COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2020, Legislative Day No. 29

Bill No. 93-20

Introduced by Ms. Lacey

By the County Council, October 19, 2020

Introduced and first read on October 19, 2020
Public Hearing set for and held on November 16, 2020
Bill AMENDED on December 7, 2020
Public Hearing on AMENDED bill set for and held on December 21, 2020
Bill Expires January 22, 2021

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

AN ORDINANCE concerning: Public Ethics – Definitions

FOR the purpose of adding a definition of “usual and customary constituent services”; and generally relating to public ethics.

BY adding: § 7-1-101(25)
Anne Arundel County Code (2005, as amended)

SECTION 1. Be it enacted by the County Council of Anne Arundel County, Maryland, That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

ARTICLE 7. PUBLIC ETHICS

TITLE 1. IN GENERAL


In this article, the following words have the meanings indicated unless a different definition is adopted for a particular provision or the context clearly requires a different meaning.

(25) “USUAL AND CUSTOMARY CONSTITUENT SERVICES” MEANS:

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter deleted from existing law.
Captions and taglines in bold in this bill are catchwords and are not law.
Underlining indicates amendments to bill.
Strikeover indicates matter stricken from bill by amendment.
(I) ACTIONS MADE ON BEHALF OF AN ANNE ARUNDEL COUNTY CITIZEN BY
COUNTY COUNCILMEMBERS, OR THEIR DESIGNEES, WITH OR WITHOUT THE PRESENCE OF
THE CITIZEN, INCLUDING ADVOCACY, COMMUNICATIONS, INQUIRY, AND OVERSIGHT, SO
LONG AS THE COUNCILMEMBERS, OR THEIR DESIGNEES DO NOT, DIRECTLY OR
INDIRECTLY, THREATEN REPRISAL OR PROMISE FAVORITISM FOR THE PERFORMANCE OR
NONPERFORMANCE OF ANOTHER PERSON’S DUTIES OR REQUEST ANOTHER PERSON TO
ABUSE OR EXCEED THE DISCRETION AVAILABLE TO THAT PERSON UNDER LAW; OR

(II) ACTIVITIES ON BEHALF OF A BUSINESS ENTITY THAT IS LOCATED IN THE
COUNTY OR THAT CONTRIBUTES TO THE ECONOMIC WELL-BEING OF THE COUNTY SO
LONG AS THE ACTIVITIES DO NOT VIOLATE THE RESTRICTIONS ON PARTICIPATION
CONTAINED IN § 7-5-101.

(25) (I) “USUAL AND CUSTOMARY CONSTITUENT SERVICES” MEANS ACTIONS TAKEN
BY COUNTY COUNCILMEMBERS OR THEIR DESIGNEES ON BEHALF OF AN ANNE ARUNDEL
COUNTY RESIDENT OR A BUSINESS ENTITY THAT IS LOCATED IN THE COUNTY OR THAT
CONTRIBUTES TO THE WELL-BEING OF THE COUNTY, AND INCLUDES:

1. REQUESTING INFORMATION FROM A GOVERNMENTAL AGENCY RELATING
TO ACTIVE OR POTENTIAL LEGISLATION OR THE GOVERNMENTAL AGENCY’S PROCESSES,
PROCEDURES, OR SIMILAR MATTERS;

2. PROVIDING OPINIONS RELATING TO INFORMATION RECEIVED FROM A
GOVERNMENTAL AGENCY FOR THE PURPOSE OF CONSIDERING OR TAKING LEGISLATIVE
ACTION;

3. SCHEDULING AND PARTICIPATING IN MEETINGS FOR PURPOSES OF INQUIRY
WITH A GOVERNMENTAL AGENCY, WITH OR WITHOUT THE PRESENCE OF THE RESIDENT
OR BUSINESS ENTITY;

4. INQUIRING ABOUT AN ISSUE ON BEHALF OF A RESIDENT RELATING TO A
GOVERNMENTAL AGENCY OR A COUNTY EMPLOYEE; AND

5. WRITING LETTERS OF RECOMMENDATION FOR EMPLOYMENT OR ADMISSION
TO AN EDUCATIONAL INSTITUTION.

(II) FOR THE PURPOSES OF THIS DEFINITION, A COUNCILMEMBER OR A
COUNCILMEMBER’S DESIGNEE MAY NOT:

1. ENGAGE IN AN ACTION IF THE COUNCILMEMBER, A QUALIFYING RELATIVE
OF THE COUNCILMEMBER, OR A BUSINESS ASSOCIATE OF THE COUNCILMEMBER HAS AN
INTEREST IN THE MATTER THAT IS DIFFERENT FROM THAT OF THE PUBLIC IN GENERAL;

2. ADVOCATE FOR OR REPRESENT A RESIDENT OR BUSINESS ENTITY IN A
JUDICIAL OR QUASI-JUDICIAL PROCEEDING OR COMMUNICATE WITH A DECISION-MAKING
EMPLOYEE OF A JUDICIAL OR QUASI-JUDICIAL BODY OFF THE RECORD AND OUT OF THE
PRESENCE OF THE PARTIES;

3. DIRECTLY OR INDIRECTLY THREATEN REPRISAL OR PROMISE FAVORITISM
FOR THE PERFORMANCE OR NONPERFORMANCE OF AN EMPLOYEE’S DUTIES OR REQUEST
AN EMPLOYEE TO ABUSE OR EXCEED THE DISCRETION AVAILABLE TO THAT EMPLOYEE
UNDER LAW; OR

4. EXHIBIT FAVORITISM FOR ONE RESIDENT OVER ANOTHER IN THE SAME OR
SIMILAR CIRCUMSTANCES.
SECTION 2. And be it further enacted, That this Ordinance shall take effect 45 days from the date it becomes law.

AMENDMENTS ADOPTED: December 7, 2020

READ AND PASSED this 21st day of December, 2020

By Order:

JoAnne Gray
Administrative Officer

PRESENTED to the County Executive for his approval this 22nd day of December, 2020

JoAnne Gray
Administrative Officer

APPROVED AND ENACTED this 29th day of December, 2020

Steuart Pittman
County Executive

EFFECTIVE DATE: February 12, 2021

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO. 93-20. THE ORIGINAL OF WHICH IS RETAINED IN THE FILES OF THE COUNTY COUNCIL.

JoAnne Gray
Administrative Officer