

TOWN OF COTTAGE CITY

RESOLUTION: 2025-05

SESSION: Regular Town Meeting

DATED: April 9, 2025

A RESOLUTION APPROVING AN ELECTED AND APPOINTED OFFICIAL POLICY
CONCERNING CONFIDENTIAL INFORMATION

WHEREAS, pursuant to § 15-2 of the Town Code (Ethical standards), in order to avoid becoming involved or implicated in a conflict of interest or impropriety or, just as important, an appearance of conflict of interest or impropriety, elected officials, appointees and Town employees shall not use information acquired in confidence by reason of their official position from a Town customer, supplier, lessee or contractor for other than Town purposes; and

WHEREAS, pursuant to § 15-6 of the Town Code (Disclosure and use of confidential information), other than in the discharge of official duties, an elected or appointed official or employee may not disclose or use confidential information that the official or employee acquired by reason of the official's or employee's public position and that is not legally disclosable or available to the public; and

WHEREAS, the Cottage City Commission finds that the individual commissioners and other officials act as custodians of the Confidential Information generated by the Town of a Department thereof, and therefore the sharing of this information is an exception to disclosure under Maryland's Public Information Act; and

WHEREAS, the Town's disclosure and sharing of any information, including Confidential Information with a Town employee or official is not intended to be a waiver of any privilege held by the Town, including, but not limited to, the deliberative process privilege, the executive privilege, the attorney-client privilege, or the joint or common interest privilege; and

WHEREAS, Confidential Information must at all times be used and maintained so as to prevent any disclosure to people or entities not authorized by the Town to receive, view or use the information; and

WHEREAS, disclosure of Confidential Information to unauthorized parties may create a security risk, invade personnel privacy, pose a threat to public safety and welfare, bring distrust for the government or ill repute, cause litigation or otherwise adversely impact Cottage City.

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners for the Town of Cottage City, sitting in a special or regular town meeting on this 9th day of April 2025 hereby adopts the following policy:

1. The term "Confidential Information" includes, without limitation: (i) personal or sensitive information obtained from a Town of Cottage City Department/Agency ("Department") or office; (ii) personal or sensitive information gleaned from a review of materials or documents at the Town or from communications with Town personnel, Town employees,

Town retirees, and other Town insured individuals; (iii) deliberative communications by Town personnel, contractors or agents; and/or (iv) any other matter that could conceivably be deemed confidential or privileged under any law or rule. The term “Confidential Information” is intended to have the broadest meaning as permitted by law or any applicable rules.

2. During and after the period of the official’s service to the Town of Cottage City, the official and recipient of Town information (the “Recipient”) understands and agrees that the Recipient shall maintain the secrecy and confidentiality of the Confidential Information and shall not: (i) divulge, furnish or make accessible to anyone or in any way use, for the Recipient’s own benefit or for the benefit of anyone else (other than with the Town’s permission in the ordinary course of the Town’s business during the period of the Recipient’s assignment with the Town), any Confidential Information, (ii) take or permit any action to be taken which would reduce the value of the Confidential Information to the Town, or (iii) use the Confidential Information in a manner that would cause the Recipient to derive any financial benefit from the Confidential Information.
3. All Confidential Information related to or gained in pursuit of or in connection with the business of the Department or any office of the Town Government is to be considered the private property of the Town. Confidential Information is not to be used, republished or discussed inside or outside the Department or other office except for purposes related to the business of the Department or office. The Recipient agrees that any misuse of Confidential Information, or breach of the agreement referenced below, as determined in the sole discretion of the Department or office, may result in the immediate censure or removal of the Recipient from his or her assignment or office with the Town and the Department’s reporting of such misuse to the Cottage City Commission. The Town reserves the right to seek all remedies available by law and in equity. If the Recipient becomes aware of any unauthorized access to, disclosure of, use of, or damage to the Confidential Information, the Recipient shall within forty-eight (48) hours notify the Department or other office of all facts known to it concerning such unauthorized access, disclosure, use, or damage.
4. Each commissioner and appointed official shall comply with all applicable federal, state, and local confidentiality requirements regarding personal information and all applicable federal, state, and local confidentiality laws and requirements regarding protected health information. The officials subject to this policy shall agree that any actions brought hereunder shall be brought in a court of competent jurisdiction in Prince George’s County.
5. Each commissioner and appointed official shall sign an agreement, whereby the individual agrees to comply with this policy and asserts that she/he has not engaged in any practice or entered into any past or ongoing agreement that would be considered a conflict of interest with this Agreement. The Recipient agrees to refrain from entering into all such practices or agreements during the term of said Agreement (and any extensions thereto) that could give rise to a conflict of interest. Furthermore, the individual asserts that she/he has fully disclosed to the Town any and all practices and/or agreements of whatever nature

or duration that could give rise to a conflict of interest and will continue to do so during the term of this Agreement and any extensions thereto.

6. As part of this confidentiality policy or protocol, each commissioner and appointed official shall not forward or share Town emails to their private email accounts, private electronic devices or the private email accounts of another party.

AND BE IT FURTHER RESOLVED, that this Resolution shall continue in full force and effect at all times and shall survive after an individual commissioner has completed their elected term in office.

AND BE IT FURTHER RESOLVED that the Commissioner-Chair or her designee shall be authorized to sign this Resolution, and that this Resolution shall take effect immediately.

INTRODUCED AND PASSED by the Cottage City Commission at a Special or Regular Meeting on April 9, 2025.

ATTEST:

TOWN OF COTTAGE CITY, MARYLAND

John Hoatson, Town Manager

By: _____
Wanda Wheatley, Commissioner-Chair

CERTIFICATION

I, HEREBY CERTIFY, as the duly appointed Town Manager of the Town of Cottage City, Maryland, that on the 9th day April, with ____ Aye votes and ____ Nay votes, the aforesaid Resolution 2025- 05 passed.

John Hoatson, Town Manager