and private in nature;

(vii) Gifts for a person related to the official or employee by blood or marriage, or any other individual who is a member of the household of the official or employee; or

(viii) Honoraria for speaking to or participating in a meeting, provided that the offering of the honorarium is not related in any way to the official's or employee's official position.

(i) Disclosure of confidential information. Other than in the discharge of official duties, an official or employee may not disclose or use confidential information, that the official or employee acquired by reason of the official's or employee's public position and that is not available to the public, for the economic benefit of the official or employee or that of another person.

(j) Participation in procurement.

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

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

(i) Scope of Statement.

This Conflict of Interest Statement is only applicable to matters directly and/or indirectly involving the use, administration and expenditure of funds received by the Town of Keedysville as part of the American Recoveries Plan.

Date of Introduction: 10/6/2021

Dated of Passage: 10/6/2021

Effective Date: 10/6/2021

Exhibit A

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LR - Government
Instrument 0.00
Agency Name: town of
keedysville
Instrument List: Other
Describe Other:
Ref:

=====
Total: 0.00
10/18/2021 11:35
CC21-TR
#15531399 CC0403 -
Washington
County/CC04.03.04 -
Register 04

This page not to be counted in calculating Recording Fee

**Clerk of Circuit Court
Washington County, Maryland**

Kevin R. Tucker, Clerk
24 Summit Avenue
Hagerstown, MD 21740
301-790-7991

For Clerks Use Only

Improvement Fee _____
Recording Fee _____
County Transfer Tax _____
Recordation Tax _____
State Transfer Tax _____
Non-Resident Tax _____
TOTAL _____