



LEGISLATIVE SUMMARY

To: All Councilmembers of the Anne Arundel County Council

From: Linda M. Schuett, Legislative Counsel

Date: November 18, 2019

Subject: Bill No. 86-19: Public Ethics – Conflicts of Interest

The primary purpose of Bill No. 86-19 is to incorporate the substance of various advisory opinions issued by the Ethics Commission.

The definition of “Legislative action” is amended to make it clear that “drafting” bills, resolutions, amendments, and the like constitutes “legislative action.”

A definition of “participation” is added. The definition includes any kind of involvement that may have an impact on the disposition or decision in a matter, including giving advice or recommendations, providing information or supervision, making evaluations, and having public or private discussions.

There are two changes to the current definition of “close economic association,” which currently defines the term as “a Councilmember’s employers, employees, and associates in business or professional enterprises.” First, the bill amends the definition to provide examples of a “business or professional enterprises.” The examples are employee organizations, exclusive representatives, and uniformed public safety exclusive representatives, all as defined in § 6-4-101 of the Code. Second, the definition is expanded to include not only the Councilmembers’ employers, employees, and associates but also the employers, employees, and associates of the County Councilmember’s immediate family.

Presumed conflicts of interest are broadened to include not only the County Councilmember but also a member of the County Councilmember’s immediate family. For ease of reading and as a matter of style, the restrictions set forth in § 7-5-101 are fully set forth, rather

than incorporated by reference. These restrictions are also broadened in two places (7-5-110 (c)(5)(i) and (v)) to include a member of the County Councilmember's immediate family.

The bill also addresses the suspension of a disqualification. Under existing law, a disqualification arising under § 7-5-101, which restricts participation, or under § 7-5-110, which relates to legislative acts, is suspended if the Councilmember with an apparent or presumed conflict files a sworn statement that describes the circumstances of the apparent or presumed conflict, describes the legislation or the class of legislation to which it relates, and asserts that the Councilmember is able to vote and otherwise participate in action relating to the legislation fairly, objectively, and in the public interest. Current law prohibits a suspension if the conflict is direct and personal to the County Councilmember, a member of the County Councilmember's immediate family, or the County Councilmember's employer. The bill adds an additional circumstance under which suspension is prohibited, namely, when the disqualification is direct and personal to the employer of a County Councilmember's immediate family.

Existing law provides that the prohibition against a suspension does not apply to a vote on the annual operating budget, in its entirety, or the annual capital budget bill, in its entirety. The bill provides that the prohibition likewise does not apply with respect to a vote on any legislation, in its entirety, that includes more than one subject matter, only one of which creates a conflict of interest, but the prohibition does apply to participation in amendments to the bills when the amendments include a subject matter that does present a conflict of interest.