

FINAL

AMENDED
September 17, 2018
October 1 and 15, 2018

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2018, Legislative Day No. 34

Bill No. 80-18

Introduced by Mr. Peroutka, Chairman
(by request of the County Executive)

By the County Council, July 16, 2018

Introduced and first read on July 16, 2018
Public Hearing set for and held on September 17, 2018
Public Hearing on AMENDED bill set for and held on October 1, 2018
Public Hearing on SECOND AMENDED bill set for and held on October 15, 2018
Bill AMENDED and VOTED on October 15, 2018
Bill Expires October 19, 2018

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Public Ethics
2
3 FOR the purpose of amending certain definitions; ~~exempting employees and their exclusive~~
4 ~~representatives from lobbying and reporting requirements under certain instances;~~
5 amending provisions to meet requirements of or otherwise comport with State ethics
6 law; adding a requirement for employee ethics training; adding provisions relating to
7 issuance of informal advice by the Ethics Commission; amending certain time
8 deadlines and monetary thresholds; amending provisions relating to dismissal of formal
9 ethics complaints by the Ethics Commission; amending the list of individuals required
10 to file financial disclosure statements with the Ethics Commission; repealing the
11 requirement that certain documents submitted to the Ethics Commission be notarized;
12 amending and transferring certain provisions relating to participation in procurement
13 from the Public Ethics Article to the Purchasing Article; transferring certain provisions
14 within the Public Ethics Article; removing obsolete and redundant provisions;
15 correcting grammar, punctuation, citations, numbering, and terminology; making this
16 Ordinance subject to a certain contingency; and generally relating to public ethics.
17
18 BY repealing: §§ 7-5-112; 7-6-101(a)(14), (15), (18), (33), (39), (42), (61) through (65),
19 (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.

1 Anne Arundel County Code (2005, as amended)(as amended by Bill Nos. 59-18 and
2 60-18)

3
4 BY renumbering: §§ 7-5-101(c) to be 7-5-101(d); 7-6-101(a)(16) and (17), (19) through
5 (26), (29) through (32), (34) through (37), (40) and (41), (43) through (49), (52) through
6 (59), (66) through (70), (74), (75), (80) through (82), (86) through (98), and (99) and
7 (100), respectively, to be 7-6-101(a)(14) and (15), (16) through (23), (26) through (29),
8 (30) through (33), (35) and (36), (37) through (43), (46) through (53), (56) through
9 (60), (69), (71), (75) through (77), (78) through (90), (92) and (93), respectively; and
10 8-2-103 through 8-2-118, respectively, to be 8-2-104 through 8-2-119, respectively

11 Anne Arundel County Code (2005, as amended)(as amended by Bill Nos. 59-18 and
12 60-18)

13
14 BY repealing and reenacting, with amendments: §§ 7-1-101(1), (4), (5), (10), (11), (15)(iv)
15 and (v) (16), (18)(i) and (ii), and (19) through (21); ~~7-1-104~~; 7-2-104(b); 7-2-107(b);
16 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-
17 4-106(a); 7-4-107; 7-5-101(a)(2)(ii), (iii), and (v); 7-5-102(a)(2), and (b)(3) and (4); 7-
18 5-106(a)(3), (c)(2)(i), ~~(vi)~~, and (vii), and (e); 7-5-107(a); 7-5-109(a)(1)(iii) and (iv),
19 (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-
20 103(e) and (f)(2); 7-6-104(d)(2)(iii), (g)(3)(iv), (h)(1), (i), and (j); 7-6-105(a) and
21 (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-
22 103(a); 7-7-105(b)(2)(viii); and 7-8-102(b)(1)(i)

23 Anne Arundel County Code (2005, as amended)(as amended by Bill Nos. 59-18 and
24 60-18)

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

30 Anne Arundel County Code (2005, as amended)(as amended by Bill Nos. 59-18 and
31 60-18)

32
33 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-
34 6-101(a)(55), (63) through (68), (70), and (91); 7-7-101(c); and 8-2-103

35 Anne Arundel County Code (2005, as amended)

36
37 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
38 That §§ 7-5-112; 7-6-101(a)(14), (15), (18), (33), (39), (42), (61) through (65), (72), (76),
39 and (83) through (85); and 7-6-101(c) of Anne Arundel County Code (2005, as
40 amended)(and as amended by Bill Nos. 59-18 and 60-18) are hereby repealed.

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

1 (56) through (60), (69), (71), (75) through (77), (78) through (90), (92) and (93),
2 respectively; and 8-2-104 through 8-2-119, respectively.

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

6
7 **ARTICLE 7. PUBLIC ETHICS**

8
9 **TITLE 1. IN GENERAL**

10
11 **7-1-101. Definitions.**

12
13 In this article, the following words have the meanings indicated unless a different
14 definition is adopted for a particular provision or the context clearly requires a different
15 meaning.

16
17 (1) “Board”, “COMMISSION”, “AUTHORITY”, “OR SIMILAR ENTITY” means a
18 [governmental unit] BODY comprised of at least two members, all of whom are appointed
19 BY THE COUNTY EXECUTIVE, THE COUNTY COUNCIL, OR A COUNTY EMPLOYEE and serve
20 on a part-time basis.

21
22 (4) “Compensation” means money or any other valuable thing, regardless of form,
23 received or to be received by a person from an employer for services rendered. [For
24 purposes of Title 7, if lobbying is only a portion of a person’s employment, “compensation”
25 means a prorated amount that is based on the time devoted by the person to lobbying
26 compared to the time devoted to other employment duties.]

27
28 (5) “Employee” means an individual elected to, appointed to, or employed in the
29 Executive or Legislative Branch of the County; a [compensated] member, executive
30 director, or employee of any County board, commission, authority, or similar entity; [a
31 member of the Ethics Commission, a member of the Video Lottery Facility Local
32 Development Council, Pension Oversight Commission, Spending Affordability
33 Committee or Planning Advisory Board;] an employee of the Public Library Association
34 of Annapolis and Anne Arundel County, Inc.; a commissioner, the executive director, or
35 employee of the Housing Commission; [a member or employee of the Board of License
36 Commissioners;] or an employee, officer, or director of Anne Arundel Economic
37 Development Corporation, Arundel Community Development Services, Inc., or Anne
38 Arundel Workforce Development Corporation. “Employee” includes anyone designated as
39 being in an “acting” capacity. “Employee” does not include an individual who is subject to
40 the provisions of the Maryland Public Ethics Law.

41
42 (10) “Financial interest” means:

43
44 (i) ownership of an interest as the result of which the owner has received within the
45 past three years, is currently receiving, or in the future is entitled to receive, more than
46 \$1,000 per year; or

47
48 (ii) ownership of more than 3% of a business entity by an employee[,] or the spouse
49 of an employee; or

1 [(ii)] (III) ownership of securities of any kind that represent or are convertible into
2 ownership of more than 3% of a business entity by an employee[,] or the spouse of an
3 employee.
4

5 (11) “Gift” means the transfer of anything of economic value, regardless of form,
6 without adequate and lawful consideration. “Gift” does not include the solicitation,
7 acceptance, receipt, or regulation of a political contribution that is regulated in accordance
8 with the Election Law Article[,] of the State Code, or any other State law regulating the
9 conduct of elections or the receipt of political contributions.
10

11 (15) “Interest” means a legal or equitable economic interest that is owned or held
12 wholly or partly, jointly or severally, or directly or indirectly, whether or not the economic
13 interest is subject to an encumbrance or a condition. “Interest” does not include:
14

15 (iv) a common trust fund or a trust that forms part of a pension or a profit-sharing
16 plan that has more than 25 participants[,] and is determined by the Internal Revenue Service
17 to be a qualified trust under § 401 or § 501 of the Internal Revenue Code;
18

19 (v) except as to the County Executive, a member of the County Council, or a
20 candidate for the Office of County Executive or County Council, an interest in a mutual
21 fund, EXCHANGE-TRADED FUND, or similar commingled investment vehicle, the
22 investments of which the employee does not control or manage; or
23

24 (vi) an interest in a County pension plan or a County deferred compensation plan.
25

26 (16) “Legislative action” means an official action or [nonaction] INACTION relating to
27 a bill, resolution, amendment, nomination, appointment, report, or other matter within the
28 jurisdiction of the County Council or to an ordinance or resolution presented to the County
29 Executive for signature or veto. “Legislative action” includes introduction, sponsorship,
30 consideration, debate, amendment, passage, defeat, approval, [or] AND veto.
31

32 (18) “Lobbyist” means any person who communicates with any employee in the
33 Legislative or Executive Branch of County government for the purpose of influencing any
34 executive action or legislative action, and who, for that purpose:
35

36 (i) incurs personally, or through a representative, expenses of \$100 or more, or
37 receives \$100 or more as compensation, exclusive of personal travel or subsistence
38 expenses, DURING A REPORTING PERIOD;
39

40 (ii) expends cumulatively \$50 or more during a reporting period on one or more
41 employees in the Executive or Legislative Branch for meals, beverages, special events, or
42 gifts [in connection with or with the purpose of influencing executive or legislative action];
43

44 (19) “Member of household” means, if sharing an individual’s legal residence, the
45 individual’s spouse, child, ward, financially dependent parent, or other financially
46 dependent relative; or an individual’s spouse, child, ward, parent, or other relative over
47 whose financial affairs the individual has legal or actual control.

1 (20) "Person" means an individual, [a] partnership, firm, association, corporation,
2 business trust, limited liability company, or other entity of any kind and, except as used in
3 Title 8 with respect to the imposition of criminal penalties, a governmental entity or an
4 instrumentality or unit of a governmental entity.

5
6 (21) "Political contribution" means a contribution as defined in the Election Law
7 Article[,] of the State Code.

8
9 **7-1-104. Other laws.**

10
11 ~~(A) **Compliance with other law.** In addition to provisions of this article and regulations~~
12 ~~issued pursuant to it, a person shall comply with other provisions of law, regulations, and~~
13 ~~any applicable policies and procedures relating to conflicts of interest, financial disclosure,~~
14 ~~or lobbying, even if they are more stringent than this article.~~

15
16 ~~(B) **Exemptions.** THE PROVISIONS OF THIS ARTICLE AND REGULATIONS ISSUED~~
17 ~~PURSUANT TO IT MAY NOT BE CONSTRUED TO REQUIRE:~~

18
19 ~~(1) COUNTY EMPLOYEES OR THEIR EXCLUSIVE REPRESENTATIVES AS DEFINED~~
20 ~~UNDER ARTICLE 6 OF THIS CODE, OR THEIR ATTORNEYS OR CONSULTANTS, TO REGISTER~~
21 ~~AS LOBBYISTS WHEN ENGAGED IN EFFORTS TO INFLUENCE CONSIDERATION OF TERMS OR~~
22 ~~CONDITIONS OF COUNTY EMPLOYMENT; OR~~

23
24 ~~(2) REPORTS OF CONDUCT, ACTIVITIES, OR SPEECH OF COUNTY EMPLOYEES OR~~
25 ~~THEIR EXCLUSIVE REPRESENTATIVES, ATTORNEYS OR CONSULTANTS, WHEN ACTING~~
26 ~~UNDER THE PROVISIONS OF ARTICLE 6 OF THIS CODE.~~

27
28 **7-1-105. Employee training.**

29
30 (A) **Current employees.** EMPLOYEES HIRED, APPOINTED, OR ELECTED ON OR BEFORE
31 THE EFFECTIVE DATE OF BILL NO. 80-18 SHALL SUCCESSFULLY COMPLETE A TRAINING
32 PROGRAM ON PUBLIC ETHICS DEVELOPED BY THE ETHICS COMMISSION WITHIN 180 DAYS
33 OF THE EFFECTIVE DATE OF BILL NO. 80-18 AND ONCE EVERY FIVE YEARS THEREAFTER.

34
35 (B) **New hires.** EMPLOYEES HIRED, APPOINTED, OR ELECTED AFTER THE EFFECTIVE
36 DATE OF BILL NO. 80-18 SHALL SUCCESSFULLY COMPLETE A TRAINING PROGRAM ON
37 PUBLIC ETHICS DEVELOPED BY THE ETHICS COMMISSION WITHIN 60 DAYS OF HIRE,
38 APPOINTMENT, OR ELECTION AND ONCE EVERY FIVE YEARS THEREAFTER.

39
40 **TITLE 2. ETHICS COMMISSION**

41
42 **7-2-104. Duties.**

43
44 (b) **List of entities doing business with the County.**

45
46 (1) The Ethics Commission shall:

47
48 (i) maintain in the Commission's choice of format, including electronically, an
49 alphabetized list of entities doing business with the County, as defined in [§ 7-1-101(8)] §
50 7-1-101(7), during the preceding calendar year; and

1 (ii) make information from the list available to individuals required to file a
2 statement under Title 6.

3
4 (2) The list prepared under subsection (b)(1) shall be available for public inspection,
5 in the Commission's choice of format, including electronically, by March 1 of each year.

6
7 (3) On request of the Ethics Commission, an employee or governmental unit[, in a
8 timely manner,] shall provide [the] TO THE Ethics Commission [with] in a timely manner
9 any information necessary for the Ethics Commission to perform its duties under this
10 subsection.

11
12 **7-2-107. Exemption from article.**

13
14 (b) **Written request.** The Ethics Commission may grant an exemption to a board,
15 commission, or authority or member of a board, commission, or authority only on written
16 request of the [governmental unit] BOARD, COMMISSION, OR AUTHORITY involved.

17
18 **TITLE 3. ADVISORY OPINIONS**

19
20 **7-3-101. Request for advisory opinion; informal advice.**

21
22 (A) **Issuance.** On request of a person subject to this article, the Ethics Commission shall
23 issue an advisory opinion OR INFORMAL ADVICE regarding the application of this article to
24 that person. On request of any other person, the Ethics Commission may issue an advisory
25 opinion OR INFORMAL ADVICE.

26
27 (B) **Informal advice.** INFORMAL ADVICE SHALL REMAIN CONFIDENTIAL AND SHALL
28 NOT BE SUBJECT TO PUBLICATION. AT ITS DISCRETION, THE COMMISSION MAY ISSUE AN
29 ADVISORY OPINION CONCERNING THE SUBJECT MATTER OF ANY INFORMAL ADVICE,
30 SUBJECT TO THE CONFIDENTIALITY REQUIREMENTS OF § 7-3-103.

31
32 **7-3-102. Time for issuance.**

33
34 [(a) **Preliminary response.** Within 14 days of a request for an advisory opinion under
35 § 7-3-101, the Ethics Commission shall issue a preliminary response.

36
37 (b) **Advisory opinion; informal advice.]** The Ethics Commission shall issue an
38 advisory opinion OR INFORMAL ADVICE IN WRITING within [60] 30 days of receiving a
39 request under § 7-3-101, or more promptly if feasible and if circumstances require. [Each
40 advisory opinion shall be in writing.]

41
42 **7-3-103. Confidentiality.**

43
44 Before an advisory opinion may be PUBLISHED OR OTHERWISE made public, the Ethics
45 Commission shall delete the name of the person who is the subject of the opinion and, to
46 the fullest extent possible, if not material to the opinion, any other information that may
47 identify the person who is the subject of the opinion. The identity of the person who is the
48 subject of the opinion may not otherwise be revealed.

49
50 **TITLE 4. PROCEDURES FOR COMPLAINT**

1 **7-4-101. Complaints; filing; requirements.**

2
3 (a) **Filing.**

4
5 (1) Any person may file A WRITTEN COMPLAINT with the Ethics Commission on a
6 form provided by the Ethics Commission [a written complaint] alleging a violation of this
7 article.

8
9 (2) A complaint filed under this subsection shall be signed and made under oath.

10
11 (b) **Complaint issued by Ethics Commission.** The Ethics Commission, on its own
12 initiative, may issue a complaint alleging a violation of this article.

13
14 (c) **Dismissal.** The Ethics Commission may dismiss a complaint at any time if the
15 Commission determines that it lacks jurisdiction, THAT THE COMPLAINT FORM IS
16 INCOMPLETE, that the complaint is frivolous, or that the evidence does not support further
17 action.

18
19 (d) **Copies.** Unless [dismissed under] IT DISMISSES A COMPLAINT AS PROVIDED IN
20 subsection (c) within 45 days of [being filed] FILING, the Ethics Commission shall
21 promptly transmit a copy of the complaint to each respondent.

22
23 **7-4-102. Preliminary proceedings.**

24
25 (a) **Evidence.**

26
27 (1) The Executive Director shall collect and refer to the Ethics Commission
28 evidence relating to each violation of this article alleged in a complaint.

29
30 (2) BEFORE SUBMITTING THE EVIDENCE TO THE ETHICS COMMISSION, THE
31 EXECUTIVE DIRECTOR SHALL NOTIFY THE COMPLAINANT AND THE RESPONDENT THAT
32 EVIDENCE IS BEING PRESENTED.

33
34 (b) **Dismissal through consent agreement if curative action taken.**

35
36 (1) [Before submitting the evidence to the Ethics Commission, the Executive
37 Director shall notify the complainant and the respondent that evidence is being presented.

38
39 (2)] The Ethics Commission shall dismiss the complaint in a signed [order]
40 CONSENT AGREEMENT if:

41
42 (i) the respondent, within 15 days after receiving the notice, takes any action
43 that may be available to cure each alleged violation; and

44
45 (ii) the Ethics Commission finds that dismissal is not contrary to the purposes
46 of this article.

1 [(3)] (2) If the complaint is dismissed under this subsection, the Ethics Commission
2 shall promptly send a copy of the [order] CONSENT AGREEMENT to the complainant and to
3 the respondent.

4
5 (d) **Hearing.** If a complaint is not dismissed under subsection (b) or (c) [or resolved
6 through a consent agreement], the Ethics Commission shall proceed to a hearing on the
7 complaint, conducted in accordance with this title.

8
9 **7-4-103. Hearing.**

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

16
17 **7-4-104. Disposition.**

18
19 (d) **Late filings.**

20
21 (1) If the respondent is a lobbyist, for each report required under Title 7 that is filed
22 late, the respondent shall pay a fee of \$10 for each late day, not to exceed a total of [\$250]
23 \$1,000, into the County's general fund.

24
25 (2) If the respondent is an employee, for each statement required under Title 6 found
26 to have been filed late, the respondent shall pay a fee of [\$2] \$5 for each late day, not to
27 exceed a total of [\$250] \$500, into the County's general fund.

28
29 (E) **Suspension or revocation of lobbyist registration.**

30
31 (1) IF THE ETHICS COMMISSION DETERMINES, BY AN AFFIRMATIVE VOTE OF FIVE
32 MEMBERS, IT NECESSARY TO PROTECT THE PUBLIC INTEREST AND THE INTEGRITY OF THE
33 GOVERNMENTAL PROCESS, THE ETHICS COMMISSION MAY ISSUE AN ORDER TO:

34
35 (I) SUSPEND THE REGISTRATION OF AN INDIVIDUAL LOBBYIST IF THE ETHICS
36 COMMISSION DETERMINES THAT THE INDIVIDUAL LOBBYIST:

37
38 1. HAS KNOWINGLY AND WILLFULLY VIOLATED TITLE 7; OR

39
40 2. HAS BEEN CONVICTED OF A CRIMINAL OFFENSE ARISING FROM
41 LOBBYING ACTIVITIES; OR

42
43 (II) REVOKE THE REGISTRATION OF AN INDIVIDUAL LOBBYIST IF THE ETHICS
44 COMMISSION DETERMINES THAT, BASED ON ACTS ARISING FROM LOBBYING ACTIVITIES,
45 THE INDIVIDUAL LOBBYIST HAS BEEN CONVICTED OF BRIBERY, THEFT, OR OTHER CRIME
46 INVOLVING MORAL TURPITUDE.

47
48 (2) IF THE ETHICS COMMISSION SUSPENDS THE REGISTRATION OF AN INDIVIDUAL
49 LOBBYIST UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE INDIVIDUAL LOBBYIST MAY
50 NOT ENGAGE IN LOBBYING FOR COMPENSATION FOR A PERIOD, NOT TO EXCEED 3 YEARS,
51 THAT THE ETHICS COMMISSION DETERMINES AS TO THAT INDIVIDUAL LOBBYIST IS
52 NECESSARY TO SATISFY THE PURPOSES OF THIS SUBSECTION.

1 (3) IF THE ETHICS COMMISSION REVOKES, BY AN AFFIRMATIVE VOTE OF FIVE
 2 MEMBERS, THE REGISTRATION OF AN INDIVIDUAL LOBBYIST UNDER PARAGRAPH (1) OF
 3 THIS SUBSECTION, THE INDIVIDUAL LOBBYIST MAY NOT ENGAGE IN LOBBYING FOR
 4 COMPENSATION.

5
 6 (4) IF THE ETHICS COMMISSION INITIATES A COMPLAINT BASED ON A VIOLATION
 7 OR CONVICTION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE ETHICS
 8 COMMISSION SHALL INITIATE THE COMPLAINT WITHIN 2 YEARS AFTER THE EARLIER OF:

9
 10 (I) THE ETHICS COMMISSION'S KNOWLEDGE OF THE VIOLATION; OR

11
 12 (II) THE DATE THE CONVICTION BECOMES FINAL.

13
 14 (5) THE TERMINATION OR EXPIRATION OF THE REGISTRATION OF AN INDIVIDUAL
 15 LOBBYIST DOES NOT LIMIT THE AUTHORITY OF THE ETHICS COMMISSION TO ISSUE AN
 16 ORDER UNDER THIS SUBSECTION.

17
 18 **(F) Reinstatement of lobbyist registration.**

19
 20 (1) AN INDIVIDUAL WHOSE REGISTRATION AS A LOBBYIST IS REVOKED OR
 21 SUSPENDED UNDER SUBSECTION (E) OF THIS SECTION MAY APPLY TO THE ETHICS
 22 COMMISSION FOR REINSTATEMENT.

23
 24 (2) THE ETHICS COMMISSION MAY REINSTATE THE REGISTRATION OF AN
 25 INDIVIDUAL WHOSE REGISTRATION AS A LOBBYIST HAS BEEN REVOKED OR SUSPENDED
 26 UNDER SUBSECTION (E) OF THIS SECTION IF THE ETHICS COMMISSION DETERMINES, BY
 27 AN AFFIRMATIVE VOTE OF FIVE MEMBERS, THAT REINSTATEMENT OF THE INDIVIDUAL
 28 WOULD NOT BE DETRIMENTAL TO THE PUBLIC INTEREST AND THE INTEGRITY OF THE
 29 GOVERNMENTAL PROCESS, BASED ON:

30
 31 (I) THE NATURE AND CIRCUMSTANCES OF THE ORIGINAL MISCONDUCT OR
 32 VIOLATION LEADING TO REVOCATION OR SUSPENSION;

33
 34 (II) THE INDIVIDUAL'S SUBSEQUENT CONDUCT AND REFORMATION; AND

35
 36 (III) THE PRESENT ABILITY OF THE INDIVIDUAL TO COMPLY WITH THE ETHICS
 37 LAW.

38
 39 **7-4-106. Confidentiality.**

40
 41 (a) **Generally.** Notwithstanding any other law and except as provided in subsections
 42 (b) and (c), after a complaint is filed:

43
 44 (1) the proceedings, meetings, and activities of the Ethics Commission and its staff
 45 and employees relating to a complaint are confidential;

46
 47 (2) information relating to a complaint, including the identity of the complainant
 48 and respondent, may not be disclosed by the:

49
 50 (i) Ethics Commission;

51
 52 (ii) staff of the Ethics Commission;

53
 54 (iii) complainant; or

1 (iv) respondent; and

2
3 (3) if information relating to the complaint is disclosed by the complainant, the
4 Commission may dismiss the complaint without further action by the Commission.

5
6 **7-4-107. Referral to prosecuting authority.**

7
8 (a) **Generally.** If, WHILE CONSIDERING A COMPLAINT OR DURING ANY
9 INVESTIGATION OR INQUIRY, the Ethics Commission[, while considering a complaint or
10 during any investigation or inquiry,] finds that there are reasonable grounds to believe that
11 the respondent may have committed a criminal offense, the Ethics Commission shall refer
12 the matter promptly to an appropriate prosecuting authority.

13
14 (b) **Evidence to be available.** The Ethics Commission shall make [available to the
15 prosecuting authority] all evidence within its control AVAILABLE TO THE PROSECUTING
16 AUTHORITY.

17
18 **TITLE 5. CONFLICTS OF INTEREST**

19
20 **7-5-101. Restrictions on participation.**

21
22 (a) **Generally.** Except as otherwise provided in this article, an employee may not
23 participate in a matter if:

24
25 (1) the employee or a qualifying relative of the employee has an interest in the
26 matter distinguishable from that of the public generally and the employee knows of the
27 interest; or

28
29 (2) any of the following is a party to the matter:

30
31 (ii) a business entity of which [any of the following] THE EMPLOYEE, OR IF
32 KNOWN TO THE EMPLOYEE, A QUALIFYING RELATIVE OF THE EMPLOYEE is an officer,
33 director, trustee, partner, limited partner, member, or employee[: the employee, or if known
34 to the employee, a qualifying relative of the employee];

35
36 (iii) a business entity with which [any of the following] THE EMPLOYEE OR, IF
37 KNOWN TO THE EMPLOYEE, A QUALIFYING RELATIVE OF THE EMPLOYEE has applied for a
38 position, is negotiating employment, or has arranged prospective employment[: the
39 employee or, if known to the employee, a qualifying relative of the employee];

40
41 (v) a business entity[,], either engaged in a transaction with the County or subject
42 to regulation by the employee's governmental unit[,], in which a financial interest is owned
43 by another business entity if the employee has a financial interest in the other business
44 entity, and reasonably may be expected to know of both financial interests; or

45
46 (vi) a business entity that the employee knows is a creditor or obligee of the
47 employee or of a qualifying relative of the employee with respect to a thing of economic
48 value and, as a creditor or obligee, is in a position to affect directly and substantially the
49 interest of the employee or qualifying relative.

1 **(B) Lobbyists.**

2
3 (1) THIS SUBSECTION DOES NOT APPLY TO AN INDIVIDUAL WHO IS AN EMPLOYEE
4 ONLY AS AN UNCOMPENSATED MEMBER OF A BOARD OR COMMISSION.

5
6 (2) A FORMER LOBBYIST WHO IS OR BECOMES AN EMPLOYEE SUBJECT TO
7 REGULATION UNDER THIS TITLE MAY NOT PARTICIPATE IN A CASE, CONTRACT, OR OTHER
8 SPECIFIC MATTER AS AN EMPLOYEE FOR ONE CALENDAR YEAR AFTER THE TERMINATION
9 OF THE REGISTRATION OF THE FORMER LOBBYIST IF THE FORMER LOBBYIST PREVIOUSLY
10 ASSISTED OR REPRESENTED ANOTHER PARTY FOR COMPENSATION IN THE MATTER.

11
12 **[(b)] (C) Exceptions.**

13
14 (1) The prohibitions of subsection (a) do not apply if participation is allowed:

15 (i) by regulation of the Ethics Commission;

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

17 (iii) by another provision of this article.

18
19
20 (2) This section does not prohibit participation by an employee that is limited to the
21 exercise of a [non-discretionary] MINISTERIAL OR administrative duty that does not affect
22 the disposition of or a decision with respect to the matter involved.

23
24
25
26 **7-5-102. Employment or financial interests; general restriction.**

27
28 (a) **Generally.** Except as provided in subsections (b) and (c), an employee may not:

29
30 (2) hold any other employment relationship [if] that [employment relationship]
31 would impair the impartiality or independent judgment of the employee.

32
33 (b) **Exceptions.** The prohibitions of subsection (a) do not apply:

34
35 (3) as allowed by opinion or regulation of the Commission, to an employee whose
36 duties are MINISTERIAL OR administrative [and non-discretionary] if the NON-COUNTY
37 employment or financial interest does not create a conflict of interest or the appearance of
38 a conflict of interest;

39
40 (4) to a member of a board[, commission, authority, or similar entity] who holds
41 the employment or financial interest when appointed if the employment or financial interest
42 is publicly disclosed to the appointing authority, the Ethics Commission, and, if applicable,
43 the County Council before [confirmation] ANY REQUIRED APPROVAL OF THE
44 APPOINTMENT.

45
46 (c) **Exemptions.**

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

4
5 (i) failure to grant the exemption would limit the ability of the County to recruit
6 and hire highly or uniquely qualified professionals for public service or ensure the
7 availability of competent services to the public; and

8
9 (ii) the number of exemptions under this subsection has not [tended to erode]
10 ERODED the purposes of subsection (a) or other provisions of this article.

11
12 **7-5-106. Solicitation or acceptance of gifts or honoraria.**

13
14 (a) **Soliciting or making gifts.**

15
16 (3) An employee may not directly solicit or facilitate the solicitation of a gift [on
17 behalf of another person] from a lobbyist ON BEHALF OF ANOTHER PERSON.

18
19 (c) **Exceptions.**

20
21 (2) Subject to subsection (c)(1), subsection (b) does not apply to:

22
23 (i) occasional meals and beverages of [modest value] \$25 OR LESS consumed in
24 the presence of the donor or sponsoring entity;

25
26 ~~(vi) tickets or free admission extended to an [elected] employee from the person~~
27 ~~sponsoring or conducting a charitable, cultural, or political event, as a courtesy or~~
28 ~~ceremony to the [office] EMPLOYEE'S POSITION to attend the event;~~

29
30 (vii) a specific gift or class of gifts exempted from subsection (b) by the Ethics
31 Commission upon a written finding that acceptance of the gift or class of gifts would not
32 be detrimental to the impartial conduct of government[,] and [the gift is] WOULD BE purely
33 personal and private in nature;

34
35 (e) **Additional exemptions.** [By opinion or regulation, the] THE Ethics Commission
36 may define further exemptions from this section BY OPINION OR REGULATION.

37
38 **7-5-107. Use of prestige of office or position.**

39
40 (a) **Generally.**

41
42 (1) An employee may not intentionally use the prestige of office or public position:

43
44 (I) for that employee's private gain or the gain of another; OR

45
46 (II) EXCEPT AS PART OF THE OFFICIAL DUTIES OF THE EMPLOYEE, TO
47 INFLUENCE THE AWARD OF A STATE OR LOCAL GOVERNMENT CONTRACT TO A SPECIFIC
48 PERSON.

1 (2) AN EMPLOYEE MAY NOT DIRECTLY OR INDIRECTLY INITIATE A SOLICITATION
2 FOR A PERSON TO RETAIN THE SERVICES OF A PARTICULAR LOBBYIST OR LOBBYING FIRM.
3

4 (3) AN EMPLOYEE MAY NOT USE PUBLIC RESOURCES TO SOLICIT A POLITICAL
5 CONTRIBUTION THAT IS REGULATED IN ACCORDANCE WITH THE ELECTION LAW ARTICLE
6 OF THE STATE CODE.
7

8 **7-5-109. County Executive.**

9
10 (a) **Definitions.** In this section:

11
12 (1) "Close economic association" means:

13
14 (iii) corporations in which the County Executive owns the lesser of 10% or more
15 of the outstanding capital stock or capital stock with an aggregate value of \$25,000 or more,
16 not including any stock owned through a mutual fund, EXCHANGE-TRADED FUND,
17 retirement plan, or other similar commingled investment vehicle, the individual
18 investments of which the County Executive does not control or manage;

19
20 (iv) corporations or other business entities in which the County Executive is an
21 officer, director, or agent[.]; AND

22
23 (v) AN ENTITY WITH WHICH THE COUNTY EXECUTIVE IS NEGOTIATING
24 EMPLOYMENT OR HAS ARRANGED PROSPECTIVE EMPLOYMENT.
25

26 (b) **Presumed conflicts of interest.** [It] A CONFLICT OF INTEREST shall be presumed
27 [that the County Executive possesses a conflict of interest] with respect to an official action
28 OF THE COUNTY EXECUTIVE in any of the following circumstances:
29

30 (4) soliciting, accepting, or agreeing to accept any gift[,] or [a] loan, other than a
31 loan from a commercial lender in the normal course of business, from a person who would
32 be affected by or has an interest in a business entity or person that would be affected by the
33 official action; or
34

35 (c) **Statement of conflict required.**

36
37 (2) The statement shall describe the circumstances of the apparent OR PRESUMED
38 conflict and the official action to which it relates and assert that the County Executive is
39 able to participate fairly, objectively, and in the public interest.
40

41 **7-5-110. Legislative acts of members of County Council.**

42
43 (a) **Definition.** In this section, "close economic association" means:

44
45 (3) corporations in which a Councilmember owns the lesser of 10% or more of the
46 outstanding capital stock or capital stock with an aggregate value of \$25,000 or more, not
47 including any stock owned through a mutual fund, EXCHANGE-TRADED FUND, retirement
48 plan, or other similar commingled investment vehicle, the individual investments of which
49 the Councilmember does not control or manage; [and]

1 (4) corporations or other business entities for which a Councilmember is an officer,
2 director, or agent[.]; AND
3

4 (5) AN ENTITY IN WHICH THE COUNCILMEMBER IS NEGOTIATING EMPLOYMENT OR
5 HAS ARRANGED PROSPECTIVE EMPLOYMENT.
6

7 (c) **Presumed conflicts of interest.** It shall be presumed that an interest disqualifies a
8 County Councilmember from participating in legislative action in any of the following
9 circumstances:
10

11 (4) soliciting, accepting, or agreeing to accept a gift, or loan other than a loan from
12 a commercial lender in the normal course of business, from a person who would be affected
13 by or has an interest in an enterprise that would be affected by the Councilmember's
14 participation in legislative action; or[;]
15

16 TITLE 6. FINANCIAL DISCLOSURE

17 7-6-101. Persons required to file statements.

18 (a) **Generally.** Each of the following and each candidate for County Executive or the
19 County Council shall file with the Ethics Commission the statements provided for in this
20 title:
21

22 (12) the [Director of Programming] ECONOMIC DEVELOPMENT OFFICER;
23

24 ***
25

26 [(14) the Program Administrator for the Office of Human Services;
27

28 (15) the Grants Administrator for the Office of Human Services;]
29

30 ***
31

32 [(18) each Assistant Administrative Hearing Officer;]
33

34 ***
35

36 [(27)](24) each [Deputy] Fire DEPUTY Chief;
37

38 [(28) the] (25) EACH Fire [Battalion] DIVISION Chief [assigned to the Fire Marshal's
39 Office];
40

41 ***
42

43 [(33) the Director, Employment Benefits and Services;]
44

45 ***
46

47 [(38)] (34) the Financial Operations [Manager] SUPERVISOR;
48
49

1 [(39) the Fiscal Administrator;]

2

3 ***

4

5 [(42) each Assistant Central Services Officer;]

6

7 ***

8

9 [(50)] (44) the Chief, [of] Information Technology Operations;

10

11 [(51)] (45) the Chief, [of] Network and Cyber Security;

12

13 ***

14

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

16

17 (55) EACH ASSISTANT DIRECTOR, PUBLIC WORKS;

18

19 ***

20

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

22

23 (62) the Deputy Director of Utilities, Operations;

24

25 (63) the Deputy Director, Waste Management Services;

26

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

28

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

30

31 ***

32

33 [(71)] (61) the Chief, Environmental Facilities and Programs IN THE DEPARTMENT
34 OF RECREATION AND PARKS;

35

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

37

38 [(73)] (62) the Chief of Planning and Construction Programs IN THE DEPARTMENT
39 OF RECREATION AND PARKS;

40

41 (63) THE CHIEF, RECREATION AND ATHLETIC PROGRAMS;

42

43 (64) EACH SENIOR MANAGEMENT ASSISTANT IN THE DEPARTMENT OF
44 RECREATION AND PARKS;

45

46 (65) EACH PROGRAM SPECIALIST II IN THE DEPARTMENT OF RECREATION AND
47 PARKS;

48

49 (66) THE FACILITY SUPERINTENDENT, TRAILS AND GREENWAYS;

50

51 (67) EACH RECREATION AND PARKS FACILITY SUPERINTENDENT;

1 (68) EACH RECREATION SUPERVISOR;

2
3 ***

4
5 (70) THE DEPUTY DIRECTOR, AGING AND DISABILITIES;

6
7 ***

8
9 [(76) the Fiscal Officer in the Department of Aging and Disabilities;]

10
11 [(77)] (72) the Superintendent, [of the] Detention Center;

12
13 [(78) the Deputy Superintendent of the Detention Center](73) EACH CORRECTIONAL
14 FACILITY ADMINISTRATOR;

15
16 [(79)](74) each Assistant [Superintendent of the Detention Center] CORRECTIONAL
17 FACILITY ADMINISTRATOR;

18
19 ***

20
21 [(83) the Chair and each Commissioner of the Board of License Commissioners;

22
23 (84) the Chief Inspector of the Board of License Commissioners;

24
25 (85) each Inspector of the Board of License Commissioners;]

26
27 ***

28
29 (91) EACH MEMBER OF THE VIDEO LOTTERY FACILITY LOCAL DEVELOPMENT
30 COUNCIL;

31
32 **7-6-102. Statements required to be filed.**

33
34 (a) **Generally.** Each statement required under this title shall:

35
36 (1) be filed with the Ethics Commission on a form provided by the Ethics
37 Commission;

38
39 (2) BE FILED UNDER OATH;

40
41 [(2)] (3) be filed on or before April 30 of each year;

42
43 [(3)](4) cover the calendar year immediately preceding the year of filing; and

44
45 [(4)](5) contain the information required by this title.

46
47 **7-6-103. Statements of candidates.**

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

5
6 (f) **Duties of the Board of Election Supervisors.**

7
8 (2) [Within 30 days after receipt of a statement, the] THE Board of Elections
9 Supervisors shall forward [it] A FILED STATEMENT to the Ethics Commission WITHIN 30
10 DAYS AFTER RECEIPT.

11
12 **7-6-104. Content of statement.**

13
14 (d) **Entities doing business with the County.**

15
16 (2) For each interest reported, the schedule shall include:

17
18 (iii) if any interest was acquired during the applicable period:

- 19
20 1. the date and manner in which the interest was acquired;
21
22 2. the identity of the person from whom the interest was acquired;
23
24 3. if the interest was acquired by purchase, the nature and the amount of the
25 consideration given or to be given for the interest; [and]
26
27 4. IF ACQUIRED OTHER THAN BY PURCHASE, THE FAIR MARKET VALUE OF
28 THE INTEREST AT THE TIME ACQUIRED; AND
29

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

31
32 (3) For each position or interest reported, the schedule shall include:

33
34 (iv) the nature of the business with the County, which, at a minimum, shall be
35 specified in reference to the applicable criteria described in [§ 7-1-101(8)] § 7-1-101(7).
36

37 (h) **Debts owed.**

38
39 (1) The statement shall include a schedule, to the extent the individual may
40 reasonably be expected to know, of each debt, excluding retail credit accounts, owed at any
41 time during the applicable period to any [person or] entity doing business with the County
42 by the individual, and, if the individual was involved in the transaction giving rise to the
43 debt or may become liable for the debt, by any member of the individual's immediate
44 family.
45

46 (i) **Relatives.** The statement shall include a schedule listing all relatives of the
47 [employee] INDIVIDUAL making the statement, and all relatives of the [employee's]
48 INDIVIDUAL'S spouse, who were employed by the County in any capacity at any time
49 during the applicable period.

1 (j) **Business names and addresses.** The statement shall include a schedule listing the
2 name and address of each:

3
4 (1) place of compensated employment of the individual and each member of the
5 individual's immediate family at any time during the applicable period; [and]

6
7 (2) business entity of which the individual or a member of the individual's
8 immediate family was a sole or partial owner, and from which the individual or family
9 member received or earned income at any time during the applicable period[.]; ~~AND~~

10
11 (3) ENTITY REPRESENTED BY THE INDIVIDUAL'S SPOUSE BEFORE A COUNTY
12 DEPARTMENT, AGENCY, OR OFFICE; AND

13
14 ~~(3)~~ (4) IF THE INDIVIDUAL'S SPOUSE IS A REGULATED LOBBYIST, THE ENTITY THAT
15 HAS ENGAGED THE SPOUSE FOR LOBBYING PURPOSES.

16
17 **7-6-105. Interests attributable to individual making statement.**

18
19 (a) **Real property and business entity interests.** The following are deemed to be
20 interests of the individual under § 7-6-104(b), [and] (c), AND (D):

21
22 (1) an interest held by a spouse or a child of the individual, if the interest was
23 controlled, directly or indirectly, by the individual at any time during the applicable period;

24
25 (2) an interest held by a business entity in which the individual held a 30% or greater
26 interest at any time during the applicable period; and

27
28 (3) an interest held by a trust or an estate in which, at any time during the applicable
29 period, the individual held a reversionary interest, was a beneficiary, or was a settlor of a
30 revocable trust.

31
32 (b) **Limitation.** Subsection (a)(2) does not affect:

33
34 (1) the requirement under § 7-6-104(b) of disclosure of real estate interests held in
35 the name of a partnership or limited liability entity in which the [employee] INDIVIDUAL
36 holds an interest; and

37
38 **7-6-107. Public record.**

39
40 (a) **Open records; fees.**

41
42 (1) EXCEPT AS PROVIDED IN PARAGRAPH (3), [The] THE Ethics Commission shall
43 maintain the statements submitted under this title and make the statements available to the
44 public for examination and copying during normal business hours.

45
46 (2) The Ethics Commission may charge a reasonable fee and adopt regulations for
47 the examination and copying of a statement.

1 (3) AFTER THE EFFECTIVE DATE OF BILL NO. 80-18, THE ETHICS COMMISSION SHALL
2 NOT PROVIDE PUBLIC ACCESS TO A PORTION OF A STATEMENT FILED UNDER THIS TITLE
3 THAT THE FILING PARTY HAS IDENTIFIED AS THE FILING PARTY'S HOME ADDRESS.

4
5 (c) **Duties of Ethics Commission.** The Ethics Commission shall:

6
7 (2) on request of the individual whose statement was examined or copied, forward
8 TO THAT INDIVIDUAL a copy of the record prepared pursuant to [this section to that
9 individual] SUBSECTION (B).

10 11 TITLE 7. LOBBYING DISCLOSURE

12 13 7-7-101. Scope of title.

14
15 (a) **Applicability.** This title does not apply to:

16
17 (3) [appearances] ACTIVITIES as part of the official duties of an elected or appointed
18 official or employee of the State, THE COUNTY, ANOTHER political subdivision of the State,
19 or the United States, and not on behalf of any other entity;

20
21 (5) [appearances before the County Council] ACTIVITIES at the specific invitation
22 or request of a lobbyist if no other act is undertaken for which reporting is required and, if
23 the person IS appearing BEFORE THE COUNTY COUNCIL, states to the County Council that
24 the person is appearing at the request of the lobbyist;

25
26 (7) [appearance] ACTIVITIES as part of the official duties of an officer, director,
27 member, or employee of an association engaged exclusively in lobbying for counties and
28 municipalities and not on behalf of any other entity; and

29
30 (c) **Compensation.** FOR THE PURPOSES OF THIS TITLE, IF LOBBYING IS ONLY A
31 PORTION OF A PERSON'S EMPLOYMENT, "COMPENSATION" MEANS A PRORATED AMOUNT
32 THAT IS BASED ON THE TIME DEVOTED BY THE PERSON TO LOBBYING COMPARED TO THE
33 TIME DEVOTED TO OTHER EMPLOYMENT DUTIES.

34 35 7-7-102. Registration required.

36
37 (c) **Required information.** Each lobbyist required to register under this section shall
38 provide the following information on a form provided by the Ethics Commission:

39
40 (1) the lobbyist's name, permanent address, and [phone] TELEPHONE number;

41
42 (2) the name, address, [phone] TELEPHONE number, and nature of business of any
43 person on whose behalf the lobbyist acts;

44
45 (3) the identification, by formal designation if known, of matters on which the
46 lobbyist expects to act; and

47
48 (4) the written authorization of any person or entity on whose behalf the lobbyist
49 acts, on a separate form provided by the Ethics Commission, providing the following
50 information:

1 (i) the name, address, and [phone] TELEPHONE number of both the employer of
2 the lobbyist and the lobbyist;

3
4 (ii) the period of time during which the lobbyist is authorized to act, unless
5 sooner terminated; and

6
7 (iii) the subject matter [on] UPON which the lobbyist represents the employer.
8

9 (e) **Signed under oath** . The lobbyist registration form and the authorization form shall
10 be signed under oath [and notarized].
11

12 **7-7-103. Termination of registration.**

13
14 (a) **Written notice**. A lobbyist may terminate registration by CEASING ALL LOBBYING
15 AND PROVIDING written notice to the Ethics Commission. The notice shall provide the date
16 on which the termination is to become effective.
17

18 **7-7-105. Activity reports by lobbyists.**

19
20 (b) **Information required**. The report shall be under oath [and notarized], and shall
21 include the following information:
22

23 (2) total expenditures on acts requiring registration in each of the following
24 categories:
25

26 (viii) the expenses paid for food, lodging, and scheduled entertainment of
27 employees who [are attending] ATTENDED a meeting and [that are being] WERE provided
28 in return for participation in a panel or speaking engagement at the meeting;
29

30 **TITLE 8. ENFORCEMENT**

31
32 **7-8-102. Judicial relief.**

33
34 (b) **Additional remedies.**

35
36 (1) In addition, the court may:
37

38 (i) impose a fine not exceeding [\$1,000] \$5,000 for a violation of this article,
39 with each day that the violation occurs being a separate offense; or
40

41 **ARTICLE 8. PURCHASING**

42
43 **TITLE 2. PROCUREMENT**

44
45 **8-2-103. Participation in procurement.**

46
47 (A) **Scope of section**. THIS SECTION APPLIES TO:

1 (1) ANY PERSON WHO ASSISTS THE COUNTY IN THE DRAFTING, DEVELOPMENT, OR
2 ISSUANCE OF ANY ASPECT OF SPECIFICATIONS, AN INVITATION FOR BIDS, A REQUEST FOR
3 PROPOSALS, A REQUEST FOR QUALIFICATIONS, OR ANY OTHER DOCUMENT RELATED TO
4 THE SOLICITATION OF A PROCUREMENT; AND

5
6 (2) ANY PERSON WHO EMPLOYS AN INDIVIDUAL DESCRIBED IN SUBSECTION (A)(1).

7
8 **(B) Prohibited conduct.** A PERSON DESCRIBED IN SUBSECTION (A) MAY NOT:

9
10 (1) SUBMIT A RESPONSE TO THE SOLICITATION OF THE PROCUREMENT; OR

11
12 (2) DIRECTLY OR INDIRECTLY ASSIST OR REPRESENT ANOTHER PERSON WHO IS
13 SUBMITTING A RESPONSE TO THE SOLICITATION OF THE PROCUREMENT.

14
15 **(C) Exceptions.** FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING DO NOT
16 CONSTITUTE ASSISTING THE COUNTY IN THE DRAFTING, DEVELOPMENT, OR ISSUANCE OF
17 ANY ASPECT OF SPECIFICATIONS, AN INVITATION FOR BIDS, A REQUEST FOR PROPOSALS,
18 A REQUEST FOR QUALIFICATIONS, OR ANY OTHER DOCUMENT RELATED TO THE
19 SOLICITATION OF A PROCUREMENT:

20
21 (1) PROVIDING DESCRIPTIVE LITERATURE, SUCH AS CATALOG SHEETS,
22 BROCHURES, TECHNICAL DATA SHEETS, OR STANDARD SPECIFICATION "SAMPLES",
23 WHETHER OR NOT SOLICITED BY THE COUNTY;

24
25 (2) SUBMITTING COMMENTS ON SPECIFICATIONS, AN INVITATION FOR BIDS, A
26 REQUEST FOR PROPOSALS, A REQUEST FOR QUALIFICATIONS, OR ANY OTHER DOCUMENT
27 RELATED TO THE SOLICITATION OF A PROCUREMENT IF COMMENTS HAVE BEEN
28 SOLICITED FROM TWO OR MORE PERSONS AS PART OF A REQUEST FOR INFORMATION BY
29 THE COUNTY OR A PRE-BID OR PRE-PROPOSAL PROCESS; OR

30
31 (3) PROVIDING SPECIFICATIONS FOR:

32
33 (I) AN EMERGENCY PROCUREMENT;

34
35 (II) A SOLE SOURCE PROCUREMENT; OR

36
37 (III) A PROFESSIONAL SERVICES PROCUREMENT OF ARCHITECT OR
38 ENGINEERING SERVICES AND INFORMATION TECHNOLOGY SERVICES THROUGH AN OPEN
39 END AGREEMENT MADE IN ACCORDANCE WITH ARTICLE 8 OF THIS CODE AND THE
40 PURCHASING MANUAL.

41
42 SECTION 4. *And be it further enacted,* That all references in this Ordinance to "the
43 effective date of Bill No. 80-18", or words to that effect, shall, upon codification, be
44 replaced with the actual date on which this Ordinance takes effect under Section 307 of the
45 County Charter as certified by the Administrative Officer to the County Council.

46
47 SECTION 5. ~~*And be it further enacted,* That this Ordinance shall take effect 45 days~~
48 ~~from the date it becomes law.~~

49
50 SECTION 5. *And be it further enacted,* That the changes to § 7-1-104 shall take effect
51 contingent on the receipt of approval from the State Ethics Commission and the County
52 Ethics Commission, by the effective date of this Bill, that the changes to § 7-1-104 are
53 substantially similar to State ethics law, as required by Sections 5-808, 5-809, and 5-110
54 5-810 of the General Provisions Article of the State Code; and, if such approval is not
55 received by the effective date of this Ordinance, then the changes to § 7-1-104, without

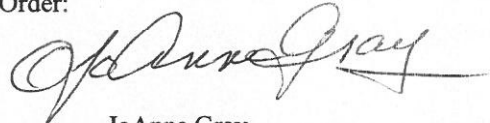
1 further action of the County Council, shall be null and void and of no further force and
2 effect.

3
4 SECTION 6. And be it further enacted, That, subject to Section 5 of this Ordinance,
5 this Ordinance shall take effect 45 days from the date it becomes law.

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

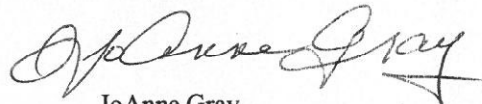
READ AND PASSED this 15th day of October, 2018

By Order:



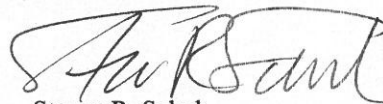
JoAnne Gray
Administrative Officer

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



JoAnne Gray
Administrative Officer

APPROVED AND ENACTED this 22nd day of October, 2018

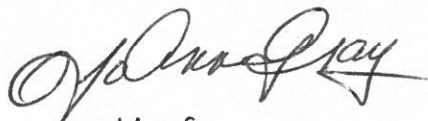


Steven R. Schuh
County Executive

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.



JoAnne Gray
Administrative Officer

Note: Language added by Amendment No. 4 has been stricken from Bill No. 80-18. Section 5, added by Amendment No. 6, instructs that, without approval from the State Ethics Commission and the County Ethics Commission, the changes made by Amendment No. 4 are to become null and void and of no further force and effect. The Anne Arundel County Ethics Commission unanimously rejected and disapproved Amendment No. 4 on October 8, 2018.