

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**1998 Legislative Session**

Bill No. CB-2-1998  
 Chapter No. 49  
 Proposed and Presented by Chairman (by request – County Executive)  
 Introduced by Council Member Del Giudice  
 Co-Sponsors \_\_\_\_\_  
 Date of Introduction July 7, 1998

**BILL**

1 AN ACT concerning

2 Code of Ethics

3 For the purpose of amending requirements pertaining to confidentiality of complaints and  
 4 disclosure of conflicts by Council Members.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 2. ADMINISTRATION.

7 Sections 2-292 and 2-293.01,

8 The Prince George's County Code

9 (1995 Edition, 1997 Supplement).

10 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
 11 Maryland, that Sections 2-292 and 2-293.01 of the Prince George's County Code be and the same  
 12 are hereby repealed and reenacted with the following amendments:

13 SUBTITLE 2. ADMINISTRATION.

14 DIVISION 17. CODE OF ETHICS.

15 **Sec. 2-292. Administration.**

16 \* \* \* \* \*

17 (g) Any person may file with the Board a complaint alleging a violation of any of the  
 18 provisions of this Division. These complaints shall be written and under oath and may be  
 19 referred to the County Attorney or other legal counsel, if appropriate, for investigation and  
 20 review. If, after receiving an investigative report, the Board determines that there are insufficient  
 21 facts upon which to base a determination of a violation, it may dismiss the complaint. If there is

a reasonable basis for believing a violation has occurred, then the subject of the complaint shall be afforded an opportunity for a hearing conducted in accordance with the Board's applicable rules of procedure for actions taken on the record. Any final determination resulting from the hearing shall include findings of fact and conclusions of law. Upon a finding of a violation, the Board may take any enforcement action provided for in accordance with Section 2-297 of this Division. [After a complaint is filed and until a final determination by the Board, all actions regarding a complaint shall be treated confidentially.] Notwithstanding any other provision of law to the contrary, following the filing of a complaint, and unless and until the matter is referred for prosecution or a finding of a violation has been made, the proceedings, meetings, and activities of the Board and its staff in connection with the complaint shall be conducted in a confidential manner. Failure of the Board or its staff to maintain the confidentiality of information acquired in connection with the complaint shall be a misdemeanor subject to the penalty set forth in Section 1-123 of this Code.

\* \* \* \* \*

**Sec. 2-293.01. County Council; [apparent conflict;] affidavit of impartiality.**

[(a) Notwithstanding the provisions of Section 2-293 of this Code, with regard to legislative matters pending before the County Council, a Council Member with an apparent conflict may act on such matter if the Council Member files with the Clerk of the Council and the Board of Ethics a sworn statement which describes the circumstances of the apparent conflict and the legislation to which it relates, and asserting that the Council Member is able to vote and otherwise participate in legislative action relating thereto, fairly, objectively, and in the public interest.

(b) Whenever a Council Member files a statement as provided for in Subsection (a), above, the Board of Ethics may issue a statement concerning the propriety of the Council Member's participation in the particular legislative action, with reference to the applicable ethical standards of the matter.

(c) All sworn statements filed pursuant to this Section are available for public review.]

(a) A County Council member who believes there to be an appearance of conflict or a possible actual conflict under §2-293 of this Code with respect to legislative matters pending before the County Council, who proposes to participate, may file a sworn statement with the Clerk of the Council and the Board of Ethics which describes the circumstances of the appearance of conflict or the possible actual conflict and the legislation to which it relates.

1 asserting that the Council member is able to vote and otherwise participate in legislative action  
2 relating thereto fairly, objectively, and in the public interest. All sworn statements filed pursuant  
3 to this section are available for public review.

4 (b) A public statement filed pursuant to this section shall be filed with the Board of Ethics  
5 sufficiently in advance of taking action for review by the Board of Ethics prior to the action or as  
6 soon as reasonably possible, whichever is sooner. The Board of Ethics shall review the  
7 statement prior to the proposed action by the member where possible and advise the member if it  
8 concurs in the determination that participation can be allowed under §2-293. Where the Board of  
9 Ethics is unable to review the statement prior to official action, it shall review the statement to  
10 determine if it concurs with the action of the member. If the Board of Ethics does not concur  
11 with the member, it may file a complaint, provide advice, or take other appropriate action. If a  
12 complaint is filed by or with the Board of Ethics relating to the action and disclosure, the Board  
13 of Ethics shall immediately provide written notice of the complaint to the member.

14 (c) Notwithstanding §2-293, a member who would be disqualified from participation in a  
15 legislative matter shall disclose the nature and circumstances of the conflict and may participate  
16 if the disqualification would leave the body with less than a quorum capable of acting.

17 SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)  
18 calendar days after it becomes law.

Adopted this 28th day of July, 1998.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Ronald V. Russell  
Chairman

ATTEST:

\_\_\_\_\_  
Joyce T. Sweeney  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
Wayne K. Curry  
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.