

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2018 Legislative Session

Bill No. CB-68-2018

Chapter No. _____

Proposed and Presented by The Chair (by request – County Executive)

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

BILL

1 AN ACT concerning

2 Code of Ethics

3 For the purpose of amending the Code of Ethics in order to conform to State law, changing
4 certain restrictions and requirements for County employees and officials.

5 BY repealing and reenacting with amendments:

6 **SUBTITLE 2. ADMINISTRATION**

7 Sections 2-292, 2-293, and 2-294

8 The Prince George's County Code

9 (2015 Edition; 2017 Supplement).

10 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
11 Maryland that Sections 2-292, 2-293 and 2-294 of the Prince George's County Code be and the
12 same are hereby repealed and reenacted with the following amendments: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 (f) The Board shall certify to the State Ethics Commission on or before October 1 of each
18 year that the County is in compliance with the requirements of State Government Article, [Title
19 15,] Title 5, Subtitle 8, Annotated Code of Maryland, for elected local officials.

20 (g) The Board shall determine if changes to this Division are required to be in compliance
21 with the requirements of State Government Article, [Title 15,] Title 5, Subtitle 8, Annotated

1 Code of Maryland, and shall forward any recommended changes and amendments to the County
2 Council for enactment.

3 * * * * *
4 **Sec. 2-293. Prohibited conduct and interests.**

5 (a) Participation Prohibitions. Except as permitted by Board regulations or opinion, an
6 official or employee may not participate in:

7 * * * * *
8 (2) Any matter, except in the exercise of an administrative or ministerial duty which
9 does not affect the disposition or decision with respect to the matter, when any of the following
10 is a party thereto:

11 * * * * *
12 (G) A former regulated lobbyist who is or becomes subject to regulation under
13 this title as a County official or employee may not participate in a case, contract, or other specific
14 matter as a County official or employee for one calendar year after the termination of the
15 registration of the former regulated lobbyist if the former regulated lobbyist previously assisted
16 or represented another party for compensation in the matter.

17 * * * * *
18 (b) Employment Restrictions

19 * * * * *
20 (2) Post-employment limitations and restrictions

21 (A) With the exception of former members of the County Council, a former
22 official or employee may not assist or represent any party other than the County for
23 compensation in a case, contract, or other specific matter involving the County if that matter is
24 one in which he significantly participated as an official or employee. A specific matter is one in
25 which there is the same basic facts, related issues and information, involving the same or related
26 parties, and one in which there exists a continuing existence of an important County interest.

27 (B) Until the conclusion of [the next regular session that begins after the elected
28 official leaves office] one calendar year from the date the official leaves County office, a former
29 member of the County Council may not assist or represent another party for compensation in a
30 matter that is the subject of legislative.

31 * * * * *

1 (c) Use of Prestige of Office. An official or employee may not intentionally use the
2 prestige of his office for his own private gain or that of another. The performance of usual and
3 customary constituent services, without additional compensation, does not constitute the use of
4 the prestige of office for an elected official's or employee's private gain or that of another. An
5 official or employee shall not engage in the following:

6 (1) An official may not directly or indirectly initiate a solicitation for a person to
7 retain the compensated services of a particular regulated lobbyist or lobbying firm.

8 (2) An official, other than an elected official, or employee may not use public
9 resources or the title of the official or employee to solicit a contribution as that term is defined in
10 the Election Law Article of the Annotated Code of Maryland.

11 (3) An elected official may not use public resources to solicit a contribution as that
12 term is defined in the Election Law Article of the Annotated Code of Maryland.

13 * * * * *

14 (h) Exemptions and Waivers. The Board or, if appropriate, the Council, may, after
15 consultation with the Office of Ethics and Accountability, grant exemptions to or modifications
16 of this Section as to officials or employees [serving as members of Prince George's County
17 Boards and Commissions, of the Prince George's County Government,] when it finds that the
18 application of this Section would constitute an unreasonable invasion of privacy and would
19 significantly reduce the availability of qualified persons for public service and if it also finds that
20 the exemption of modification would not be contrary to the purposes of this Division. The Board
21 or, if appropriate, the Council, may grant exceptions or modifications in accordance with this
22 Section either on an individual basis, or, if appropriate, by general resolution.

23 * * * * *

24 **Sec. 2-294. Financial Disclosures**

25 * * * * *

26 (d) All statements filed pursuant to this Section shall be maintained as public records by
27 the Board, or an office designated by the Board, and shall be made available, during normal
28 office hours, for examination and copying by the public, subject, however, to such reasonable
29 fees and administrative procedures as the Council or Board may establish from time to time. The
30 forms shall be retained for four (4) years from the date of receipt. Any person examining or
31 copying these statements shall be required to record his name, home address, and the name of the

1 person whose disclosure statement was examined or copied. This record shall be forwarded
2 within five business days to the person whose disclosure statement is so examined or copied.

3 (1) The Board may not provide public access to a portion of a statement that is filed
4 after January 1, 2019, that includes a person’s home address, if the person has identified it as
5 their home address.

6 (e) All statements filed pursuant to this Section shall be on a form developed by the Board
7 with the assistance of the Office of Ethics and Accountability, and shall disclose the following
8 interests, if known:

9 * * * * *

10 (6) Indebtedness to persons doing business with the County. A schedule of all
11 [liabilities and indebtedness to any person doing business with the County] indebtedness to
12 entities doing business with or regulated by the persons specific County agency, department or
13 board or commission which is owed at any time during the year for which the statement is filed,
14 excluding retail credit accounts, by the person making the statement, or which is owed by his
15 spouse or dependent child if the person making the statement was involved in the transaction
16 giving rise to the debt. This schedule, as to each such liability, shall include:

17 * * * * *

18 (8) Source of Earned Income.

19 (A) The name and address of each place of salaried employment and of each
20 business entity of which the person or his spouse or dependent child was a sole or partial owner
21 and from which the person, his spouse, or dependent child received earned income, at any time
22 during the year for which the statement is filed.

23 (B) A minor child's employment or business ownership need not be disclosed if
24 the agency that employs the person making the statement does not regulate, exercise authority
25 over, or contract with the place of employment or business entity of the minor child.

26 (C) For a statement filed on or after January 1, 2019, if a spouse is a regulated
27 lobbyist, must disclose the entities that has engaged the spouse to lobby on its behalf.

28 (9) A schedule of all contributions, proceeds, and expenses associated with a
29 testimonial for the person making the statement. The schedule shall also be submitted when the
30 testimonial is for the person making the statement, but the contributions are made to any other
31 person at the direction of the person making the statement. In this section, “testimonial” means

1 any endorsement by a County employee or official, of any non-County agency or department,
2 including monetary and non-monetary endorsements.

3 * * * * *

4 SECTION 1. BE IT FURTHER ENACTED that the provisions of this Act are hereby
5 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
6 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
7 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
8 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
9 Act, since the same would have been enacted without the incorporation in this Act of any such
10 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
11 or section.

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

Adopted this ____ day of _____, 2018.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Dannielle M. Glaros
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
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.