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COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

Legislative Session

1992

Bill No. _____ CB-99-

1992

Chapter No.

89

Proposed and Presented by _____ The Chairman (by request -

_____ County

Executive) _____

Introduced by _____ Council Members MacKinnon, Casula,

Wineland, _____

_____ Castaldi, Del Giudice, and

Bell _____

Co-Sponsors

Date of Introduction _____ October 27,

1992 _____

BILL

AN ACT concerning

Code of Ethics

FOR the purpose of defining and placing certain restrictions on
the receipt of honoraria; amending the provisions relating to

the membership, terms, quorum and meeting requirements, and duties of the Board of Ethics; and amending the provisions relating to certain prohibited conduct.

BY repealing and reenacting with amendments:

SUBTITLE 2. ADMINISTRATION.

Sections 2-291,
2-292, and
2-293,

The Prince George's County Code
(1991 Edition).

BY adding:

SUBTITLE 2. ADMINISTRATION.

Section 2-293.1,
The Prince George's County Code
(1991 Edition).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 2-291, 2-292, and 2-293 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 2. ADMINISTRATION.

DIVISION 17. CODE OF ETHICS.

Sec. 2-291. Definitions.

The words used in this Division shall have their normal accepted meanings except as set forth below:

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(g) Honorarium means the payment of money or anything of value for:

(1) Speaking to, participating in, or attending a meeting, conference, or other function; or

(2) Writing an article, other than a book, that has been or is intended to be published.

[(g)] (h) * * * * *
*

[(h)] (i) **Lobbying** means:

(1) Communicating in the presence of a County official or employee with the intent to influence any official action of that official or employee; or

(2) Engaging in activities having the express purpose of soliciting others to communicate with a County Council Member with the intent to influence that official.

[(i)] (j) * * * * *
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[(j)] (k) * * * * *
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Sec. 2-292. Administration.

(a) There is a Prince George's County Board of Ethics which shall be composed of [three (3) regular members and two (2) substitute] five (5) members, appointed by the County Executive and confirmed by the County Council. All members shall reside in and be qualified voters of the County. Rejection of any nominee to this Board shall be by vote of a

majority of the full Council. No more than [two (2) regular] three (3) members of the Board may be of the same political party. [The two (2) substitute members may not be of the same political party.] The [County Executive] Board shall [designate] elect one (1) member as Chairman. No member of the Board shall be an officer or employee of the County.

(1) The term of office of each member of the Board shall be [from the date of appointment until the termination of the term of office of the County Executive.] for three (3) years and staggered so that the terms of no more than two members shall expire in any year. A member appointed to fill a vacancy occurring prior to the expiration of the term for which one's predecessor was appointed shall be appointed in the same manner as prescribed in the preceding paragraph of this Section and shall serve for the remainder of such term. No member may serve more than two consecutive full terms.

(2) When the County Executive finds that a member is temporarily or permanently incapacitated, he shall by Executive Order, designate a substitute member of the Board of the same political party to serve in the regular member's place until such temporary incapacity shall have been filled; and while so serving the said substitute member shall have all the powers and authority and be subject to all the duties of any regularly appointed member of the Board of Ethics. If, in the judgment of the Chairman, the lack of attendance of any member of the Board is impeding the work of the Board, the Chairman shall so

notify the County Executive and the County Council.

(3) The Board shall meet at the call of the Chairman, and at such other times as may be requested by the County Executive or County Council, provided that the Board shall hold a minimum of five (5) scheduled meetings per year.

(A) [Two (2)] Three (3) members shall constitute a quorum for the transaction of business.

(4) The Board shall be assisted in carrying out its responsibilities by the County Attorney.

(5) The County Executive shall furnish the Board stenographic services, physical facilities, and other necessary administrative services and employees.

(6) The Board shall submit not later than January 30 of each year to the County Executive and to the County Council a report of its activities under this law covering the immediately preceding calendar year, including a summary statement concerning the nature of all complaints filed with it, its decisions and advisory opinions, provided, however, that all such information shall meet the requirements for confidentiality contained in Subsections 2-292(f) and (g). The report shall also contain information relating to the most common errors made in the Financial Disclosure Statements filed with the Board.

(7) The Board shall make recommendations for legislation as it deems appropriate.

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Sec. 2-293. Prohibited conduct and interests.

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(b) Employment Restrictions.

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(2) (A) A former official or employee may not assist or represent another party other than the County for compensation in a case, contract, or other specific matter involving the County if any matter is one in which he significantly participated as an official or employee.

(B) If the former official's or employee's participation in a matter was not significant, the prohibition set forth in (A) shall expire eighteen (18) months after the termination of the official's or employee's employment with the County.

(C) The Board shall have the authority to determine whether sufficient time has elapsed or circumstances have sufficiently changed such that the effect of prior significant participation is no longer present.

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(d) Solicitation or Acceptance of Gifts.

(1) An official or employee may not solicit any gift.

(2) No official or employee may knowingly accept any

gift, directly or indirectly, from any person that he knows or has reason to know:

(A) Is doing business with the Council, as to members thereof, or, as to other officials or employees, with their office, agency, board or commission; or

(B) Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of his official duty.

(3) Unless a gift of any of the following would tend to impair the impartiality and the independence of judgment of the official or employee receiving it or, if of significant value, would give the appearance of doing so, or, if of significant value, the recipient official or employee believes, or has reason to believe, that it is designed to do so, Paragraph (2) does not apply to:

(A) Meals and beverages;

(B) Ceremonial gifts or awards which have insignificant monetary value;

(C) Unsolicited gifts of nominal value or trivial items of informational value;

(D) Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or the employee for a meeting which is given in return for participation in a panel or speaking engagement at the meeting;

(E) Gifts of tickets or free admission

extended to any elected official or employee to attend a professional or intercollegiate sporting event or charitable, cultural, or political events, if the purpose of this gift or admission is a courtesy or ceremony extended to the office;

(F) A specific gift or class of gifts which the Council or the Board exempts from the operation of this Section upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the County and that the gift is purely personal and private in nature;

(G) Gifts from a person related by blood or marriage, or a spouse, child, ward, financially dependent parent, or other relative who shares the official's or employee's legal residence, or a child, ward, parent, or other relative over whose financial affairs the person has legal or actual control; or

(H) Honoraria, except as provided in subsection (e) of this Section.

(e) Honoraria. Except as provided in this subsection, an official may not accept an honorarium if:

(i) The payor of the honorarium has an interest that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the individual's official duty; and

(ii) The offering of the honorarium is in any way related to the individual's official position.

(iii) The prohibition under this subsection does not apply to:

(A) Payment of or reimbursement for reasonable expenses for the official's meal, travel, and lodging, and reasonable and verifiable expenses for care for children or dependent adults, actually incurred by the official in speaking to, participating in, or attending a meeting, conference, or other function or in writing an article, other than a book, that has been or is intended to be published; or

(B) Acceptance or receipt gifts permitted under subsection (d) of this Section.

(iv) The Board may provide for further exemptions from this subsection as necessary.

(f) Use of Resources. An official or employee may not use employees on County time or other resources of the County for writing books, articles and speeches which would result in personal gain or compensation.

____ [(e)] (g) * * * *

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[(f)] (h) * * * *

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SECTION 2. BE IT FURTHER ENACTED that a new Section 2-293.1 be and the same is hereby added to the Prince George's County Code to read as follows:

SUBTITLE 2. ADMINISTRATION.

DIVISION 17. CODE OF ETHICS.

Sec. 2-293.1. 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 Councilmember with an apparent conflict may act on such matter if the Councilmember 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 Councilmember is able to vote and otherwise participate in legislative action relating thereto, fairly, objectively, and in the public interest.

(b) Whenever a Councilmember files a statement as provided for in Subsection (a), above, the Board of Ethics may issue a statement concerning the propriety of the Councilmember'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.

SECTION 3. BE IT FURTHER ENACTED that the substitute members of the Board serving on the effective date of this Act shall, without further action by the County Executive or the County Council, become regular members of the Board.

SECTION 4. BE IT FURTHER ENACTED that all members serving on the Board of the effective date of this Act shall complete the term for which they are appointed, but appointments made

thereafter shall be for staggered terms as provided in Section 2-292(a) (1) of the Prince George's County Code as amended by this Act, provided that an amendment to Section 1001 of the Charter has been adopted by the voters of the County.

SECTION 5. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this 24th day of November, 1992.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY:

Richard J. Castaldi
Chairman

ATTEST:

Joyce T. Sweeney
Acting Clerk of the Council

APPROVED:

DATE: _____

BY:

Parris N. Glendening
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.