

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2024, Legislative Day No. 21

Bill No. 95-24

Introduced by Mr. Volke

By the County Council, November 18, 2024

Introduced and first read on November 18, 2024
Public Hearing set for December 16, 2024
Bill Expires on February 21, 2025

By Order: Kaley Schultze, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Public Ethics – Conflicts of Interest – County Council

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 Councilmember from participating in legislative action to include
6 Councilmembers and their immediate family members; and generally relating to public
7 ethics.

8
9 BY renumbering: § 7-1-101(20) through (26) to be § 7-1-101(21) through (27)
10 respectively
11 Anne Arundel County Code (2005, as amended)

12
13 BY repealing and reenacting, with amendments: §§ 7-1-101(16); 7-5-110(a)(1) and (c);
14 and 7-5-111(a)(1)
15 Anne Arundel County Code (2005, as amended)

16
17 BY adding: § 7-1-101(20)
18 Anne Arundel County Code (2005, as amended)

19
20 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
21 That § 7-1-101 (20) through (26), respectively, of the Anne Arundel County Code (2005,
22 as amended) is hereby renumbered to be § 7-1-101(21) through (27), respectively.

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

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.
Asterisks *** indicate existing Code provisions in a list or chart that remain unchanged.

1 (2) ~~[[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 whom the Councilmember knows has an interest in an enterprise
4 or interest which would be affected by the Councilmember's participation in legislative
5 action, differently from other like enterprises or interests;
6

7 (3) ~~[[benefiting]]~~ THE COUNTY COUNCILMEMBER OR A MEMBER OF THE COUNTY
8 COUNCILMEMBER'S IMMEDIATE FAMILY BENEFITS financially from a close economic
9 association with a person who is lobbying or has employed a lobbyist for the purpose of
10 influencing legislative action;
11

12 (4) ~~[[soliciting, accepting, or agreeing]]~~ THE COUNTY COUNCILMEMBER OR A
13 MEMBER OF THE COUNTY COUNCILMEMBER'S IMMEDIATE FAMILY SOLICITS, ACCEPTS OR
14 AGREES to accept a gift, or loan other than a loan from a commercial lender in the normal
15 course of business, from a person who would be affected by or has an interest in an
16 enterprise that would be affected by the Councilmember's participation in legislative
17 action; or
18

19 (5) ~~[[any of the restrictions set forth in § 7-5-101.]]~~ THE COUNTY COUNCILMEMBER
20 OR A QUALIFYING RELATIVE OF THE COUNTY COUNCILMEMBER HAS AN INTEREST IN THE
21 MATTER DISTINGUISHABLE FROM THAT OF THE GENERAL PUBLIC AND THE
22 COUNCILMEMBER KNOWS OF THE INTEREST OR IF ANY OF THE FOLLOWING IS A PARTY TO
23 THE MATTER:
24

25 (I) A BUSINESS ENTITY IN WHICH THE COUNTY COUNCILMEMBER OR A
26 MEMBER OF THE COUNTY COUNCILMEMBER'S IMMEDIATE FAMILY HAS A FINANCIAL
27 INTEREST OF WHICH THE COUNTY COUNCILMEMBER REASONABLY MAY BE EXPECTED TO
28 KNOW;

29 (II) A BUSINESS ENTITY OF WHICH THE COUNTY COUNCILMEMBER OR, IF
30 KNOWN TO THE COUNTY COUNCILMEMBER, A QUALIFYING RELATIVE OF THE COUNTY
31 COUNCILMEMBER IS AN OFFICER, DIRECTOR, TRUSTEE, PARTNER, LIMITED PARTNER,
32 MEMBER, OR EMPLOYEE;

33 (III) A BUSINESS ENTITY WITH WHICH THE COUNTY COUNCILMEMBER OR, IF
34 KNOWN TO THE COUNTY COUNCILMEMBER, A QUALIFYING RELATIVE OF THE COUNTY
35 COUNCILMEMBER HAS APPLIED FOR A POSITION, IS NEGOTIATING EMPLOYMENT, OR HAS
36 ARRANGED PROSPECTIVE EMPLOYMENT;
37

38 (IV) A BUSINESS ENTITY THAT IS A PARTY TO A CONTRACT WITH THE COUNTY
39 COUNCILMEMBER OR, IF KNOWN TO THE COUNTY COUNCILMEMBER, A QUALIFYING
40 RELATIVE OF THE COUNTY COUNCILMEMBER WHEN THE CONTRACT REASONABLY
41 COULD BE EXPECTED TO RESULT IN A CONFLICT BETWEEN THE PRIVATE INTEREST AND
42 THE OFFICIAL COUNTY DUTIES OF THE COUNTY COUNCILMEMBER;
43

44 (V) A BUSINESS ENTITY EITHER ENGAGED IN A TRANSACTION WITH THE
45 COUNTY OR SUBJECT TO REGULATION BY THE COUNTY COUNCIL IN WHICH A FINANCIAL
46 INTEREST IS OWNED BY ANOTHER BUSINESS ENTITY IF THE COUNTY COUNCILMEMBER OR
47 A MEMBER OF THE COUNTY COUNCILMEMBER'S IMMEDIATE FAMILY HAS A FINANCIAL
48 INTEREST IN THE OTHER BUSINESS ENTITY, AND REASONABLY MAY BE EXPECTED TO
49 KNOW OF BOTH FINANCIAL INTERESTS; OR
50

51 (VI) A BUSINESS ENTITY THAT THE COUNTY COUNCILMEMBER KNOWS IS A
52 CREDITOR OR OBLIGEE OF THE COUNTY COUNCILMEMBER OR OF A QUALIFYING
53 RELATIVE OF THE COUNTY COUNCILMEMBER WITH RESPECT TO A THING OF ECONOMIC
54

1 VALUE AND, AS A CREDITOR OR OBLIGEE, IS IN A POSITION TO AFFECT DIRECTLY AND
2 SUBSTANTIALLY THE INTEREST OF THE COUNTY COUNCILMEMBER OR QUALIFYING
3 RELATIVE.

4
5 **7-5-111. Suspension of disqualification – County Council.**

6
7 **(a) Suspension of disqualification prohibited.**

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9 (1)(i) Except as provided in subsection (a)(1)(ii), the disqualification arising under
10 § 7-5-110 may not be suspended if the conflict is direct and personal to the County
11 Councilmember, a member of the County Councilmember's immediate family, ~~[[or]]~~ the
12 County Councilmember's employer, OR THE EMPLOYER OF THE A COUNTY
13 COUNCILMEMBER'S IMMEDIATE FAMILY.

14
15 (ii) Subsection (a)(1)(i) does not apply to a vote on the annual operating budget,
16 in its entirety, ~~[[or]]~~ ON the annual capital budget bill, in its entirety ~~[[.]]~~ , OR ON ANY
17 LEGISLATION IN ITS ENTIRETY THAT INCLUDES MORE THAN ONE SUBJECT MATTER, ONLY
18 ONE OF WHICH CREATES A CONFLICT OF INTEREST, BUT THIS DOES NOT APPLY TO
19 PARTICIPATION IN AMENDMENTS TO SUCH LEGISLATION WHEN THE AMENDMENTS
20 INCLUDE A SUBJECT MATTER THAT PRESENTS A CONFLICT OF INTEREST.

21
22 SECTION 3. *And be it further enacted,* That this Ordinance shall take effect 45 days
23 from the date it becomes law.