

**COUNTY COUNCIL OF CECIL COUNTY, MARYLAND
LEGISLATIVE SESSION 2021-02**

BILL NO. 2021-02

Title of Bill: Ethics – Employment and Financial Interest Restrictions

Synopsis: An Act to amend Chapter 39. (Ethics), Article III. (Prohibited Conduct and Interest), Section 39-14. (Employment and Financial Interest Restrictions), to add language to reflect the Charter Amendment that non-elected board members, committee members and employees, who receive county funds, not under the direct supervision or substantially controlled by the County Executive or County Council, are not included in the restrictions of employment and financial interest; which was approved as Local Question A by Cecil County qualified voters at the General Election on November 3, 2020.

Introduced by: Council President on behalf of Council Members

Introduced and order posted on: January 19, 2021

Public hearing scheduled on: February 16, 2021 at 7:00 p.m.

Consideration scheduled on: March 2, 2021

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.

Ethics – Employment and Financial Interest Restrictions

1 **WHEREAS**, pursuant to Article 6, Section 602 of the Cecil County Charter, the Charter may be
2 amended by the procedures provided in Article XI-A of the Maryland Constitution; and

3 **WHEREAS**, pursuant to Article XI-A, §5 of the Maryland Constitution, amendments to any charter
4 adopted by any County of this State under the provisions of this Article may be proposed by a resolution
5 of the Council of the County, or by a petition signed by not less than 20% of the registered voters of the
6 City or County, provided, however, that in any case 10,000 signatures shall be sufficient to complete a
7 petition; and

8 **WHEREAS**, pursuant to Md. Code Ann., §7-103(a)(iii) and §7-103(c)(3)(i) of the Election Law
9 Article, the Attorney, designated to represent the county legislative body, shall prepare and certify, and
10 submit to the State Board of Election, not later than July 31, 2020, the following information as required
11 under §7-103(b) of the Election Law Article for each question to be voted on in the County: (1) a question
12 number or letter as by the Election Board; (2) a brief designation of the type or source of the question; (3)
13 a brief descriptive title in boldface type; (4) a condensed statement of the purpose of the question; and
14 (5) the voting choices that the voter has; and

15 **WHEREAS**, pursuant to Article 6, Section 602 of the Cecil County Charter and
16 Article XI-A, §5 of the Maryland Constitution, the amendments shall be published by the President of the
17 County Council once a week for five successive weeks prior to the election in at least one newspaper
18 published in said County; and

19 **WHEREAS**, pursuant to Article 6, Section 602 of the Cecil County Charter and
20 Article XI-A, §5 of the Maryland Constitution, an amendment so proposed shall be submitted to the voters
21 of the County at the next general or congressional election occurring after the passage of the resolution;
22 and

23 **WHEREAS**, in accordance with Article 6, Section 602 of the Cecil County Charter and Article XI-A,
24 §5 of the Maryland Constitution, if at the election, the majority of the votes cast for the amendment shall
25 be in favor thereof, the amendment shall be adopted and become a part of the charter of the County
26 from and after the thirtieth day after said election; and

27 **WHEREAS**, the County Council approved Resolution No. 36-2020 As Amended- Expedited
28 Legislation – Charter Amendment – Qualifications – County Council, on June 28, 2020; and

29 **WHEREAS**, Resolution No. 36-2020 was certified as a local question A and submitted to the
30 qualified voters of Cecil County, Maryland, on the General Election held on November 3, 2020; and

31 **WHEREAS**, Local Question A. County Council – Qualifications, was approved by the voters of Cecil
32 County, Maryland, and certified by the Board of Election of Cecil County; and

33 **WHEREAS**, Local Question A. County Council – Qualifications, amends the Charter of Cecil County,
34 as follows:

35 “Article 2. County Council

36 Section 205: Qualifications

37 (a) Each council member shall be a citizen of the United States and, for at least one year immediately
38 preceding election or appointment, a resident and registered voter of the County. Each council member
39 shall be a resident of the residency district from which the council member is elected or appointed for at
40 least six months immediately preceding election or appointment.

41 (b) While serving as a council member, no council member may:

42 (1) Hold any other elected public office;

43 (2) Hold any other office of profit created by the Maryland Constitution or Laws of the State,
44 pursuant to Article 35 of the Maryland Declaration of Rights; or

45 (3) Be employed by a department or agency of the County government, which is directly
46 supervised or substantially controlled by the Executive or Council.

47 (c) A retired, former county employee receiving a pension shall not be considered to be serving in a public
48 body for purposes of this section and shall be eligible to be a council member if all the other provisions of
49 this section are satisfied.

50 (d) Non-elected Board Members, Committee Members, and Employees of the State, County and
51 Municipal agencies, which are not directly supervised or substantially controlled by the Executive or
52 Council, shall be eligible to be a council member if all the other provisions of this section are satisfied.”

53 **NOW THEREFORE, BE IT HEREBY ENACTED BY THE COUNTY COUNCIL OF CECIL COUNTY,**
54 **MARYLAND**, that subsection 39-14 (Employment and financial interest restrictions), of Chapter 39 (Ethics)
55 of the Code of Cecil County, Article III. (Prohibited Conduct and Interests), be amended as follows:

56 Chapter 39. Ethics

57 Article III. Prohibited Conduct and Interests

58 Section 39-14. Employment and Financial Interest Restrictions

Ethics – Employment and Financial Interest Restrictions

59 A. Except as permitted by regulation of the Commission when the interest is disclosed or when the
 60 employment does not create a conflict of interest or appearance of conflict, an official or employee may
 61 not:

- 62 (1) Be employed by or have a financial interest in any entity:
 - 63 (a) Subject to the authority of the official or employee or the County agency, board,
 - 64 commission with which the official or employee is affiliated; or
 - 65 (b) That is negotiating or has entered a contract with the agency, board, or commission
 - 66 with which the official or employee is affiliated; or
- 67 (2) Hold any other employment relationship that would impair the impartiality or
- 68 independence of judgment of the official or employee.

69 B. The prohibitions of Subsection A of this section do not apply to:

- 70 (1) An official or employee who is appointed to a regulatory or licensing authority pursuant to
- 71 a statutory requirement that persons subject to the jurisdiction of the authority be
- 72 represented in appointments to the authority
- 73 (2) Subject to other provisions of law, a member of a board or commission in regard to a
- 74 financial interest or employment held at the time of appointment, provided the financial
- 75 interest or employment is publicly disclosed to the appointing authority and the
- 76 Commission
- 77 (3) An official or employee whose duties are ministerial, if the private employment or financial
- 78 interest does not create a conflict of interest or the appearance of a conflict of interest, as
- 79 permitted and in accordance with regulations adopted by the Commission; or
- 80 (4) Employment or financial interests allowed by regulation of the Commission if the
- 81 employment does not create a conflict of interest or the appearance of a conflict of
- 82 interest or the financial interest is disclosed.
- 83 (5) **NON-ELECTED BOARD MEMBERS, COMMITTEE MEMBERS AND EMPLOYEES, WHO**
- 84 **RECEIVE COUNTY FUNDS, NOT UNDER THE DIRECT SUPERVISION OF THE COUNTY**
- 85 **EXECUTIVE OR COUNTY COUNCIL.”**

86 **AND IT IS FURTHER ENACTED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND,** that this
 87 Bill shall take effect 60 calendar days from the date that 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