

Introduced	<u>6/4/18</u>
Public Hearing	<u>6/18/18</u>
Council Action	<u>7/27/18</u>
Executive Action	<u>7/30/18</u>
Effective Date	<u>9/29/18</u>

## County Council of Howard County, Maryland

2018 Legislative Session

Legislative Day No. 8

### 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.~~

Introduced and read first time June 4, 2018. Ordered posted and hearing scheduled.  
 By order Jessica Feldmark  
 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 June 18, 2018.  
Tabled 7/2/18  
 By order Jessica Feldmark  
 Jessica Feldmark, Administrator

This Bill was read the third time on July 27, 2018 and Passed , Passed with amendments , Failed .  
 By order Jessica Feldmark  
 Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 30th day of July, 2018 at 11:00 a.m./p.m.  
 By order Jessica Feldmark  
 Jessica Feldmark, Administrator

Approved by the County Executive July 30, 2018  
 FOR Allan H. Kittleman  
 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   ~~(e) 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.]]~~

4  
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~~Section 2. And Be It Further Enacted by the County Council of Howard County,*  
17 *Maryland, that this Act shall become effective 61 days after its enactment.*

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on July 30, 2018.

  
\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

Amendment 3 to Council Bill No. 44-2018

BY: The Chairperson

Legislative Day No. 11

Date: 7/27/18

Amendment No. 3

*(This amendment removes all changes except those required to comply with State law.)*

- 1 On the title page, in the purpose paragraph, strike “by clarifying that “interest” does not include
- 2 owning or holding an exchange-traded fund; specifying who must file financial disclosure
- 3 statements;” and strike “repealing the prohibition related to participating in County procurement
- 4 if a certain contingency is met”.
- 5 On page 1, strike line 11 and lines 18 through 34, both inclusive.
- 6 On page 2, strike lines 1 through 5, both inclusive, and lines 27 to 34, both inclusive.
- 7 On page 3, strike lines 1 through 25, both inclusive.
- 8 On page 4, strike lines 19 through 34, both inclusive.
- 9 On page 5, strike lines 1 through 15, both inclusive.
- 10 Also on page 5, in line 16, strike “*Section 4*” and substitute “Section 2”.
- 11

ADOPTED 7/27/18  
FAILED \_\_\_\_\_  
SIGNATURE Jessica Feldman



Amendment 1 to Council Bill No. 44-2018

BY: Jennifer Terrasa

Legislative Day No. 10

Date: 7/2/18

Amendment No. 1

*(This amendment increases the time before a former regulated lobbyist may engage in certain activities as an employee or certain official of the County.)*

- 1 On page 2 in line 12, strike "ONE" and substitute "TWO" and in line 13 strike "YEAR" and  
2 substitute "YEARS".

ADOPTED \_\_\_\_\_  
PASSED 7/27/18  
SIGNATURE Jessica Feldman

Amendment 1 to Amendment 1 to Council Bill No. 44-2018

BY: Jennifer Terrasa

Legislative Day No. 11

Date: July 27, 2018

Amendment No. 1

*(This amendment changes the period of time after a former elected official leaves office before the official may take specified actions related to legislation before the County Council.)*

- 1 On page 1 after line 2 insert:
- 2 "On page 2, in line 21, strike "a year" and substitute "TWO YEARS"."
- 3

ADOPTED \_\_\_\_\_  
FAILED not introduced  
SIGNATURE Jessica Feldman

Amendment 2 to Council Bill No. 44-2018

BY: Jennifer Terrasa

Legislative Day No. 10

Date: 7/2/18

Amendment No. 2

*(This amendment deletes the proposed changes to the list of boards and commissions subject to financial disclosure.)*

- 1 On page 2, in line 28, strike the double square brackets.
- 2 On page 3, in line 15, strike the double square brackets.
- 3 Also on page 3, strike lines 16 through 25 in their entirety.

~~ADOPTED~~  
~~FAILED~~ *not introduced*  
SIGNATURE *Jessica Feldman*

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

## County Council of Howard County, Maryland

2018 Legislative Session

Legislative Day No. 8

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.

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.]]

4  
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.*

**Amendment 1 to Amendment 1 to Council Bill No. 44-2018**

**BY:** Jennifer Terrasa

**Legislative Day No.** \_\_\_\_\_

**Date:** \_\_\_\_\_

Amendment No. 1

*(This amendment changes the period of time after a former elected official leaves office before the official may take specified actions related to legislation before the County Council.)*

- 1 On page 1 after line 2 insert:
- 2 “On page 2, in line 21, strike “a year” and substitute “TWO YEARS”.”
- 3

Amendment 1 to Council Bill No. 44-2018

BY: Jennifer Terrasa

Legislative Day No. 10

Date: 7/2/18

Amendment No. 1

*(This amendment increases the time before a former regulated lobbyist may engage in certain activities as an employee or certain official of the County.)*

- 1 On page 2 in line 12, strike "ONE" and substitute "TWO" and in line 13 strike "YEAR" and
- 2 substitute "YEARS".

Amendment 2 to Council Bill No. 44-2018

BY: Jennifer Terrasa

Legislative Day No. 10

Date: 7/2/18

Amendment No. 2

*(This amendment deletes the proposed changes to the list of boards and commissions subject to financial disclosure.)*

- 1 On page 2, in line 28, strike the double square brackets.
- 2 On page 3, in line 15, strike the double square brackets.
- 3 Also on page 3, strike lines 16 through 25 in their entirety.

Amendment 3 to Council Bill No. 44-2018

BY: The Chairperson

Legislative Day No. 11

Date: 7/27/18

Amendment No. 3

*(This amendment removes all changes except those required to comply with State law.)*

- 1 On the title page, in the purpose paragraph, strike “by clarifying that “interest” does not include
- 2 owning or holding an exchange-traded fund; specifying who must file financial disclosure
- 3 statements;” and strike “repealing the prohibition related to participating in County procurement
- 4 if a certain contingency is met”.
- 5 On page 1, strike line 11 and lines 18 through 34, both inclusive.
- 6 On page 2, strike lines 1 through 5, both inclusive, and lines 27 to 34, both inclusive.
- 7 On page 3, strike lines 1 through 25, both inclusive.
- 8 On page 4, strike lines 19 through 34, both inclusive.
- 9 On page 5, strike lines 1 through 15, both inclusive.
- 10 Also on page 5, in line 16, strike “*Section 4*” and substitute “*Section 2*”.
- 11

## Sayers, Margery

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**From:** Susan Garber <buzysusan23@yahoo.com>  
**Sent:** Monday, June 18, 2018 5:00 PM  
**To:** CouncilMail  
**Subject:** CB 44-2018

Re: CB 44-2018

Dear Council Chair Sigaty and Members of the County Council,

It's disappointing that the ethics bill is coming up for testimony during the week of early voting and when some families are taking off for their summer vacation-- when public attention is turned elsewhere. Nevertheless I would like to offer the following:

I would urge that in revising any legislation dealing with regulations we attempt to simplify and clarify the wording, as has been declared a goal in the Clarion Development Regulation Assessment effort. So, as an example, I would suggest we try to eliminate double negatives. I consider adding an item for exclusion to be such an example. I can't say I agree with excluding Exchange Traded Funds (ETFs) after consulting a financial advisor on this issue. It is possible to have ETFs with industry specific sectors which could present the possibility of a conflict of interest. For example one might hold an ETF devoted to Green Energy, with solar energy companies being the largest component. Were the Council to be addressing approval of large Solar Farms in the West for example, this would potentially represent "an interest" which should be made public.

I would welcome amendments to the proposed bill that would offer further ethical safeguards. There is nothing to prevent the Council from actually strengthening the measures contained in this bill by:

- 1.) Increasing stated time periods from one year to two
- 2.) Expand provision for 'spouses' being listed as registered lobbyist to read 'family members'.
- 3.) Expand application to 'elected officials' to include ' or County employees'.

Thank you for your consideration of these issues.

Susan Garber  
*Address on file*

## Sayers, Margery

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**From:** Lisa Markovitz <lmarkovitz@comcast.net>  
**Sent:** Monday, June 18, 2018 9:24 PM  
**To:** CouncilMail  
**Subject:** People's Voice positions on Bills June 2018

The People's Voice

Positions on current legislation:

CB40 - Support - glad to see these additions to requirements of pre-submission meetings.

CB 44 - Support with amendment - We would like to see a longer term than one year for the prohibition of representing a party for compensation that was a subject of legislation. The "subject" of legislation should also be more strongly defined to include an entity that financially benefits from legislation.

CR 82 - Oppose - seek significant amendment - The allocation chart could be used to plan development by region. When things are crowded in a certain area, allocations could be lowered. When there is room to grow in another area they could be raised. Instead of leaving it to APFO which has limited wait times, to pace growth with infrastructure, allocation waits are unlimited, and therefore, this could be used as a real tool for planning and not just countywide but with regional oversight and analysis.

I also believe new regions should be created for watersheds, with small numbers of units allowed That way there is more time between developments to make sure adequate runoff planning is taking place between changes, without too many affects at once.

We do realize that changing the General Plan requires a ballot question, but even having this tool for bi-annual use could be helpful to analyze what DPZ says is being used, if there are any wait times for allocations, and if not, then if an area is crowded and there is no allocation wait, they should be lowered.



Date: 18 June 2018

Subject: Howard County Citizens Association, HCCA Testimony on CB44 an 45-2018

Good evening. My name is Stu Kohn and I am the President of the Howard County Citizens Association, HCCA which we are testifying in favor of these Bills as long as our questions are answered to our satisfaction.

In reviewing CB44 the following are comments relating to our concerns:

1. Why is this Bill being introduced at this time and please explain the rationale for this Bill?
2. Referring to page 2 -- line 28 thru page 3 -- line 15 -- Why are these Boards and Commissions being deleted?
3. Referring to Page 3 -- lines 16 thru 24 -- Why are these Boards and Commissions being added? Why are 13 Boards and Commission being eliminated? There should at a minimum be an explanation so the public can understand the rationale of the Ethics Commission.
4. Refer to Page 3 -- line 31 -- What is the definition of the word "reasonable fees. Where are "administrative procedures" found in this case?
5. Refer to Page 4 -- line 33 -- Please consider changing the word "may" to "shall."
6. Refer to Page 5 -- lines 6 thru 8 -- When will Title 4 be amended, by whom, and when will it go into effect?

In Reviewing CB45 the following are comments:

1. Why is this Bill being introduced at this time and please explain the rationale for this Bill?
2. Refer to Page 2 -- lines 11 and 14 -- Please consider changing the word "may" to "shall."
3. Refer to Page 2 -- lines 14 thru 16 -- How is this documented and how can the public be informed of such established exemptions by the County Purchasing Agent?

Thank you for listening.



Stu Kohn  
HCCA, President



HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Stu Kohn, have been duly authorized by  
*(name of individual)*

Howard County Citizens Association to deliver testimony to the  
*(name of nonprofit organization or government board, commission, or task force)*

County Council regarding CB-44 to express the organization's  
*(bill or resolution number)*

support for / opposition to / request to amend this legislation.  
*(Please circle one.)*

Printed Name: Stu Kohn

Signature: Stu Kohn

Date: 18 Jun 18

Organization: HCCA

Organization Address: P.O. Box 40 ELLICOTT CITY MD

Chair/President: Stu Kohn