AN ORDINANCE concerning: Public Ethics

FOR the purpose of amending certain definitions; **exempting employees and their exclusive representatives** from lobbying and reporting requirements under certain instances; amending provisions to meet requirements of or otherwise comport with State ethics law; adding a requirement for employee ethics training; adding provisions relating to issuance of informal advice by the Ethics Commission; amending certain time deadlines and monetary thresholds; amending provisions relating to dismissal of formal ethics complaints by the Ethics Commission; amending the list of individuals required to file financial disclosure statements with the Ethics Commission; repealing the requirement that certain documents submitted to the Ethics Commission be notarized; amending and transferring certain provisions relating to participation in procurement from the Public Ethics Article to the Purchasing Article; transferring certain provisions within the Public Ethics Article; removing obsolete and redundant provisions; correcting grammar, punctuation, citations, numbering, and terminology; **making this Ordinance subject to a certain contingency**; and generally relating to public ethics.

BY repealing: §§ 7-5-112; 7-6-101(a)(14), (15), (18), (33), (39), (42), (61) through (65), (72), (76), and (83) through (85); and 7-6-101(c)

EXPLANATION:
CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.
Asterisks *** indicate existing Code provisions in a list or chart that remain unchanged.
**Underlining** indicates amendments to bill.
Strikeover indicates matter stricken from bill by amendment.
Anne Arundel County Code (2005, as amended) (as amended by Bill Nos. 59-18 and 60-18)

BY renumbering: §§ 7-5-101(c) to be 7-5-101(d); 7-6-101(a)(16) and (17), (19) through (26), (29) through (32), (34) through (37), (40) and (41), (43) through (49), (52) through (59), (66) through (70), (74), (75), (80) through (82), (86) through (98), and (99) and (100), respectively, to be 7-6-101(a)(14) and (15), (16) through (23), (26) through (29), (30) through (33), (35) and (36), (37) through (43), (46) through (53), (56) through (60), (69), (71), (75) through (77), (78) through (90), (92) and (93), respectively; and 8-2-103 through 8-2-118, respectively, to be 8-2-104 through 8-2-119, respectively

Anne Arundel County Code (2005, as amended) (as amended by Bill Nos. 59-18 and 60-18)

BY repealing and reenacting, with amendments: §§ 7-1-101(1), (4), (5), (10), (11), (15)(iv) and (v) (16), (18)(i) and (ii), and (19) through (21); 7-1-104; 7-2-104(b); 7-2-107(b); 7-3-101 through 7-3-103; 7-4-101; 7-4-102(a), (b), and (d); 7-4-103(a); 7-4-104(d); 7-4-106(a); 7-4-107; 7-5-101(a)(2)(i), (iii), and (v); 7-5-102(a)(2), and (b)(3) and (4); 7-5-106(a)(3), (c)(2)(i), (vi), and (vii), and (e); 7-5-107(a); 7-5-109(a)(1)(iii) and (iv), (b)(4), and (c)(2); 7-5-110(a)(3) and (4), and (c)(4); 7-6-101(a)(12); 7-6-102(a); 7-6-103(e) and (f)(2); 7-6-104(d)(2)(i), (g)(3)(iv), (h)(1), (i), and (j); 7-6-105(a) and (b)(1); 7-6-107(a) and (c)(2); 7-7-101(a)(3), (5), and (7); 7-7-102(c) and (e); 7-7-103(a); 7-7-105(b)(2)(viii); and 7-8-102(b)(1)(i)

Anne Arundel County Code (2005, as amended) (as amended by Bill Nos. 59-18 and 60-18)

BY renumbering and repealing and reenacting, with amendments: §§ 7-5-101(b) to be 7-5-101(c); and 7-6-101(a)(27), (28), (38), (50), (51), (60), (71), (73), (77), (78), (79), respectively, to be 7-6-101(a)(24), (25), (34), (44), (45), (54), (61), (62), (72), (73), (74), respectively

Anne Arundel County Code (2005, as amended)

BY adding: §§ 7-1-105; 7-4-104(e) and (f); 7-5-101(b); 7-5-109(a)(1)(v); 7-5-110(a)(5); 7-6-101(a)(55), (63) through (68), (70), and (91); 7-7-101(c); and 8-2-103

Anne Arundel County Code (2005, as amended)

SECTION 1. Be it enacted by the County Council of Anne Arundel County, Maryland, That §§ 7-5-112; 7-6-101(a)(14), (15), (18), (33), (39), (42), (61) through (65), (72), (76), and (83) through (85); and 7-6-101(c) of Anne Arundel County Code (2005, as amended) (as amended) (as amended by Bill Nos. 59-18 and 60-18) are hereby repealed.

SECTION 2. And be it further enacted, That §§ 7-5-101(c); 7-6-101(a)(16) and (17), (19) through (26), (29) through (32), (34) through (37), (40) and (41), (43) through (49), (52) through (59), (66) through (70), (74), (75), (80) through (82), (86) through (98), and (99) and (100), respectively; and 8-2-103 through 8-2-118, respectively, of the Anne Arundel County Code (2005, as amended) (as amended) (as amended by Bill Nos. 59-18 and 60-18) are hereby renumbered to be §§ 7-5-101(d); 7-6-101(a)(14) and (15), (16) through (23), (26) through (29), (30) through (33), (35) and (36), (37) through (43), (46) through (53),
(56) through (60), (69), (71), (75) through (77), (78) through (90), (92) and (93), respectively; and 8-2-104 through 8-2-119, respectively.

SECTION 3. And be it further enacted, That Section(s) of the Anne Arundel County Code (2005, as amended)(and as amended by Bill Nos. 59-18 and 60-18) read as follows:

ARTICLE 7. PUBLIC ETHICS

TITLE 1. IN GENERAL


In this article, the following words have the meanings indicated unless a different definition is adopted for a particular provision or the context clearly requires a different meaning.

(1) “Board”, “COMMISSION”, “AUTHORITY”, “OR SIMILAR ENTITY” means a [governmental unit] BODY comprised of at least two members, all of whom are appointed BY THE COUNTY EXECUTIVE, THE COUNTY COUNCIL, OR A COUNTY EMPLOYEE and serve on a part-time basis.

(4) “Compensation” means money or any other valuable thing, regardless of form, received or to be received by a person from an employer for services rendered. [For purposes of Title 7, if lobbying is only a portion of a person’s employment, “compensation” means a prorated amount that is based on the time devoted by the person to lobbying compared to the time devoted to other employment duties.]

(5) “Employee” means an individual elected to, appointed to, or employed in the Executive or Legislative Branch of the County; a [compensated] member, executive director, or employee of any County board, commission, authority, or similar entity; [a member of the Ethics Commission, a member of the Video Lottery Facility Local Development Council, Pension Oversight Commission, Spending Affordability Committee or Planning Advisory Board:] an employee of the Public Library Association of Annapolis and Anne Arundel County, Inc.; a commissioner, the executive director, or employee of the Housing Commission; [a member or employee of the Board of License Commissioners:] or an employee, officer, or director of Anne Arundel Economic Development Corporation, Arundel Community Development Services, Inc., or Anne Arundel Workforce Development Corporation. “Employee” includes anyone designated as being in an “acting” capacity. “Employee” does not include an individual who is subject to the provisions of the Maryland Public Ethics Law.

(10) “Financial interest” means:

(i) ownership of an interest as the result of which the owner has received within the past three years, is currently receiving, or in the future is entitled to receive, more than $1,000 per year; or

(ii) ownership of more than 3% of a business entity by an employee[,] or the spouse of an employee; or
(ii) ownership of securities of any kind that represent or are convertible into ownership of more than 3% of a business entity by an employee[,] or the spouse of an employee.

(11) "Gift" means the transfer of anything of economic value, regardless of form, without adequate and lawful consideration. "Gift" does not include the solicitation, acceptance, receipt, or regulation of a political contribution that is regulated in accordance with the Election Law Article[,] of the State Code, or any other State law regulating the conduct of elections or the receipt of political contributions.

(15) "Interest" means a legal or equitable economic interest that is owned or held wholly or partly, jointly or severally, or directly or indirectly, whether or not the economic interest is subject to an encumbrance or a condition. "Interest" does not include:

(iv) a common trust fund or a trust that forms part of a pension or a profit-sharing plan that has more than 25 participants[,] and is determined by the Internal Revenue Service to be a qualified trust under § 401 or § 501 of the Internal Revenue Code;

(v) except as to the County Executive, a member of the County Council, or a candidate for the Office of County Executive or County Council, an interest in a mutual fund, EXCHANGE-TRADED FUND, or similar commingled investment vehicle, the investments of which the employee does not control or manage; or

(vi) an interest in a County pension plan or a County deferred compensation plan.

(16) "Legislative action" means an official action or [nonaction] INACTION relating to a bill, resolution, amendment, nomination, appointment, report, or other matter within the jurisdiction of the County Council or to an ordinance or resolution presented to the County Executive for signature or veto. "Legislative action" includes introduction, sponsorship, consideration, debate, amendment, passage, defeat, approval, [or] AND veto.

(18) "Lobbyist" means any person who communicates with any employee in the Legislative or Executive Branch of County government for the purpose of influencing any executive action or legislative action, and who, for that purpose:

(i) incurs personally, or through a representative, expenses of $100 or more, or receives $100 or more as compensation, exclusive of personal travel or subsistence expenses, DURING A REPORTING PERIOD;

(ii) expends cumulatively $50 or more during a reporting period on one or more employees in the Executive or Legislative Branch for meals, beverages, special events, or gifts [in connection with or with the purpose of influencing executive or legislative action];

(19) "Member of household" means, if sharing an individual's legal residence, the individual's spouse, child, ward, financially dependent parent, or other financially dependent relative; or an individual's spouse, child, ward, parent, or other relative over whose financial affairs the individual has legal or actual control.
1 (20) “Person” means an individual, [a] partnership, firm, association, corporation, business trust, limited liability company, or other entity of any kind and, except as used in Title 8 with respect to the imposition of criminal penalties, a governmental entity or an instrumentality or unit of a governmental entity.

2 (21) “Political contribution” means a contribution as defined in the Election Law Article[,] of the State Code.

3 7-1-104. Other laws.
4
5 (A) Compliance with other law. In addition to provisions of this article and regulations issued pursuant to it, a person shall comply with other provisions of law, regulations, and any applicable policies and procedures relating to conflicts of interest, financial disclosure, or lobbying, even if they are more stringent than this article.

6 (B) Exemptions. THE PROVISIONS OF THIS ARTICLE AND REGULATIONS ISSUED PURSUANT TO IT MAY NOT BE CONSTRUED TO REQUIRE:

7 (1) COUNTY EMPLOYEES OR THEIR EXCLUSIVE REPRESENTATIVES AS DEFINED UNDER ARTICLE 6 OF THIS CODE, OR THEIR ATTORNEYS OR CONSULTANTS, TO REGISTER AS LOBBYISTS WHEN ENGAGED IN EFFORTS TO INFLUENCE CONSIDERATION OF TERMS OR CONDITIONS OF COUNTY EMPLOYMENT; OR

8 (2) REPORTS OF CONDUCT, ACTIVITIES, OR SPEECH OF COUNTY EMPLOYEES OR THEIR EXCLUSIVE REPRESENTATIVES, ATTORNEYS OR CONSULTANTS, WHEN ACTING UNDER THE PROVISIONS OF ARTICLE 6 OF THIS CODE.

9 7-1-105. Employee training.

10 (A) Current employees. EMPLOYEES HIRED, APPOINTED, OR ELECTED ON OR BEFORE THE EFFECTIVE DATE OF BILL NO. 80-18 SHALL SUCCESSFULLY COMPLETE A TRAINING PROGRAM ON PUBLIC ETHICS DEVELOPED BY THE ETHICS COMMISSION WITHIN 180 DAYS OF THE EFFECTIVE DATE OF BILL NO. 80-18 AND ONCE EVERY FIVE YEARS THEREAFTER.

11 (B) New hires. EMPLOYEES HIRED, APPOINTED, OR ELECTED AFTER THE EFFECTIVE DATE OF BILL NO. 80-18 SHALL SUCCESSFULLY COMPLETE A TRAINING PROGRAM ON PUBLIC ETHICS DEVELOPED BY THE ETHICS COMMISSION WITHIN 60 DAYS OF HIRE, APPOINTMENT, OR ELECTION AND ONCE EVERY FIVE YEARS THEREAFTER.

12 TITLe 2. ETHICS COMMISSION

13 7-2-104. Duties.

14 (b) List of entities doing business with the County.

15 (1) The Ethics Commission shall:

16 (i) maintain in the Commission’s choice of format, including electronically, an alphabetized list of entities doing business with the County, as defined in [§ 7-1-101(8)] § 7-1-101(7), during the preceding calendar year; and
(ii) make information from the list available to individuals required to file a statement under Title 6.

(2) The list prepared under subsection (b)(1) shall be available for public inspection, in the Commission’s choice of format, including electronically, by March 1 of each year.

(3) On request of the Ethics Commission, an employee or governmental unit[,] in a timely manner[,] shall provide [the] TO THE Ethics Commission [with] in a timely manner any information necessary for the Ethics Commission to perform its duties under this subsection.

7-2-107. Exemption from article.

(b) Written request. The Ethics Commission may grant an exemption to a board, commission, or authority or member of a board, commission, or authority only on written request of the [governmental unit] BOARD, COMMISSION, OR AUTHORITY involved.

TITLE 3. ADVISORY OPINIONS

7-3-101. Request for advisory opinion; informal advice.

(A) Issuance. On request of a person subject to this article, the Ethics Commission shall issue an advisory opinion OR INFORMAL ADVICE regarding the application of this article to that person. On request of any other person, the Ethics Commission may issue an advisory opinion OR INFORMAL ADVICE.

(B) Informal advice. INFORMAL ADVICE SHALL REMAIN CONFIDENTIAL AND SHALL NOT BE SUBJECT TO PUBLICATION. AT ITS DISCRETION, THE COMMISSION MAY ISSUE AN ADVISORY OPINION CONCERNING THE SUBJECT MATTER OF ANY INFORMAL ADVICE, SUBJECT TO THE CONFIDENTIALITY REQUIREMENTS OF § 7-3-103.

7-3-102. Time for issuance.

[(a) Preliminary response. Within 14 days of a request for an advisory opinion under § 7-3-101, the Ethics Commission shall issue a preliminary response.

(b) Advisory opinion; informal advice.] The Ethics Commission shall issue an advisory opinion OR INFORMAL ADVICE IN WRITING within [60] 30 days of receiving a request under § 7-3-101, or more promptly if feasible and if circumstances require. [Each advisory opinion shall be in writing.]

7-3-103. Confidentiality.

Before an advisory opinion may be PUBLISHED OR OTHERWISE made public, the Ethics Commission shall delete the name of the person who is the subject of the opinion and, to the fullest extent possible, if not material to the opinion, any other information that may identify the person who is the subject of the opinion. The identity of the person who is the subject of the opinion may not otherwise be revealed.

TITLE 4. PROCEDURES FOR COMPLAINT
7-4-101. Complaints; filing; requirements.

(a) Filing.

(1) Any person may file a WRITTEN COMPLAINT with the Ethics Commission on a
form provided by the Ethics Commission [a written complaint] alleging a violation of this
article.

(2) A complaint filed under this subsection shall be signed and made under oath.

(b) Complaint issued by Ethics Commission. The Ethics Commission, on its own
initiative, may issue a complaint alleging a violation of this article.

(c) Dismissal. The Ethics Commission may dismiss a complaint at any time if the
Commission determines that it lacks jurisdiction, THAT THE COMPLAINT FORM IS
INCOMPLETE, that the complaint is frivolous, or that the evidence does not support further
action.

(d) Copies. Unless [dismissed under] IT DISMISSES A COMPLAINT AS PROVIDED IN
subsection (c) within 45 days of [being filed] FILING, the Ethics Commission shall
promptly transmit a copy of the complaint to each respondent.

7-4-102. Preliminary proceedings.

(a) Evidence.

(1) The Executive Director shall collect and refer to the Ethics Commission
evidence relating to each violation of this article alleged in a complaint.

(2) BEFORE SUBMITTING THE EVIDENCE TO THE ETHICS COMMISSION, THE
EXECUTIVE DIRECTOR SHALL NOTIFY THE COMPLAINANT AND THE RESPONDENT THAT
EVIDENCE IS BEING PRESENTED.

(b) Dismissal through consent agreement if curative action taken.

(1) [Before submitting the evidence to the Ethics Commission, the Executive
Director shall notify the complainant and the respondent that evidence is being presented.

(2) The Ethics Commission shall dismiss the complaint in a signed [order]
CONSENT AGREEMENT if:

(i) the respondent, within 15 days after receiving the notice, takes any action
that may be available to cure each alleged violation; and

(ii) the Ethics Commission finds that dismissal is not contrary to the purposes
of this article.
(3) (2) If the complaint is dismissed under this subsection, the Ethics Commission shall promptly send a copy of the [order] CONSENT AGREEMENT to the complainant and to the respondent.

(d) Hearing. If a complaint is not dismissed under subsection (b) or (c) [or resolved through a consent agreement], the Ethics Commission shall proceed to a hearing on the complaint, conducted in accordance with this title.

7-4-103. Hearing.

(a) Evidentiary procedures; subpoena power. A hearing on a complaint shall be conducted in accordance with the evidentiary procedures set forth in [the State Government Article, §§ 10-213 and 10-214[,] OF THE STATE GOVERNMENT ARTICLE of the State Code. In preparation for the hearing, the respondent may use the subpoena power of the Ethics Commission.

7-4-104. Disposition.

(d) Late filings.

(1) If the respondent is a lobbyist, for each report required under Title 7 that is filed late, the respondent shall pay a fee of $10 for each late day, not to exceed a total of [$250] $1,000, into the County’s general fund.

(2) If the respondent is an employee, for each statement required under Title 6 found to have been filed late, the respondent shall pay a fee of [2] $5 for each late day, not to exceed a total of [$250] $500, into the County’s general fund.

(E) Suspension or revocation of lobbyist registration.

(1) IF THE ETHICS COMMISSION DETERMINES, BY AN AFFIRMATIVE VOTE OF FIVE MEMBERS, IT NECESSARY TO PROTECT THE PUBLIC INTEREST AND THE INTEGRITY OF THE GOVERNMENTAL PROCESS, THE ETHICS COMMISSION MAY ISSUE AN ORDER TO:

(I) SUSPEND THE REGISTRATION OF AN INDIVIDUAL LOBBYIST IF THE ETHICS COMMISSION DETERMINES THAT THE INDIVIDUAL LOBBYIST:

1. HAS KNOWINGLY AND WILLFULLY VIOLATED TITLE 7; OR

2. HAS BEEN CONVICTED OF A CRIMINAL OFFENSE ARISING FROM LOBBYING ACTIVITIES; OR

(II) REVOKE THE REGISTRATION OF AN INDIVIDUAL LOBBYIST IF THE ETHICS COMMISSION DETERMINES THAT, BASED ON ACTS ARISING FROM LOBBYING ACTIVITIES, THE INDIVIDUAL LOBBYIST HAS BEEN CONVICTED OF BRIBERY, THEFT, OR OTHER CRIME INVOLVING MORAL TURPITUDE.

(2) IF THE ETHICS COMMISSION SUSPENDS THE REGISTRATION OF AN INDIVIDUAL LOBBYIST UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE INDIVIDUAL LOBBYIST MAY NOT ENGAGE IN LOBBYING FOR COMPENSATION FOR A PERIOD, NOT TO EXCEED 3 YEARS, THAT THE ETHICS COMMISSION DETERMINES AS TO THAT INDIVIDUAL LOBBYIST IS NECESSARY TO SATISFY THE PURPOSES OF THIS SUBSECTION.
(3) If the Ethics Commission revokes, by an affirmative vote of five members, the registration of an individual lobbyist under paragraph (1) of this subsection, the individual lobbyist may not engage in lobbying for compensation.

(4) If the Ethics Commission initiates a complaint based on a violation or conviction described in paragraph (1) of this subsection, the Ethics Commission shall initiate the complaint within 2 years after the earlier of:

(i) the Ethics Commission's knowledge of the violation; or

(ii) the date the conviction becomes final.

(5) The termination or expiration of the registration of an individual lobbyist does not limit the authority of the Ethics Commission to issue an order under this subsection.

(F) Reinstatement of lobbyist registration.

(1) An individual whose registration as a lobbyist is revoked or suspended under subsection (e) of this section may apply to the Ethics Commission for reinstatement.

(2) The Ethics Commission may reinstate the registration of an individual whose registration as a lobbyist has been revoked or suspended under subsection (e) of this section if the Ethics Commission determines, by an affirmative vote of five members, that reinstatement of the individual would not be detrimental to the public interest and the integrity of the governmental process, based on:

(i) the nature and circumstances of the original misconduct or violation leading to revocation or suspension;

(ii) the individual's subsequent conduct and reformation; and

(iii) the present ability of the individual to comply with the ethics law.

7-4-106. Confidentiality.

(a) Generally. Notwithstanding any other law and except as provided in subsections (b) and (c), after a complaint is filed:

(1) the proceedings, meetings, and activities of the Ethics Commission and its staff and employees relating to a complaint are confidential;

(2) information relating to a complaint, including the identity of the complainant and respondent, may not be disclosed by the:

(i) Ethics Commission;

(ii) staff of the Ethics Commission;

(iii) complainant; or
Bill No. 80-18
Page No. 10

(iv) respondent; and

(3) if information relating to the complaint is disclosed by the complainant, the
Commission may dismiss the complaint without further action by the Commission.

7-4-107. Referral to prosecuting authority.

(a) Generally. If, WHILE CONSIDERING A COMPLAINT OR DURING ANY
INVESTIGATION OR INQUIRY, the Ethics Commission[, while considering a complaint or
during any investigation or inquiry,] finds that there are reasonable grounds to believe that
the respondent may have committed a criminal offense, the Ethics Commission shall refer
the matter promptly to an appropriate prosecuting authority.

(b) Evidence to be available. The Ethics Commission shall make [available to the
prosecuting authority] all evidence within its control AVAILABLE TO THE PROSECUTING
AUTHORITY.

TITLE 5. CONFLICTS OF INTEREST

7-5-101. Restrictions on participation.

(a) Generally. Except as otherwise provided in this article, an employee may not
participate in a matter if:

(1) the employee or a qualifying relative of the employee has an interest in the
matter distinguishable from that of the public generally and the employee knows of the
interest; or

(2) any of the following is a party to the matter:

(ii) a business entity of which [any of the following] THE EMPLOYEE, OR IF
KNOWN TO THE EMPLOYEE, A QUALIFYING RELATIVE OF THE EMPLOYEE is an officer,
director, trustee, partner, limited partner, member, or employee[; the employee, or if known
to the employee, a qualifying relative of the employee];

(iii) a business entity with which [any of the following] THE EMPLOYEE OR, IF
KNOWN TO THE EMPLOYEE, A QUALIFYING RELATIVE OF THE EMPLOYEE has applied for a
position, is negotiating employment, or has arranged prospective employment[; the
employee or, if known to the employee, a qualifying relative of the employee];

(v) a business entity[,] either engaged in a transaction with the County or subject
to regulation by the employee’s governmental unit[,] in which a financial interest is owned
by another business entity if the employee has a financial interest in the other business
entity, and reasonably may be expected to know of both financial interests; or

(vi) a business entity that the employee knows is a creditor or obligee of the
employee or of a qualifying relative of the employee with respect to a thing of economic
value and, as a creditor or obligee, is in a position to affect directly and substantially the
interest of the employee or qualifying relative.
(B) Lobbyists.

(1) THIS SUBSECTION DOES NOT APPLY TO AN INDIVIDUAL WHO IS AN EMPLOYEE ONLY AS AN UNCOMPENSATED MEMBER OF A BOARD OR COMMISSION.

(2) A FORMER LOBBYIST WHO IS OR BECOMES AN EMPLOYEE SUBJECT TO REGULATION UNDER THIS TITLE MAY NOT PARTICIPATE IN A CASE, CONTRACT, OR OTHER SPECIFIC MATTER AS AN EMPLOYEE FOR ONE CALENDAR YEAR AFTER THE TERMINATION OF THE REGISTRATION OF THE FORMER LOBBYIST IF THE FORMER LOBBYIST PREVIOUSLY ASSISTED OR REPRESENTED ANOTHER PARTY FOR COMPENSATION IN THE MATTER.

[(b)] (C) Exceptions.

(1) The prohibitions of subsection (a) do not apply if participation is allowed:

(i) by regulation of the Ethics Commission;

(ii) by the opinion of the Ethics Commission; or

(iii) by another provision of this article.

(2) This section does not prohibit participation by an employee that is limited to the exercise of a [non-discretionary] MINISTERIAL OR administrative duty that does not affect the disposition of or a decision with respect to the matter involved.

7-5-102. Employment or financial interests; general restriction.

(a) Generally. Except as provided in subsections (b) and (c), an employee may not:

(2) hold any other employment relationship [if] that [employment relationship] would impair the impartiality or independent judgment of the employee.

(b) Exceptions. The prohibitions of subsection (a) do not apply:

(3) as allowed by opinion or regulation of the Commission, to an employee whose duties are MINISTERIAL OR administrative [and non-discretionary] if the NON-COUNTY employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest;

(4) to a member of a board[, commission, authority, or similar entity] who holds the employment or financial interest when appointed if the employment or financial interest is publicly disclosed to the appointing authority, the Ethics Commission, and, if applicable, the County Council before [confirmation] ANY REQUIRED APPROVAL OF THE APPOINTMENT.

(c) Exemptions.
(1) Subject to [subsection] PARAGRAPH (c)(2), the Ethics Commission may exempt an employee from the prohibitions of subsection (a) if the Ethics Commission determines that:

(i) failure to grant the exemption would limit the ability of the County to recruit and hire highly or uniquely qualified professionals for public service or ensure the availability of competent services to the public; and

(ii) the number of exemptions under this subsection has not [tended to erode] ERODED the purposes of subsection (a) or other provisions of this article.

7-5-106. Solicitation or acceptance of gifts or honoraria.

(a) Soliciting or making gifts.

(3) An employee may not directly solicit or facilitate the solicitation of a gift [on behalf of another person] from a lobbyist ON BEHALF OF ANOTHER PERSON.

(c) Exceptions.

(2) Subject to subsection (c)(1), subsection (b) does not apply to:

(i) occasional meals and beverages of [modest value] $25 OR LESS consumed in the presence of the donor or sponsoring entity;

(vi) tickets or free admission extended to an [elected] employee from the person sponsoring or conducting a charitable, cultural, or political event, as a courtesy or ceremony to the [office] EMPLOYEE’S POSITION to attend the event;

(vii) a specific gift or class of gifts exempted from subsection (b) by the Ethics Commission upon a written finding that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of government[,] and [the gift is] WOULD BE purely personal and private in nature;

(c) Additional exemptions. [By opinion or regulation, the] THE Ethics Commission may define further exemptions from this section BY OPINION OR REGULATION.

7-5-107. Use of prestige of office or position.

(a) Generally.

(1) An employee may not intentionally use the prestige of office or public position:

(i) for that employee’s private gain or the gain of another; OR

(II) EXCEPT AS PART OF THE OFFICIAL DUTIES OF THE EMPLOYEE, TO INFLUENCE THE AWARD OF A STATE OR LOCAL GOVERNMENT CONTRACT TO A SPECIFIC PERSON.
(2) AN EMPLOYEE MAY NOT DIRECTLY OR INDIRECTLY INITIATE A SOLICITATION FOR A PERSON TO RETAIN THE SERVICES OF A PARTICULAR LOBBYIST OR LOBBYING FIRM.

(3) AN EMPLOYEE MAY NOT USE PUBLIC RESOURCES TO SOLICIT A POLITICAL CONTRIBUTION THAT IS REGULATED IN ACCORDANCE WITH THE ELECTION LAW ARTICLE OF THE STATE CODE.

7-5-109. County Executive.

(a) Definitions. In this section:

(1) “Close economic association” means:

(iii) corporations in which the County Executive owns the lesser of 10% or more of the outstanding capital stock or capital stock with an aggregate value of $25,000 or more, not including any stock owned through a mutual fund, EXCHANGE-TRADED FUND, retirement plan, or other similar commingled investment vehicle, the individual investments of which the County Executive does not control or manage;

(iv) corporations or other business entities in which the County Executive is an officer, director, or agent[ ]; AND

(v) AN ENTITY WITH WHICH THE COUNTY EXECUTIVE IS NEGOTIATING EMPLOYMENT OR HAS ARRANGED PROSPECTIVE EMPLOYMENT.

(b) Presumed conflicts of interest. [It] A CONFLICT OF INTEREST shall be presumed [that the County Executive possesses a conflict of interest] with respect to an official action OF THE COUNTY EXECUTIVE in any of the following circumstances:

(4) soliciting, accepting, or agreeing to accept any gift[,] or [a] loan, other than a loan from a commercial lender in the normal course of business, from a person who would be affected by or has an interest in a business entity or person that would be affected by the official action; or

(c) Statement of conflict required.

(2) The statement shall describe the circumstances of the apparent OR PRESUMED conflict and the official action to which it relates and assert that the County Executive is able to participate fairly, objectively, and in the public interest.

7-5-110. Legislative acts of members of County Council.

(a) Definition. In this section, “close economic association” means:

(3) corporations in which a Councilmember owns the lesser of 10% or more of the outstanding capital stock or capital stock with an aggregate value of $25,000 or more, not including any stock owned through a mutual fund, EXCHANGE-TRADED FUND, retirement plan, or other similar commingled investment vehicle, the individual investments of which the Councilmember does not control or manage; [and]
(4) corporations or other business entities for which a Councilmember is an officer, director, or agent[,]; AND

(5) AN ENTITY IN WHICH THE COUNCILMEMBER IS NEGOTIATING EMPLOYMENT OR HAS ARRANGED PROSPECTIVE EMPLOYMENT.

(c) Presumed conflicts of interest. It shall be presumed that an interest disqualifies a County Councilmember from participating in legislative action in any of the following circumstances:

(4) soliciting, accepting, or agreeing to accept a gift, or loan other than a loan from a commercial lender in the normal course of business, from a person who would be affected by or has an interest in an enterprise that would be affected by the Councilmember’s participation in legislative action; or[;]

TITLE 6. FINANCIAL DISCLOSURE

7-6-101. Persons required to file statements.

(a) Generally. Each of the following and each candidate for County Executive or the County Council shall file with the Ethics Commission the statements provided for in this title:

(12) the [Director of Programming] ECONOMIC DEVELOPMENT OFFICER;

***

[(14) the Program Administrator for the Office of Human Services;

(15) the Grants Administrator for the Office of Human Services;]

***

[(18) each Assistant Administrative Hearing Officer;]

***

[(27)](24) each [Deputy] Fire DEPUTY Chief;

[(28) the] (25) EACH Fire[ Battalion] DIVISION Chief [assigned to the Fire Marshal’s Office];

***

[(33) the Director, Employment Benefits and Services;]

***

[(38)] (34) the Financial Operations [Manager] SUPERVISOR;
[(39) the Fiscal Administrator;]

***

[(42) each Assistant Central Services Officer;]

***

[(50)] (44) the Chief, [of] Information Technology Operations;

[(51)] (45) the Chief, [of] Network and Cyber Security;

***

[(60) the] (54) EACH Deputy Director, [Engineering] PUBLIC WORKS;

(55) EACH ASSISTANT DIRECTOR, PUBLIC WORKS;

***

[(61) the Deputy Director, Public Works, Finance and Administration;

(62) the Deputy Director of Utilities, Operations;

(63) the Deputy Director, Waste Management Services;

(64) the Deputy Director, Highways and Parks Services;

(65) the Deputy Director, Facilities and Fleet Maintenance;]

***

[(71)] (61) the Chief, Environmental Facilities and Programs IN THE DEPARTMENT OF RECREATION AND PARKS;

[(72) the Deputy Director of Aging and Disabilities;]

[(73)] (62) the Chief of Planning and Construction Programs IN THE DEPARTMENT OF RECREATION AND PARKS;

(64) THE CHIEF, RECREATION AND ATHLETIC PROGRAMS;

(65) EACH SENIOR MANAGEMENT ASSISTANT IN THE DEPARTMENT OF RECREATION AND PARKS;

(66) EACH PROGRAM SPECIALIST II IN THE DEPARTMENT OF RECREATION AND PARKS;

(67) THE FACILITY SUPERINTENDENT, TRAILS AND GREENWAYS;

(68) EACH RECREATION AND PARKS FACILITY SUPERINTENDENT;
(68) EACH RECREATION SUPERVISOR;

***

(70) THE DEPUTY DIRECTOR, AGING AND DISABILITIES;

***

[(76) the Fiscal Officer in the Department of Aging and Disabilities;]

[(77)] (72) the Superintendent, [of the] Detention Center;

[(78) the Deputy Superintendent of the Detention Center](73) EACH CORRECTIONAL FACILITY ADMINISTRATOR;

[(79)][(74] each Assistant [Superintendent of the Detention Center] CORRECTIONAL FACILITY ADMINISTRATOR;

***

[(83) the Chair and each Commissioner of the Board of License Commissioners;

(84) the Chief Inspector of the Board of License Commissioners;

(85) each Inspector of the Board of License Commissioners;]

***

(91) EACH MEMBER OF THE VIDEO LOTTERY FACILITY LOCAL DEVELOPMENT COUNCIL;

7-6-102. Statements required to be filed.

(a) Generally. Each statement required under this title shall:

(1) be filed with the Ethics Commission on a form provided by the Ethics Commission;

(2) BE FILED UNDER OATH;

[(2)] (3) be filed on or before April 30 of each year;

[(3)](4) cover the calendar year immediately preceding the year of filing; and

[(4)](5) contain the information required by this title.

7-6-103. Statements of candidates.
(e) **Consequence of late filing.** If a statement required by this section is overdue and is not filed within [20] 8 days after the candidate receives written notice from the Board of Election Supervisors of the failure to file, the candidate is deemed to have withdrawn the candidacy.

(f) **Duties of the Board of Election Supervisors.**

(2) [Within 30 days after receipt of a statement, the] THE Board of Elections Supervisors shall forward [it] A FILED STATEMENT to the Ethics Commission WITHIN 30 DAYS AFTER RECEIPT.

7-6-104. Content of statement.

(d) **Entities doing business with the County.**

(2) For each interest reported, the schedule shall include:

(iii) if any interest was acquired during the applicable period:

1. the date and manner in which the interest was acquired;

2. the identity of the person from whom the interest was acquired;

3. if the interest was acquired by purchase, the nature and the amount of the consideration given or to be given for the interest; [and]

4. IF ACQUIRED OTHER THAN BY PURCHASE, THE FAIR MARKET VALUE OF THE INTEREST AT THE TIME ACQUIRED; AND

(g) **Offices, directorships, employment, and the like.**

(3) For each position or interest reported, the schedule shall include:

(iv) the nature of the business with the County, which, at a minimum, shall be specified in reference to the applicable criteria described in [§ 7-1-101(8)] § 7-1-101(7).

(h) **Debts owed.**

(1) The statement shall include a schedule, to the extent the individual may reasonably be expected to know, of each debt, excluding retail credit accounts, owed at any time during the applicable period to any [person or] entity doing business with the County by the individual, and, if the individual was involved in the transaction giving rise to the debt or may become liable for the debt, by any member of the individual’s immediate family.

(i) **Relatives.** The statement shall include a schedule listing all relatives of the [employee] INDIVIDUAL making the statement, and all relatives of the [employee’s] INDIVIDUAL’S spouse, who were employed by the County in any capacity at any time during the applicable period.
(j) **Business names and addresses.** The statement shall include a schedule listing the name and address of each:

(1) place of compensated employment of the individual and each member of the individual’s immediate family at any time during the applicable period; [and]

(2) 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 family member received or earned income at any time during the applicable period[.]; **AND**

(3) **ENTITY REPRESENTED BY THE INDIVIDUAL’S SPOUSE BEFORE A COUNTY DEPARTMENT, AGENCY, OR OFFICE; AND**

(3) (4) **IF THE INDIVIDUAL’S SPOUSE IS A REGULATED LOBBYIST, THE ENTITY THAT HAS ENGAGED THE SPOUSE FOR LOBBYING PURPOSES.**

7-6-105. **Interests attributable to individual making statement.**

(a) **Real property and business entity interests.** The following are deemed to be interests of the individual under § 7-6-104(b), [and] (c), AND (D):

(1) an interest held by a spouse or a child of the individual, if the interest was controlled, directly or indirectly, by the individual at any time during the applicable period;

(2) an interest held by a business entity in which the individual held a 30% or greater interest at any time during the applicable period; and

(3) an interest held by a trust or an estate in which, at any time during the applicable period, the individual held a reversionary interest, was a beneficiary, or was a settlor of a revocable trust.

(b) **Limitation.** Subsection (a)(2) does not affect:

(1) the requirement under § 7-6-104(b) of disclosure of real estate interests held in the name of a partnership or limited liability entity in which the [employee] INDIVIDUAL holds an interest; and

7-6-107. **Public record.**

(a) **Open records; fees.**

(1) **EXCEPT AS PROVIDED IN PARAGRAPH (3), [The] THE Ethics Commission shall maintain the statements submitted under this title and make the statements available to the public for examination and copying during normal business hours.**

(2) The Ethics Commission may charge a reasonable fee and adopt regulations for the examination and copying of a statement.
(3) AFTER THE EFFECTIVE DATE OF BILL NO. 80-18, THE ETHICS COMMISSION SHALL NOT PROVIDE PUBLIC ACCESS TO A PORTION OF A STATEMENT FILED UNDER THIS TITLE THAT THE FILING PARTY HAS IDENTIFIED AS THE FILING PARTY'S HOME ADDRESS.

(c) Duties of Ethics Commission. The Ethics Commission shall:

(2) on request of the individual whose statement was examined or copied, forward TO THAT INDIVIDUAL a copy of the record prepared pursuant to [this section to that individual] SUBSECTION (B).

TITLE 7. LOBBYING DISCLOSURE

7-7-101. Scope of title.

(a) Applicability. This title does not apply to:

(3) [appearances] ACTIVITIES as part of the official duties of an elected or appointed official or employee of the State, THE COUNTY, ANOTHER political subdivision of the State, or the United States, and not on behalf of any other entity;

(5) [appearances before the County Council] ACTIVITIES at the specific invitation or request of a lobbyist if no other act is undertaken for which reporting is required and, if the person IS appearing BEFORE THE COUNTY COUNCIL, states to the County Council that the person is appearing at the request of the lobbyist;

(7) [appearance] ACTIVITIES as part of the official duties of an officer, director, member, or employee of an association engaged exclusively in lobbying for counties and municipalities and not on behalf of any other entity; and

(c) Compensation. FOR THE PURPOSES OF THIS TITLE, IF LOBBYING IS ONLY A PORTION OF A PERSON’S EMPLOYMENT, "COMPENSATION" MEANS A PRORATED AMOUNT THAT IS BASED ON THE TIME DEVOTED BY THE PERSON TO LOBBYING COMPARED TO THE TIME DEVOTED TO OTHER EMPLOYMENT DUTIES.

7-7-102. Registration required.

(c) Required information. Each lobbyist required to register under this section shall provide the following information on a form provided by the Ethics Commission:

(1) the lobbyist’s name, permanent address, and [phone] TELEPHONE number;

(2) the name, address, [phone] TELEPHONE number, and nature of business of any person on whose behalf the lobbyist acts;

(3) the identification, by formal designation if known, of matters on which the lobbyist expects to act; and

(4) the written authorization of any person or entity on whose behalf the lobbyist acts, on a separate form provided by the Ethics Commission, providing the following information:
(i) the name, address, and [phone] TELEPHONE number of both the employer of
the lobbyist and the lobbyist;

(ii) the period of time during which the lobbyist is authorized to act, unless
sooner terminated; and

(iii) the subject matter [on] UPON which the lobbyist represents the employer.

(e) Signed under oath. The lobbyist registration form and the authorization form shall
be signed under oath [and notarized].

7-7-103. Termination of registration.

(a) Written notice. A lobbyist may terminate registration by CEASING ALL LOBBYING
AND PROVIDING written notice to the Ethics Commission. The notice shall provide the date
on which the termination is to become effective.

7-7-105. Activity reports by lobbyists.

(b) Information required. The report shall be under oath [and notarized], and shall
include the following information:

(2) total expenditures on acts requiring registration in each of the following
categories:

(viii) the expenses paid for food, lodging, and scheduled entertainment of
employees who [are attending] ATTENDED a meeting and [that are being] WERE provided
in return for participation in a panel or speaking engagement at the meeting;

TITLE 8. ENFORCEMENT

7-8-102. Judicial relief.

(b) Additional remedies.

(1) In addition, the court may:

(i) impose a fine not exceeding [$1,000] $5,000 for a violation of this article,
with each day that the violation occurs being a separate offense; or

ARTICLE 8. PURCHASING

TITLE 2. PROCUREMENT

8-2-103. Participation in procurement.

(A) Scope of section. THIS SECTION APPLIES TO:
(1) ANY PERSON WHO ASSISTS THE COUNTY IN THE DRAFTING, DEVELOPMENT, OR
ISSUANCE OF ANY ASPECT OF SPECIFICATIONS, AN INVITATION FOR BIDS, A REQUEST FOR
PROPOSALS, A REQUEST FOR QUALIFICATIONS, OR ANY OTHER DOCUMENT RELATED TO
THE SOLICITATION OF A PROCUREMENT; AND

(2) ANY PERSON WHO EMPLOYS AN INDIVIDUAL DESCRIBED IN SUBSECTION (A)(1).

(B) **Prohibited conduct.** A PERSON DESCRIBED IN SUBSECTION (A) MAY NOT:

(1) SUBMIT A RESPONSE TO THE SOLICITATION OF THE PROCUREMENT; OR

(2) DIRECTLY OR INDIRECTLY ASSIST OR REPRESENT ANOTHER PERSON WHO IS
SUBMITTING A RESPONSE TO THE SOLICITATION OF THE PROCUREMENT.

(C) **Exceptions.** FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING DO NOT
CONSTITUTE ASSISTING THE COUNTY IN THE DRAFTING, DEVELOPMENT, OR ISSUANCE OF
ANY ASPECT OF SPECIFICATIONS, AN INVITATION FOR BIDS, A REQUEST FOR PROPOSALS,
A REQUEST FOR QUALIFICATIONS, OR ANY OTHER DOCUMENT RELATED TO THE
SOLICITATION OF A PROCUREMENT:

(1) PROVIDING DESCRIPTIVE LITERATURE, SUCH AS CATALOG SHEETS,
BROCHURES, TECHNICAL DATA SHEETS, OR STANDARD SPECIFICATION “SAMPLES”,
WHETHER OR NOT SOLICITED BY THE COUNTY;

(2) SUBMITTING COMMENTS ON SPECIFICATIONS, AN INVITATION FOR BIDS, A
REQUEST FOR PROPOSALS, A REQUEST FOR QUALIFICATIONS, OR ANY OTHER DOCUMENT
RELATED TO THE SOLICITATION OF A PROCUREMENT IF COMMENTS HAVE BEEN
SOLICITED FROM TWO OR MORE PERSONS AS PART OF A REQUEST FOR INFORMATION BY
THE COUNTY OR A PRE-BID OR PRE-PROPOSAL PROCESS; OR

(3) PROVIDING SPECIFICATIONS FOR:

(I) AN EMERGENCY PROCUREMENT;

(II) A SOLE SOURCE PROCUREMENT; OR

(III) A PROFESSIONAL SERVICES PROCUREMENT OF ARCHITECT OR
ENGINEERING SERVICES AND INFORMATION TECHNOLOGY SERVICES THROUGH AN OPEN
END AGREEMENT MADE IN ACCORDANCE WITH ARTICLE 8 OF THIS CODE AND THE
PURCHASING MANUAL.

SECTION 4. **And be it further enacted,** That all references in this Ordinance to “the
effective date of Bill No. 80-18”, or words to that effect, shall, upon codification, be
replaced with the actual date on which this Ordinance takes effect under Section 307 of the
County Charter as certified by the Administrative Officer to the County Council.

SECTION 5. **And be it further enacted,** That this Ordinance shall take effect 45 days
from the date it becomes law.

SECTION 5. **And be it further enacted,** That the changes to § 7-1-104 shall take effect
contingent on the receipt of approval from the State Ethics Commission and the County
Ethics Commission, by the effective date of this Bill, that the changes to § 7-1-104 are
substantially similar to State ethics law, as required by Sections 5-808, 5-809, and § 110
5-810 of the General Provisions Article of the State Code; and, if such approval is not
received by the effective date of this Ordinance, then the changes to § 7-1-104, without
further action of the County Council, shall be null and void and of no further force and effect.

SECTION 6. And be it further enacted, That, subject to Section 5 of this Ordinance, this Ordinance shall take effect 45 days from the date it becomes law.

AMENDMENTS ADOPTED: September 17 and October 1 and 15, 2018

READ AND PASSED this 15th day of October, 2018

By Order:

[Signature]
JoAnne Gray
Administrative Officer

PRESENTED to the County Executive for his approval this 16th day of October, 2018

[Signature]
JoAnne Gray
Administrative Officer

APPROVED AND ENACTED this 22nd day of October, 2018

[Signature]
Steven R. Schuh
County Executive

EFFECTIVE DATE: DEC 6 2018

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO. 80-18, THE ORIGINAL OF WHICH IS RETAINED IN THE FILES OF THE COUNTY COUNCIL.

[Signature]
JoAnne Gray
Administrative Officer