



ANNE ARUNDEL COUNTY OFFICE OF LAW

Legislative Summary

To: Members, Anne Arundel County Council

From: Lori L. Blair Klasmeier, Deputy County Attorney /s/

Via: Gregory J. Swain, County Attorney /s/

Date: March 6, 2023

Subject: Bill No. 16-23 – Public Ethics

This summary was prepared by the Anne Arundel County Office of Law for use by members of the Anne Arundel County Council during consideration of Bill No. 16-23.

Background

State law requires counties to have public ethics laws, and that certain provisions be similar to State law. Local public ethics laws may be modified to the extent necessary to make them relevant to a particular jurisdiction. (General Provisions Article of the Maryland Code, §§ 5-806 through 5-820). House Bill 363 and 1058, enacted during the 2021 Legislative Session, made changes to State ethics laws. On February 15, 2022, the State Ethics Commission identified changes that local governments are required to make to remain in compliance with State ethics law requirements. Thereafter, the County Ethics Commission also requested several changes to the law.

As required by State law and regulations, the County Ethics Commission submitted a draft of the changes reflected in this legislation to the State Ethics Commission, and, on September 16, 2022, the State Ethics Commission approved the draft.

Purpose

The purpose of Bill No. 16-23 is make changes to the Public Ethics Article of the County Code required by the State Ethics Commission and requested by the County Ethics Commission.

Note: This Legislative Summary provides a synopsis of the bill as introduced. It does not address subsequent amendments to the bill.

Bill No. 16-23

SECTION 1.

This Section renumbers provisions of §§ 7-1-101 and 7-6-104 for additions to those sections.

SECTION 2.

Section 7-1-101 of the County Code is modified to add a definition of “quasi-governmental entity”, as required by the State Ethics Commission. The County Ethics Commission requested the definition to include entities created by County statute. This was approved by the State Ethics Commission.

Section 7-4-106 of the County Code is modified at the request of the County Ethics Commission to remove paragraph (c)(2) which allows the County Ethics Commission to disclose the identity of the complainant to the respondent at any time. Under § 7-4-101(d), a copy of a complaint that is not dismissed within 45 days of filing is transmitted to a respondent.

Subsection 7-5-106(b) of the County Code is modified as required by the State Ethics Commission to prohibit the acceptance of a gift by an employee from a person or entity that the employee knows is an association or entity acting on behalf of an association engaged solely in representing counties or municipal corporations.

Section 7-5-112 is being added to the County Code as required by the State Ethics Commission. It prohibits retaliation by an employee against an individual for reporting or participating in the investigation of an alleged violation of the Public Ethics Article.

Subsection 7-6-104(a) of the County Code is modified as required by the State Ethics Commission to require that, when filing a financial disclosure statement, an employee include all names a business is trading as or doing business as.

Subparagraph 7-6-104(e)(2)(iii) of the County Code is modified as required by the State Ethics Commission to require that, when filing a financial disclosure statement, an employee include certain gifts from an association or person acting on behalf of an association engaged only in representing counties or municipal corporations.

Subparagraph 7-6-104(e)(2)(iv) of the County Code is modified at the request of the County Ethics Commission to require that, when filing a financial disclosure statement, an employee include certain gifts from individuals acting on behalf of entities doing business with the County.

Subsection 7-6-104(k) is being added to the County Code as required by the State Ethics Commission. It requires that, when filing a financial disclosure statement, an employee include a financial or contractual relationship with the University of Maryland Medical System, a State

governmental or quasi-government entity, or a local governmental or quasi-governmental entity. The subsection also specifies what must be listed in the disclosure for the reported interests.

Paragraph 7-6-105(a)(2) is modified as required by the State Ethics Commission to expand the definition of real property and business interests that must be reported on an employee's financial disclosure statement.

Paragraph 7-6-107(a)(1) of the County Code is being modified at the request of the County Ethics Commission to allow the County Ethics Commission to make financial disclosure statements available to the public by electronic transmission.

Paragraph 7-6-107(a)(4) is being added to the County Code as required by the State Ethics Commission. It prohibits disclosure of information in employee financial disclosure statements related to consideration received from the University of Maryland Medical System, State governmental or quasi-government entities, or local governmental or quasi-governmental entities.

SECTION 3.

This section provides that the bill takes effect 45 days after it becomes law.

The Office of Law is available to answer any additional questions regarding this Bill. Thank you.

cc: Honorable Steuart Pittman, County Executive
Christine Anderson, Chief Administrative Officer
Jeff Amoros, Chief of Staff
Peter Baron, Chief Strategy Officer
Chris Trumbauer, Budget Officer
Michael Botsaris, Executive Director, Anne Arundel County Ethics Commission