



THE PRINCE GEORGE'S COUNTY GOVERNMENT

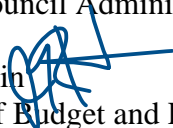
Office of Audits and Investigations


April 22, 2022

FISCAL AND POLICY NOTE

TO: Robert J. Williams, Jr.
Council Administrator

William M. Hunt
Deputy Council Administrator

THRU: Josh Hamlin 
Director of Budget and Policy Analysis

FROM: Cassandra Fields 
Legislative Budget and Policy Analyst

RE: Policy Analysis and Fiscal Impact Statement
CB-024-2022 Participation by public safety employees in certain matters

CB-024-2022 (*Proposed by: The Chair of the Council at the request of the County Executive*)

Assigned to the Committee of the Whole

AN ACT concerning participation by public safety employees in certain matters and use of County resources by police officers during participation in those matters.

Fiscal Summary

Direct Impact:

Expenditures: None anticipated.

Revenues: None.

Indirect Impact:

None anticipated.

Legislative Summary:

CB-024-2022, proposed by the Chair at the request of the County Executive, was presented to the Council on April 5, 2022, and referred to the Committee of the Whole (COW). CB-024-2022 would make clear that police officers and fire/emergency medical service employees are not prohibited from responding in an official capacity to emergencies at businesses or properties in which the employee or a relative has an interest. Additionally, the Bill would clarify that the Code's prohibitions on use of prestige of office and use of County resources do not apply to police officers exercising police authority during outside employment that has otherwise allowed by regulation of the Board of Ethics and approved by the Chief of Police. Finally, the modifications clarify the conduct that is subject to the Code's prohibition on use of County resources.

Current Law/Background:

Subtitle 2, *Administration*, Division 17, *Code of Ethics*, Section 2-293 of the County Code, entitled *Prohibited conduct and interests*,¹ sets forth the prohibited, restricted and permissible activities in which an employee and/or former employee may engage. The purpose of this section is to restrict participation in actions that garner financial gain, or the perception of such, for the employee and/or family members of the employee.

CB-024-2022 would amend three subsections of County Code Section 2-293: subsection (a) *Participation Prohibitions*; subsection (c) *Use of Prestige of Office*; and subsection (f) *Use of Resources*.

Subsection 2-293(a) generally provides that “except as permitted by Board regulations or opinion, an official or employee may not participate in: (1) any matter, except in the exercise of an administrative or ministerial duty which does not affect the disposition or decision with respect to that matter, if, to his knowledge, he, his spouse, parent, child, brother, or sister has an interest therein; or (2) “any matter, except in the exercise of an administrative or ministerial duty which does not affect the disposition or decision with respect to the matter,” when any of several entities in which the official or employee, or the official or employee's family members, have an interest is a party thereto.

Subsection 2-293(c) generally provides that “an official or employee may not intentionally use the prestige of his office for his own private gain or that of another.” It further provides that “the performance of usual and customary constituent services, without additional compensation, does not constitute the use of the prestige of office for an elected official's or employee's private gain or that of another,” and makes three specific prohibitions on conduct.

¹ [Sec. 2-293. Prohibited conduct and interests.](#)

Subsection 2-293(f) prohibits an official or employee from using “employees on County time or any other resources of the County for writing books, articles, and speeches which would result in personal gain or compensation or for any other personal matters and services.”

Resource Personnel:

- Barry Stanton, Deputy Chief Administrative Office for Public Safety and Homeland Security
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Discussion/Policy Analysis:

As noted above, CB-024-2022 would amend subsections (a), (c), and (f) of Code Section 2-293. The Bill would expressly exempt from subsection 2-293(a)(1), “a police officer or fire/emergency medical service employee who is exercising the employee’s official duties in an emergency affecting a business or property in which the employee or a relative of the employee has an interest under subsection (a)(1) or (a)(2)” (*see page 2, lines 1-6*).

CB-024-2022 would also add language to Section 2-293(c), providing that the general prohibition on the use of prestige of office “does not apply to a police officer’s exercise of the officer’s police authority as a law enforcement officer during outside employment that has been approved by the officer’s appointing authority” (*see page 2, lines 21-23*).

Finally, the Bill would amend subsection 2-293(f) to rephrase the prohibited conduct related to use of resources. As amended the law would prohibit an employee or official from using “a facility, property or work time, or cause or direct any other official employee to use a County facility, property or work time for personal use or for the use of another person unless the use is generally available to the public or authorized by a County law or regulation” (*see page 2, line 26 through page 3, line 1*). It would also exempt from this prohibition “the use of County equipment and uniforms for police officers during the course of outside employment that has been expressly approved by the officer’s appointing authority” (*see page 3, lines 2-4*).

As is required by State law, these proposed changes were reviewed and approved by the State Ethics Commission in September 2021. Additionally, the proposed changes were presented to, and approved by, the Prince George’s County Board of Ethics in January 2022.

Fiscal Impact:

Direct Impact: None anticipated.

Indirect Impact: None likely.

Appropriated in the Current Fiscal Year Budget:

N/A.

Effective Date of Proposed Legislation

The proposed Act shall take effect forty-five (45) calendar days after it becomes law.

If you require additional information, or have questions about this fiscal impact statement, please call me.