

Bill No. 27-09
Concerning: Ethics -- Amendments
Revised: 6-11-09 Draft No. 2
Introduced: June 16, 2009
Expires: December 16, 2010
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: _____ None
Ch. _____, Laws of Mont. Co. _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: Council President at the Request of the Ethics Commission

AN ACT to:

- (1) amend the County ethics law to conform to a State Ethics Commission requirement; and
- (2) clarify and update other provisions of the County ethics law.

By amending

Montgomery County Code

Chapter 19A, Ethics

Sections 19A-4, 19A-8, 19A-12, 19A-16, 19A-17, 19A-18, 19A-23, 19A-27, and 19A-28

Boldface	Heading or a defined term.
<u>Underlining</u>	Added to existing law by original bill.
[Single boldface brackets]	Deleted from existing law by original bill.
<u>Double underlining</u>	Added by amendment.
[[Double boldface brackets]]	Deleted from existing law or the bill by amendment.
* * *	Existing law unaffected by bill.

The County Council for Montgomery County, Maryland, approves the following act:

- 26 (1) be in writing;
- 27 (2) be signed under oath by the public employee who applies for
- 28 the waiver;
- 29 (3) disclose all material facts;
- 30 (4) show how the employee meets the applicable waiver standard,
- 31 and
- 32 (5) include a statement from the public employee's agency head (or
- 33 the Chief Administrative Officer if the employee is not
- 34 supervised by an agency head) indicating whether the agency
- 35 head concurs with the waiver request.

36 [(f)] (g) The Commission must disclose to the public any waiver request that
 37 it grants[.] and, on request of any person, must disclose the underlying
 38 waiver request and any statement filed under subsection (f)(5) from
 39 the employee's agency head or the Chief Administrative Officer. If
 40 the Commission denies a request for a waiver [is denied], the
 41 Commission may publish its response as an advisory opinion under
 42 Section 19A-7(b). But the identity of any public employee who
 43 applies for a waiver must be kept confidential until the waiver is
 44 granted. The Commission may reveal the identity of any public
 45 employee who applies for a waiver that is not granted if:

46 * * *

47 (h) After giving the public employee notice and an opportunity to
 48 respond, the Commission may revoke any waiver if it finds that the
 49 public employee who applied for the waiver did not disclose a
 50 material fact in the waiver request.

51 [(g)] (i) * * *

78 [(6) any non-merit public employee (except temporary consultants
79 and special legal counsel) paid at a rate above the minimum pay
80 for pay grade 20, as adjusted from time to time under
81 subsection 33-11(b), or the comparable pay grade if the general
82 salary schedule is revised;]

83 [(7)] (6)* * *

84 [(8)] (7)* * *

85 (c) In designating public employees to file public or confidential financial
86 disclosure statements under subsection (a)(4) or (b)[(7)](6), the
87 Executive should include those employees who have substantial
88 responsibility for one or more of the following functions;

89 * * *

90 **19A-18. Financial disclosure statement; procedures.**

91 * * *

92 (e) (1) * * *

93 (D) The Chief Administrative Officer may designate the head
94 of a County agency to review a statement. A director of
95 a County agency or the Chief Administrative Officer may
96 designate the deputy director of the agency to review a
97 statement. The designator should inform the
98 Commission of the delegation. The designee is subject to
99 the same rules of confidentiality as the designator.

100 (2) After certifying that each part of the statement has been
101 [reviewed] completed and that, on the basis of the information
102 reported, there is no conflict of interest or potential conflict of
103 interest with the filer's official duties, the agency director or

104 Chief Administrative Officer must forward [it] the statement to
105 the Commission within 30 days after receiving it. The agency
106 director or the Chief Administrative Officer may retain a copy
107 of the statement for one year after forwarding it to the
108 Commission. If asked by an agency director, the Chief
109 Administrative Officer, the County Executive, a Council
110 member, or the filer of the statement, the Commission must
111 review any statement within 120 days after receiving it.

112 * * *

113 (f) Each public employee required to file an annual financial disclosure
114 statement under Section 19A-17 must also file a financial disclosure
115 statement:

116 (1) within 15 days after the employee begins employment in a
117 position covered by Section 19A-17, covering the current
118 calendar year up to the date of filing and, unless the employee
119 has already filed a statement for the previous year, the previous
120 calendar year; and

121 * * *

122 **19A-23. How and when to register as lobbyist.**

123 * * *

124 (c) A lobbyist must [register separately] file an annual registration form
125 and pay any annual registration fee for each employer.

126 * * *

127 **19A-27. [Petition for injunctive] Injunctive or other relief; cease and desist**
128 **orders; voiding official actions.**

129 * * *

130 (d) Except as expressly provided otherwise, any remedy specified in this
131 Article may be invoked regardless of whether the Commission has
132 found, after holding a hearing under Section 19A-10(c), that a public
133 employee violated this Chapter.

134 **19A-28. Penalties.**

135 (a) Unless otherwise indicated, any violation of this Chapter or
136 regulations adopted under it, or any violation of an order of the
137 Commission, is a class A violation.

138 (b) The County Executive may authorize Commission staff or another
139 County employee to issue a citation for any violation.

140 *Approved:*

141

142

Philip M. Andrews, President, County Council Date

143 *Approved:*

144

145

Isiah Leggett, County Executive Date

146 *This is a correct copy of Council action.*

147

148

Linda M. Lauer, Clerk of the Council Date