Resolution No.: ___16-29___
Introduced: ___January 30, 2007___
Adopted: ___January 30, 2007___

COUNTY COUNCIL
FOR MONTGOMERY COUNTY MARYLAND

By: County Council

SUBJECT: Approval of Executive Regulation 25-06, Financial Disclosure
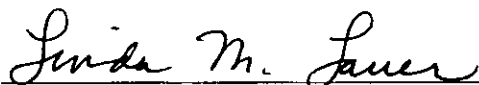
Background

1.   The Montgomery County Public Ethics Law (County Code §19A-17) authorizes the County Executive to designate by regulation certain public employees who must file a financial disclosure statement. The County Executive must find that requiring these employees to file a financial disclosure statement will promote trust and confidence in County government.

2.   On December 13, 2006, the County Council received Executive Regulation 25-06, Financial Disclosure.

3.   The Council reviewed the regulation under method (2) of County Code §2A-15.

4.   Under method (2), if the Council does not approve or disapprove a regulation within 60 days after the Council receives the regulation, the regulation automatically takes effect.

5.   On January 18, 2007, the Management and Fiscal Policy Committee reviewed Executive Regulation 25-06, Financial Disclosure and recommended approval.

Action

The County Council for Montgomery County Maryland approves the following resolution:

The Council approves Executive Regulation 25-06, Financial Disclosure.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

Subject	Number
Financial Disclosure	25-06

Originating Department	Effective Date
Office of the Chief Administrative Officer	

Montgomery County Regulation on
FINANCIAL DISCLOSURE STATEMENTS EXECUTIVE BRANCH
Issued by: County Executive
Regulation No. 25-06
Authority: Montgomery County Code (2004) Section 19A-17
Supersedes: Executive Regulation 23-05
Council Review: Method (2) under Code Section 2A-15
Register Vol. 24 Issue 11 (Nov. 2006) .
Effective Date: _____
Comment Deadline: November 30, 2006

Summary: This regulation designates those public employees that the County Executive requires to file a public, limited public, or confidential financial disclosure statement. This amendment constitutes the annual revision of this regulation, and establishes a process for identifying specific employees who must file a financial disclosure statement.

Staff contact: Edward B. Lattner, Associate County Attorney
(240) 777-6735

Address: Office of the County Attorney
Executive Office Building
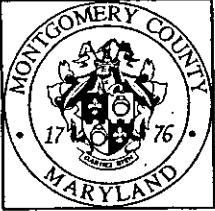101 Monroe Street, Third Floor
Rockville, Maryland 20850

Background: The Montgomery County Public Ethics Law authorizes the County Executive to designate certain public employees who must file a financial disclosure statement. The County Executive must find that requiring these employees to file a financial disclosure statement will promote trust and confidence in County government.

Section 1.   Purpose.

The filing of a financial disclosure statement by each of the following public employees is desirable to promote the trust and confidence of the citizens of the County in the government of Montgomery County.

### Section 2.   List Of Employees Who Must File Financial Disclosure Statements.

A.   **Definitions.**

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      (1)   **Public Employee or employee** has the same meaning ascribed to it in Chapter 19A of the Montgomery County Code.

B.   **Annual List.** By January 15 of each year, the Chief Administrative Officer must submit to the Ethics Commission a list identifying each **public employee** who must file a financial disclosure statement under Section 3.

C.   **Updated List of employees not previously identified.** By January 15 of each year, the Chief Administrative Officer must also submit to the Ethics Commission an updated list identifying each **public employee** who must file a financial disclosure statement even though the **employee** or the **employee's** position is not identified in the attached schedule. The Chief Administrative Officer may include a **public employee** on this updated list if the **public employee** is assigned additional duties or holds a position inadvertently omitted, retitled, or created during the previous calendar year or since this regulation was last amended, whichever period is longer, and the Chief Administrative Officer finds that a **public employee** in that position meets the criteria of Section 19A-17(c). By January 15 of each year, the Chief Administrative Officer must give written notice to each **employee** identified on the updated list that the **employee's** position meets the criteria of Section 19A-17 for filing a public, limited public, or confidential financial disclosure statement and that the **employee** must therefore file the appropriate statement. An **employee** added to the updated list may challenge inclusion on the updated list by filing a request for reconsideration with the Chief Administrative Officer within 15 calendar days after the Chief Administrative Officer sends the written notice to the **employee**. After conducting whatever review the Chief Administrative Officer feels necessary, the Chief Administrative Officer must decide whether the **employee** must file a statement and, if so, what type of statement. The Chief Administrative Officer's decision is final and unreviewable. A **public employee** must file a public, limited public, or confidential financial disclosure statement as designated on the updated list.

D.   **List Contents.** The lists described in this section must identify each **employee** by name, position, e-mail address, work phone number, and work location. For confidential filers, the list must also identify the person who will review the employee's financial disclosure statement. For public and limited public filers, the list must identify a contact person.

E.   **Employees holding more than one position in the prior year.** If the **employee** held more than one position during the previous year, the Chief Administrative Officer must indicate which position requires the **employee** to file the financial disclosure statement. If the **employee** held
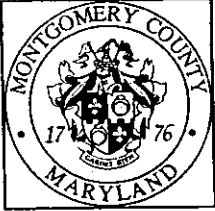
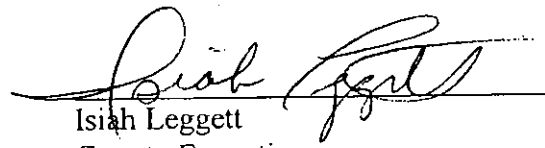| Subject	Number
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more than one position during the previous year requiring the filing of a financial disclosure statement, the Chief Administrative Officer must identify that **employee** by the last held position requiring the filing of a financial disclosure statement.

Section 3.   Requirement.

A.   **Public employees must file.** A **public employee** holding one of the positions identified in the attached schedule at any time during the previous year (including an employee performing the duties of one of the positions as a result of a temporary promotion) must file a sworn, financial disclosure statement (public, limited public (LP), or confidential (conf), as indicated) under the Montgomery County Public Ethics Law, Article IV, Financial Disclosure. Positions designated as "LP" must file a limited public financial disclosure statement under § 19A-17 (a) (6), and, if indicated, a confidential financial disclosure statement.

B.   **Voting Members.** Members of identified boards, commissions, and committees required to file include all voting members, regardless of whether the member is appointed ex-officio.

C.   **Public and limited public filers.** The Chief Administrative Officer may require public and limited public filers to file their financial disclosure statements with the Chief Administrative Officer, or designee, by the same date that confidential filers must file their financial disclosure statements with their reviewers. The Chief Administrative Officer must forward these financial disclosure statements to the Ethics Commission within 30 days after receipt.

Isiah Leggett
County Executive

APPROVED AS TO FORM AND LEGALITY
OFFICE OF COUNTY ATTORNEY
BY _Edward Natto_
DATE _12/5/06_