

# FINAL

## COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2023, Legislative Day No. 5

Bill No. 16-23

Introduced by Mr. Smith, Chair  
(by request of the County Executive)

By the County Council, March 6, 2023

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Introduced and first read on March 6, 2023  
Public Hearing set for and held on April 3, 2023  
Bill Expires June 9, 2023

By Order: Laura Corby, Administrative Officer

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### A BILL ENTITLED

1 AN ORDINANCE concerning: Public Ethics

2  
3 FOR the purpose of defining “quasi-governmental entity”; repealing a provision that allows  
4 for the disclosure of a complainant; prohibiting the acceptance of gifts from certain  
5 entities; prohibiting retaliation against a complainant; requiring the disclosure of  
6 certain gifts and relationships in financial disclosure statements; amending the terms  
7 for disclosing certain real property and business interests; allowing the public  
8 inspection of certain records by electronic means; and generally relating to public  
9 ethics.

10  
11 BY renumbering: §§ 7-1-101(23) through (25), respectively, to be 7-1-101(24) through  
12 (26), respectively; and 7-6-104(k) to be 7-6-104(l)  
13 Anne Arundel County Code (2005, as amended)

14  
15 BY adding: §§ 7-1-101(23); 7-5-112; and 7-6-104(k)  
16 Anne Arundel County Code (2005, as amended)

17  
18 BY repealing and reenacting, with amendments: §§ 7-4-106(c); 7-5-106(b); 7-6-104(a) and  
19 (e)(2); 7-6-105(a); and 7-6-107(a)  
20 Anne Arundel County Code (2005, as amended)

21  
22 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*  
23 That §§ 7-1-101(23) through (25), respectively, and 7-6-104(k) be renumbered to be §§ 7-  
24 1-101(24) through (26), respectively, and 7-6-104(l).

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EXPLANATION: CAPITALS indicate new matter added to existing law.  
[[Brackets]] indicate matter deleted from existing law.  
Captions and taglines in **bold** in this bill are catchwords and are not law.  
Asterisks \*\*\* indicate existing Code provisions in a list or chart that remain unchanged.

1 SECTION 2. *And be it further* enacted, That Section(s) of the Anne Arundel County  
2 Code (2005, as amended) read as follows:

3  
4 **ARTICLE 7. PUBLIC ETHICS**

5  
6 **TITLE 1. IN GENERAL**

7  
8 **7-1-101. Definitions.**

9  
10 In this article, the following words have the meanings indicated unless a different  
11 definition is adopted for a particular provision or the context clearly requires a different  
12 meaning.

13  
14 \*\*\*

15  
16 (23) "QUASI-GOVERNMENTAL ENTITY" MEANS AN ENTITY THAT IS CREATED BY  
17 STATE OR COUNTY STATUTE, THAT PERFORMS A PUBLIC FUNCTION, AND THAT IS  
18 SUPPORTED IN WHOLE OR IN PART BY THE STATE BUT IS MANAGED PRIVATELY.

19  
20 \*\*\*

21  
22 **TITLE 4. PROCEDURES FOR COMPLAINT**

23  
24 **7-4-106. Confidentiality.**

25  
26 **(c) Permission by respondent.**

27  
28 ~~[[ (1) ]]~~ The Ethics Commission may release any information at any time if the  
29 respondent agrees in writing to the release.

30  
31 ~~[[ (2) On request of the respondent, the Ethics Commission at any time shall disclose  
32 the identity of the complainant to the respondent. ]]~~

33  
34 **TITLE 5. CONFLICTS OF INTEREST**

35  
36 **7-5-106. Solicitation or acceptance of gifts or honoraria.**

37  
38 **(b) Accepting gifts.** Except as provided in subsection (c), an employee may not  
39 knowingly accept a gift, directly or indirectly, from any person whom the employee knows  
40 or has reason to know:

41  
42 \*\*\*

43  
44 (3) has a financial interest that may be substantially and materially affected, in a  
45 manner distinguishable from the public generally, by the performance or nonperformance  
46 of the employee's official duties; ~~[[or]]~~

47  
48 (4) is a lobbyist with respect to matters within the jurisdiction of the employee~~[[.]]~~;

49 OR

1 (5) IS AN ASSOCIATION OR AN ENTITY ACTING ON BEHALF OF AN ASSOCIATION  
2 THAT IS ENGAGED ONLY IN REPRESENTING COUNTIES OR MUNICIPAL CORPORATIONS.

3  
4 **7-5-112. Retaliation prohibited.**

5  
6 AN EMPLOYEE MAY NOT RETALIATE AGAINST AN INDIVIDUAL FOR REPORTING OR  
7 PARTICIPATING IN AN INVESTIGATION OF A POTENTIAL VIOLATION OF THIS ARTICLE.

8  
9 **TITLE 6. FINANCIAL DISCLOSURE**

10  
11 **7-6-104. Content of statement.**

12  
13 (a) **Generally.** A statement required by this title shall contain schedules disclosing the  
14 information and interests specified in this section, if known, for the individual making the  
15 statement for the applicable period under this title. AN INDIVIDUAL WHO IS REQUIRED TO  
16 DISCLOSE THE NAME OF A BUSINESS UNDER THIS SECTION SHALL DISCLOSE ANY OTHER  
17 NAMES THAT THE BUSINESS IS TRADING AS OR DOING BUSINESS AS.

18  
19 (e) **Gifts.**

20  
21 (2) The statement shall include a schedule of each gift with a value of at least \$20  
22 or a series of gifts from one person with a cumulative value of at least \$50 received during  
23 the applicable period by the individual or by another person at the direction of the  
24 individual, directly or indirectly, from or on behalf of a person that is:

25  
26 (i) a lobbyist;

27  
28 (ii) regulated by the County; [[or]]

29  
30 (iii) AN ASSOCIATION OR A PERSON ACTING ON BEHALF OF AN ASSOCIATION  
31 THAT IS ENGAGED ONLY IN REPRESENTING COUNTIES OR MUNICIPAL CORPORATIONS; OR

32  
33 (IV) otherwise an entity doing business with the County OR AN INDIVIDUAL  
34 ACTING ON BEHALF OF AN ENTITY DOING BUSINESS WITH THE COUNTY.

35  
36 **(K) Relationship with University of Maryland Medical System, State or local**  
37 **government, or quasi-governmental entity.**

38  
39 (1) THE STATEMENT SHALL INCLUDE A SCHEDULE OF EACH FINANCIAL OR  
40 CONTRACTUAL RELATIONSHIP WITH:

41  
42 (I) THE UNIVERSITY OF MARYLAND MEDICAL SYSTEM;

43  
44 (II) A GOVERNMENTAL ENTITY OF THE STATE OR A LOCAL GOVERNMENT IN  
45 THE STATE; OR

46  
47 (III) A QUASI-GOVERNMENTAL ENTITY OF THE STATE OR LOCAL GOVERNMENT  
48 IN THE STATE.

49  
50 (2) FOR EACH INTEREST REPORTED, THE SCHEDULE SHALL INCLUDE:

51  
52 (I) A DESCRIPTION OF THE RELATIONSHIP;

1 (II) THE SUBJECT MATTER OF THE RELATIONSHIP; AND

2  
3 (III) THE CONSIDERATION RECEIVED DURING THE REPORTING PERIOD.

4  
5 **7-6-105. Interests attributable to individual making statement.**

6  
7 (a) **Real property and business entity interests.** The following are deemed to be  
8 interests of the individual under § 7-6-104(b), (c), and (d):

9  
10 (1) an interest held by a spouse or a child of the individual, if the interest was  
11 controlled, directly or indirectly, by the individual at any time during the applicable period;

12  
13 (2) an interest held AT ANY TIME DURING THE APPLICABLE PERIOD by:

14  
15 (I) a business entity in which the individual held a ~~[[30%]]~~ 10% or greater interest  
16 ~~[[at any time during the applicable period]]; ~~[[and]]~~~~

17  
18 (II) A BUSINESS ENTITY DESCRIBED IN PARAGRAPH (I) IN WHICH THE BUSINESS  
19 ENTITY HELD A 25% OR GREATER INTEREST;

20  
21 (III) A BUSINESS ENTITY DESCRIBED IN PARAGRAPH (II) IN WHICH THE  
22 BUSINESS ENTITY HELD A 50% OR GREATER INTEREST; AND

23  
24 (IV) A BUSINESS ENTITY IN WHICH THE INDIVIDUAL DIRECTLY OR INDIRECTLY,  
25 THROUGH AN INTEREST IN ONE OR A COMBINATION OF OTHER BUSINESS ENTITIES, HOLDS  
26 A 10% OR GREATER INTEREST; AND

27  
28 (3) an interest held by a trust or an estate in which, at any time during the applicable  
29 period, the individual held a reversionary interest, was a beneficiary, or was a settlor of a  
30 revocable trust.

31  
32 **7-6-107. Public record.**

33  
34 (a) **Open records; fees.**

35  
36 (1) Except as provided in ~~[[paragraph]]~~ PARAGRAPHS (3) AND (4), the Ethics  
37 Commission shall maintain the statements submitted under this title and make the  
38 statements available to the public:

39  
40 (I) for examination and copying during normal business hours; OR

41  
42 (II) BY ELECTRONIC TRANSMISSION AT ANY TIME.

43  
44 (2) The Ethics Commission may charge a reasonable fee and adopt regulations for  
45 the examination and copying of a statement.

46  
47 (3) ~~[[After December 6, 2018, the]]~~ THE Ethics Commission ~~[[shall]]~~ MAY not  
48 provide public access to a portion of a statement filed under this title that the filing party  
49 has identified as the filing party's home address.

50  
51 (4) THE ETHICS COMMISSION MAY NOT PROVIDE PUBLIC ACCESS TO INFORMATION  
52 RELATED TO CONSIDERATION RECEIVED FROM:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10

(I) THE UNIVERSITY OF MARYLAND MEDICAL SYSTEM;


(II) A GOVERNMENTAL ENTITY OF THE STATE OR A LOCAL GOVERNMENT IN THE STATE; OR

(III) A QUASI-GOVERNMENTAL ENTITY OF THE STATE OR LOCAL GOVERNMENT IN THE STATE.

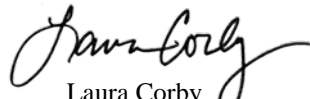
SECTION 3. *And be it further enacted*, That this Ordinance shall take effect 45 days from the date it becomes law.

READ AND PASSED this 3<sup>rd</sup> day of April, 2023

By Order:

  
Laura Corby  
Administrative Officer

PRESENTED to the County Executive for his approval this 4<sup>th</sup> day of April, 2023

  
Laura Corby  
Administrative Officer

APPROVED AND ENACTED this 14th day of April, 2023

  
Steuart Pittman  
County Executive

EFFECTIVE DATE: May 29, 2023

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I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF  
BILL NO. 16-23 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES  
OF THE COUNTY COUNCIL.

A handwritten signature in black ink, appearing to read "Laura Corby". The signature is fluid and cursive, with a large initial "L" and a long, sweeping tail.

Laura Corby  
Administrative Officer