

Introduced \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Council Action \_\_\_\_\_  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## County Council of Howard County, Maryland

2018 Legislative Session

Legislative Day No. 7

### Bill No. 44 -2018

Introduced by: The Chairperson

AN ACT modifying the Howard County Public Ethics Law by clarifying that “interest” does not include owning or holding an exchange-traded fund; specifying who must file financial disclosure statements; prohibiting certain lobbying by specified former officials related to legislation before the County Council for a specified period; altering certain disclosure requirements; requiring the Howard County Ethics Commission to redact certain home addresses from specified documents disclosed to the public; repealing the prohibition related to participating in County procurement if a certain contingency is met; and generally relating to the Howard County Public Ethics Law.

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Introduced and read first time \_\_\_\_\_, 2018. Ordered posted and hearing scheduled.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on \_\_\_\_\_, 2018.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

This Bill was read the third time on \_\_\_\_\_, 2018 and Passed \_\_\_\_, Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this \_\_\_\_\_ day of \_\_\_\_\_, 2018 at \_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

Approved by the County Executive \_\_\_\_\_, 2018

\_\_\_\_\_  
Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **WHEREAS**, *The Howard County Ethics Commission has recommended several changes to the*  
2 *Howard County Public Ethics Law,*

3  
4 **NOW, THEREFORE,**

5  
6 **Section 1. Be It Enacted** *by the County Council of Howard County, Maryland, that the Howard*  
7 *County Code is amended as follows:*

8 *By amending:*

9 *Title 22 - General Provisions.*

10 *Subtitle 2. - Howard County Public Ethics Law.*

11 *Section 22.202. Definitions.*

12 *Section 22.204. Prohibited conduct and interests.*

13 *Section 22.206. Financial disclosure statements.*

14

15 **Title 22 - General Provisions**

16 **Subtitle 2. - Howard County Public Ethics Law**

17

18 **Sec. 22.202. - Definitions.**

19 In this subtitle, the following terms have the meanings indicated:

20 (k) (1) Interest means a legal or equitable economic interest, whether or not subject to an  
21 encumbrance or a condition, that is owned or held, in whole or in part, jointly or severally,  
22 directly or indirectly.

23 (2) For purposes of section 22.204 of this subtitle, "interest" includes any interest held  
24 at any time during the reporting period.

25 (3) Interest does not include:

26 (i) An interest held in the capacity of a personal agent, custodian, fiduciary, or  
27 personal representative, trustee, unless the holder has an equitable interest in the subject matter;

28 (ii) An interest in a time or demand deposit in a financial institution;

29 (iii) An interest in an insurance policy, endowment policy or annuity contract  
30 under which an insurer promises to pay a fixed amount of money either in a lump sum or  
31 periodically for life or a specified period;

32 (iv) A common trust fund or a trust which forms part of a pension or profit  
33 sharing plan which has more than 25 participants and which has been determined by the internal  
34 revenue service to be a qualified trust under the Internal Revenue Code;

- 1 (v) A college savings plan under the Internal Revenue Code; [[or]]
- 2 (vi) A mutual fund that is publicly traded on a national scale unless the mutual
- 3 fund is composed primarily of holdings of stocks and interests in a specific sector or area that is
- 4 regulated by the department in which the individual is employed [[. ]] ; OR
- 5 (VII) AN EXCHANGE-TRADED FUND.

6

7 **Sec. 22.204. - Prohibited conduct and interests.**

8 (a) Participation Prohibitions.

9 (4) A FORMER REGULATED LOBBYIST WHO IS OR BECOMES SUBJECT TO THIS SUBTITLE AS

10 AN EMPLOYEE OR OFFICIAL, OTHER THAN AN ELECTED OFFICIAL OR AN APPOINTED OFFICIAL,

11 MAY NOT PARTICIPATE IN A CASE, CONTRACT, OR OTHER SPECIFIC MATTER AS AN EMPLOYEE OR

12 OFFICIAL, OTHER THAN AN ELECTED OFFICIAL OR APPOINTED OFFICIAL, FOR ONE CALENDAR

13 YEAR AFTER THE TERMINATION OF THE REGISTRATION OF THE FORMER REGULATED LOBBYIST IF

14 THE FORMER REGULATED LOBBYIST PREVIOUSLY ASSISTED OR REPRESENTED ANOTHER PARTY

15 FOR COMPENSATION IN THE MATTER.

16 (c) Post-Employment Limitations and Restrictions.

17 (1) A former official or employee may not assist or represent any party other than the

18 County for compensation in a case, contract, or other specific matter involving the County if that

19 matter is one in which the former official or employee significantly participated as an official or

20 employee.

21 (2) For a year after the former [[member]] ELECTED OFFICIAL leaves office, a former

22 [[member of the County Council]] ELECTED OFFICIAL may not assist or represent another party

23 for compensation in a matter that is the subject of legislative action BEFORE HOWARD COUNTY.

24

25

26 **Sec. 22.206. - Financial disclosure statements.**

27 (c) This section applies to members of the following boards and commissions:

- 28 [(1) Board of Appeals;
- 29 (2) Planning Board;
- 30 (3) Recreation and Parks Board;
- 31 (4) Public Works Board;
- 32 (5) Ethics Commission;
- 33 (6) Housing and Community Development Board;
- 34 (7) Agricultural Land Preservation Advisory Board;

- 1 (8) Equal Business Opportunity Commission;
- 2 (9) Historic Preservation Commission;
- 3 (10) Board of Library Trustees;
- 4 (11) Howard County Housing Commission;
- 5 (12) Economic Development Authority Board;
- 6 (13) Howard County Pension Oversight Commission;
- 7 (14) Howard County Mental Health Authority Board;
- 8 (15) Howard County Alcoholic Beverage Hearing Board;
- 9 (16) Howard County Revenue Authority Board;
- 10 (17) Design Advisory Panel;
- 11 (18) Animal Matters Hearing Board;
- 12 (19) Advisory Board on Consumer Protection;
- 13 (20) Board of Electrical Examiners;
- 14 (21) Board of Health; and
- 15 (22) Human Rights Commission.]]
- 16 (1) ALCOHOLIC BEVERAGES HEARING BOARD;
- 17 (2) ANIMAL MATTERS HEARING BOARD;
- 18 (3) BOARD OF APPEALS;
- 19 (4) DESIGN ADVISORY PANEL;
- 20 (5) ETHICS COMMISSION;
- 21 (6) HISTORIC PRESERVATION COMMISSION;
- 22 (7) HOUSING AND COMMUNITY DEVELOPMENT BOARD;
- 23 (8) HOUSING COMMISSION
- 24 (9) PLANNING BOARD;
- 25 (10) ANY OTHER BOARD OR COMMISSION AS RECOMMENDED BY THE ETHICS COMMISSION.
- 26 (h) Public Record.
  - 27 (1) The Commission, or an office designated by the Commission, shall maintain all
  - 28 financial disclosure statements filed under this section.
  - 29 (2) The Commission, or an office designated by the Commission, shall make
  - 30 financial disclosure statements available during normal office hours, for examination and copying
  - 31 by the public subject to reasonable fees and administrative procedures established by the County.
  - 32 (3) THE COMMISSION SHALL REDACT AN INDIVIDUAL'S HOME ADDRESS BEFORE
  - 33 ALLOWING THE PUBLIC TO SEE A DISCLOSURE STATEMENT

1           [[ (3) ]] (4) If an individual examines or copies a financial disclosure statement, the  
2 Commission or the office designated by the Commission shall record:

3           (i) The name and home address of the individual reviewing or copying the  
4 statement; and

5           (ii) The name of the person whose financial disclosure statement was  
6 examined or copied.

7           [[ (4) ]] (5) The Commission, or the office designated by the Commission, shall provide  
8 the official or employee with a copy of the name and home address of the person who reviewed  
9 the official's or employee's financial disclosure statement.

10          [[ (5) ]] (6) A financial disclosure statement required by this subtitle shall not be used in  
11 any way for, or be made available for commercial purposes.

12 (j) Contents of Statement.

13          (8) Sources of earned income.

14                   (III) FOR A STATEMENT FILED ON OR AFTER JANUARY 1, 2019, IF THE  
15 INDIVIDUAL'S SPOUSE IS A LOBBYIST REGULATED BY THE COUNTY, THE INDIVIDUAL SHALL  
16 DISCLOSE THE ENTITY THAT HAS ENGAGED THE SPOUSE FOR LOBBYING PURPOSES

17  
18  
19 ***Section 2. And Be It Further Enacted*** by the County Council of Howard County, Maryland, that  
20 *the Howard County Code is amended as follows:*

21           *By amending:*

22                   *Title 22 - General Provisions.*

23                           *Subtitle 2. - Howard County Public Ethics Law.*

24                                   *Section 22.204. Prohibited conduct and interests.*

25   **Title 22 - General Provisions**

26   **Subtitle 2. - Howard County Public Ethics Law**

27  
28 **Sec. 22.204. - Prohibited conduct and interests.**

29  
30 [[(h)] Participation in Procurement.

31          (1) An individual or a person that employs an individual who assists a County, agency  
32 or unit in the drafting of specifications, an invitation for bids, or a request for proposals for a  
33 procurement, may not submit a bid or proposal for that procurement, or assist or represent another  
34 person, directly or indirectly, who is submitting a bid or proposal for the procurement.

1           (2) The Commission may establish exemptions from the requirements of this section  
2 for providing descriptive literature, sole source procurements, and written comments solicited by  
3 the procuring agency.]]

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5  
6 ***Section 3. And Be It Further Enacted*** by the County Council of Howard County, Maryland, that  
7 *Section 2 of this Act shall not take effect until an Act that amends Title 4 - Contracts, purchasing*  
8 *and property - of the Howard County Code is in effect that prohibits a person from submitting a*  
9 *bid or proposal for a procurement, if the person employs an individual:*

10           (1) *who assists a County, agency or unit in the drafting of specifications, an invitation for*  
11 *bids, or a request for proposals for the procurement; or*

12           (2) *who assists or represents another person, directly or indirectly, who is submitting a*  
13 *bid or proposal for the procurement.*

14  
15  
16 ***Section 4. And Be It Further Enacted*** by the County Council of Howard County, Maryland, that  
17 *this Act shall become effective 61 days after its enactment.*