

MAYOR AND CITY COUNCIL OF FROSTBURG



Mayor W. Robert Flanigan
Donald L. Carter, Jr., Commissioner of Finance
Kevin G. Grove, Commissioner of Public Safety
Nina Forsythe, Commissioner of Water, Parks and Recreation
Adam Ritchey, Commissioner of Public Works

AGENDA

MAYOR AND COUNCIL WORK SESSION

Thursday, December 8, 2022 at 3:00 PM

Frostburg Municipal Center Meeting Room - 37 Broadway

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1. CALL TO ORDER	
2. ROLL CALL	
3. COUNCIL MEETING TOPICS	
3.1. Board of Zoning Appeals Appointment	3
Williams BOZA Reappointment Memo - 10.15.22	
3.2. Amendments to the City Code	4 - 34
<ul style="list-style-type: none">Ethics Ordinance update as required by State LawSolicitor's Registration update	
Ethics Comparison - 2022 changes	
Ethics Code 2022 - Ordinance.v1	
Frostburg Ethics Letter	
Solicitors Registration - 7-1(a).Amendment	
3.3. ARPA Project Approvals	
<ul style="list-style-type: none">Police RequestsFire Department - Ladder TruckPublic Works Update	
3.4. Special Presentations:	
<ul style="list-style-type: none">Spirit of Frostburg AwardPolice Department Recognitions	
4. DISCUSSION ITEMS	
4.1. Police Grant for License Plate Reader	
4.2. Disc Golf proposal for Hoffman Park	35 - 47
Presentation Rec Commission 20221011	
4.3. Frostburg Microgrid Plan, Update and Future Opportunities	
4.4. Employee Bonus	
4.5. January Meetings	
4.6. General Discussion: Mayor and Council	

5. ADJOURN TO CLOSED SESSION

CLOSING STATEMENT

Under the Annotated Code of Maryland Article § 3-305(b) (3), a closed session may be held to "consider the acquisition of real property for a public purpose and matters directly related to the acquisition." A closed session is required for the purpose of discussing property acquisitions to facilitate redevelopment of a blighted property and the development of a City downtown parking lot and in order to protect the City's bargaining power in a real estate transaction.

REMINDERS

1. Watch Frostburg on Small Town Christmas on UPtv on Dec. 18 at 9 pm:
<https://uptv.com/shows/small-town-christmas/>



City of Frostburg

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Mayor

Commissioners

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Finance*

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*Commissioner of
Water, Parks and
Recreation*

Adam Ritchey
*Commissioner of
Public Works*

Elizabeth Stahlman
City Administrator

MEMORANDUM

To: Mayor, City Council, and Elizabeth Stahlman, City Administrator
From: Bethany Fife, Interim Community Development Director
Date: November 9, 2022 *BF*
Subject: BOZA Appointment

The Frostburg Board of Zoning Appeals has one expired Commission. Board member Julia Williams has indicated she is willing to serve another three year term. Mrs. Williams has represented the City of Frostburg with distinction and expertise as a zoning appeals board member, and her service to our community has been invaluable to the positive growth and development of the City of Frostburg.

Staff recommends that Mrs. Williams be reappointed to a new three year term beginning December 15, 2022, and expiring December 15, 2025.

Please provide staff with recommendations for the Board of Zoning Appeals vacancy, request staff to solicit letters of interest, or reappoint the current member listed above during your December 2022 Mayor and Council meeting.

The Mayor and Council have the authority to appoint individuals of their choice to this board.

If you have any questions or concerns please contact me at your convenience.

Sec. 3-2.- City of Frostburg Ethics Code.

(a) Short title/applicability.

- (1) — This section may be cited as the City of Frostburg Public Ethics Law.
- (2) — The provisions of this section apply to all City elected officials, employees, and appointees to boards and commissions of the City.

(b) Definitions.

(1) Designated second home means:

- a. — If an individual owns one (1) second home, the individual's second home; or
- b. — If an individual owns more than one (1) second home, any one (1) second home the individual identifies to the Commission as the individual's designated second home.

(2) Home address means the address of an individual's:

- a. — Principal home; and
- b. — Designated second home, if any.

(3) Interest means a legal or equitable economic interest, whether or not subject to an encumbrance or a condition, that is owned or held, in whole or in part, jointly or severally, directly or indirectly.

- a. — For purposes of this section, interest includes any interest held at any time during the reporting period.
- b. — Interest does not include:
 1. — An interest held in the capacity of a personal agent, custodian, fiduciary, personal representative, or trustee, unless the holder has an equitable interest in the subject matter;
 2. — An interest in a time or demand deposit in a financial institution;
 3. — An interest in an insurance policy, endowment policy, or annuity contract under which an insurer promises to pay a fixed amount of money either in a lump sum or periodically for life or a specified period;
 4. — A common trust fund or a trust which forms part of a pension or profit sharing plan which has more than twenty-five (25) participants and which has been determined by the Internal Revenue Service to be a qualified trust under the Internal Revenue Code;
 5. — A college savings plan under the Internal Revenue Code; or
 6. — A mutual fund or exchange-traded fund that is publicly traded on a national scale unless the mutual fund or exchange-traded fund is composed primarily of holdings of stocks and interests in a specific sector or area that is regulated by the individual's governmental unit.

(4) Principal home means the sole residential property that an individual occupies as the individual's primary residence, whether owned or rented by the individual.

(5) Qualified relative means a spouse, parent, child, brother, or sister.

~~(6)~~(6) Quasi-governmental entity means an entity that is created by state statute, that performs a public function, and that is supported in whole or in part by the state but is managed privately.

(7) Second home means a residential property that:

- a. — An individual occupies for some portion of the filing year; and

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b. ___ Is not a rental property or a time share.

(c) *The Ethics Commission.*

(1) There is a Frostburg Ethics Commission (the "Commission") that consists of five (5) members appointed by the Mayor and City Council. The Commission shall be the advisory body responsible for interpreting this section and advising persons subject to this section as to its application.

(2) The Commission shall:

a. ___ Devise, receive and maintain all forms required by this section;

b. ___ Develop procedures and policies for advisory opinion requests and provide published advisory opinions to persons subject to this section as to the applicability of the provisions of this section to them;

c. ___ Develop procedures and policies for the processing of complaints and make appropriate determinations regarding complaints filed by any person alleging violations of this section;

d. ___ Conduct a public information program regarding the purposes and application of this section;

e. ___ Determine if changes to this Section are required to be in compliance with the requirements of General Provisions Article, Title 5, Subtitle 8, Annotated Code of Maryland, and forward any recommended amendments to the City Council; and

f. ___ Certify to the State Ethics Commission on or before October 1 of each year that the City is in compliance with the requirements of Ann. Code of Md., General Provisions Article, Title 5, Subtitle 8, for elected officials.

(3) The City attorney shall advise the Commission.

(4) The Commission may adopt other policies and procedures to assist in the implementation of its programs established in this section.

(d) *Conflicts of interest.*

(1) *[Applicability.]* This subsection applies to all City elected officials, officials appointed to boards and commissions, and employees.

(2) *Participation prohibitions.* Except as permitted by Commission regulation or opinion, a City official or employee may not participate, except in a ministerial or administrative capacity that does not affect the disposition of the matter, in any matter in which:

a. ___ To the knowledge of the official or employee, the official or employee or a qualified relative of the official or employee has an interest.

b. ___ Any of the following is a party:

1. ___ A business entity in which the official or employee has a direct financial interest of which he or she may reasonably be expected to know;

2. ___ A business entity of which the official, employee, or qualified relative of the official or employee is an officer, director, trustee, partner, or employee;

3. ___ 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 made any arrangement regarding prospective employment;

4. ___ A business entity that is a party to an existing contract with the official or employee or, to the knowledge of the official or employee, a qualified relative, to the extent that the contract could reasonably be expected to create a conflict between the private interests and official duties of the official or employee;

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5. — An entity doing business with the City, 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 could reasonably be expected to know of both direct financial interests; or
 6. — A business entity that 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 that is in a position to directly and substantially affect the interest of the official or employee or qualified relative.
- c. — An official or employee who is disqualified from participation pursuant to paragraphs a or b of this subsection shall disclose the nature of the conflict and may participate or act if:
1. — The disqualification leaves a body with less than a quorum capable of acting;
 2. — The disqualified official or employee is required by law to act; or
 3. — The disqualified official or employee is the only person authorized to act.
- d. — A former regulated lobbyist who is or becomes subject to this section as an employee or official, other than an elected official or an appointed official, may not participate in a case, contract, or other specific matter as an employee or official, other than an elected official or appointed official, for one (1) calendar year after the termination of the registration of the former regulated lobbyist if the former regulated lobbyist previously assisted or represented another party for compensation in the matter.

(3) *Employment and financial interest restrictions.*

- a. — Except as permitted by regulation of the Commission when the interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official or employee may not:
1. — Be employed by or have a financial interest in any entity:
 - A. — Subject to the authority of the official or employee or the City agency, board, commission with which the official or employee is affiliated; or
 - B. — That is negotiating or has entered a contract with the agency, board, or commission with which the official or employee is affiliated; or
 2. — Hold any other employment relationship that would impair the impartiality or independence of judgment of the official or employee.
 3. — Hold any outside employment that impairs the employee's ability to perform or availability for the performance of the employee's job duties with the City.
 4. — Wear the uniform of another employer or any other clothing with the name, logo or any other reference to the other employer.
 5. — Solicit work for the employee's outside employer.
- b. — The prohibitions of paragraph a of this subsection do not apply to:
1. — 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;
 2. — 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 and the Commission; ~~or~~

3. 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 regulations adopted by the Commission ~~;~~ or

~~(4) Employment or financial interests allowed by regulation of the Commission if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.~~

~~(4) Post-employment limitations and restrictions.~~

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

b. A former elected official may not assist or represent another party for compensation in a matter that is the subject of legislative action for one (1) calendar year after the elected official leaves office.

~~(5) 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 City.

~~(6) Use of prestige of office.~~ Except for the performance of usual and customary constituent services by an elected official without additional compensation:

a. An official or employee may not intentionally use the prestige of office or public position for the private gain of himself or herself or the private gain of another, or to influence the award of a state or local contract to a specific person.

b. An official may not directly or indirectly initiate a solicitation for a person to retain the compensated services of a particular regulated lobbyist or lobbying firm.

c. An official, other than an elected official, or employee may not use public resources or the title of the official or employee to solicit a contribution as that term is defined in the Election Law Article.

d. An elected official may not use public resources to solicit a contribution as that term is defined in the Election Law Article.

~~(7) Solicitation and acceptance of gifts.~~

a. An official or employee may not solicit any gift.

b. 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.

c. An official or employee may not knowingly accept a gift, directly or indirectly, from a person who the official or employee knows or has reason to know:

1. Is doing business with or seeking to do business with the City office, agency, board, or commission with which the official or employee is affiliated;

2. Has financial interests that may be substantially and materially affected, in a way distinguishable from the general public, by the performance or nonperformance of the duties of the official or employee;

3. Is engaged in an activity regulated or controlled by the official's or employee's governmental unit; ~~or~~

4. Is a lobbyist with respect to matters within the jurisdiction of the official or employee ~~;~~ or

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5. Is an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.

d.— Paragraph e of this subsection does not apply to a gift:

- 1.— That would tend to impair the impartiality and independence of judgment of the official or employee receiving the gift;
- 2.— Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee; or
- 3.— Of significant value that the recipient official or employee believes or has reason to believe is designed to impair the impartiality and independence of judgment of the official or employee.

e.— Notwithstanding paragraph c of this subsection, an official or employee may accept the following:

- 1.— Meals and beverages consumed in the presence of the donor or sponsoring entity;
- 2.— Unsolicited gifts of nominal value, not exceeding \$20.00 in cost or trivial items of informational value;
- 3.— Ceremonial gifts or awards with insignificant monetary value;
- 4.— Reasonable expenses for food, travel, lodging, and scheduled entertainment given in return for the participation of the official or employee in a panel or speaking engagement;
- 5.— Free tickets or admission to a charitable, cultural, or political event extended as a courtesy to an elected official's office;
- 6.— A specific gift or class of gifts exempted by the Commission upon a written finding that the gift or class of gifts is purely personal and private in nature and that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the City;
- 7.— Gifts from 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
- 8.— 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.

(8) Disclosure of confidential information. Other than in the discharge of official duties, an official or employee or former 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 individual's public position or former public position and that is not available to the public, for the economic benefit of the official or employee or that of another person.

(9) Participation in procurement. An individual or a person that employs an individual who assists a City 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. The Commission may establish exemptions from the requirements of this paragraph for providing descriptive literature, sole source procurements, and written comments solicited by the procuring agency.

(10) Retaliation prohibited. An official or employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the local ethics law or ordinance.

(e)— Financial disclosure—Elected officials and candidates to be elected officials.

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{Supp. No. 4, Update 2}

(1) Applicability/financial disclosure statements.

- a. This subsection applies to all local elected officials and candidates to be local elected officials.
- b. ~~___~~ A local elected official or a candidate to be a local elected official shall file the financial disclosure statement required under this section:
 - 1. ~~___~~ On a form provided by the City Administrator;
 - 2. ~~___~~ Under oath or affirmation; and
 - 3. ~~___~~ With the City Administrator, who shall forward a copy of the financial statement to the Commission.

(2) ~~___~~ Deadlines for filing statements.

- a. ~~___~~ An incumbent local elected official shall file a financial disclosure statement annually no later than April 30 of each year for the preceding calendar year.
- b. ~~___~~ An individual who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within thirty (30) days after appointment.
- c. ~~___~~ An individual who, other than by reason of death, leaves an office for which a statement is required shall, within sixty (60) days after leaving the office, file a statement that covers the calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and the portion of the current calendar year during which the individual held the office.

(3) ~~___~~ Candidates to be local elected officials.

- a. Except for an official who has filed a financial disclosure statement under another provision of this subsection for the reporting period, a candidate to be an elected local official shall file a financial disclosure statement each year beginning with the year in which the certificate of candidacy is filed through the year of the election.
- b. ~~___~~ The statement shall be filed:
 - 1. ~~___~~ In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy;
 - 2. ~~___~~ In the year of the election, on or before the earlier of April 30 or the last day for the withdrawal of candidacy; and
 - 3. ~~___~~ In all other years for which a statement is required, on or before April 30.
- c. A candidate to be an elected official shall file the statement required under paragraph (3) of this subsection with the City Administrator.
- d. ~~___~~ If a ~~candidate fails to file a~~ statement required ~~to be filed~~ by ~~this section a candidate is~~ overdue and not filed within eight (8) days after written notice of the failure to file is provided by the City Administrator ~~at least twenty (20) days before the last day for the withdrawal of~~ candidacy, the candidate ~~is~~ shall be deemed to have withdrawn the candidacy.
- e. ~~___~~ The City Administrator may not accept any certificate of candidacy unless a statement has been filed in proper form.
- f. ~~___~~ Within thirty (30) days of the receipt of a statement required under this section, the City Administrator shall forward the statement to the Commission.

(4) ~~___~~ Public record.

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- a. The City Administrator shall maintain all financial disclosure statements filed under this section.
 - b. Financial disclosure statements shall be made available during normal office hours for examination and copying by the public subject to reasonable fees and administrative procedures established by the City.
 - c. If an individual other than a Commission member examines or copies a financial disclosure statement, the City Administrator shall record:
 - 1. The name and home address of the individual reviewing or copying the statement; and
 - 2. The name of the person whose financial disclosure statement was examined or copied.
 - d. Upon request by the official or employee whose financial disclosure statement was examined or copied, the City Administrator shall provide the official with a copy of the name and home address of the person who reviewed the official's financial disclosure statement.
 - e. For statements filed after January 1, 2019, the City Administrator may not provide public access to an individual's home address that the individual has designated as the individual's home address.
 - ~~f. The City Administrator shall not provide public access to information related to consideration received from:~~
 - ~~1. The University of Maryland Medical System;~~
 - ~~2. A governmental entity of the State or a local government in the State; or~~
 - ~~3. A quasi-governmental entity of the State or local government in the State.~~
 - g. Retention requirements. The City Administrator shall retain financial disclosure statements for four (4) years from the date of receipt.
 - ~~h. An individual who is required to disclose the name of a business under this section shall disclose any other names that the business is trading as or doing business as.~~
- (5) Contents of Statement.
- a. Interests in real property. A statement filed under this section shall include a schedule of all interests in real property wherever located. For each interest in real property, the schedule shall include:
 - 1. The nature of the property and the location by street address, mailing address, or legal description of the property;
 - 2. The nature and extent of the interest held, including any conditions and encumbrances on the interest;
 - 3. The date when, the manner in which, and the identity of the person from whom the interest was acquired;
 - 4. The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;
 - 5. If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and

6. — The identity of any other person with an interest in the property.
- b. — *Interests in corporations and partnerships.* A statement filed under this subsection shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with the City. For each interest reported under this paragraph, the schedule shall include:
1. The name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability corporation.
 2. — The nature and amount of the interest held, including any conditions and encumbrances on the interest.
 3. With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and, if known, the identity of the person to whom the interest was transferred.
 4. With respect to any interest acquired during the reporting period, the date when, the manner in which, and the identity of the person from whom the interest was acquired; and the nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.
 5. — An individual may satisfy the requirement to report the amount of the interest held under item (b)(ii) of this paragraph by reporting, for an equity interest in a corporation, the number of shares held, and unless the corporation's stock is publicly traded, the percentage of equity interest held; or for an equity interest in a partnership, the percentage of equity interest held.
- c. — *Interests in business entities doing business with the City.* A statement filed under this subsection shall include a schedule of all interests in any business entity that does business with the City, other than interests reported under paragraph b of this subsection. For each interest reported under this paragraph, the schedule shall include:
1. — The name and address of the principal office of the business entity;
 2. The nature and amount of the interest held, including any conditions to and encumbrances on the interest;
 3. With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received in exchange for the interest, and, if known, the identity of the person to whom the interest was transferred; and
 4. — With respect to any interest acquired during the reporting period; when, how, and from whom the interest was acquired; and the nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.
- d. — *Gifts.* A statement filed under this section shall include a schedule of each gift in excess of \$20.00 in value or a series of gifts totaling \$100.00 or more received during the reporting period from or on behalf of, directly or indirectly, any one (1) person who does business with or is regulated by the City or from an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations. For each gift reported, the schedule shall include:
1. — A description of the nature and value of the gift; and

2. ___ The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.
- e. ___ *Employment with or interests in entities doing business with the City.* A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family of the individual held at any time during the reporting period with entities doing business with the City. For each position reported under this paragraph, the schedule shall include:
1. ___ The name and address of the principal office of the business entity;
 2. ___ The title and nature of the office, directorship, or salaried employment held and the date it commenced; and
 3. ___ The name of each City agency with which the entity is involved.
- f. ___ *Indebtedness to entities doing business with or regulated by the individual's City unit or department.* A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons or entities doing business with or regulated by the individual's City unit or department owed at any time during the reporting period by the individual or by a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability. For each liability reported under this paragraph, the schedule shall include:
1. ___ The identity of the person to whom the liability was owed and the date the liability was incurred;
 2. ___ The amount of the liability owed as of the end of the reporting period;
 3. ___ The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and
 4. ___ The security given, if any, for the liability.
- ~~g. [Additional information required].~~ g. ___ *Employment of immediate family members.* A statement filed under this section shall include a schedule of the immediate family members of the individual employed by the City in any capacity at any time during the reporting period.
- h. ___ *Sources of earned income.* A statement filed under this section shall include:
1. ___ A schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual's immediate family was a sole or partial owner and from which the individual or member of the individual's immediate family received earned income, at any time during the reporting period.
 2. ___ A minor child's employment or business ownership need not be disclosed if the agency that employs the individual does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.
 3. ___ For a statement filed on or after January 1, 2019, if the individual's spouse is a lobbyist regulated by the City, the individual shall disclose the entity that has engaged the spouse for lobbying purposes.
- i. ___ *f. Relationship with University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity.*
1. An individual shall disclose the information specified in General Provisions Article §5-607(j)(1), Annotated Code of Maryland, for any financial or contractual relationship with:
 - (i) The University of Maryland Medical System;
 - (ii) A governmental entity of the State or a local government in the State; or

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(iii) A quasi-governmental entity of the State or local government in the State.

2. For each financial or contractual relationship reported, the schedule shall include:

(i) A description of the relationship;

(ii) The subject matter of the relationship; and

(iii) The consideration.

j. [Additional interests disclosure.] A statement filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.

~~j.~~ ~~k.~~ [Interests of individual for consideration.] For the purposes of subsection (E)(5)(a), (b), and (c), of this section, the following interests are considered to be the interests of the individual making the statement:

1. An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.

2. An interest held at any time during the applicable period, by a:

(i) A business entity in which the individual held a ~~thirty percent~~10% or greater interest at any time during the reporting period.;

(ii) A business entity described in item (i) of this subsection in which the business entity held a 25% or greater interest;

(iii) A business entity described in item (ii) of this subsection in which the business entity held a 50% or greater interest; and

(iv) A business entity in which the individual directly or indirectly, though an interest in one or a combination of other business entities, holds a 10% or greater interest.

3. An interest held by a trust or an estate in which, at any time during the reporting period, the individual held a reversionary interest or was a beneficiary; or, if a revocable trust, the individual was a settlor.

~~(6)~~ Compliance.

a. The City Administrator shall review the financial disclosure statements submitted under this subsection for compliance with the provisions of this subsection and shall notify an individual submitting the statement of any omissions or deficiencies.

b. The City Administrator or the Commission may take appropriate enforcement action to ensure compliance with this subsection.

~~(f)~~ Financial disclosure—Employees and appointed officials.

(1) This subsection applies only to the following appointed officials and employees:

a. City Administrator.

b. Director of Community Development.

c. Chief of Police.

d. Director of Finance.

e. Director of Public Works.

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- (2) A statement filed under this section shall be filed with the Commission under oath or affirmation.
- (3) On or before April 30 of each year during which an official or employee holds office, an official or employee shall file a statement disclosing gifts received during the preceding calendar year from any person that contracts with or is regulated by the City, including the name of the donor of the gift and the approximate retail value at the time or receipt.
- (4) An official or employee shall disclose employment and interests that raise conflicts of interest or potential conflicts of interest in connection with a specific proposed action by the employee or official sufficiently in advance of the action to provide adequate disclosure to the public.
- (5) The Commission shall maintain all disclosure statements filed under this subsection as public records available for public inspection and copying as provided in subsection (e)(4) of this section.

(g) *Lobbying.*

- (1) A person shall file a lobbying registration statement with the Commission if the person:
 - a. Personally appears before a City official or employee with the intent to influence that person in the performance of the official duties of the official or employee; and
 - b. In connection with the intent to influence, expends or reasonably expects to expend in a given calendar year in excess of \$200.00 on food, entertainment, or other gifts for officials or employees of the City.
- (2) A person shall file a registration statement required under this section on or before the later of January 15 of the calendar year or within five (5) days after first performing an act that requires registration in the calendar year.
- (3) The registration statement.
 - a. The registration statement shall identify:
 - 1. The registrant;
 - 2. Any other person on whose behalf the registrant acts; and
 - 3. The subject matter on which the registrant proposes to make appearances specified in paragraph (1)a. of this subsection.
 - b. The registration statement shall cover a defined registration period not to exceed one (1) calendar year.
- (4) Within thirty (30) days after the end of any calendar year during which a person was registered under this section, the person shall file a report with the Commission disclosing:
 - a. The value, date, and nature of any food, entertainment, or other gift provided to a City official or employee; and
 - b. If a gift or series of gifts to a single official or employee exceeds \$100.00 in value, the identity of the official or employee.
- (5) The City Administrator shall maintain the registrations and reports filed under this section as public records available for public inspection and copying for four (4) years after receipt by the City Administrator.

(h) *Exemptions and modifications.* The Commission may grant exemptions and modifications to the provisions of subsections (d) and (f) of this section to employees and to appointed members of City boards and commissions when the Commission finds that an exemption or modification would not be contrary to the purposes of this section, and the application of this section would:

- (1) Constitute an unreasonable invasion of privacy; and

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(2) ~~___~~ Significantly reduce the availability of qualified persons for public service.

(i) ~~___~~ *Enforcement.*

(1) ~~___~~ The Commission or the City Administrator may:

- a. ~~___~~ Assess a late fee of \$5.00 per day up to a maximum of \$500.00 for a failure to timely file a financial disclosure statement required under subsection (e) or (f) of this section;
- b. ~~___~~ Assess a late fee of \$10.00 per day up to a maximum of \$1,000.00 for a failure to file a timely lobbyist registration or lobbyist report required under subsection (g) of this section; and
- c. ~~___~~ Issue a cease and desist order against any person found to be in violation of this section.

(2) ~~___~~ Upon a finding of a violation of any provision of this section, the Commission or City Administrator may:

- a. ~~___~~ Issue an order of compliance directing the respondent to cease and desist from the violation;
- b. ~~___~~ Issue a reprimand; or
- c. ~~___~~ Recommend to the appropriate authority other appropriate discipline of the respondent, including censure or removal if that discipline is authorized by law.

(3) ~~___~~ If the Commission or City Administrator finds that a respondent has violated subsection (f) of this section, the Commission or City Administrator may:

- a. ~~___~~ Require a respondent who is a registered lobbyist to file any additional reports or information that is reasonably related to the information that is required under subsection G of this section;
- b. ~~___~~ Impose a fine not exceeding \$5,000.00 for each violation; and
- c. ~~___~~ Suspend the registration of an individual registered lobbyist if the Commission or City Administrator finds that the lobbyist has knowingly and willfully violated subsection (g) of this section or has been convicted of a criminal offense arising from lobbying activities.

(4) ~~___~~ Upon request by the Commission or City Administrator, the City Attorney may file a petition for injunctive or other relief in the Circuit Court for Allegany County, Maryland, or in any other court having proper venue for the purpose of requiring compliance with the provisions of this section.

a. ~~___~~ The court may:

- 1. ~~___~~ Issue an order to cease and desist from the violation;
- 2. ~~___~~ Except as provided in subparagraph b. of this paragraph, void an official action taken by an official or employee with a conflict of interest prohibited by this section when the action arises from or concerns the subject matter of the conflict and if the legal action is brought within ninety (90) days of the occurrence of the official action, if the court deems voiding the action to be in the best interest of the public; or
- 3. ~~___~~ Impose a fine of up to \$5,000.00 for any violation of the provisions of this section, with each day upon which the violation occurs constituting a separate offense.

b. ~~___~~ A court may not void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidences of public obligations.

(5) ~~___~~ In addition to any other enforcement provisions in this section, a person who the Commission, the City Administrator or a court finds has violated this section:

a. ~~___~~ Is subject to termination or other disciplinary action; and

b. — May be suspended from receiving payment of salary or other compensation pending full compliance with the terms of an order of the Commission, City Administrator or a court.

(6) A City official or employee found to have violated this section is subject to disciplinary or other appropriate personnel action, including removal from office, disciplinary action, suspension of salary, or other sanction.

(7) Violation of subsection (g) of this section shall be a misdemeanor subject to a fine of up to \$10,000.00 or imprisonment of up to one (1) year.

(8) A finding of a violation of this section by the Commission or the City Administrator is public information.

~~{Prior Code, art. II, § II; Ord. No. 2011-06, 10-20-2011; Ord. No. 2018-03, 11-15-2018 }~~

~~{Supp. No. 4, Update 2}~~

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ORDINANCE 2022-____

AN ORDINANCE TO AMEND THE CITY CODE ARTICLE II, SECTION II (THE CITY OF FROSTBURG ETHICS LAW)

WHEREAS, The City of Frostburg is a municipal corporation of the State of Maryland, organized and operating under a Charter adopted in accordance with Article XI-E of the Constitution of Maryland and the Local Government Article of the Annotated Code of Maryland, as amended from time to time;

WHEREAS, Article II, Section II of the City Code of The City of Frostburg establishes the Frostburg Ethics Commission and sets forth rules and regulations relative to public ethics;

WHEREAS, from the Maryland General Assembly passed legislation effective October 1, 2011 (Md. State Govt. Code Ann. §§ 15-804(b) & 15-805(b)(2) requiring that local governments enact public ethics regulations for elected local officials relative to conflicts of interest and financial disclosure that are equivalent to or exceed State law standards;

WHEREAS, from time to time, the Maryland General Assembly passes legislation mandating changes to public ethics laws consistent with the standards set in the aforesaid 2011 enactments;

WHEREAS, in accordance with the regulations promulgated pursuant to the State law enactments, the City provided the State Ethics Commission with a draft of the revisions to the City of Frostburg's Ethics Code for its review and approval;

WHEREAS, by correspondence dated September 21, 2018, the State Ethics Commission notified the City Attorney that it reviewed the aforesaid revisions to the and determined that they comply with applicable State law provisions; and

WHEREAS, the City Code has been rewritten and recodified and, upon the passage of an ordinance adopting the City Code as rewritten and recodified, the City of Frostburg Ethics Law will appear in the City Code as Section 3.2. That is why the reenacted provisions are referred to as Section 3.2 rather than Article II, Section 2.

NOW THEREFORE:

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF FROSTBURG, MARYLAND, that Article 3, Section 3-2 is repealed and re-enacted with amendments and shall read as follows:

Sec. 3-2. - City of Frostburg Ethics Code.

(a) *Short title/applicability.*

(1) This section may be cited as the City of Frostburg Public Ethics Law.

- (2) The provisions of this section apply to all City elected officials, employees, and appointees to boards and commissions of the City.

(b) *Definitions.*

(1) *Designated second home* means:

- a. If an individual owns one (1) second home, the individual's second home; or
- b. If an individual owns more than one (1) second home, any one (1) second home the individual identifies to the Commission as the individual's designated second home.

(2) *Home address* means the address of an individual's:

- a. Principal home; and
- b. Designated second home, if any.

(3) *Interest* means a legal or equitable economic interest, whether or not subject to an encumbrance or a condition, that is owned or held, in whole or in part, jointly or severally, directly or indirectly.

- a. For purposes of this section, interest includes any interest held at any time during the reporting period.
- b. Interest does not include:
 1. An interest held in the capacity of a personal agent, custodian, fiduciary, personal representative, or trustee, unless the holder has an equitable interest in the subject matter;
 2. An interest in a time or demand deposit in a financial institution;
 3. An interest in an insurance policy, endowment policy, or annuity contract under which an insurer promises to pay a fixed amount of money either in a lump sum or periodically for life or a specified period;
 4. A common trust fund or a trust which forms part of a pension or profit sharing plan which has more than twenty-five (25) participants and which has been determined by the Internal Revenue Service to be a qualified trust under the Internal Revenue Code;
 5. A college savings plan under the Internal Revenue Code; or
 6. A mutual fund or exchange-traded fund that is publicly traded on a national scale unless the mutual fund or exchange-traded fund is composed primarily of holdings of stocks and interests in a specific sector or area that is regulated by the individual's governmental unit.

(4) *Principal home* means the sole residential property that an individual occupies as the individual's primary residence, whether owned or rented by the individual.

(5) *Qualified relative* means a spouse, parent, child, brother, or sister.

(6) *Quasi-governmental entity* means an entity that is created by state statute, that performs a public function, and that is supported in whole or in part by the state but is managed privately.

(7) *Second home* means a residential property that:

- a. An individual occupies for some portion of the filing year; and
- b. Is not a rental property or a time share.

(c) *The Ethics Commission.*

- (1) There is a Frostburg Ethics Commission (the "Commission") that consists of five (5) members appointed by the Mayor and City Council. The Commission shall be the advisory body

responsible for interpreting this section and advising persons subject to this section as to its application.

- (2) The Commission shall:
 - a. Devise, receive and maintain all forms required by this section;
 - b. Develop procedures and policies for advisory opinion requests and provide published advisory opinions to persons subject to this section as to the applicability of the provisions of this section to them;
 - c. Develop procedures and policies for the processing of complaints and make appropriate determinations regarding complaints filed by any person alleging violations of this section;
 - d. Conduct a public information program regarding the purposes and application of this section;
 - e. Determine if changes to this Section are required to be in compliance with the requirements of General Provisions Article, Title 5, Subtitle 8, Annotated Code of Maryland, and forward any recommended amendments to the City Council; and
 - f. Certify to the State Ethics Commission on or before October 1 of each year that the City is in compliance with the requirements of Ann. Code of Md., General Provisions Article, Title 5, Subtitle 8, for elected officials.
- (3) The City attorney shall advise the Commission.
- (4) The Commission may adopt other policies and procedures to assist in the implementation of its programs established in this section.

(d) *Conflicts of interest.*

- (1) *[Applicability.]* This subsection applies to all City elected officials, officials appointed to boards and commissions, and employees.
- (2) *Participation prohibitions.* Except as permitted by Commission regulation or opinion, a City official or employee may not participate, except in a ministerial or administrative capacity that does not affect the disposition of the matter, in any matter in which:
 - a. To the knowledge of the official or employee, the official or employee or a qualified relative of the official or employee has an interest.
 - b. Any of the following is a party:
 1. A business entity in which the official or employee has a direct financial interest of which he or she may reasonably be expected to know;
 2. A business entity of which the official, employee, or qualified relative of the official or employee is an officer, director, trustee, partner, or employee;
 3. 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 made any arrangement regarding prospective employment;
 4. A business entity that is a party to an existing contract with the official or employee or, to the knowledge of the official or employee, a qualified relative, to the extent that the contract could reasonably be expected to create a conflict between the private interests and official duties of the official or employee;
 5. An entity doing business with the City, 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 could reasonably be expected to know of both direct financial interests; or

6. A business entity that 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 that is in a position to directly and substantially affect the interest of the official or employee or qualified relative.
- c. An official or employee who is disqualified from participation pursuant to paragraphs a or b of this subsection shall disclose the nature of the conflict and may participate or act if:
 1. The disqualification leaves a body with less than a quorum capable of acting;
 2. The disqualified official or employee is required by law to act; or
 3. The disqualified official or employee is the only person authorized to act.
 - d. A former regulated lobbyist who is or becomes subject to this section as an employee or official, other than an elected official or an appointed official, may not participate in a case, contract, or other specific matter as an employee or official, other than an elected official or appointed official, for one (1) calendar year after the termination of the registration of the former regulated lobbyist if the former regulated lobbyist previously assisted or represented another party for compensation in the matter.
- (3) *Employment and financial interest restrictions.*
- a. Except as permitted by regulation of the Commission when the interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official or employee may not:
 1. Be employed by or have a financial interest in any entity:
 - A. Subject to the authority of the official or employee or the City agency, board, commission with which the official or employee is affiliated; or
 - B. That is negotiating or has entered a contract with the agency, board, or commission with which the official or employee is affiliated; or
 2. Hold any other employment relationship that would impair the impartiality or independence of judgment of the official or employee.
 3. Hold any outside employment that impairs the employee's ability to perform or availability for the performance of the employee's job duties with the City,
 4. Wear the uniform of another employer or any other clothing with the name, logo or any other reference to the other employer.
 5. Solicit work for the employee's outside employer.
 - b. The prohibitions of paragraph a of this subsection do not apply to:
 1. 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;
 2. 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 and the Commission;
 3. 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 regulations adopted by the Commission; or
 4. Employment or financial interests allowed by regulation of the Commission if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.

- (4) *Post-employment limitations and restrictions.*
- a. A former official or employee may not assist or represent any party other than the City for compensation in a contract, case, or other matter involving the City if that matter is one in which the former official or employee significantly participated as an official or employee.
 - b. A former elected official may not assist or represent another party for compensation in a matter that is the subject of legislative action for one (1) calendar year after the elected official leaves office.
- (5) *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 City.
- (6) *Use of prestige of office.* Except for the performance of usual and customary constituent services by an elected official without additional compensation:
- a. An official or employee may not intentionally use the prestige of office or public position for the private gain of himself or herself or the private gain of another, or to influence the award of a state or local contract to a specific person.
 - b. An official may not directly or indirectly initiate a solicitation for a person to retain the compensated services of a particular regulated lobbyist or lobbying firm.
 - c. An official, other than an elected official, or employee may not use public resources or the title of the official or employee to solicit a contribution as that term is defined in the Election Law Article.
 - d. An elected official may not use public resources to solicit a contribution as that term is defined in the Election Law Article.
- (7) *Solicitation and acceptance of gifts.*
- a. An official or employee may not solicit any gift.
 - b. 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.
 - c. An official or employee may not knowingly accept a gift, directly or indirectly, from a person who the official or employee knows or has reason to know:
 1. Is doing business with or seeking to do business with the City office, agency, board, or commission with which the official or employee is affiliated;
 2. Has financial interests that may be substantially and materially affected, in a way distinguishable from the general public, by the performance or nonperformance of the duties of the official or employee;
 3. Is engaged in an activity regulated or controlled by the official's or employee's governmental unit;
 4. Is a lobbyist with respect to matters within the jurisdiction of the official or employee; or
 5. Is an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.
 - d. Paragraph e of this subsection does not apply to a gift:
 1. That would tend to impair the impartiality and independence of judgment of the official or employee receiving the gift;
 2. Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee; or

3. Of significant value that the recipient official or employee believes or has reason to believe is designed to impair the impartiality and independence of judgment of the official or employee.
- e. Notwithstanding paragraph c of this subsection, an official or employee may accept the following:
1. Meals and beverages consumed in the presence of the donor or sponsoring entity;
 2. Unsolicited gifts of nominal value, not exceeding \$20.00 in cost or trivial items of informational value;
 3. Ceremonial gifts or awards with insignificant monetary value;
 4. Reasonable expenses for food, travel, lodging, and scheduled entertainment given in return for the participation of the official or employee in a panel or speaking engagement;
 5. Free tickets or admission to a charitable, cultural, or political event extended as a courtesy to an elected official's office;
 6. A specific gift or class of gifts exempted by the Commission upon a written finding that the gift or class of gifts is purely personal and private in nature and that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the City;
 7. Gifts from 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
 8. 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.
- (8) *Disclosure of confidential information.* Other than in the discharge of official duties, an official or employee or former official or employee may not disclose or use confidential information, that the official or employee acquired by reason of the individual's public position or former public position and that is not available to the public, for the economic benefit of the official or employee or that of another person.
- (9) *Participation in procurement.* An individual or a person that employs an individual who assists a City 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. The Commission may establish exemptions from the requirements of this paragraph for providing descriptive literature, sole source procurements, and written comments solicited by the procuring agency.
- (10) *Retaliation prohibited.* An official or employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the local ethics law or ordinance.
- (e) *Financial disclosure—Elected officials and candidates to be elected officials.*
- (1) *Applicability/financial disclosure statements.*
- a. This subsection applies to all local elected officials and candidates to be local elected officials.
 - b. A local elected official or a candidate to be a local elected official shall file the financial disclosure statement required under this section:
 1. On a form provided by the City Administrator;
 2. Under oath or affirmation; and

3. With the City Administrator, who shall forward a copy of the financial statement to the Commission.

(2) *Deadlines for filing statements.*

- a. An incumbent local elected official shall file a financial disclosure statement annually no later than April 30 of each year for the preceding calendar year.
- b. An individual who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within thirty (30) days after appointment.
- c. An individual who, other than by reason of death, leaves an office for which a statement is required shall, within sixty (60) days after leaving the office, file a statement that covers the calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and the portion of the current calendar year during which the individual held the office.

(3) *Candidates to be local elected officials.*

- a. Except for an official who has filed a financial disclosure statement under another provision of this subsection for the reporting period, a candidate to be an elected local official shall file a financial disclosure statement each year beginning with the year in which the certificate of candidacy is filed through the year of the election.
- b. The statement shall be filed:
 1. In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy;
 2. In the year of the election, on or before the earlier of April 30 or the last day for the withdrawal of candidacy; and
 3. In all other years for which a statement is required, on or before April 30.
- c. A candidate to be an elected official shall file the statement required under paragraph (3) of this subsection with the City Administrator.
- d. If a statement required to be filed by a candidate is overdue and not filed within eight (8) days after written notice of the failure to file is provided by the City Administrator, the candidate shall be deemed to have withdrawn the candidacy.
- e. The City Administrator may not accept any certificate of candidacy unless a statement has been filed in proper form.
- f. Within thirty (30) days of the receipt of a statement required under this section, the City Administrator shall forward the statement to the Commission.

(4) *Public record.*

- a. The City Administrator shall maintain all financial disclosure statements filed under this section.
- b. Financial disclosure statements shall be made available during normal office hours for examination and copying by the public subject to reasonable fees and administrative procedures established by the City.
- c. If an individual other than a Commission member examines or copies a financial disclosure statement, the City Administrator shall record:
 1. The name and home address of the individual reviewing or copying the statement; and
 2. The name of the person whose financial disclosure statement was examined or copied.

- d. Upon request by the official or employee whose financial disclosure statement was examined or copied, the City Administrator shall provide the official with a copy of the name and home address of the person who reviewed the official's financial disclosure statement.
- e. For statements filed after January 1, 2019, the City Administrator may not provide public access to an individual's home address that the individual has designated as the individual's home address.
- f. The City Administrator shall not provide public access to information related to consideration received from:
 - 1. The University of Maryland Medical System;
 - 2. A governmental entity of the State or a local government in the State; or
 - 3. A quasi-governmental entity of the State or local government in the State.
- g. Retention requirements. The City Administrator shall retain financial disclosure statements for four (4) years from the date of receipt.
- h. An individual who is required to disclose the name of a business under this section shall disclose any other names that the business is trading as or doing business as.

(5) *Contents of Statement.*

- a. *Interests in real property.* A statement filed under this section shall include a schedule of all interests in real property wherever located. For each interest in real property, the schedule shall include:
 - 1. The nature of the property and the location by street address, mailing address, or legal description of the property;
 - 2. The nature and extent of the interest held, including any conditions and encumbrances on the interest;
 - 3. The date when, the manner in which, and the identity of the person from whom the interest was acquired;
 - 4. The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;
 - 5. If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and
 - 6. The identity of any other person with an interest in the property.
- b. *Interests in corporations and partnerships.* A statement filed under this subsection shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with the City. For each interest reported under this paragraph, the schedule shall include:
 - 1. The name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability corporation.
 - 2. The nature and amount of the interest held, including any conditions and encumbrances on the interest.
 - 3. With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the

consideration received for the interest, and, if known, the identity of the person to whom the interest was transferred.

4. With respect to any interest acquired during the reporting period, the date when, the manner in which, and the identity of the person from whom the interest was acquired; and the nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.
 5. An individual may satisfy the requirement to report the amount of the interest held under item (b)(ii) of this paragraph by reporting, for an equity interest in a corporation, the number of shares held, and unless the corporation's stock is publicly traded, the percentage of equity interest held; or for an equity interest in a partnership, the percentage of equity interest held.
- c. *Interests in business entities doing business with the City.* A statement filed under this subsection shall include a schedule of all interests in any business entity that does business with the City, other than interests reported under paragraph b of this subsection. For each interest reported under this paragraph, the schedule shall include:
1. The name and address of the principal office of the business entity;
 2. The nature and amount of the interest held, including any conditions to and encumbrances on the interest;
 3. With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received in exchange for the interest, and, if known, the identity of the person to whom the interest was transferred; and
 4. With respect to any interest acquired during the reporting period; when, how, and from whom the interest was acquired; and the nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.
- d. *Gifts.* A statement filed under this section shall include a schedule of each gift in excess of \$20.00 in value or a series of gifts totaling \$100.00 or more received during the reporting period from or on behalf of, directly or indirectly, any one (1) person who does business with or is regulated by the City or from an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations. For each gift reported, the schedule shall include:
1. A description of the nature and value of the gift; and
 2. The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.
- e. *Employment with or interests in entities doing business with the City.* A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family of the individual held at any time during the reporting period with entities doing business with the City. For each position reported under this paragraph, the schedule shall include:
1. The name and address of the principal office of the business entity;
 2. The title and nature of the office, directorship, or salaried employment held and the date it commenced; and
 3. The name of each City agency with which the entity is involved.
- f. *Indebtedness to entities doing business with or regulated by the individual's City unit or department.* A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons or entities doing business with or regulated by

the individual's City unit or department owed at any time during the reporting period by the individual or by a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability. For each liability reported under this paragraph, the schedule shall include:

1. The identity of the person to whom the liability was owed and the date the liability was incurred;
 2. The amount of the liability owed as of the end of the reporting period;
 3. The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and
 4. The security given, if any, for the liability.
- g. *Employment of immediate family members.* A statement filed under this section shall include a schedule of the immediate family members of the individual employed by the City in any capacity at any time during the reporting period.
- h. *Sources of earned income.* A statement filed under this section shall include:
1. A schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual's immediate family was a sole or partial owner and from which the individual or member of the individual's immediate family received earned income, at any time during the reporting period.
 2. A minor child's employment or business ownership need not be disclosed if the agency that employs the individual does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.
 3. For a statement filed on or after January 1, 2019, if the individual's spouse is a lobbyist regulated by the City, the individual shall disclose the entity that has engaged the spouse for lobbying purposes.
- i. *Relationship with University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity.*
1. An individual shall disclose the information specified in General Provisions Article §5-607(j)(1), Annotated Code of Maryland, for any financial or contractual relationship with:
 - (i) The University of Maryland Medical System;
 - (ii) A governmental entity of the State or a local government in the State; or
 - (iii) A quasi-governmental entity of the State or local government in the State.
 2. For each financial or contractual relationship reported, the schedule shall include:
 - (i) A description of the relationship;
 - (ii) The subject matter of the relationship; and
 - (iii) The consideration.
- j. *[Additional interests disclosure.]* A statement filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.
- k. *[Interests of individual for consideration.]* For the purposes of subsection (E)(5)(a), (b), and (c), of this section, the following interests are considered to be the interests of the individual making the statement:

1. An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.
 2. An interest held, at any time during the applicable period, by:
 - (i) A business entity in which the individual held a 10% or greater interest;
 - (ii) A business entity described in item (i) of this subsection in which the business entity held a 25% or greater interest;
 - (iii) A business entity described in item (ii) of this subsection in which the business entity held a 50% or greater interest; and
 - (iv) A business entity in which the individual directly or indirectly, through an interest in one or a combination of other business entities, holds a 10% or greater interest.
 3. An interest held by a trust or an estate in which, at any time during the reporting period, the individual held a reversionary interest or was a beneficiary; or, if a revocable trust, the individual was a settlor.
- (6) *Compliance.*
- a. The City Administrator shall review the financial disclosure statements submitted under this subsection for compliance with the provisions of this subsection and shall notify an individual submitting the statement of any omissions or deficiencies.
 - b. The City Administrator or the Commission may take appropriate enforcement action to ensure compliance with this subsection.
- (f) *Financial disclosure—Employees and appointed officials.*
- (1) This subsection applies only to the following appointed officials and employees:
 - a. City Administrator.
 - b. Director of Community Development.
 - c. Chief of Police.
 - d. Director of Finance.
 - e. Director of Public Works.
 - (2) A statement filed under this section shall be filed with the Commission under oath or affirmation.
 - (3) On or before April 30 of each year during which an official or employee holds office, an official or employee shall file a statement disclosing gifts received during the preceding calendar year from any person that contracts with or is regulated by the City, including the name of the donor of the gift and the approximate retail value at the time of receipt.
 - (4) An official or employee shall disclose employment and interests that raise conflicts of interest or potential conflicts of interest in connection with a specific proposed action by the employee or official sufficiently in advance of the action to provide adequate disclosure to the public.
 - (5) The Commission shall maintain all disclosure statements filed under this subsection as public records available for public inspection and copying as provided in subsection (e)(4) of this section.
- (g) *Lobbying.*
- (1) A person shall file a lobbying registration statement with the Commission if the person:
 - a. Personally appears before a City official or employee with the intent to influence that person in the performance of the official duties of the official or employee; and

- b. In connection with the intent to influence, expends or reasonably expects to expend in a given calendar year in excess of \$200.00 on food, entertainment, or other gifts for officials or employees of the City.
- (2) A person shall file a registration statement required under this section on or before the later of January 15 of the calendar year or within five (5) days after first performing an act that requires registration in the calendar year.
- (3) The registration statement.
 - a. The registration statement shall identify:
 - 1. The registrant;
 - 2. Any other person on whose behalf the registrant acts; and
 - 3. The subject matter on which the registrant proposes to make appearances specified in paragraph (1)a. of this subsection.
 - b. The registration statement shall cover a defined registration period not to exceed one (1) calendar year.
- (4) Within thirty (30) days after the end of any calendar year during which a person was registered under this section, the person shall file a report with the Commission disclosing:
 - a. The value, date, and nature of any food, entertainment, or other gift provided to a City official or employee; and
 - b. If a gift or series of gifts to a single official or employee exceeds \$100.00 in value, the identity of the official or employee.
- (5) The City Administrator shall maintain the registrations and reports filed under this section as public records available for public inspection and copying for four (4) years after receipt by the City Administrator.
- (h) *Exemptions and modifications.* The Commission may grant exemptions and modifications to the provisions of subsections (d) and (f) of this section to employees and to appointed members of City boards and commissions when the Commission finds that an exemption or modification would not be contrary to the purposes of this section, and the application of this section would:
 - (1) Constitute an unreasonable invasion of privacy; and
 - (2) Significantly reduce the availability of qualified persons for public service.
- (i) *Enforcement.*
 - (1) The Commission or the City Administrator may:
 - a. Assess a late fee of \$5.00 per day up to a maximum of \$500.00 for a failure to timely file a financial disclosure statement required under subsection (e) or (f) of this section;
 - b. Assess a late fee of \$10.00 per day up to a maximum of \$1,000.00 for a failure to file a timely lobbyist registration or lobbyist report required under subsection (g) of this section; and
 - c. Issue a cease and desist order against any person found to be in violation of this section.
 - (2) Upon a finding of a violation of any provision of this section, the Commission or City Administrator may:
 - a. Issue an order of compliance directing the respondent to cease and desist from the violation;
 - b. Issue a reprimand; or
 - c. Recommend to the appropriate authority other appropriate discipline of the respondent, including censure or removal if that discipline is authorized by law.

- (3) If the Commission or City Administrator finds that a respondent has violated subsection (f) of this section, the Commission or City Administrator may:
 - a. Require a respondent who is a registered lobbyist to file any additional reports or information that is reasonably related to the information that is required under subsection G of this section;
 - b. Impose a fine not exceeding \$5,000.00 for each violation; and
 - c. Suspend the registration of an individual registered lobbyist if the Commission or City Administrator finds that the lobbyist has knowingly and willfully violated subsection (g) of this section or has been convicted of a criminal offense arising from lobbying activities.
- (4) Upon request by the Commission or City Administrator, the City Attorney may file a petition for injunctive or other relief in the Circuit Court for Allegany County, Maryland, or in any other court having proper venue for the purpose of requiring compliance with the provisions of this section.
 - a. The court may:
 1. Issue an order to cease and desist from the violation;
 2. Except as provided in subparagraph b. of this paragraph, void an official action taken by an official or employee with a conflict of interest prohibited by this section when the action arises from or concerns the subject matter of the conflict and if the legal action is brought within ninety (90) days of the occurrence of the official action, if the court deems voiding the action to be in the best interest of the public; or
 3. Impose a fine of up to \$5,000.00 for any violation of the provisions of this section, with each day upon which the violation occurs constituting a separate offense.
 - b. A court may not void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidences of public obligations.
- (5) In addition to any other enforcement provisions in this section, a person who the Commission, the City Administrator or a court finds has violated this section:
 - a. Is subject to termination or other disciplinary action; and
 - b. May be suspended from receiving payment of salary or other compensation pending full compliance with the terms of an order of the Commission, City Administrator or a court.
- (6) A City official or employee found to have violated this section is subject to disciplinary or other appropriate personnel action, including removal from office, disciplinary action, suspension of salary, or other sanction.
- (7) Violation of subsection (g) of this section shall be a misdemeanor subject to a fine of up to \$10,000.00 or imprisonment of up to one (1) year.
- (8) A finding of a violation of this section by the Commission or the City Administrator is public information.

[NOTE: A document showing the text changes to the City of Frostburg Ethics Code effected by this Ordinance is attached hereto for reference purposes]

SECTION 2: AND BE IT FURTHER ORDAINED BY THE MAYOR AND CITY COUNCIL OF FROSTBURG, MARYLAND, that this Ordinance shall take effect from the date of its passage.

Introduced:
Second Hearing:
Adopted:
Effective:

FROSTBURG MAYOR AND CITY COUNCIL

By: _____
W. Robert Flanigan, Mayor

ATTEST:

Elizabeth Stahlman, City Administrator



COMMISSION MEMBERS:
JANET E. McHUGH, *Chair*
BONNIE A. KIRKLAND
JAMES N. ROBEY, JR.
CRAIG D. ROSWELL
GENEAU M. THAMES

STATE ETHICS COMMISSION

45 CALVERT STREET, 3rd FLOOR
ANNAPOLIS, MARYLAND 21401
410-260-7770 / 1-877-669-6085
FAX: 410-260-7746

JENNIFER K. ALLGAIR
Executive Director
WILLIAM J. COLQUHOUN
General Counsel
KATHERINE P. THOMPSON
Staff Counsel
ANA L. HENRY
Assistant General Counsel

November 17, 2022

Sent via email to: michaelcohen@atlanticbbn.net

Michael Scott Cohen
213 Washington Street
Cumberland, Maryland 21502

Re: City of Frostburg Proposed Ethics Ordinance

Dear Mr. Cohen:

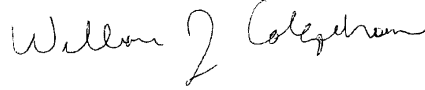
At its November 17, 2022 meeting, the State Ethics Commission reviewed proposed changes to the City of Frostburg Code, which you forwarded to the Commission for approval on August 28, 2022, in compliance with Subtitle 8 of the Maryland Public Ethics Law (Md. Code Ann., Gen. Prov., Title 5 (Supp. 2022)). As you are aware, legislation (HB 363 and 1058) enacted during the 2021 General Assembly session mandated some changes to county and municipal ethics laws and county boards of education ethics regulations and policies. The State Ethics Commission revised its local government regulations in COMAR 19A.04 in January 2022 to reflect the changes in the Public Ethics Law and to incorporate changes made by HB 363 and 1058.

The State Ethics Commission approved the proposed changes to the ethics ordinance for your jurisdiction as being at least equivalent to State law for local employees for conflict of interest provisions. The Commission approved other changes to the City of Frostburg Ethics Ordinance as being at least equivalent to State law for financial disclosure provisions for local elected officials and candidates for local elected office. The State Ethics Commission also determined that the City of Frostburg Ethics Ordinance is similar to the provisions of the Maryland Public Ethics Law for conflict of interest and financial disclosure provisions applicable to local elected officials, local employees and local appointed officials. The City of Frostburg is not required to have a lobbying ordinance, but may do so if it wishes.

The State Ethics Commission's review was in accord with the Commission's review authority pursuant to Subtitle 8 of the Maryland Public Ethics Law and consisted of a comparison of the proposed revisions to the review criteria of COMAR 19A.04. The review was also in accord with the Commission's understanding of the requirements stated in the Court of Appeals decision in *Seipp v. Baltimore City Board of Elections*, 377 Md. 362, 833 A. 2d 551 (2003), as discussed in Opinion No. 06-01 of the Commission's Advisory Opinions.

The City of Frostburg must submit all future changes to its ethics ordinance for review and approval in compliance with Subtitle 8 of the Maryland Public Ethics Law and COMAR 19A.04. In addition, certification is an annual requirement. Certification is due each year by October 1st. Your next certification is due October 1, 2023. Please contact our office if you have any questions regarding this or any other matter. Thank you for your work on this project.

Sincerely,

A handwritten signature in cursive script, reading "William J. Colquhoun".

William J. Colquhoun
General Counsel

ORDINANCE 2022-__

AN ORDINANCE TO AMEND THE CITY CODE OF FROSTBURG TO PROVIDE FOR THE ADOPTION OF REGULATIONS PERTAINING TO SOLICITORS AND MOBILE BUSINESS VEHICLES.

WHEREAS: The City of Frostburg is a municipal corporation of the State of Maryland, organized and operating under a charter ("Charter") adopted in accordance with Article XI-E of the Constitution of Maryland and Article 23-A of the Annotated Code of Maryland, as amended; and,

WHEREAS: Article VI, Section I of the City Code contains antiquated regulations regarding food and beverage sales upon or above any sidewalks; and,

WHEREAS: The Mayor and City Council have indicated their desire to change the way door-to-door solicitors are regulated by changing the authorization process from permit issuance to registration, increasing the amount of information acquired from solicitors, and enhancing the penalties for persons who violate these provisions on more than two (2) occasions, all for the purpose of protecting the public.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of Frostburg, in consideration of the foregoing do hereby amend the City Code of the City of Frostburg by repealing Subsections (a)(c)(d) and (e) of Section 7-1 in their entirety and reenacting them to read as follows:

(a) *Solicitor registration.*

(1) *Activities regulated.* Before engaging in the following activities, persons must register with the City:

- (i) Door-to-door solicitation or canvassing of orders for any goods, wares or merchandise, for subscriptions to magazines or periodicals, or for the rendition of any service;
- (ii) Door-to-door purchase and/or sale of goods, wares or merchandise; and
- (iii) Door-to-door solicitation of business or contributions, monetary or non-monetary, for any cause or purpose, charitable or non-charitable, but excluding religious purposes or fundraising solicitations by school age children.

(2) *Information to be provided.* At the time of registration, a registrant must fill out a form that requires the production of the following information:

- (i) The registrant's name, home address, home and cell phone numbers, and all email addresses, whether personal or work-related;
- (ii) If the registrant plans to engage in solicitations on behalf of an organization or employer, the organization's name, address, telephone number and website address and the name, telephone number and email address of the solicitor's employer; and
- (iii) A registrant must produce a copy of the registrant's driver's license or age of majority card for copying.

(3) *Annual registration.* Registrations are effective from the date of registration through the balance of the calendar year.

....

- (c) *Permit fees.* The fees for the permits and registrations described in this section shall be established in the Schedule of Municipal Fees in the annual budget ordinance.
- (d) *Compliance with other laws.* Permit holders and registrants under this section are required to comply with all applicable local, State and federal laws and regulations applicable to their businesses. Registration or issuance of a permit under this section shall not constitute or be deemed to be evidence of such compliance.
- (e) *Violations.* Any person who violates the provisions of this section shall be guilty of a municipal infraction and shall be subject to the penalties provided in this Code. Additionally, any person failing to register under subsection (a) on more than two (2) occasions shall be banned from engaging in door-to-door solicitation for the balance of the then-current calendar year and for the entire following calendar year and such persons shall be guilty of a misdemeanor punishable by ten (10) days incarceration and a five hundred (\$500.00) fine for each day solicitation activities are conducted without registration. These penalties are in addition to any civil or criminal penalties which may be imposed under other laws.

Introduced:
Public Hearing:
Adopted:
Effective:

MAYOR AND CITY COUNCIL OF FROSTBURG

by _____
W. Robert Flanigan, Mayor

ATTEST

Elizabeth Stahlman, City Administrator

Hoffman Park Disc Golf Course

An “Ace Place” in Frostburg, Maryland

Compiled and presented by:
Allegany County Disc Golf Club - Frostburg, Maryland
www.AlleganyPlayground.com
AlleganyPlayground@gmail.com
301-338-4533

October 11, 2022

Purpose

The purpose of this document is to help provide information to members of the Frostburg Recreation Commission in order for the Commission to make a recommendation in favor of supporting a public disc golf course in Frostburg, Maryland. The goal is to open a public course in Allegany County to play on in 2023.

What is disc golf?

“Disc golf is one of the fastest-growing outdoor activities,” according to Educational Disc Golf Experience (EDGE). “Similar to golf, the goal of disc golf is to complete each hole in as few throws, or strokes, as possible. The basic rules and lingo in disc golf is similar to those of traditional golf. In fact, if you eavesdropped on a conversation between a ball golfer and a disc golfer, you wouldn’t know they were talking about different sports because they would both use terms like *course*, *hole*, *par*, *bogey* and *birdie*.

Instead of using golf clubs and a golf ball, disc golfers use a flying disc to cross the hole. Each hole starts with a tee area and is completed once the disc lands in the “hole,” basket or other disc-catching target. While disc golf can be played with just one disc, the discs are designed to fly with different characteristics. Different discs can be used to hook and curve around obstacles, roll on the ground, or fly over trees.”



Summary of project

The Allegany County Disc Golf Club has been discussing with Brian Vought, Director of Parks and Recreation for the City of Frostburg, the idea of a public disc golf course within the city limits of Frostburg since May 2022. When the club approached him, Mr. Vought explained the City could be open to the idea of supporting a public disc golf course.

The club and Mr. Vought narrowed the number of available sites within the City of Frostburg to Hoffman Park. Hoffman Park might not be the ideal place — a 30-acre plot owned by the City that features a mix of woods and fields, with maybe a pond or two would be “perfect.” But let’s not let that standard get in the way of progress. There are numerous advantages to Hoffman Park. The club conducted two site visits — one in June with a local course designer and a longtime player, and a second visit in July with a second disc golf course designer. Both felt Hoffman Park would be a great place for a public disc golf course.

In consultation with local disc golf players and disc golf course designer Brad Lescalleet, the Allegany County Disc Golf Club decided to pursue an Ace Place disc golf course, or a “pocket park,” that would offer a great place for beginners to learn the game as well offer more experienced players the chance to work on different shot shapes, with a variety of discs, to improve their performance.



Scope of Project — Hoffman Park Disc Golf Course

The Allegany County Disc Golf Club has tentatively agreed to work with Brad Lescalleet, an Innova disc golf manufacturing company representative and regional course designer responsible for the public disc golf courses in Hagerstown, Md., and Greencastle, Pa., among others.

Specifically, the agreement calls for Mr. Lescalleet to design a nine-hole public disc golf course. Each hole would likely be no more than 200 feet. The Ace Place package from Innova comes at a price of approximately \$8,500. That figure includes:

- Nine Innova DISCatcher baskets
- Nine tee signs
- Eight “next hole” signs
- Course designers time and consultation
- 50 custom-stamped discs

Mr. Lescalleet has visited Hoffman Park and believes it would be an ideal location for an “Ace Place,” or pocket park. While Mr. Lescalleet would design the course and choose optimal placement for the baskets, the task of clearing any vegetation and installing baskets would fall to volunteers from the Allegany County Disc Golf Club, with assistance from City of Frostburg personnel.

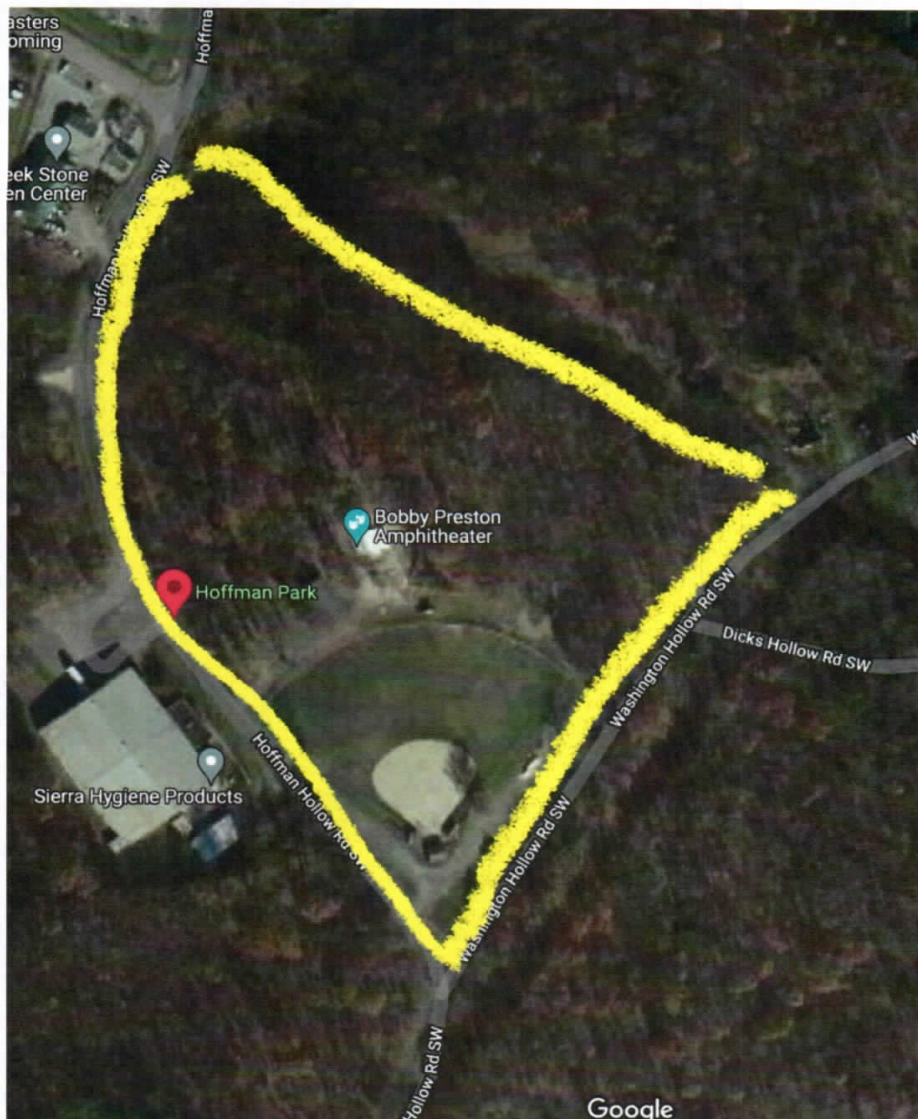
An Ace Place, said Mr. Lescalleet, “is a great option. This is beneficial for a multitude of reasons. It’s accessible for all levels of play (and) requires far less land than a larger course ... The general idea is a course that is (roughly) 100 (to) 200 foot holes as a place to introduce new players, keep learning players engaged, and provide experienced players a place to hone their short game.”

Why an Ace Place?

“In my experience, everyone wants a ‘championship level’ course,” Mr. Lescalleet said, “but in reality, the shorter and ‘easier’ courses are the ones that the vast majority of players gravitate towards. Why? It’s more fun! Sure, it’s fun to get ‘beat up’ once in a while (on a more challenging course), but most people want to feel some level of accomplishment or success, and an Ace Place product provides just that.”

More than half of the more than 13,000 disc golf courses in the world have nine holes.

The disc golf course would respect existing elements of Hoffman Park, including the ball field, amphitheater and playground. The disc golf course would primarily use the wooded area of the park. While that would overlap with the walking path, there is expected to be minimum to zero conflict between users. The course would also make use of the existing right-of-way along the powerlines; although a basket would not be placed on that right-of-way, one or two could be placed on either edge of it in order to maximize the best use of available space.



Background — Disc golf history

According to the Professional Disc Golf Association, the first official disc golf course was built in Pasadena, California, in 1975. Often called “Frisbee golf” in its early days, the sport is known as disc golf in the United States due to certain legal requirements related to the inability to use the term “Frisbee” without paying the Wham-O company. Wham-O even sponsored a \$50,000 disc golf tournament in 1979; the tournament was preceded by 72 qualifying events staged around the country.

Disc golf during the pandemic

Generally speaking, the game of disc golf remained on the fringe of the sports world until early 2020. Then, in the U.S. and around the world, people were hungry for any sort of outdoor entertainment and recreation that was safe and socially responsible.

Enter disc golf.

There are more than 13,300 disc golf courses in 79 countries around the world, and more than 8,500 courses in the United States. More than 7,600 courses in the U.S. are free to play to the general public. Interest in the sport skyrocketed starting in 2020. To date, the pace of growth has not slowed. According to uDisc.com, a leading retailer and global leader in disc golf scorekeeping and statistics, an average 5.28 disc golf courses are built per day. That's a 50 percent increase from the 3.5 courses per day built in 2020.

- 71 percent of worldwide courses were built in the last decade
- More than 17.2 million rounds of disc golf scored on the uDisc app in 2021
- That's an increase of nearly 50 percent from 2020
- Every U.S. state experienced double-digit growth in the number of rounds played from 2020 to 2021

According to 2021 data available from uDisc, Maryland ranked 44th in the nation in terms of disc golf popularity, while Pennsylvania was 25th and West Virginia was 32nd.

Disc golf was a big reason why visitation to local and state parks increased significantly during the pandemic. With new courses being built on a daily basis, the draw isn't going to go away anytime soon.

About the Allegany County Disc Golf Club

The Allegany County Disc Golf Club is not the first disc golf group based in Allegany County. The Allegany County Disc Golf Club was founded in May 2022 when it was learned that efforts to grow the game to people of all ages and abilities were considered a lesser priority.

For the Allegany County Disc Golf Club, it's a matter of promises made equalling promises kept. The member-driven organization — which has 47 members (61.7 percent of whom live in the Mountain Ridge District), — aims for nonprofit status and was approached in late May about pursuing a public disc golf course. That wasn't at the top of the original list of objectives. However, seeing there was a need no other group was fulfilling, the Allegany County Disc Golf Club quickly jumped to the front of the effort.

In Summer 2022, the Allegany County Disc Golf Club also started and facilitated a Summer Flex League. Instead of a single start time, the "flex" format allows players to show up at a time convenient to them, within a specified time period. The result? The Summer Flex League became the only local disc golf-playing entity to have competitors in men's, women's, boys' and girls' divisions. The Allegany County Disc Golf Club became the only local disc golf-playing entity to award prizes in each of those four divisions.

Also in Summer 2022, the Allegany County Disc Golf Club facilitated two youth clinics at Glendening Park; had a booth and demonstration area set up at the Western Maryland Craft Beverage Festival at Hoffman Park; and facilitated a five-week Youth League that ended in early October. Between Oct. 23, 2022, and March 5, 2023, the local disc golf landscape will largely be driven by the Allegany County Disc Golf Club with Fall Doubles League (Oct. 23 - Dec. 18) and Winter Doubles League (Jan. 1 - March 4). The club is planning a second Youth League season in March/April 2023.

In addition, the Allegany County Disc Golf Club will continue to pursue the core components of its objectives as published on AlleganyPlayground.com in May 2022:

- Support existing efforts in the local disc golf community;
- Specialize in outreach, with particular attention to include youth, females and people of color;
- Support efforts to create a disc golf team at Frostburg State University;
- Work with local public and private entities to help grow the game and offer unique disc golf opportunities;
- Consider hosting an indoor putting league in Winter 2022-23;
- Consider hosting a multi-day tournament;
- Consider hosting at least one clinic;
- Consider other outreach efforts, such as organizing disc golf-themed birthday parties, civic group events, corporate retreats, and more;
- Consider participating in community events such as local parades and festivals;
- Consider a special Player of the Month profile piece;
- Fill in the gap wherever there might be one;
- To support, or lead when necessary, pursuit of public funding for design and construction of a public course in Allegany County;
- To help ensure accountability for private and public funds earmarked for disc golf;
- Create and maximize media awareness with existing disc golf event/tournament directors;
- Support local players in regional tournaments as funds permit;
- Create a “brand ambassador” program;
- To find a need, and then fill a need.



Other places to play in Allegany County

The only public disc golf course in Maryland located west of Hagerstown is currently at the Deep Creek Lions Community Park on Bumble Bee Road, a couple miles south of Accident in Garrett County. In Allegany County, there are two courses. Both are situated on private land.

Central Assembly of God in Cumberland

Central is the “home” course for the other disc golf group based in Allegany County. The course was originally a nine-hole course and in Summer 2022 expanded to be a 12-hole course. Each hole offers a short and long natural tee pad. Central does not charge to play.

The reason residents of Frostburg, of Allegany County, and visitors alike, would benefit from a public course over Central is that there are strict limitations on when players can play the game at Central. For example, during the school year players can access the course Monday through Friday after 5:30 p.m. In addition, the course is closed on Sundays from 8 a.m. to 12:30 p.m., and again on Wednesdays from 6:30 p.m. to 8:30 p.m. For roughly two and one-half months — from about late May through early August — the course at Central is the closest area disc golf players have to a public course. But during the school year, and especially during Fall and Winter, the course is closed during an overwhelming majority of daylight hours.

Mile Lane Disc Golf Course

Mile Lane Disc Golf Course is a six-basket course situated on private property owned by the Mallery family. The course has multiple layouts and offers both 18-hole and 24-hole options.

The Mallery family is extremely generous with their time and have hosted league play on Saturday mornings over the summer. In addition, players can request a time to play — at no cost — and it’s a rarity for any member of the Mallery family to deny permission. For players, however, the burden of asking is not insignificant.

Both courses are wonderfully fun to play, but there are some obvious downsides to having only private courses in Allegany County. It’s a great time for a public disc golf course in Allegany County.



Funding

The Allegany County Disc Golf Club has tentatively agreed to work with Brad Lescalleet, an Innova disc golf manufacturing company representative and regional course designer responsible for the public disc golf courses in Hagerstown, Md., and Greencastle, Pa., among others.

Mr. Lescalleet said he and his company prefer to work directly with the property owners — in this case, the City of Frostburg — for the purposes of funding. Specifically, the tentative agreement calls for Mr. Lescalleet to design a nine-hole public disc golf course. Each hole would likely be no more than 200 feet apiece. The Ace Place package from Innova comes at a price of approximately \$8,500. That figure includes:

- Nine Innova DISCatcher baskets
- Nine tee signs
- Eight “next hole” signs
- Course designers time and consultation
- 50 custom-stamped discs

The Allegany County Disc Golf Club proposes a 50-50 partnership with the City of Frostburg. The Allegany County Disc Golf Club will contribute one half of the cost of the project. The funds will be raised through public events, as well as personal and corporate donations. The club is seeking the City of Frostburg to pursue the remaining half of the cost. The club believes federal and state grant programs, including Program Open Space, could be utilized to obtain these funds without having an adverse impact on local taxpayers.

About Brad Lescalleet

Brad Lescalleet (PDGA #27920) began playing disc golf in 2005. He has been an Innova ambassador since 2015 due primarily to his involvement with the 717 Flying Disc Club (founder/president). He is direct of about five events each year since 2007, and he is league director and coordinator for singles and doubles leagues since 2007.

Mr. Lescalleet has designed or collaborated on multiple permanent and temporary courses, including Whispering Falls (now Martin’s Mill) Disc Golf Course, Ditto Farms in Hagerstown, Camp Sinoquipe in Fort Littleton, Pa., and Little Heiskell at Hamilton Run, also in Hagerstown.



In conclusion

Locally, the number of players, the variety of players, and the number of rounds played all are on the rise. In Summer 2022, three new leagues started play in Allegany County — the Youth League and the Summer Flex League, both by the Allegany County Disc Golf Club, and, independently, the Saturday Morning Tag League at Mile Lane Disc Golf in Mount Savage — in addition to the regular summer league. The club believes affordable access equals opportunity, and strives to keep costs low.

During the Summer 2021 season, 32 different players completed 268 rounds over a 31-week season, with an average weekly turnout of 8.6 players per week. During the combined Fall/Winter Doubles League matches from late October 2021 through February 2022 — when the weather is colder and less ideal — 23 different players completed 134 rounds, and competition averaged 7.5 players per week. The Allegany County Disc Golf Club's Summer Flex League, which played at three different courses over a six-week period and offered a flexible format by which players could play a round more in tune with their personal schedules, resulted in the highest weekly average number of players in local disc golf history (not bad for the new "kid" on the block).

	# Players	Avg. # Players	Rounds
Summer 2021	32	8.6	268
Fall/Winter 2021-22	23	7.5	134
Summer Flex 22*	31	12.8	124
SMTL	15	7.2	65
Summer 2022	29	12	361

* Only season to include players in Men's, Women's, Boys' and Girls' divisions. More than one-third of players were new to the sport and/or completed the first league round.

The Allegany County Disc Golf Club believes the information contained in this packet provides sufficient evidence to allow the Frostburg Recreation Commission to favorably recommend moving forward with a public disc golf course to the Mayor and City Council.



Compiled and presented by:
Allegany County Disc Golf Club - Frostburg, Maryland
www.AlleganyPlayground.com
AlleganyPlayground@gmail.com
301-338-4533

Fall Doubles League



Tee time is 2 p.m. Registration begins at 1:30 p.m. each Sunday afternoon.

- Week 1 — Sunday, Oct. 23 at Mile Lane DGC
- Week 2 — Sunday, Oct. 30 at Central
- Week 3 — Sunday, Nov. 6 at The Glades
- Week 4 — Sunday, Nov. 13 at Mile Lane DGC
- Week 5 — Sunday, Nov. 20 at Central
- Week 6 — Sunday, Nov. 27 at Mile Lane DGC
- Week 7 — Sunday, Dec. 4 at The Glades
- Week 8 — Sunday, Dec. 11 at Mile Lane DGC
- Week 9 — Sunday, Dec. 18 at Central



Winter Doubles League will begin Jan. 1, 2023 at The Glades. Season-ending tournament scheduled for Saturday, March 4. See www.AlleganyPlayground.com for details.

The course at Central Assembly of God is located at 2020 Bedford Street in Cumberland. Mile Lane Disc Golf Course is located at 14708 Mile Lane NW in Mount Savage. The Glades at Meshach Run course is located at 1249 Bumble Bee Road in Accident.

What you need to know:

- * \$5 weekly fee (\$4 club, \$1 ace pot) is optional
- * Players will be separated into Advanced, Rec and Youth divisions whenever possible.
- * Format will vary each week.
- * Official, complete details on AlleganyPlayground.com

Questions? Call or text 301-338-4533 or visit AlleganyPlayground.com for complete details.

Winter Doubles League 2023



Tee time is 2 p.m. Registration begins at 1:30 p.m. each Sunday afternoon.

Week 1 — Sunday, Jan. 1 at The Glades

Week 2 — Sunday, Jan. 8 at Mile Lane DGC

Week 3 — Sunday, Jan. 15 at Central

Week 4 — Sunday, Jan. 22 at Mile Lane DGC

Week 5 — Sunday, Jan. 29 at Central

Week 6 — Sunday, Feb. 5 at The Glades

Week 7 — Sunday, Feb. 12 at Mile Lane DGC

Week 8 — Sunday, Feb. 19 at Central

Week 9 — Sunday, Feb. 26 at Mile Lane DGC



The course at Central Assembly of God is located at 2020 Bedford Street in Cumberland. Mile Lane Disc Golf Course is located at 14708 Mile Lane NW in Mount Savage. The Glades at Meshach Run course is located at 1249 Bumble Bee Road in Accident.

What you need to know:

- * \$5 weekly fee (\$4 club, \$1 ace pot) is optional
- * Players will be separated into Advanced, Rec and Youth divisions whenever possible.
- * Format will vary each week.
- * Official, complete details on AlleganyPlayground.com
- * End-of-season tournament planned for Saturday, March 4 - Details TBA

Questions? Call or text 301-338-4533 or visit AlleganyPlayground.com for complete details.

aceplace™

AN INVITATION TO PLAY DISC GOLF

"Fun, Fast, and Social for Everyone.
aceplace is the Pickleball of Disc Golf"
Harold Duvall ~ Original Disc Golf World Champion



Aceplace offers a genuine disc golf experience in a size that's convenient and quick to play. Designed to occupy a small tract of land the aceplace course features beginner friendly hole lengths that are fun for all ages and skill sets.

Backed by equipment from Innova, the worldwide leader in disc golf, the full **aceplace** package includes course design and installation services along with all the equipment, signage and golf discs to get your course setup and ready to play.

Consider **aceplace** the perfect turnkey solution for communities, organizations and neighborhoods that want to develop an underutilized green space or enhance a multi use recreational asset.

DESIGN

Expert course design services will transform any green space.

EQUIP

From targets to discs, signage and more – Innova has you covered.

PLAY

We can help host events and provide ongoing support.



AcePlace LLC – 2850 Commerce Dr. Rock Hill, SC 29730
info@aceplacediscgolf.com - 803-366-5028

aceplacediscgolf.com

aceplace™

AN INVITATION TO PLAY DISC GOLF

Total cost for 2020

\$8,500



Design Expertise

Enlist **aceplace** design services to develop an attractive, safe layout that highlights the landscape's natural features and keeps people coming back. Course design services are provided by **aceplace** designers with years of experience designing disc golf municipally.

DISCatcher Pro 28 Baskets

Built by Innova and recognized as the industry's number one disc golf basket. The basket top is made with powder coated stainless steel with galvanized steel chains. The basket, pole and installation sleeve are also galvanized. Comes with a 20-year manufacturer warranty.

aceplace Support

Once the course is designed, we will ensure the installation is a success and that your disc golf community is supported. This includes advising on equipment and material options, tournament and event guidance, community disc golf programming, social media promotion and sports tourism publicity by listing your course on UDisc, the go-to online resource for disc golfers.

Ready to get more details about setting up **aceplace** in your community?
Get in touch!

Contact our team of qualified course designers to get started.

Email us directly to info@aceplacediscgolf.com or call 803-366-5028.



The Complete aceplace Package

This turnkey **aceplace** package provides everything you need to get a course operational. With a very modest investment you get all this:

- 9 DISCatcher® Pro 28 Targets
- 9 Metal Tee Signs customized with your graphics/logo
- 9 sets of Innova **aceplace** flush-mount tee markers (9 sets)
- 8 **aceplace** Next Tee Signs
- Custom Metal Course Overview Sign (36" x 60")
- Freight costs included
- On-site Course Design by **aceplace** LLC
- Course and equipment installation guidance and consultation
- 50 Innova Discs customized with your logo and 'first tournament' package
- Course Promotion by **aceplace** and Innova Disc Golf
- Support with a 'Try Disc Golf Day' for your community

Total package cost: \$8,500 plus taxes