

**COUNTY COUNCIL OF CECIL COUNTY, MARYLAND
LEGISLATIVE SESSION DAY 2018-15**

BILL NO. 2018-15

Title of Bill: Amendments – Cecil County Public Ethics Law – Various Additions and Changes

Synopsis: A Bill to amend Cecil County Public Ethics Law to make additions and changes to the definitions, post-employment limitations and restrictions, use of prestige of office, public records, filing deadlines and registration statement as required by the Maryland State Ethics Commission.

Introduced by: Council President on behalf of the County Executive

Introduced and ordered posted on: August 21, 2018

Public hearing scheduled on: September 18, 2018 at:7:00 p.m.

Scheduled for consideration: October 2, 2018

By: _____
Council Manager

PUBLIC HEARING

Notice of time and place of public hearing and title of Bill having been posted by (date) at the County Administration Building, 200 Chesapeake Blvd., Elkton and having been published according to the Charter on (date), a public hearing was held on (date) and concluded on (date).

By: _____
Council Manager

Explanation: CAPITAL LETTERS INDICATE LANGUAGE ADDED TO EXISTING DOCUMENT
~~Strike through~~ indicates language deleted from existing document
Underlining indicates language added to document by amendment.
~~Double Strike through~~ indicates language stricken from document by amendment.

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1 **WHEREAS**, Cecil County, recognizing that our system of representative government is dependent in
2 part upon the people maintaining the highest trust in their public officials and employees, finds and
3 declares that the people have a right to be assured that the impartiality and independent judgment of
4 public officials and employees will be maintained; and

5 **WHEREAS**, this confidence and trust is eroded when the conduct of the County's business is subject
6 to improper influence and even the appearance of improper influence; and

7 **WHEREAS**, for the purpose of guarding against improper influence, the County has enacted a Public
8 Ethics Law to require County elected officials, officials, employees, and individuals appointed to boards and
9 commissions, to disclose their financial affairs and to set minimum standards for the conduct of local
10 government business; and

11 **WHEREAS**, the State of Maryland has recently notified the Cecil County Ethics Commission of
12 certain mandated additions and changes that must be made to the Cecil County Public Ethics Law, and of
13 certain additions and changes that are suggested, but not required, to be adopted; and

14 **WHEREAS**, the County now endeavors to amend Chapter 39, §39-3 to add a definition that exempts
15 disclosure of certain exchange traded funds, §39-15 to limit former public officials and employees from
16 lobbying for one-year after separation from the County, §39-17 to expand limitations on using the prestige
17 of a position for the personal gain of a public official or employee or for the gain of another, §39-24 to
18 prohibit the Ethics Commission from releasing the home address of a public official or employee to third
19 parties, §39-37 to prohibit public officials or employees who are former lobbyists from participating in
20 certain matters for a period of one-year after terminating registration as a lobbyist and requiring
21 disqualification to be memorialized by filing a statement of disqualification with the Ethics Commission, and
22 §39-38 to require a public official or employee whose spouse is a regulated lobbyist to disclose the entity
23 that has engaged the filer’s spouse to lobby.

24 **NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND**, that
25 Chapter 39, Ethics, of the Cecil County Code, is hereby amended as follows:

26 § 39-3 Definitions.

27 In this chapter, the following terms have the meanings indicated:

28 **INTEREST**: A legal or equitable economic interest, whether or not subject to an encumbrance or a
29 condition, that is owned or held, in whole or in part, jointly or severally, directly or indirectly. **FILERS**
30 **NEED NOT DISCLOSE EXCHANGE-TRADED FUNDS (“ETF”) OR A DIVERSIFIED COLLECTION OF ETF**

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31 **ASSETS (SUCH AS, FOR EXAMPLE, MUTUAL FUNDS) THAT TRADE ON AN EXCHANGE (SUCH AS, FOR**
32 **EXAMPLE, A STOCK).**

33 § 39-15 Post-employment limitations and restrictions.

34 A. A former official or employee may not assist or represent any party other than the County for
35 compensation in a case, contract, or other specific matter involving the County if that matter is one
36 in which the former official or employee significantly participated as an official or employee.

37 B. Until the conclusion of the next regular session that begins after the elected official leaves
38 office, a former member of the Cecil County Council or the County Executive may not assist or
39 represent another party for compensation in a matter that is the subject of legislative action.

40 **C. FORMER COUNTY OFFICIALS AND EMPLOYEES, AS WELL AS THE GOVERNOR, LIEUTENANT**
41 **GOVERNOR, ATTORNEY GENERAL, COMPTROLLER, TREASURER OR A MEMBER OF THE GENERAL**
42 **ASSEMBLY, ARE PRECLUDED FROM LOBBYING THE COUNTY (LEGISLATIVE MATTERS) FOR ONE**
43 **CALENDAR YEAR AFTER LEAVING OFFICE.**

44 § 39-17 Use of prestige of office.

45 A. An official or employee may not intentionally use the prestige of office or public position for the
46 private gain of that official or employee or the private gain of another, **INCLUDING BUT NOT**
47 **LIMITED TO, INFLUENCING THE AWARD OF A LOCAL CONTRACT TO A SPECIFIC PERSON OR ENTITY;**
48 **INITIATING A SOLICITATION FOR A PERSON OR ENTITY TO RETAIN THE COMPENSATED SERVICES**
49 **OF A PARTICULAR LOBBYIST OR FIRM, OR USING PUBLIC RESOURCES OR TITLE TO SOLICIT A**
50 **POLITICAL CONTRIBUTION REGULATED IN ACCORDANCE WITH THE ELECTION LAW ARTICLE,**
51 **ANNOTATED CODE OF MARYLAND AND/OR THE PROVISIONS OF THIS CODE.**

52 B. This section does not prohibit the performance of usual and customary constituent services by
53 an elected official without additional compensation.

54 § 39-24 Public record.

55 A. The Commission or office designated by the Commission shall maintain all financial disclosure
56 statements filed under this article.

57 B. The Commission or office designated by the Commission shall make financial disclosure
58 statements available during normal office hours, for examination and copying by the public, subject
59 to reasonable fees and administrative procedures established by the Commission. **THE**
60 **COMMISSION MAY NOT, HOWEVER, PROVIDE PUBLIC ACCESS TO THE PORTION OF A FINANCIAL**

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61 **DISCLOSURE STATEMENT THAT INCLUDES AN INDIVIDUAL'S HOME ADDRESS AS IDENTIFIED BY**
62 **THE INDIVIDUAL (i.e. THE COMMISSION MUST REDACT THE INFORMATION BEFORE MAKING IT**
63 **PUBLICLY AVAILABLE). THIS PROVISION APPLIES TO ALL STATEMENTS, WHETHER POSTED ON THE**
64 **INTERNET OR VIEWABLE ONLY IN THE OFFICE.**

65 C. If an individual examines or copies a financial disclosure statement, the Commission or the office
66 designated by the Commission shall record:

- 67 (1) The name and home address of the individual reviewing or copying the statement; and
- 68 (2) The name of the person whose financial disclosure statement was examined or copied.

69 § 39-37 Filing deadline.

70 A. A person shall file registration statement required under this article on or before the latter of
71 January 31 of the calendar year or within five days after first performing an act that requires
72 registration in the calendar year.

73 **B. FORMER LOBBYISTS WHO BECOME A PUBLIC OFFICIAL OR COUNTY EMPLOYEE (i.e. TAKE JOB**
74 **WITH THE COUNTY OR ELECTED TO COUNTY OFFICE) ARE PROHIBITED FROM PARTICIPATING IN A**
75 **CASE, CONTRACT OR OTHER SPECIFIC MATTER FOR ONE (1) CALENDAR YEAR AFTER TERMINATING**
76 **THEIR REGISTRATIONS IF THEY PREVIOUSLY ASSISTED OR REPRESENTED ANOTHER PARTY IN THE**
77 **MATTER (A “REVERSE” POST-EMPLOYMENT RESTRICTION FOR LOBBYISTS).**

78 **C. A LOBBYIST WHO IS DISQUALIFIED FROM PARTICIPATING IN A SPECIFIC MATTER SHALL FILE A**
79 **STATEMENT OF RECUSAL WITH THE BOARD OR COMMISSION THAT HE/SHE SERVES.**

80 § 39-38 Registration statement.

81 A. The registration statement shall identify:

- 82 (1) The registrant;
- 83 (2) Any other person on whose behalf the registrant acts; and
- 84 (3) The subject matter on which the registrant proposes to make appearances specified in
85 § 39-36 of this article.

86 B. The registration statement shall cover a defined registration period not to exceed one calendar
87 year.

88 **C. FOR A STATEMENT FILED ON OR AFTER JANUARY 1, 2019, IF THE FILER’S SPOUSE IS A**
89 **REGULATED LOBBYIST, THEN THE FILER MUST DISCLOSE THE ENTITY THAT HAS ENGAGED THE**
90 **FILER’S SPOUSE TO LOBBY.**

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91 **AND BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND**, that this
92 Act shall take effect 60 calendar days from the date it becomes law.

CERTIFICATION

I, HEREBY CERTIFY that the above Bill was posted for the public on the public bulletin board with the date, time and location of the public hearing meeting, copies were made available for the public, a copy was distributed to the press, and copy was made available on the Cecil County website.

BY: Council Manager