

ENROLLED

COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND

Legislative Session, 2020

Legislative Bill 2020-03

Introduced: April 21, 2020

By: The Council President at the Request of the County Executive.

An Act to provide in Chapter 37, titled "Ethics Law" is amended to comply with the Maryland Code.

Whereas, the State of Maryland has updated the Maryland Public Ethics Law to require changes to the ethics ordinances in local jurisdictions;

Whereas, the Wicomico County Ethics Committee has approved amendments to the County's Ethics Ordinance; and

Whereas, the County Council deems it advisable that the amendments be adopted.

Section I; Be It Enacted And Ordained By The County Council Of Wicomico County, Maryland, In Legislative Session, that Chapter 37, titled "Ethics Law" be amended to read as follows:

Section 37-7. Participation Prohibitions.

A. A public official may not participate in any matter involving the County if:

(1) The public official knows that the public official or a qualified relative of the public official has an interest in the matter.

(2) Any of the following business entities are involved:

(a) A business entity in which the public official has a direct financial interest of which the public official may reasonably be expected to know;

(b) A business entity in which the public official or a qualified relative of the public official is an officer, director, trustee, partner, or employee;

(c) A business entity with which the public official or, to the knowledge of the public official, a qualified relative is negotiating or has any arrangement concerning prospective employment.

(d) A business entity that is a party to an existing contract with the public official or which, to the knowledge of the public official, is a party to an existing contract with a qualified relative, if the contract could reasonably be expected to result in a contract between the private interests of the public official and the public official's official duties.

(e) An business entity, doing business with the County, in which a direct interest is owned by another business entity in which the public official has a direct interest, if the public official may be reasonably expected to know of both direct interests; or

(f) A business entity that the public official knows is a creditor or obligee of the public official or a qualified relative of the public official, if by reason of the debt, the business entity is in a position to affect directly and substantially the interest of the public official.

B. The prohibitions in Subsection A of this section do not apply to a public official:

(1) Who is exercising an administrative or ministerial duty if that duty does not affect the disposition or decision with respect to the matter; or

(2) Who is acting as authorized by a Commission regulation or advisory opinion.

C. Provided that a public official who is subject to a conflict or prohibition under Subsection A of this section publicly discloses the nature and circumstances of the conflict or prohibition, the public official may participate or act in the matter if:

(1) The public official is a member of a board or commission that would otherwise be left with less than a quorum;

(2) The public official is required by law to act or is the only public official authorized to act; or

(3) The Commission makes a determination that other special circumstances exist to warrant permitting the public official to participate.

D. A FORMER REGULATED LOBBYIST WHO IS OR BECOMES SUBJECT TO THIS CHAPTER AS AN EMPLOYEE OR OFFICIAL, OTHER THAN AN ELECTED OFFICIAL OR AN APPOINTED OFFICIAL, MAY NOT PARTICIPATE IN A CASE, CONTRACT, OR OTHER SPECIFIC MATTER AS AN EMPLOYEE OR OFFICIAL, OTHER THAN AN ELECTED OFFICIAL OR APPOINTED OFFICIAL, FOR ONE CALENDAR YEAR AFTER THE TERMINATION OF THE REGISTRATION OF THE FORMER REGULATED LOBBYIST IF THE FORMER REGULATED LOBBYIST PREVIOUSLY ASSISTED OR REPRESENTED ANOTHER PARTY FOR COMPENSATION IN THE MATTER.

Section 37-9. Representation restrictions.

A. A former public official may not assist or represent any person, other than the County, for compensation in any matter involving the County if that matter is one in which the former public official significantly participated as a public official.

B. A former ELECTED OFFICIAL ~~member of the County Council~~ may not assist or represent another person for compensation on a matter that is the subject of legislative action for a period of one year following leaving office.

§ 37-18 Public record.

A. The Commission or office designated by the Commission shall maintain all financial disclosure statements filed under this section.

B. Financial disclosure statements shall be made available during normal office hours for examination and copying by the public subject to reasonable fees and administrative procedures established by the Commission.

C. If an individual examines or copies a financial disclosure statement, the Commission or the office designated by the Commission shall record:

- (1) The name and home address of the individual reviewing or copying the statement; and
- (2) The name of the person whose financial disclosure statement was examined or copied.

D. Upon request by the official or employee whose financial disclosure statement was examined or copied, the Commission or the office designated by the Commission shall provide the official with a copy of the name and home address of the person who reviewed the official's financial disclosure statement.

E. ~~Except as may be required by state law, the home address of a nonelected official shall not be disclosed.~~ FOR STATEMENTS FILED AFTER JANUARY 1, 2019, THE COMMISSION OR THE OFFICE DESIGNATED BY THE COMMISSION MAY NOT PROVIDE PUBLIC ACCESS TO AN INDIVIDUAL'S HOME ADDRESS THAT THE INDIVIDUAL HAS DESIGNATED AS THE INDIVIDUAL'S HOME ADDRESS.

Section 37-20. Contents of statement.

A. Interests in real property.

- (1) A statement filed under this section shall include a schedule of all interests in real property wherever located.
- (2) For each interest in real property, the schedule shall include:
 - (a) The nature of the property and the location by street address, mailing address, or legal description of the property;
 - (b) The nature and extent of the interest held, including any conditions and encumbrances on the interest;
 - (c) The date when, the manner in which, and the identity of the person from whom the interest was acquired;
 - (d) The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;
 - (e) If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and
 - (f) The identity of any other person with an interest in the property.

B. Interests in corporations and partnerships.

(1) A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with the County.

(2) For each interest reported under this subsection, the schedule shall include:

(a) The name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability corporation;

(b) The nature and amount of the interest held, including any conditions and encumbrances on the interest;

(c) With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest and, if known, the identity of the person to whom the interest was transferred; and

(d) With respect to any interest acquired during the reporting period:

[1] The date when, the manner in which, and the identity of the person from whom the interest was acquired; and

[2] The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

(3) An individual may satisfy the requirement to report the amount of the interest held under Subsection B(2)(b) of this section by reporting, instead of a dollar amount:

(a) For an equity interest in a corporation, the number of shares held and, unless the corporation's stock is publicly traded, the percentage of equity interest held; or

(b) For an equity interest in a partnership, the percentage of equity interest held.

C. Interests in business entities doing business with County.

(1) A statement filed under this section shall include a schedule of all interests in any business entity that does business with the County, other than interests reported under Subsection C(2) of this section.

(2) For each interest reported under this subsection, the schedule shall include:

(a) The name and address of the principal office of the business entity;

(b) The nature and amount of the interest held, including any conditions to and encumbrances in the interest;

(c) With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received in exchange for the interest and, if known, the identity of the person to whom the interest was transferred; and

(d) With respect to any interest acquired during the reporting period:

[1] The date when, the manner in which, and the identity of the person from whom the interest was acquired; and

[2] The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

D. Gifts.

(1) A statement filed under this section shall include a schedule of each gift in excess of \$20 in value or a series of gifts totaling \$100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with or is regulated by the County.

(2) For each gift reported, the schedule shall include:

(a) A description of the nature and value of the gift; and

(b) The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.

E. Employment with or interests in entities doing business with Wicomico County.

(1) A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family of the individual held at any time during the reporting period with entities doing business with the County.

(2) For each position reported under this subsection, the schedule shall include:

(a) The name and address of the principal office of the business entity;

(b) The title and nature of the office, directorship, or salaried employment held and the date it commenced; and

(c) The name of each County agency with which the entity is involved.

F. Indebtedness to entities doing business with County.

(1) A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with the County owed at any time during the reporting period:

(a) By the individual; or

(b) By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.

(2) For each liability reported under this Subsection, the schedule shall include:

(a) The identity of the person to whom the liability was owed and the date the liability was incurred;

- (b) The amount of the liability owed as of the end of the reporting period;
- (c) The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and
- (d) The security given, if any, for the liability.

G. A statement filed under this section shall include a schedule of the immediate family members of the individual employed by the County in any capacity at any time during the reporting period.

H. Sources of earned income.

(1) A statement filed under this section shall include a schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual's immediate family was a sole or partial owner and from which the individual or member of the individual's immediate family received earned income, at any time during the reporting period.

(2) A minor child's employment or business ownership need not be disclosed if the agency that employs the individual does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.

(3) FOR A STATEMENT FILED ON OR AFTER JANUARY 1, 2019, IF THE INDIVIDUAL'S SPOUSE IS A LOBBYIST REGULATED BY WICOMICO COUNTY, THE INDIVIDUAL SHALL DISCLOSE THE ENTITY THAT HAS ENGAGED THE SPOUSE FOR LOBBYING PURPOSES.

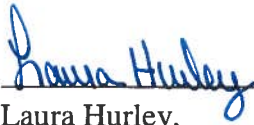
I. A statement filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.

Section II. Be It Further Enacted That this Bill will be known as Bill No. 2020-03 of Wicomico County, Maryland, and will take effect 60 days after its final passage, unless a proper Petition for Referendum is filed before then. If a timely Petition is filed, the Bill will not take effect until the expiration of 30 days following the approval of this Bill by a majority of the qualified voters of the County voting in a referendum.

Certified correct as passed and adopted by the County Council of Wicomico County, Maryland, this 19th day of May, 2020.

ATTEST:

COUNTY COUNCIL OF
WICOMICO COUNTY, MARYLAND



Laura Hurley,
Council Administrator



Larry Dodd,
Council President

I HEREBY CERTIFY that copies of the above Bill are available for distribution to the public and press at the time of its introduction.



Laura Hurley, Secretary

Explanation:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

~~Strikeout indicates matter deleted from law.~~

~~CAPITAL STRIKEOUT~~ indicates matter stricken from Bill by Amendment.

Underlining indicates Amendments to Bill.

COUNTY COUNCIL
OF
WICOMICO COUNTY, MARYLAND

2020 Legislative Session

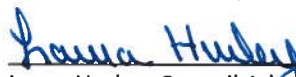
Legislative Day No. 08

LEGISLATIVE BILL NO. 2020-03

INTRODUCED BY: President of the Council at the Request of the County Executive

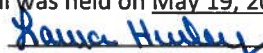
Bill No. 2020-03: An Act to provide in Chapter 37, titled "Ethics Law" is amended to comply with the Maryland Code.

Introduced and read first time on April 21, 2020. Ordered posted and public hearing scheduled for May 19, 2020 at 6:00 p.m. via Zoom.



Laura Hurley, Council Administrator

PUBLIC HEARING: Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, the Bill was read for a second time at a public hearing held by teleconference in which public comments were accepted via conference call, email or by mail was held on May 19, 2020.



Laura Hurley, Council Administrator

CERTIFICATION: The undersigned hereby certifies that this Bill was Approved and Adopted by the County Council of Wicomico County, Maryland, on the 19th day of May, 2020.



Laura Hurley, Council Administrator

Presented to the County Executive for approval this 21st day of May at 12:05 p.m. (5 days §411)



Laura Hurley, Council Administrator

BY THE EXECUTIVE:

APPROVED
Date: 5/22/2020
(21 days §411)



County Executive

VETOED
Date: _____

BY THE COUNCIL:

Option One: This Bill, having been approved by the County Executive and returned to the Council, becomes law on _____ and effective on: _____.
(60 days §311)

Option Two: This Bill, having received neither the approval nor the disapproval of the Executive within 21 days of its presentation, stands enacted on _____ and becomes effective on _____.
(60 days §311)

Option Three: This Bill, being exempt from the Executive Veto stands enacted on _____ and becomes effective on _____. (Charter Section 305)

ENROLLMENT: Legislative Bill No. 2020-03 is herewith submitted to the County Council of Wicomico County for enrollment as being the text as finally passed.



Laura Hurley, Council Administrator