

Prince George's County Council

Agenda Item Summary

Meeting Date: 11/20/2012
Reference No.: CB-063-2012
Draft No.: 3
Proposer(s): County Executive
Sponsor(s): Franklin, Davis
Item Title: An Act creating an Office of Ethics and Accountability within Prince George's County Government; providing for the budget, powers and authority of the Office of Ethics and Accountability; providing for periodic reports and review of the activities of the Office of Ethics and Accountability; and generally relating to the Office of Ethics and Accountability

Drafter: Joseph R. Hamlin, Office of Law
Resource Personnel: Brad Frome, Office of the County Executive

LEGISLATIVE HISTORY:

Date Presented:	7/24/2012	Executive Action:	12/6/2012 S
Committee Referral:	7/24/2012 - C.O.W.	Effective Date:	1/22/2013

Committee Action: 9/11/2012 - HELD
10/16/2012 - FAV(A)

Date Introduced: 10/23/2012
Public Hearing: 11/20/2012 - 10:00 AM

Council Action (1) 11/20/2012 - ENACTED
Council Votes: WC:A, DLD:A, MRF:A, AH:A, ML:A, EO:A, OP:A, IT:A, KT:A
Pass/Fail: P
Remarks:

AFFECTED CODE SECTIONS:

02-298, 02-299, 02-300, 02-301, 02-302, 02-303, 02-304, 02-305, 02-306, 02-307, 02-308, 02-309

COMMITTEE REPORTS:

COMMITTEE OF THE WHOLE

Date 10/16/2012

Committee Vote: Favorable with amendments, 7-0 (In favor: Council Members Campos, Davis, Franklin, Harrison, Olson, Patterson and Toles/ Absent: Turner and Lehman)

The Legislative Officer indicated that the Council had extensively reviewed CB-63-2012 during the Committee work session on September 11, 2012. As a result of questions raised by the Committee, County Executive and Council staff met to review possible amendments to the bill.

Amendment #1 was offered and explained to the Committee with the following amendments:

1. On page 2, starting in line 6, strike after "(b)" through "term" in line 9 and substitute: "The term of office of the Executive Director shall be 4 years, and shall serve a staggered term to begin on July 1 of the second year after the County Executive and County Council are elected. An Executive Director shall not serve more than two full 4-year terms, not including any time served as Executive Director to complete an unexpired term, and shall be subject to

appointment for a second 4-year term in accordance with the provisions of Section 322 of the Charter for Prince George's County, Maryland."

2. On page 2, on line 15, after "vote of a", add "two-thirds".

3. On page 2, on line 20, after "discharge of all", strike "Commission" and substitute: "Office of Ethics and Accountability".

The Committee adopted Amendment #1 by a vote of 7-0 (In favor: Council Members Campos, Davis, Franklin, Harrison, Olson, Patterson and Toles/Absent: Turner and Lehman) with are reflected in Draft 2 of CB-63-2012. Council Member Toles requested that staff draft a proposed amendment on the selection process for the Executive Director position.

September 11, 2012 – Committee of the Whole
Committee Vote: Held

Legislative Officer provided a summary of the bill, background information and referral comments that were received. CB-63-2012 is an act for the purpose of creating an Office of Ethics and Accountability (OEA) with Prince George's County government, providing for the budget, power and authority of the Office, providing for periodic reports and review of the activities of the Office and generally relating to the Office of Ethics and Accountability.

Brad Frome, Deputy Chief of Staff, and Josh Hamlin, Office of Law, provided the Committee with an overview of CB-63-2012 and responded to questions from members of the Committee on the purpose, powers, budget, appointment/reappointment and term of the Executive Director.

The Office of Law determined that CB-63-2012 was in proper legislative form and without legal impediments to its adoption.

The Committee held the bill to consider additional information and potential amendments.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

This legislation will establish a new Office of Ethics and Accountability for the purpose of providing increased accountability and oversight in the operations of the County government by identifying fraud, abuse, and illegal acts therein. The Office of Ethics and Accountability will be headed by an Executive Director, who shall also serve as Executive Director of the Board of Ethics. For Fiscal Year 2013, the Office of Ethics and Accountability shall be funded through the approved appropriations of the Board of Ethics, but shall thereafter be funded as a separate budget entity in the Annual Budget and Appropriation Ordinance.

10/23/2012: CB-63-2012 (DR-2) was amended on the floor prior to introduction as follows:

1. On page 2, starting on line 5, after "Maryland.", insert "The County Executive shall conduct an open search process for the Executive Director to meet the qualifications required under subsection (c) of this section, and may use measures, such as regional or national recognized organizations or a professional search firm(s), to review and select an Executive Director candidate for appointment."

CB-63-2012 (DR-3) was introduced.

CODE INDEX TOPICS:

INCLUSION FILES: