

AN ORDINANCE TO AMEND THE CALVERT COUNTY ETHICS CODE

WHEREAS, pursuant to the authority contained in Section 5-807 of the *General Provisions Article* of the Maryland Annotated Code, the Board of County Commissioners of Calvert County, Maryland, is mandated to enact provisions to govern the public ethics of local officials relating to conflicts of interest, financial disclosure and lobbying with respect to Calvert County, and has heretofore adopted the Calvert County Code of Ethics by Resolution Number 15-95, enacted May 30, 1995, and amended by Ordinance Number 6-97 on January 28, 1997, amended by Ordinance 20-12 recorded on April 19, 2012, and amended by Ordinance 45-14 recorded on November 26, 2014, and Ordinance 42-17 recorded on September 26, 2017 and codified as the Calvert County Code of Ethics at Chapter 41 of the Code of Public Local Laws of Calvert County, Maryland, being Chapter 41 of *Article 5* of the Code of Public Laws of Maryland (hereinafter, the "Code");

WHEREAS, the Calvert County Ethics Commission has recommended a change to Chapter 41 of the Code to address revisions made by the State Ethics Commission, with which the County must be consistent;

WHEREAS, a public hearing was duly advertised for two consecutive weeks before the public hearing held on September 20, 2022, at which time the Board of County Commissioners received public comment regarding the proposed amendment to Chapter 41 of the Code; and

WHEREAS, upon considering the testimony presented at the Public Hearing regarding the recommendations of the Ethics Commission and County staff, the Board of County Commissioners finds it is in the best interest of the public health, safety and welfare of the citizens of Calvert County, Maryland, to adopt those amendments proposed by the Calvert County Ethics Commission as set forth below.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners of Calvert County, Maryland hereby approves and enacts the following amendments to Chapter 41 of the Code:

1. Append to Section 41-2 of the Code the following new subpart (E) to the definition of "Interest":
(E) exchange-traded funds and mutual funds.
2. Append to Section 41-2 of the Code the following definition of "Quasi-governmental entity" at the location alphabetically appropriate and between "Qualified Relative" and "Respondent":
"Quasi-governmental entity" means an entity that is created by State statute, that performs a public function, and that is supported in whole or in part by the State but is managed privately.
3. Append as a new subpart (4) at Section 41-13(A) of the Code the following:
(4) 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.

4. Append as a new subpart (e) at Section 41-14(A)(3) of the Code the following:
 - (e) Is an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.
5. Repeal and readopt 41-13(F) of the Code such that it reads as follows:
 - (F) Disclosure of confidential information. Other than in the discharge of official duties, an elected official, appointed official or employee, or former employee or official, shall not use or disclose confidential information acquired in his/her official County position or former public position for his/her own private gain or that of another. This prohibition shall survive separation or departing office, voluntarily or otherwise.
6. Appending the following new subpart (J) to Section 41-13 of the Code, which shall provide as follows:
 - (J) An official or employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of this Chapter 41.
7. Appending the following new subpart (d) to Section 41-15(A)(1) of the Code, which shall provide as follows:
 - (d) An individual who is required to disclose the name of a business under this Section 41-15 shall disclose any other names that the business is trading as or doing business as.
8. Repeal and readopt 41-15(A)(2)(d) of the Code such that it reads as follows:
 - (d) If a statement required by a candidate is overdue and not filed within eight (8) days after written notice of the failure to file is provided by the County Clerk or Board of Elections Supervisor, the candidate is deemed to have withdrawn the candidacy.
9. Repeal and readopt 41-15(A)(3)(d)(1) of the Code such that it reads as follows:
 - (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 with a cumulative value of \$100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person or business entity who does business with or is regulated by or does business with the County or from an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.
10. Appending the following new subparts (3), (4), and (5) to Section 41-15 (A)(3)(h) of the Code, which shall provide as follows:
 - (3) An individual shall disclose the information specified in *General Provisions Art.*, §5-607(j)(1), Md. Ann. Code, for any financial or contractual relationship with:
 - (a) The University of Maryland Medical System;
 - (b) A governmental entity of the State or a local government in the State; or

- (c) A quasi-governmental entity of the State or local government of the State.
 - (4) For each financial or contractual relationship reported, the schedule shall include:
 - (a) A description of the relationship;
 - (b) The subject matter of the relationship; or
 - (c) The consideration.
 - (5) If the individual's spouse is a lobbyist regulated by the County, the individual shall disclose the entity that has engaged the spouse for lobbying purposes.
11. Repeal and readopt 41-15(A)(4)(b) of the Code such that it reads as follows:
- (b) An interest held, at any time during the applicable period, by:
 - (1) A business entity in which the individual held a ten percent (10%) or greater interest;
 - (2) A business entity described in (1) of this subsection in which the business entity held a twenty-five percent (25%) or greater interest;
 - (3) A business entity described in (2) of this subsection in which the business entity held a fifty percent (50%) or greater interest; and
 - (4) A business entity in which the individual directly or indirectly, through an interest in one or combination of other business entities, holds a ten percent (10%) or greater interest.
12. Appending the following new subparts (5) and (6) to Section 41-15(G) of the Code, which shall provide as follows:
- (5) The Commission, or office designated by the Commission, shall not provide public access to information related to consideration received from:
 - (a) The University of Maryland Medical System;
 - (b) A governmental entity of the State or local government in the State; or
 - (c) A quasi-governmental entity of the State or local government in the State.
 - (6) 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.
13. Repeal and readopt 41-16(B)(1) of the Code such that it reads as follows:
- (1) Each lobbyist shall file with the Commission: a statement of recusal each time they are disqualified from voting on a matter as a member of a County board or commission; and one report covering the period beginning January 1 through June 30, to be filed by July 31, and one report covering the period beginning July 1 through December 31, to be filed by January 31. If the lobbyist is not an individual, an authorized officer or agent of the entity shall sign the form. A separate activity report shall be filed for each person on whose behalf the lobbyist acts.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that the staff shall begin to plan for the public being provided internet access, through

an online registration system, to the financial disclosure statements submitted by local elected officials, candidates for office, and heads of principal departments.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that Chapter 41 of the Code, as amended hereby, shall remain in full force and effect.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that, in the event any portion of this Ordinance is found to be unconstitutional, illegal, null or void, by a court of competent jurisdiction, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the Ordinance shall be enforceable and valid, unless deletion of the invalid portion would defeat the clear purpose of the Ordinance, or unless deletion of the valid portion would produce a result inconsistent with the purpose and intent of the Board of County Commissioners in enacting this Ordinance.

BE IT FURTHER RESOLVED AND ORDAINED, by the Board of County Commissioners of Calvert County, Maryland that the foregoing recitals are adopted as if fully rewritten herein.

BE IT FURTHER RESOLVED AND ORDAINED, by the Board of County Commissioners of Calvert County, Maryland that this Ordinance shall be effective upon recordation and publication of a fair summary.

DONE, this 20th day of September, 2022, by the Board of County Commissioners of Calvert County, Maryland, sitting in regular session.

Aye: 4

Nay: Ø

Absent/Abstain: 1

[SIGNATURES ON FOLLOWING PAGE]


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Re: Amendment of Chapter 41 of the Code of Calvert County

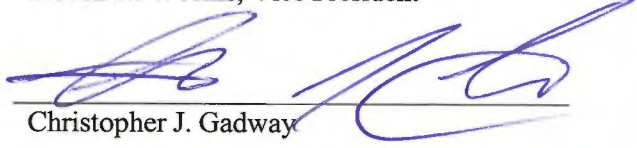
ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF CALVERT COUNTY, MARYLAND**


Ashley Staples-Reid, Acting Clerk


Earl F. Hance, President

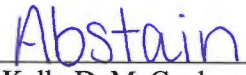

Steven R. Weems, Vice President


Christopher J. Gadway

Approved for form and legal sufficiency
by:


Mike Hart


John B. Norris, III, County Attorney


Kelly D. McConkey

Received for Record... September 20, 20..22
at... 3:22... o'clock... P... M. Same day
recorded in Liber KPS No. 69
Folio... 159-163... COUNTY COMMISSIONERS
ORDINANCES AND RESOLUTION.

