

**COUNTY COMMISSIONERS OF CAROLINE COUNTY, MARYLAND**

**LEGISLATIVE BILL #2020-3**

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INTRODUCED BY: COMMISSIONERS PORTER, FRANKLIN, AND LEVENGOOD

INTRODUCED ON: DECEMBER 15, 2020

ATTEST:

  
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LARRY C. PORTER, PRESIDENT

PUBLIC HEARING: JANUARY 5, 2020 BEGINNING AT 10:30 AM  
HEARING WILL BE HELD OPEN UNTIL JANUARY 12, 2020  
AT 9:00 AM

Hearing to be held via Zoom Conferencing. Only written testimony will be accepted. To submit, email [info@carolinemd.org](mailto:info@carolinemd.org); visit <http://bit.ly/ccmdtestimony>, or mail to 109 Market Street, room 123, Denton, MD 21629.

To participate in the hearing join online at <https://zoom.us/j/300062187> or by phone toll free at (888) 475-4499. Webinar ID: 300 062 187

THIRD READING: JANUARY 12, 2021

ENACTED: JANUARY 12, 2021

EFFECTIVE: JANUARY 12, 2021

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**Chapter 33 – Code of Ethics – Required Changes**

**AN** Act concerning the Caroline County Code of Ethics;  
**FOR** the purpose of amending the Code of Public Local Laws of Caroline County, Maryland to codify changes required by State law regarding post-employment restrictions for lobbyists, financial disclosures, and the use of prestige of office;  
**BY** adding a new § 33-5.B.(3) and §§ 33-8.D. – 33-8.F. to Article III, Prohibited Conduct and Interests; and  
**BY** repealing and reenacting with amendments § 33-14.A.(3) and § 33-16.E. of Article IV, Disclosure Statements.

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**WHEREAS**, the County Commissioners of Caroline County, Maryland (the "County Commissioners") are authorized under Article XI-F of the Maryland Constitution and § 9-308 of

the Local Government Article of the Annotated Code of Maryland (the “Local Government Article”) to adopt public local laws in general;

**WHEREAS**, the State of Maryland has enacted Chapter 31 of the Acts of 2017, which requires a local government to make certain changes to its ethics ordinance;

**WHEREAS**, the Caroline County Ethics Commission has reviewed the required changes and expressed their concurrence;

**WHEREAS**, the County Commissioners have determined this Bill is necessary and appropriate to protect and improve the general health, safety, and welfare of the County and its residents;

**WHEREAS**, this Bill may also be known by its short title “Chapter 33 – Code of Ethics – Required Changes.”

**NOW, THEREFORE**, be it enacted by the County Commissioners of Caroline County, Maryland, that:

**SECTION 1.** Chapter 33, Article III of the Code of Public Local Laws of Caroline County is hereby amended as follows.

Chapter 33. Code of Ethics

Article III. Prohibited Conduct and Interests.

§ 33-5 Participation prohibitions.

- A. The prohibitions in this section are applicable to all Public Officials and also apply if the Public Official knows or has reason to know that the Public Official's spouse, parent, child, brother, or sister (including such relationships as may exist by nature of "in-law" or "step") has an Interest that, if held by the Public Official, would be prohibited under Subsection B of this section.
- B. A Public Official may not participate in any matter involving the County if:
  - (1) The Public Official knows that the Public Official has an Interest in the matter; or
  - (2) Any of the following Business Entities are involved in the matter:
    - (a) A Business Entity in which the Public Official has a direct Interest of which the Public Official may be reasonably expected to know;
    - (b) A Business Entity in which the Public Official is an officer, director, trustee, partner, or employee;

- (c) A Business Entity with which the Public Official is negotiating or has any arrangements concerning prospective employment;
- (d) A Business Entity that is a party to an existing contract with the Public Official, if the contract could reasonably be expected to result in a conflict between the private Interests of the Public Official and the Public Official's official duties;
- (e) A Business Entity Doing Business With The County, in which a direct Interest is owned by another Business Entity in which the Public Official has a direct Interest if the Public Official may be reasonably expected to know of both direct Interests; or
- (f) A Business Entity that the Public Official knows to be a creditor or obligee of the Public Official, if, by reason of the debt, the Business Entity is in a position to affect directly and substantially the Interest of the Public Official.

**(3) A FORMER LOBBYIST WHO BECOMES A PUBLIC OFFICIAL MAY NOT PARTICIPATE IN A CASE, CONTRACT, OR OTHER SPECIFIC MATTER FOR 1 CALENDAR YEAR AFTER TERMINATING THEIR LOCAL LOBBYING REGISTRATIONS IF THEY PREVIOUSLY ASSISTED OR REPRESENTED ANOTHER PARTY IN THE MATTER. THIS SUBSECTION SHALL ONLY APPLY TO BOARD OR COMMISSION MEMBERS OR ELECTED OFFICIALS WHO RECEIVE MORE THAN \$12,000 OF COMPENSATION PER YEAR FOR SERVING AS A PUBLIC OFFICIAL.**

C. The prohibitions in Subsection B of this section do not apply to a Public Official:

- (1) Who is exercising an administrative or ministerial duty if that duty does not affect the disposition or decision with respect to the matter; or
- (2) Who is acting as authorized by a Commission regulation or advisory opinion.

D. Provided that a Public Official who is subject to a conflict or prohibition under Subsection B of this section publicly discloses the nature and circumstances of the conflict or prohibition, the Public Official may participate or act in the matter if:

- (1) The Public Official is a member of a board or commission that would otherwise be left with less than a quorum;
- (2) The Public Official is required by law to act or is the only Public Official authorized to act; or
- (3) The Commission makes a determination that other special circumstances exist to warrant permitting the Public Official to participate.

E. With respect to Elected Officials, the procurement prohibitions of § 15-508 of the State Government Article, Title 15, Subtitle 5, of the Annotated Code of Maryland, shall apply.

§ 33-8 Use of prestige of office.

- A. A Public Official may not intentionally use the prestige of his or her office for the private gain of the Public Official or another.
- B. The performance of usual and customary constituent services does not constitute the use of the prestige of office for a Public Official's private gain or that of another if no additional Compensation is received for performing the constituent services.
- C. The provision of a job or other reference or favorable comment does not constitute the use of the prestige of office for a Public Official's private gain or that of another if no Compensation or other tangible benefit is received and the reference or comment is not used for advertising, promotional, marketing, or other commercial purpose.
- D. A PUBLIC OFFICIAL MAY NOT DIRECTLY OR INDIRECTLY INITIATE A SOLICITATION FOR A PERSON TO RETAIN THE COMPENSATED SERVICES OF A PARTICULAR REGULATED LOBBYIST OR LOBBYING FIRM.**
- E. A PUBLIC OFFICIAL, OTHER THAN AN ELECTED OFFICIAL, OR EMPLOYEE MAY NOT USE PUBLIC RESOURCES OR THE TITLE OF THE PUBLIC OFFICIAL OR EMPLOYEE TO SOLICIT A CONTRIBUTION AS THAT TERM IS DEFINED IN THE ELECTION LAW ARTICLE OF THE ANNOTATED CODE OF MARYLAND.**
- F. AN ELECTED OFFICIAL MAY NOT USE PUBLIC RESOURCES TO SOLICIT A CONTRIBUTION AS THAT TERM IS DEFINED IN THE ELECTION LAW ARTICLE OF THE ANNOTATED CODE OF MARYLAND.**

**SECTION 2.** Chapter 33, Article IV of the Code of Public Local Laws of Caroline County is hereby amended as follows.

Chapter 33. Code of Ethics

Article IV. Disclosure Statements.

§ 33-13 Disclosure of Interests and employment.

- A. All Public Officials shall file a disclosure statement disclosing any Interest or employment the holding or performing of which would require disqualification from participation pursuant to this chapter. Such statement shall be filed sufficiently in advance of any action taken or scheduled to be taken by the Public Official sufficient to provide adequate notice and disclosure to the general public.
- B. FOR A STATEMENT FILED ON OR AFTER JANUARY 1, 2019, IF S FILER'S SPOUSE IS A LOBBYIST REGULATED BY THE COUNTY, THE INDIVIDUAL**

**SHALL DISCLOSE THE ENTITY THAT HAS ENGAGED THE SPOUSE FOR LOBBYING PURPOSES.**

§ 33-14 Filing by candidates.

A. Filing.

- (1) Except as provided in Subsection B of this section, each candidate for public election to an office identified in § 33-12 shall file the required disclosure statements to described in § 33-12E at the same time the candidate files a certificate of candidacy and by April 30 of each subsequent year until the election for which the certificate of candidacy has been filed has been held.
- (2) The disclosure statements filed with a certificate of candidacy or thereafter shall cover the immediately preceding calendar year.
- (3) ~~If, after written notice provided at least 20 days before the last day for the withdrawal of candidacy, the candidate fails to file a supplementary disclosure statement before or on the last day for the withdrawal of candidacy, the candidate is deemed to have withdrawn the candidate's candidacy.~~ **IF A DISCLOSURE STATEMENT REQUIRED BY A CANDIDATE IS OVERDUE AND NOT FILED WITHIN 8 DAYS AFTER WRITTEN NOTICE OF THE FAILURE TO FILE IS PROVIDED BY THE COUNTY ATTORNEY, THE CANDIDATE IS DEEMED TO HAVE WITHDRAWN THE CANDIDACY.**

B. If the candidate is a Public Official who has already filed a disclosure statement covering the year preceding the election, the candidate is not required to file a disclosure statement at the time the candidate files a certificate of candidacy or nomination.

C. A candidate shall file a disclosure statement or a supplementary disclosure statement:

- (1) With the Board of Election Supervisors, with a copy to the Commission;
- (2) Under oath or affirmation.

D. The Board of Election Supervisors may not accept a certificate of candidacy unless the candidate has filed the disclosure statement in proper form.

§ 33-15 Review of statements.

- A. After a disclosure statement is submitted to the Commission, the Commission shall review the disclosure statement for compliance with this chapter and notify the filer of any omission or deficiency in the disclosure statement.
- B. If the filer does not correct the omission or deficiency on the disclosure statement within 30 days after notification by the Commission, the Commission shall refer the matter, including

the evidence of the omission or deficiency, to the County Attorney for appropriate action in accordance with the enforcement provisions of this chapter.

§ 33-16 Public disclosure of statements.

- A. Subject to rules adopted by the Commission, the Commission shall allow a Person to examine and copy a disclosure statement filed by a Public Official under this chapter.
- B. A Person requesting to examine or copy a disclosure statement shall file a written request including the Person's name, address, and the name of the Public Official whose disclosure statement the requester wishes to examine.
- C. The individual shall conduct the examination or copying at the Commission's office during reasonable office hours.
- D. Requests filed pursuant to this section shall be disclosable under state law governing public inspection and disclosure of documents.
- E. ~~Except as may be required by state law, the home address of a nonelected Public Official shall not be disclosed.~~ **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.**

**SECTION 3.** Matter deleted is shown by ~~striketrough~~. Mater added is shown in **BOLD CAPITALIZATION**.

**SECTION 3.** The Recitals to this Bill are incorporated herein and deemed a substantive part of this Bill.

**SECTION 4.** The provisions of this Bill are declared to be severable. If any section, subsection, sentence, clause, phrase, or portion of this Bill is for any reason held invalid or unconstitutional by any court or competent jurisdiction, the same shall be deemed separate, distinct, and independent from, and such holding shall not affect the validity of, the remaining portions of this Bill, it being the intent of the County that this Bill shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

**SECTION 5.** The Publishers of the Code of Public Local Laws of Caroline County, Maryland (the "Code") in consultation with and subject to the approval of the County shall make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, organization, and any internal or external reference or citations to the Code that is incorrect or obsolete, with no further action required by the County Commissioners. All such corrections shall be adequately referenced and described in the editor's note following the section affected.

**SECTION 6.** The title of this Bill, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Bill for publication and all other purposes.

**SECTION 7.** This Bill shall take effect on January 12, 2021.

Enacted this 12th day of January 2021.

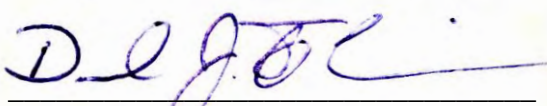
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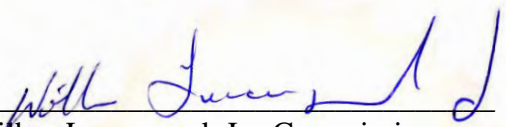
  
Jennifer Farina, Administrative Coordinator

(SEAL)

**COUNTY COMMISSIONERS OF  
CAROLINE COUNTY, MARYLAND**

  
Larry C. Porter, President

  
Daniel J. Franklin Vice President

  
Wilbur Levengood, Jr., Commissioner