

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2019, Legislative Day No. 40

Bill No. 86-19

Introduced by Mr. Volke

By the County Council, November 18, 2019

Introduced and first read on November 18, 2019
Public Hearing set for December 16, 2019
Bill Expires February 21, 2020

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Public Ethics – Conflicts of Interest

2
3 FOR the purpose of amending the definition of “legislative action”; adding a definition for
4 “participation”; expanding the types of presumed conflicts of interest that would
5 prohibit a Council member from participating in a legislative action to include Council
6 members and their immediate family members; and generally relating to public ethics.

7
8 BY renumbering: § 7-1-101(20) through (24) to be § 7-1-101(21) through (25)
9 Anne Arundel County Code (2005, as amended)

10
11 BY adding: § 7-1-101(20)
12 Anne Arundel County Code (2005, as amended)

13
14 BY repealing and reenacting, with amendments: §§ 7-1-101(16); 7-5-110(a)(1) and (c);
15 and 7-5-111(a)(1)
16 Anne Arundel County Code (2005, as amended)

17
18 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
19 *That § 7-1-101 (20) through (24), respectively, of the Anne Arundel County Code (2005,*
20 *as amended) is hereby renumbered to be § 7-1-101(21) through (25), respectively.*

21
22 SECTION 2. *And be it further enacted,* That Section(s) of the Anne Arundel County
23 Code (2005, as amended) read as follows:

ARTICLE 7. PUBLIC ETHICS

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter deleted from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.

TITLE 5. CONFLICTS OF INTEREST

7-1-101. Definitions.

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.

(16) "Legislative action" means an official action or 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 DRAFTING, introduction, sponsorship, consideration, debate, amendment, passage, defeat, approval, and veto.

(20) "PARTICIPATION" MEANS GIVING ADVICE OR RECOMMENDATIONS, PROVIDING INFORMATION OR SUPERVISION, MAKING EVALUATIONS, HAVING PUBLIC OR PRIVATE DISCUSSIONS, OR ANY OTHER TYPE OF INVOLVEMENT THAT MAY HAVE AN IMPACT ON THE DISPOSITION OR DECISION IN A MATTER.

7-5-110. Legislative actions of County Councilmembers.

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

(1) ~~[[a Councilmember's]]~~ THE employers, employees, and associates in business or professional enterprises, INCLUDING AN EMPLOYEE ORGANIZATION AS DEFINED BY § 6-4-101(6) OF THIS CODE, AN EXCLUSIVE REPRESENTATIVE AS DEFINED BY § 6-4-101(7) OF THIS CODE, AND A UNIFORMED PUBLIC SAFETY EXCLUSIVE REPRESENTATIVE AS DEFINED BY § 6-4-101(16) OF THIS CODE, OF THE COUNCILMEMBER OR A MEMBER OF THE COUNTY COUNCILMEMBER'S IMMEDIATE FAMILY;

(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]]~~ IF:

(1) ~~[[having or acquiring]]~~ THE COUNTY COUNCILMEMBER OR A MEMBER OF THE COUNTY COUNCILMEMBER'S IMMEDIATE FAMILY HAS OR ACQUIRES an interest in an enterprise that would be affected by the Councilmember's vote on proposed legislation unless the interest is common to all members of:

(i) a profession or occupation of which the Councilmember OR A MEMBER OF THE COUNTY COUNCILMEMBER'S IMMEDIATE FAMILY is a member; or

(ii) the general public or a large class of the general public;

(2) ~~[[benefiting]]~~ THE COUNTY COUNCILMEMBER OR A MEMBER OF THE COUNTY COUNCILMEMBER'S IMMEDIATE FAMILY BENEFITS financially from a close economic association with a person whom the Councilmember knows has an interest in an enterprise or interest which would be affected by the Councilmember's participation in legislative action, differently from other like enterprises or interests;

1 (3) ~~[[benefiting]]~~ THE COUNTY COUNCILMEMBER OR A MEMBER OF THE COUNTY
2 COUNCILMEMBER'S IMMEDIATE FAMILY BENEFITS financially from a close economic
3 association with a person who is lobbying or has employed a lobbyist for the purpose of
4 influencing legislative action;

5
6 (4) ~~[[soliciting, accepting, or agreeing]]~~ THE COUNTY COUNCILMEMBER OR A
7 MEMBER OF THE COUNTY COUNCILMEMBER'S IMMEDIATE FAMILY SOLICITS, ACCEPTS,
8 OR AGREES to accept a gift, or loan other than a loan from a commercial lender in the
9 normal course of business, from a person who would be affected by or has an interest in an
10 enterprise that would be affected by the Councilmember's participation in legislative
11 action; or

12
13 (5) ~~[[any of the restrictions set forth in § 7-5-101.]]~~ THE COUNTY COUNCILMEMBER
14 OR A QUALIFYING RELATIVE OF THE COUNTY COUNCILMEMBER HAS AN INTEREST IN THE
15 MATTER DISTINGUISHABLE FROM THAT OF THE PUBLIC GENERALLY AND THE
16 COUNCILMEMBER KNOWS OF THE INTEREST OR IF ANY OF THE FOLLOWING IS A PARTY TO
17 THE MATTER:

18
19 (I) A BUSINESS ENTITY IN WHICH THE COUNTY COUNCILMEMBER OR A
20 MEMBER OF THE COUNTY COUNCILMEMBER'S IMMEDIATE FAMILY HAS A FINANCIAL
21 INTEREST OF WHICH THE COUNTY COUNCILMEMBER REASONABLY MAY BE EXPECTED TO
22 KNOW;

23
24 (II) A BUSINESS ENTITY OF WHICH THE COUNTY COUNCILMEMBER OR, IF
25 KNOWN TO THE COUNTY COUNCILMEMBER, A QUALIFYING RELATIVE OF THE COUNTY
26 COUNCILMEMBER IS AN OFFICER, DIRECTOR, TRUSTEE, PARTNER, LIMITED PARTNER,
27 MEMBER, OR EMPLOYEE;

28
29 (III) A BUSINESS ENTITY WITH WHICH THE COUNTY COUNCILMEMBER OR, IF
30 KNOWN TO THE COUNTY COUNCILMEMBER, A QUALIFYING RELATIVE OF THE COUNTY
31 COUNCILMEMBER HAS APPLIED FOR A POSITION, IS NEGOTIATING EMPLOYMENT, OR HAS
32 ARRANGED PROSPECTIVE EMPLOYMENT;

33
34 (IV) A BUSINESS ENTITY THAT IS A PARTY TO A CONTRACT WITH THE COUNTY
35 COUNCILMEMBER OR, IF KNOWN TO THE COUNTY COUNCILMEMBER, A QUALIFYING
36 RELATIVE OF THE COUNTY COUNCILMEMBER WHEN THE CONTRACT REASONABLY
37 COULD BE EXPECTED TO RESULT IN A CONFLICT BETWEEN THE PRIVATE INTEREST AND
38 THE OFFICIAL COUNTY DUTIES OF THE COUNTY COUNCILMEMBER;

39
40 (V) A BUSINESS ENTITY EITHER ENGAGED IN A TRANSACTION WITH THE
41 COUNTY OR SUBJECT TO REGULATION BY THE COUNTY COUNCIL IN WHICH A FINANCIAL
42 INTEREST IS OWNED BY ANOTHER BUSINESS ENTITY IF THE COUNTY COUNCILMEMBER OR
43 A MEMBER OF THE COUNTY COUNCILMEMBER'S IMMEDIATE FAMILY HAS A FINANCIAL
44 INTEREST IN THE OTHER BUSINESS ENTITY, AND REASONABLY MAY BE EXPECTED TO
45 KNOW OF BOTH FINANCIAL INTERESTS; OR

46
47 (VI) A BUSINESS ENTITY THAT THE COUNTY COUNCILMEMBER KNOWS IS A
48 CREDITOR OR OBLIGEE OF THE COUNTY COUNCILMEMBER OR OF A QUALIFYING
49 RELATIVE OF THE COUNTY COUNCILMEMBER WITH RESPECT TO A THING OF ECONOMIC
50 VALUE AND, AS A CREDITOR OR OBLIGEE, IS IN A POSITION TO AFFECT DIRECTLY AND
51 SUBSTANTIALLY THE INTEREST OF THE COUNTY COUNCILMEMBER OR QUALIFYING
52 RELATIVE.

1 **7-5-111. Suspension of disqualification – County Council.**

2
3 **(a) Suspension of disqualification prohibited.**

4
5 (1) (i) Except as provided in subsection (a)(1)(ii), the disqualification arising under
6 § 7-5-110 may not be suspended if the conflict is direct and personal to the County
7 Councilmember, a member of the County Councilmember's immediate family, ~~[[or]]~~ the
8 County Councilmember's employer, OR THE EMPLOYER OF A COUNTY COUNCILMEMBER'S
9 IMMEDIATE FAMILY.

10
11 (ii) Subsection (a)(1)(i) does not apply to a vote on the annual operating budget,
12 in its entirety, ~~[[or]]~~ ON the annual capital budget bill, in its entirety, OR ON ANY
13 LEGISLATION, IN ITS ENTIRETY, THAT INCLUDES MORE THAN ONE SUBJECT MATTER,
14 ONLY ONE OF WHICH CREATES A CONFLICT OF INTEREST, BUT IT DOES APPLY TO
15 PARTICIPATION IN AMENDMENTS TO THESE BILLS WHEN THE AMENDMENTS INCLUDE A
16 SUBJECT MATTER THAT DOES PRESENT A CONFLICT OF INTEREST.

17
18 SECTION 3. *And be it further enacted*, That this Ordinance shall take effect 45 days
19 from the date it becomes law.