

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2012, Legislative Day No. 11

Bill No. 44-12

All Councilmembers
By Request of County Executive

By the County Council, June 4, 2012

A BILL
ENTITLED

AN ACT concerning

Ethics Law - Amendments

FOR the purpose of providing that the community college of Baltimore County is not subject to the county ethics law other than for purposes of financial disclosure; providing that the executive director and members of the revenue authority are subject to the county ethics law after a certain date; prohibiting certain persons from certain representation; removing a certain class of tickets from the gift prohibition and financial reporting exceptions; altering certain provisions concerning attendance at a conference; requiring certain classes of gifts to be disclosed under certain circumstances; authorizing the use of a certain financial disclosure statement under certain circumstances; repealing certain law about non-disclosure of certain home addresses; altering a certain reporting requirement for lobbyists; making a technical change; defining a certain term; and generally relating to county ethics laws.

By renumbering

Section 7-1-101(h) through (o)
Article 7. Public Ethics and Open Government

--
EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
 [Brackets] indicate matter stricken from existing law.
 ~~Strike out~~ indicates matter stricken from bill.
 Underlining indicates amendments to bill.

Baltimore County Code, 2003
to be Section 7-1-101(i) through (p)

By repealing and reenacting, with amendments

Sections 7-1-101(e) and (o) (as amended in Section 1 of this Act), 7-1-304(a), 7-1-305(c)(2), 7-1-401(a) and (f), 7-1-403(e)(3), 7-1-407, 7-1-506(b)(3), and 7-1-601(d)

Article 7. Public Ethics and Open Government
Baltimore County Code, 2003

By adding

Section 7-1-101(h)
Article 7. Public Ethics and Open Government
Baltimore County Code, 2003

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that Section 7-1-101(h) through (o) be renumbered Section 7-1-
3 101(i) through (p), respectively.

4 SECTION 2. AND BE IT FURTHER ENACTED that the Laws of Baltimore County
5 shall read as follows:

6 § 7-1-101.

7 (e) County. “County” includes:

8 (1) All the county officials, bureaus, departments, and offices named in
9 Article 3, Titles 1, 2, and 4 of the Code;

10 (2) All the boards, commissions, panels, foundations, and committees
11 established in the Code;

- 1 (3) [The community college of Baltimore County;
- 2 (4)] The Board of Education;
- 3 [(5)] (4) The Board of Health;
- 4 [(6)] (5) The Board of Library Trustees;
- 5 [(7)] (6) The Board of Liquor License Commissioners; and
- 6 [(8)] (7) All subordinates and subcommittees of the entities named in
- 7 paragraphs (1) through [(7)] (6) of this subsection.

8 (H) "ENTITY" MEANS:

9 (1) A PERSON; OR

10 (2) A GOVERNMENT OR INSTRUMENTALITY OF A GOVERNMENT.

11 (o) (1) "Public official" means:

12 (i) An employee of the county, including an elected official or an

13 appointed official; [and]

14 (ii) An individual elected or appointed to serve on any county board,

15 agency, commission, or similar entity; AND

16 (III) AFTER OCTOBER 1, 2012, THE EXECUTIVE DIRECTOR AND

17 MEMBERS OF THE REVENUE AUTHORITY.

18 § 7-1-304.

19 (a) (1) (i) Except as provided in paragraph (2) of this subsection, an elected

20 official may not, for contingent compensation, assist or represent a party in any matter before or

1 involving any agency of the county or state government.

2 (ii) Except as provided in paragraph (2) of this subsection, a public
3 official who is not an elected official may not, for contingent compensation, assist or represent a
4 party in any matter before or involving any agency of the county.

5 (2) Paragraph (1) of this subsection does not apply to assistance to or
6 representation of a party:

7 (i) In a judicial or quasi-judicial proceeding, including a proceeding
8 before an administrative law judge in the state Office of Administrative Hearings, or a matter
9 preliminary, incidental, or collateral to a judicial or quasi-judicial proceeding; or

10 (ii) In a matter before or involving the Workers' Compensation
11 Commission, the Maryland Automobile Insurance Fund, or the Criminal Injuries Compensation
12 Board.

13 (3) PARAGRAPH (2) OF THIS SUBSECTION DOES NOT APPLY TO:

14 (I) AN ADMINISTRATIVE LAW JUDGE OF THE OFFICE OF
15 ADMINISTRATIVE HEARINGS; AND

16 (II) A MEMBER OF THE BOARD OF APPEALS.

17 § 7-1-305.

18 (c) (2) Subject to paragraph (1) of this subsection, subsection (b) of this section
19 does not apply to:

20 (i) Meals or beverages received and consumed by the public official
21 in the presence of the donor or sponsoring entity;

1 (ii) Ceremonial gifts or awards of insignificant monetary value;

2 (iii) Unsolicited gifts of nominal value;

3 (iv) Unsolicited gifts that are not meals or alcoholic beverages and that
4 do not exceed \$20 in cost, from a regulated lobbyist;

5 (v) Trivial gifts of informational value;

6 (vi) In return for participation on a panel or a speaking engagement at a
7 meeting, reasonable expenses for food, travel, lodging, or scheduled entertainment of the public
8 official if the expenses are associated with the meeting, except that, if such expenses for a public
9 official are to be paid by a regulated lobbyist and are anticipated to exceed \$500, the public
10 official shall notify the Ethics Commission before attending the meeting;

11 (vii) As to [an elected official] A MEMBER OF THE COUNTY
12 COUNCIL, reasonable expenses for food, travel, lodging, or scheduled entertainment to attend a
13 [public policy] LEGISLATIVE conference [but in the case of a member of the County Council,]
14 if the member's attendance is approved by the chairman of the County Council;

15 (viii) Tickets or free admission extended to an elected official[, or a duly
16 authorized assistant or representative of the elected official,] as a courtesy or ceremony to the
17 office, to attend a charitable, cultural, [sporting,] or political event;

18 (ix) A specific gift or class of gifts exempted from subsection (b) of
19 this section by the Ethics Commission upon a written finding that:

20 1. Acceptance of the gift or class of gifts would not be
21 detrimental to the impartial conduct of government; and

- 1 2. The gift is purely personal and private in nature;
- 2 (x) A gift from:
- 3 1. An individual related to the public official by blood or
- 4 marriage; or
- 5 2. Any other individual who is a member of the household of
- 6 the public official; or
- 7 (xi) To the extent provided in subsection (d) of this section, honoraria.
- 8 § 7-1-401.

9 (a) The following public officials shall file the financial disclosure statements

10 required under this subtitle:

- 11 (1) The County Executive;
- 12 (2) The County Administrative Officer and the Deputy County Administrative
- 13 Officers;
- 14 (3) The chairman and members of the County Council;
- 15 (4) The County Attorney, the Deputy County Attorney, and an Acting County
- 16 Attorney or Acting Deputy County Attorney;
- 17 (5) The secretary to the County Executive;
- 18 (6) The secretary to the County Council;
- 19 (7) The administrative assistant to the County Council;
- 20 (8) The Administrative Law Judges of the Office of Administrative Hearings;

- 1 (9) Department heads, deputy department heads, and acting department heads
2 and deputy department heads;
- 3 (10) Office heads, deputy office heads, and acting office heads and deputies;
- 4 (11) The chairman and members of the Board of Appeals;
- 5 (12) The chairman and members of the Board of Liquor License
6 Commissioners;
- 7 (13) The County Auditor and the Deputy Auditor;
- 8 (14) The chairman, members, and Executive Director of the Revenue
9 Authority;
- 10 (15) The chairman and members of the Planning Board;
- 11 (16) The chairman and members of the Board of Recreation and Parks;
- 12 (17) The chairman and members of the Electrical Administrative Board;
- 13 (18) The chairman and members of the Plumbing Board;
- 14 (19) The chairman and members of the Board of Health;
- 15 (20) The chairman and members of the Board of Library Trustees;
- 16 (21) The chairman and members of the Ethics Commission;
- 17 (22) The paid and unpaid members of boards of all state agencies funded in
18 whole or in part by the county;
- 19 (23) The People's Counsel and the Deputy People's Counsel;
- 20 (24) The chairman and members of the Agricultural Land Preservation

1 Advisory Board;

2 (25) The chairman and members of the Workforce Development Council;

3 (26) The chairman and members of the Telecommunications Advisory Panel;

4 and

5 (27) [The] SUBJECT TO SUBSECTION (F)(2) OF THIS SECTION, THE
6 chairman and members of the Board of Trustees of the Community College of Baltimore
7 County.

8 (f) (1) [For] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FOR
9 members of boards and commissions listed in subsection (a) of this section who do not receive
10 compensation for service on the board or commission, the Commission shall authorize disclosure
11 similar to that allowed under § 15-609 of the State Government Article of the Annotated Code of
12 Maryland.

13 (2) THE CHAIRMAN AND MEMBERS OF THE BOARD OF TRUSTEES OF
14 THE COMMUNITY COLLEGE OF BALTIMORE COUNTY MAY FILE WITH THE
15 COMMISSION A COPY OF THEIR FINANCIAL DISCLOSURE STATEMENT FILED
16 UNDER TITLE 15 OF THE STATE GOVERNMENT ARTICLE OF THE ANNOTATED
17 CODE OF MARYLAND.

18 § 7-1-403.

19 (e)(3) (i) Except as provided in subparagraph (ii) of this paragraph, the schedule
20 shall include each gift with a value of more than \$20 and each of two or more gifts with a
21 cumulative value of \$100 or more received from one entity during the applicable period.

1 (ii) The statement need not include as a gift:

2 1. Food or beverages received and consumed by an ~~elected~~
3 ~~official~~ A MEMBER OF THE COUNTY COUNCIL in the presence of the donor or sponsoring
4 entity as part of a meal or reception TO WHICH ALL MEMBERS OF THE COUNTY
5 COUNCIL WERE INVITED;

6 2. Food or beverages received by a member of the County
7 Council at the time and geographic location of a meeting of a legislative organization for which
8 the chairman of the County Council has approved the member’s attendance at county expense; or

9 3. A ticket or free admission extended to [an elected official]
10 A MEMBER OF THE COUNTY COUNCIL AND IN THE PRESENCE OF THE DONOR OR
11 PERSON SPONSORING THE EVENT as a courtesy or ceremony to the office to attend a
12 charitable, cultural, [sporting] or political event TO WHICH ALL MEMBERS OF THE
13 COUNTY COUNCIL WERE INVITED.

14 § 7-1-407.

15 (a) (1) [Subject to rules adopted by the Commission as provided in subsection (b)
16 of this section, the] THE Commission shall allow an individual to examine and copy a financial
17 disclosure statement filed by a public official under this title.

18 (2) The individual examining or copying the financial disclosure statement
19 shall report his or her name, address, and the name of the public official whose financial
20 disclosure statement is being examined.

21 (3) The individual shall conduct the examination or copying in person at the

1 Commission's office during reasonable office hours.

2 (b) [(1) The Commission shall adopt rules creating a procedure under which a
3 public official may request that the public official's home address be protected from disclosure
4 under this section based on a showing of good cause, including for the safety of the public
5 official's family.

6 (2) If, after consideration of a request made as provided in paragraph (1) of
7 this subsection, the Commission determines that the home address of a public official should not
8 be disclosed, the Commission shall direct the Executive Director and the staff of the Commission
9 to take steps necessary to prevent the disclosure of the protected information.

10 (c)] The Commission shall forward to the public official whose financial disclosure
11 statement was examined or copied the information required under subsection (a)(2) of this
12 section.

13 § 7-1-506.

14 (b) (3) (i) Except for gifts reported in items (2)(vi) and (vii) of this
15 subsection, the report shall include the name of each public official or the public official's spouse
16 or dependent child who has benefited from gifts from the lobbyist that have a cumulative value
17 of [\$150] \$100 or more during the period covered by the report, whether or not given in
18 connection with lobbying activities.

19 (ii) When the [\$150] \$100 cumulative value is met or exceeded, all
20 succeeding gifts also shall be included in the report itemized by date, beneficiary, amount or
21 value, and nature of the gift.

1 § 7-1-601.

2 (d) The Commission may:

3 (1) Assess a late fee of \$2 per day up to a maximum of \$250 for a failure to
4 timely file a financial disclosures statement required under Subtitle [3] 4 of this title; and

5 (2) Assess a late fee of \$10 per day up to a maximum of \$250 for a failure to
6 file a timely lobbyist registration or lobbyist report required under Subtitle 5 of this title.

7 SECTION 3. AND BE IT FURTHER ENACTED, that this Act, having passed by the
8 affirmative vote of five members of the County Council, shall take effect on July 15, 2012.