

AMENDMENT NO. 1 TO
COUNTY ORDINANCE NO. 06-101

AN AMENDMENT TO
A BILL ENTITLED THE ETHICS REFORM ACT OF 2006

AN ACT CONCERNING the Administration and Application of the Queen Anne s County Ethics Ordinance, Chapter 8 of the Public Local Laws of Queen Anne s County, Maryland.

FOR THE PURPOSE OF correcting certain omissions in the list of prohibited interests and granting exceptions from certain of these prohibited interests to certain industry representatives.

BY AMENDING pending County Ordinance No. 06-101 to amend Section 8-11 of the Code of Public Local Laws.

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE S COUNTY, MARYLAND that pending County Ordinance No. 06-101 be amended to read as follows:

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND, that Section 8-10 I. of the Code of Public Local Laws be amended to read as follows:

§8-10. Administration; powers and duties.

...

I. *Oaths and subpoenas.*

(1) In carrying out its duties under this chapter, the Commission may:

(a) administer oaths and affirmations; and

(b) issue subpoenas for the attendance of witnesses or for the production of documents or other evidence.

(2) The Commission may issue subpoenas on behalf of a respondent if, in preparation for a hearing, the respondent files a written request at least 10 working days before the date set forth the hearing.

(3) Each subpoena issued under this subsection shall identify the person who requested its issuance.

(4) A subpoena for the production of documents or other evidence may only require the production of items relevant to the alleged violation in question.

(5) A subpoena issued under this subsection may be judicially enforced.

(6) A person who objects to a subpoena issued under this subsection may file a motion to quash, or for other appropriate relief, with the Commission or a court of competent jurisdiction. In addition, such person may request that the County Attorney for Queen Anne's County review the subpoena to determine its relevance to the matter under consideration. The County Attorney may approve, modify, limit or quash the subpoena as appropriate.

...

SECTION II

BE IT FURTHER ENACTED that Section 8-10 H. (6) of the Code of Public Local Laws be amended to read as follows:

§8-10. Administration; powers and duties.

...

H. *Hearing.*

...

(6) If the Commission determines that a respondent was innocent of any violation of this chapter, the Commission shall recommend to the County Commissioners that the respondent be reimbursed for the reasonable attorney's fees and expenses incurred in the matter.

SECTION III

BE IT FURTHER ENACTED that Section 8-8 A. of the Code of

Public Local Laws be amended to read as follows:

§8-8. Membership and terms.

A. *Membership.*

The Commission shall consist of 5 members and 1 alternative member appointed by the County Commissioners, each of whom:

- (1) Is a resident of Queen Anne's County;
- (2) Does not hold nor is a candidate for office of the United States Government, state government, a political subdivision, or municipality;
- (3) Is not an employee of Queen Anne's County Government;
- (4) Is not an employee of any political party; and
- (5) Is not a registered lobbyist.

SECTION IV

BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS that Section 8-14 C. (2) (c) of the Code of Public Local Laws be amended to read as follows:

§8-14. Lobbying disclosure.

C. *Year-end report.*

(2) The report shall disclose:

...

(c) The amount and source of all compensation paid to the lobbyist for or in connection with all lobbying activities.

SECTION V

BE IT FURTHER ENACTED that Sections 8-10 G. (2) and (4) (a), of the Code of Public Local Laws be amended to read as follows:

§8-10. Administration; powers and duties.

...

G. *Complaints.*

...

(2) The complaint must be filed within 2 years of the alleged violation. Complaints after 2 years may be considered if the delay in the discovery of the alleged violation is caused by deception or the attempt to hide the violation.

...

(4) After reviewing the complaint, as well as any response submitted by or on behalf of the respondent, the Commission may:

(a) Dismiss the complaint if deemed plainly frivolous or if the facts alleged do not indicate a violation of this chapter. Any person who files more than 2 plainly frivolous complaints is in violation of this chapter and, on a complaint filed and processed in accordance with this section, is subject to the enforcement and penalty provisions of Article IV of this chapter.

...

SECTION VI

BE IT FURTHER ENACTED that Section 8-9 of the Code of Public Local Laws be amended to read as follows:

§8-9. Counsel.

The Commission shall be advised by an attorney appointed by the Commission, with the approval of the County Commissioners. Upon request of the Commission, the County Commissioners may appoint special legal counsel for the Commission in appropriate circumstances.

SECTION VII

BE IT FURTHER ENACTED that Section 8-10 of the Code of Public Local Laws be amended by adding a new §8-10 L. to read as follows:

...

§8-10. Administration; powers and duties.

...

L. *Confidentiality.*

(1) Any action taken by the Commission in connection with a complaint must be conducted in a confidential manner.

(2) Neither the Commission nor its staff may disclose any information about the complaint and any proceedings involving the complaint, including the identities of the complainant and the respondent.

(3) However, the Commission may disclose information;

(a) if the respondent agrees in writing to the disclosure;

(b) as necessary to conduct a preliminary inquiry, an investigation, or a hearing; or

(c) when making a referral to a prosecuting authority.

SECTION VIII

BE IT FURTHER ENACTED that Section 8-6 of the Code of Public Local Laws be amended to add the following definition:

§8-6. Definitions.

The words used in this chapter shall have their normal, accepted meanings except as set forth below:

...

SUBJECT TO THE AUTHORITY OF - Engaged in any activity

that is, as distinguished from the public generally, regulated by, requires, approval or supervision by, or otherwise subject to the regulatory, administrative, or other jurisdiction or authority of any department, board, commission, office, agency or other unit of the County.

SECTION IX

BE IT FURTHER ENACTED that Sections 8-12 A. and 8-13 G. of the Code of Public Local Laws be amended to read as follows:

§8-12. Gifts.

A. *Gifts from specified persons prohibited.* Except as permitted by Subsection B of this section, a County official or employee may not accept any gift of more than \$20 in value (or cumulative gifts totaling more than \$100 in any one year) from any person who:

- (1) has a contract with, or is negotiating a contract with, the County;
- (2) is subject to the authority of the official or employee's agency; or
- (3) is a lobbyist subject to registration under '8-14 of this chapter.

unless the Commission determines that the gift would not present a conflict of interest.

...

§8-13. Financial disclosure.

...

G. All financial disclosure statements required by this section shall be on a form provided by the Commission, shall be signed under oath by the person required to file, and shall disclose the following information concerning the interests of said person:

- (1) Interests in real property and business entities:

(a) All of their real estate holdings or interests in Queen Anne's County, excluding their personal residence and up to one acre surrounding that residence, whether held individually, jointly, in partnership, or corporately, and with whom the property is owned; and

(b) The identity of any other person with an interest in the property.

(c) The name and address of all business entities operating in Queen Anne's County, including parent, subsidiary, or associated entities, in which a financial interest was held at any time during the reporting period, whether or not the business entity does business with the County or is subject to the authority of the County, except financial interests in businesses publicly traded on a national stock exchange.

(2) Any office, directorship, partnership, or salaried employment in any business entity held by them or their spouse during the report period.

(3) The name and address of any person doing business with or subject to the authority of the County to which the official or employee was indebted at any time during the report period. For the purpose of this subsection, indebtedness does not include retail credit accounts, any liability of less than \$1,000, or mortgage indebtedness on a primary residence.

(4) Gifts of more than \$20 in value, or a series of gifts totaling more than \$100 in value, received during the reporting period from any person or business entity doing business with the Count or subject to the authority of the County, and as to each such gift the nature and value thereof, the identity of the donor from whom or on behalf of whom, directly or indirectly, it was received, and if given to another person at the direction of the official or employee required to file, the identity of the donor.

...

SECTION X

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE S COUNTY, MARYLAND that Section 8-11 of the Code of Public Local Laws be amended to read as follows:

§8-11. Conflicts of Interest.

A. *In general.*

Queen Anne s County officials, board and commission members, and employees, as provided in §8-5, are prohibited from the following:

- (1) Acting on behalf of the County in any matter that would, to their knowledge, have a direct financial impact, as distinguished from the public generally, on them or a family member, or on a business entity in which they or a family member have an interest.
- (2) Being employed by or having a financial interest in an entity that is:
 - (a) subject to the authority of that official or employee or of the governmental unit with which the official or employee is affiliated; or
 - (b) doing business with that official or employee or with the governmental unit with which the official or employee is affiliated.
- (3) Holding any other employment or contractual relationship if that relationship would impair the impartiality and independent judgment of the official or employee.
- (4) Representing any party, for a contingent fee, or lobbying, for compensation, before any County body.
- (5) Soliciting or accepting gifts prohibited by §8-12.

- (6) Acting within two years following termination of County service as a compensated representative of another person in connection with any specific matter in which he/she participated substantially as a County official or employee.
- (7) Intentionally using the prestige of their office, or confidential information acquired in their official County position, for their own private gain or that of another. The performance of usual and customary constituent services without additional compensation is not prohibited under this section.

B. *Exceptions for industry representatives.*

The prohibitions in Subsection A(2) and (3) of this section do not apply to an individual who is appointed to a regulatory or licensing board or commission pursuant to a requirement that persons subject to the jurisdiction of the board or commission be represented in appointments to it.

SECTION XI

BE IT FURTHER ENACTED, that this Bill shall take effect on the forty-sixth (46th) day following its passage.

AMENDMENT INTRODUCED BY: Commissioner Wargotz

DATE: January 16, 2007

VOTE: 5 Yea 0 Nay

DATE OF ADOPTION OF AMENDMENT: January 16, 2007