

INTRODUCED 9/8/09
PUBLIC HEARING 9/22/09
COUNCIL ACTION 10/5/09
EXEC. ACTION 10/7/09
EFFECTIVE DATE 12/8/09

County Council of Howard County, Maryland

2009 Legislative Session

Legislative Day No. 11

Bill No. 48-2009

Introduced by: Chairperson Sigaty

AN ACT removing certain requirements for certain members of certain boards and commissions; and generally relating to financial disclosure requirements for members of boards and commissions.

Introduced and read first time September 8, 2009. Ordered posted and hearing scheduled.

By order Stephen M. LeGendre
Stephen M. LeGendre, 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 September 23, 2009.

By order Stephen M. LeGendre
Stephen M. LeGendre, Administrator

This Bill was read the third time on October 5, 2009 and Passed , Passed with amendments ✓ , Failed .

By order Stephen M. LeGendre
Stephen M. LeGendre, Administrator

Scaled with the County Seal and presented to the County Executive for approval this 7th day of October, 2009 at 10:00 a.m./p.m.

By order Stephen M. LeGendre
Stephen M. LeGendre, Administrator

Approved by the County Executive Oct 7, 2009.

Ken Ulman
Ken Ulman, 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 *Section 1. Be It Enacted by the County Council of Howard County, Maryland, that*
2 *subsection (a) of Section 22.205 "Financial Disclosure" of Subtitle 2 "Public Ethics" of*
3 *Title 22 "General Provisions, Penalties and Rules of Interpretation" of Howard County*
4 *Code is amended to read as follows:*

5
6 **Title 22. General Provisions, Penalties and Rules of Interpretation.**

7 **Subtitle 2. Public Ethics**

8
9 **Sec. 22.205. Financial Disclosure**

10 *(a) Persons Required to File Statements of Financial Interests:* The following persons
11 are required to file statements of financial interests:

12 (1) All persons holding and candidates for the following public offices in the
13 county:

14 (i) County Executive;

15 (ii) County Council members;

16 (2) All persons holding or appointed to the following positions:

17 (i) All executive exempt positions as listed in section 1.306 "Executive
18 exempt" of the Howard County Code;

19 (ii) All employees authorized to draft specifications for, negotiate or
20 execute a contract which commits the county or any of its boards, agencies
21 or departments to expend in excess of two thousand five hundred dollars
22 (\$2,500.00); and

23 (iii) All employees in a managerial or policy-making positions as
24 determined by the Ethics Commission upon recommendation of their
25 department or agency head. In making such a recommendation, the
26 department or agency head shall consider such factors as the employee's
27 responsibility for decision making and policy recommendation in the areas
28 of contracting, procurement, administration and/or monitoring of grants
29 and subsidies, planning or zoning, inspecting, licensing, regulating,
30 auditing and budgeting; and

1 (3) ~~EXCEPT MEMBERS APPOINTED AS THE HIGH SCHOOL STUDENT MEMBER, [[All]]~~
2 ALL members of the following boards and commissions:

- 3 (i) Board of Appeals;
- 4 (ii) Planning Board;
- 5 (iii) Recreation and Parks Board;
- 6 (iv) Public Works Board;
- 7 (v) Ethics Commission;
- 8 (vi) Housing and Community Development Board;
- 9 (vii) Agricultural Land Preservation Advisory Board;
- 10 (viii) Equal Business Opportunity Commission;
- 11 (ix) Historic District Commission;
- 12 (x) Board of Library Trustees;
- 13 (xi) Howard County Housing Commission;
- 14 (xii) Economic Development Authority Board;
- 15 (xiii) Howard County Retirement Plan Oversight Commission;
- 16 (xiv) Howard County Mental Health Authority Board;
- 17 (xv) Howard County Alcoholic Beverage Hearing Board;
- 18 (xvi) Howard County Revenue Authority Board; and
- 19 (xvii) Design Advisory Panel.

20
21 (B) HIGH SCHOOL MEMBERS OF BOARDS AND COMMISSIONS.

22 (1) A HIGH SCHOOL STUDENT MEMBER OF A BOARD OR COMMISSION LISTED IN
23 SUBSECTION (A)(3) OF THIS SECTION SHALL FILE A STATEMENT OF FINANCIAL
24 INTEREST ON A FORM THAT THE ETHICS COMMISSION PROVIDES.

25 (2) THE HIGH SCHOOL STUDENT MEMBER STATEMENT SHALL ONLY INCLUDE THE
26 FOLLOWING INFORMATION: _____

27 (i) A SCHEDULE OF SOURCES OF EARNED INCOME OF THE HIGH SCHOOL STUDENT
28 MEMBER AND OF THE MEMBER'S PARENT(S) OR LEGAL GUARDIAN(S) THAT
29 EXCEED \$100.00, INCLUDING THE NAME AND ADDRESS OF EACH PLACE OF
30 SALARIED EMPLOYMENT AND OF EACH BUSINESS ENTITY SOLELY OR
31 PARTIALLY OWNED AND FROM WHERE INCOME WAS EARNED. WHERE THE

1 SOURCE OF INCOME IS AN ATTORNEY-CLIENT OR A
2 PHYSICIAN/PSYCHIATRIST/PSYCHOLOGIST-PATIENT RELATIONSHIP, THE
3 NAMES OF INDIVIDUAL CLIENTS OR PATIENTS NEED NOT BE DISCLOSED.

4 (ii) A SCHEDULE OF EACH GIFT IN EXCESS OF \$50.00 IN VALUE (OR AN
5 AGGREGATE OF \$100.00 FROM ANY ONE PERSON) DIRECTLY OR INDIRECTLY
6 FROM A PERSON(S) WHO DOES BUSINESS WITH HOWARD COUNTY. THIS
7 SCHEDULE AS TO EACH SUCH GIFT, SHALL INCLUDE:

8 a) THE NATURE AND VALUE OF THE GIFT; AND

9 b) THE IDENTITY OF THE PERSON FROM WHOM, DIRECTLY OR INDIRECTLY,
10 THE GIFT WAS RECEIVED.

11 c) FOR PURPOSES OF THIS SUBSECTION, GIFT DOES NOT INCLUDE:

12 i) CEREMONIAL GIFTS OR AWARDS OF INSIGNIFICANT MONETARY
13 VALUE; OR

14 ii) UNSOLICITED GIFTS OF NOMINAL VALUE OR TRIVIAL ITEMS OF
15 INFORMATIONAL VALUE.

16 (iii) A LIST OF ANY PARENT(S) OR LEGAL GUARDIAN(S) EMPLOYED BY THE
17 COUNTY IN ANY CAPACITY.

18
19 *Section 2. And Be It Further Enacted by the County Council of Howard County,*
20 *Maryland, that subsection (c) of Section 22.205 "Financial Disclosure" of Subtitle 2*
21 *"Public Ethics" of Title 22 "General Provisions, Penalties and Rules of Interpretation" of*
22 *Howard County Code is amended to read as follows:*

23
24 *(c) Contents of Statements of Financial Interest: The sworn statement required to be*
25 *filed by this subtitle shall be upon a form prescribed by the ethics commission. EXCEPT AS*
26 *PROVIDED IN SUBSECTION (B) OF THIS SECTION, [[It]] THE STATEMENT shall disclose the*
27 *following interests of the person making the statement for the calendar year for which the*
28 *required statement is filed:*

29
30 *Section 3. And Be It Further Enacted by the County Council of Howard County,*
31 *Maryland, that subsections (b), (c), (d) and (e) of Section 22.205 "Financial Disclosure" of*

Subtitle 2 "Public Ethics" of Title 22 "General Provisions, Penalties and Rules of Interpretation" of the Howard County Code be renumbered as (c), (d), (e), and (f).

Section 24. And Be It Further Enacted by the County Council of Howard County, 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 October 7, 2009.

Stephen M. LeGendre
Stephen M. LeGendre, 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 _____, 2009.

Stephen M. LeGendre, 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 _____, 2009.

Stephen M. LeGendre, 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 _____, 2009.

Stephen M. LeGendre, 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 _____, 2009.

Stephen M. LeGendre, 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 _____, 2009.

Stephen M. LeGendre, Administrator to the County Council

**Amendment 1 to Amendment 1
Council Bill No. 48-2009**

BY: Mary Kay Sigaty

Legislative Day No. 13
Date: Oct. 5, 2009

Amendment No. 1 to Amendment 1

(This amendment makes certain technical changes.)

1 On page 1, in line 8 after "INTEREST" insert "ON A FORM".

2
3 On page 2, in line 13 strike "Renumber the remaining sections accordingly."

4
5 On page 2, in line 27 insert:

6
7 "Section 3. And Be It Further Enacted by the County Council of Howard County,
8 Maryland, that subsections (b), (c), (d) and (e) of Section 22.205 "Financial Disclosure"
9 of Subtitle 2 "Public Ethics" of Title 22 "General Provisions, Penalties and Rules of
10 Interpretation" of the Howard County Code be renumbered as (c), (d), (e), and (f)."

ADOPTED October 5, 2009

FAILED _____

SIGNATURE Stephen M. Glesne

**Amended Amendment 1 to
Council Bill No. 48-2009**

BY: Mary Kay Sigaty
Calvin Ball
Greg Fox
Jennifer Terrasa
Courtney Watson

Legislative Day No. 13
Date: October 5, 2009

Amended Amendment No. 1

(This amendment changes the financial disclosure requirement for high school student members.)

1 On page 2, in line 1, strike "EXCEPT MEMBERS APPOINTED AS THE HIGH SCHOOL STUDENT
2 MEMBER, [[All]]".

3
4 On page 2, in line 20, insert:

5 "(B) HIGH SCHOOL MEMBERS OF BOARDS AND COMMISSIONS.

6 (1) A HIGH SCHOOL STUDENT MEMBER OF A BOARD OR COMMISSION LISTED IN
7 SUBSECTION (A)(3) OF THIS SECTION SHALL FILE A STATEMENT OF FINANCIAL
8 INTEREST ON A FORM THAT THE ETHICS COMMISSION PROVIDES.

9 (2) THE HIGH SCHOOL STUDENT MEMBER STATEMENT SHALL ONLY INCLUDE THE
10 FOLLOWING INFORMATION:

11 (i) A SCHEDULE OF SOURCES OF EARNED INCOME OF THE HIGH SCHOOL
12 STUDENT MEMBER AND OF THE MEMBER'S PARENT(S) OR LEGAL
13 GUARDIAN(S) THAT EXCEED \$100.00, INCLUDING THE NAME AND ADDRESS
14 OF EACH PLACE OF SALARIED EMPLOYMENT AND OF EACH BUSINESS
15 ENTITY SOLELY OR PARTIALLY OWNED AND FROM WHERE INCOME WAS
16 EARNED. WHERE THE SOURCE OF INCOME IS AN ATTORNEY-CLIENT OR A
17 PHYSICIAN/PSYCHIATRIST/PSYCHOLOGIST-PATIENT RELATIONSHIP, THE
18 NAMES OF INDIVIDUAL CLIENTS OR PATIENTS NEED NOT BE DISCLOSED.

19 (ii) A SCHEDULE OF EACH GIFT IN EXCESS OF \$50.00 IN VALUE (OR AN
20 AGGREGATE OF \$100.00 FROM ANY ONE PERSON) DIRECTLY OR

ADOPTED October 5, 2009
FAILED _____
SIGNATURE Stephen M. Gardner

1 INDIRECTLY FROM A PERSON(S) WHO DOES BUSINESS WITH HOWARD
2 COUNTY. THIS SCHEDULE AS TO EACH SUCH GIFT, SHALL INCLUDE:

3 a) THE NATURE AND VALUE OF THE GIFT; AND

4 b) THE IDENTITY OF THE PERSON FROM WHOM, DIRECTLY OR
5 INDIRECTLY, THE GIFT WAS RECEIVED.

6 c) FOR PURPOSES OF THIS SUBSECTION, GIFT DOES NOT INCLUDE:

7 i) CEREMONIAL GIFTS OR AWARDS OF INSIGNIFICANT MONETARY
8 VALUE; OR

9 ii) UNSOLICITED GIFTS OF NOMINAL VALUE OR TRIVIAL ITEMS OF
10 INFORMATIONAL VALUE.

11 (iii) A LIST OF ANY PARENT(S) OR LEGAL GUARDIAN(S) EMPLOYED BY THE
12 COUNTY IN ANY CAPACITY.”

13 ~~Renumber the remaining sections accordingly.~~

14
15 On page 2, in line 21 add:

16
17 “Section 2. And Be It Further Enacted by the County Council of Howard County,
18 Maryland, that subsection (c) of Section 22.205 “Financial Disclosure” of Subtitle 2
19 “Public Ethics” of Title 22 “General Provisions, Penalties and Rules of Interpretation”
20 of Howard County Code is amended to read as follows:

21
22 (c) Contents of Statements of Financial Interest: The sworn statement required to be
23 filed by this subtitle shall be upon a form prescribed by the ethics commission. EXCEPT
24 AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, [[It]] THE STATEMENT shall disclose the
25 following interests of the person making the statement for the calendar year for which the
26 required statement is filed.”

27
28 “Section 3. And Be It Further Enacted by the County Council of Howard County,
29 Maryland, that subsections (b),(c),(d) and (e) of Section 22.205 “Financial Disclosure”
30 of Subtitle 2 “Public Ethics” of Title 22 “General Provisions, Penalties and Rules of
31 Interpretation” of the Howard County Code be renumbered as (c), (d), (e), and (f).”

1 **Renumber the remaining enactment clause accordingly.**

2

3