

COUNTY COUNCIL
OF
DORCHESTER COUNTY, MARYLAND

BILL NO. 2023-8

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND PURSUANT TO THE AUTHORITY OF TITLE 5, SUBTITLE 8, PART II OF THE GENERAL PROVISIONS ARTICLE OF THE ANNOTATED CODE OF MARYLAND AMENDING CHAPTER 88 OF THE DORCHESTER COUNTY CODE ENTITLED “ETHICS” RELATING TO PUBLIC ETHICS TO ADD THAT THE ETHICS COMMISSION SHALL MEET AT LEAST ONE TIME EACH YEAR, AND TO INCORPORATE AMENDMENTS ENACTED BY THE MARYLAND GENERAL ASSEMBLY PURSUANT TO HOUSE BILL 363 – CHAPTER 252, ACTS OF 2021, AND HOUSE BILL 1058 – CHAPTER 425, ACTS OF 2021.

WHEREAS, pursuant to Md. Code Ann., Gen. Prov. § 5-804, et seq., and Title 19A, Subtitle 4 of the Code of Maryland Regulations (“COMAR”), the County Council of Dorchester County (the “County Council”) is required to enact a local ethics law applicable to officials and certain employees of Dorchester County, Maryland (the “County”); and

WHEREAS, in accordance with the foregoing statutory and regulatory authority, the County Council has enacted an ethics code applicable to elected officials and certain nonelected officials and employees of the County, which is codified in Chapter 88 (Ethics) of the Dorchester County Code (the “County Code”); and

WHEREAS, pursuant to House Bill 363 – Chapter 252, Acts of 2021 (“HB 363”), and House Bill 1058 – Chapter 425, Acts of 2021 (“HB 1058”), the Maryland General Assembly enacted certain changes to the Maryland Public Ethics Law, codified in Title 5 of the General Provisions Article of the Annotated Code of Maryland, which must be adopted by those local governments which are required to enact a local ethics law, including the County; and

WHEREAS, the County Council is desirous of incorporating the relevant provisions of HBs 363 and 1058 into Chapter 88 of the County Code and to provide that the Dorchester County Ethics Commission shall meet at least one time each year; and

WHEREAS, pursuant to COMAR 19A.04.03.02, a local government may submit proposed ethics provisions and amendments to the State Ethics Commission for review and comment prior to final enactment; and

WHEREAS, the amendments set forth herein have been submitted to the State Ethics Commission for review and comment, and the State Ethics Commission has returned a favorable recommendation.

SECTION ONE: Acting under Title 5, Subtitle 8, Part II of the General Provisions Article of the Annotated Code of Maryland (the "Acts"), be it ENACTED and ORDAINED by the County Council of Dorchester County, Maryland that Chapter 88 of the Dorchester County Code entitled "Ethics" be amended to read as follows:

Chapter 88

ETHICS

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§ 88-3. Ethics Commission.

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B. The Commission shall:

- (1) Devise, receive, and maintain all forms required by this chapter;
- (2) Develop procedures and policies for advisory opinion requests and provide published advisory opinions to persons subject to this chapter regarding the applicability of the provisions of this chapter to them;
- (3) Develop procedures and policies for the processing of complaints to make appropriate determinations regarding complaints filed by any person alleging violations of this chapter; ~~and~~
- (4) Conduct a public information program regarding the purposes and application of this chapter; and

(5) Meet at least one time each year.

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§ 88-4. Conflicts of interest.

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E. Post-employment limitations and restrictions.

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

- (2) Until the conclusion of the next regular session that begins after the elected official leaves office, a former ~~member of the County Council~~ **elected official** may not assist or represent another party for compensation in a matter that is the subject of legislative action.
- (3) A former elected official may not assist or represent another party for compensation in a matter that is the subject of legislative action for one calendar year after the elected official leaves office.

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H. Solicitation and acceptance of gifts.

- (1) An official or employee may not solicit any gift.
- (2) An official or employee may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual regulated lobbyist.
- (3) An official or employee may not knowingly accept a gift, directly or indirectly, from a person that the official or employee knows or has the reason to know:
 - (a) Is doing business with or seeking to do business with the County office, agency, board, or commission with which the official or employee is affiliated;
 - (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 the official duties of the official or employee;
 - (c) Is engaged in an activity regulated or controlled by the official's or employee's governmental unit; ~~or~~
 - (d) Is a lobbyist with respect to matters within the jurisdiction of the official or employee; or
 - (e) Is an association, or any entity acting on behalf of an association, that is engaged only in representing counties or municipal corporations.**

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I. Disclosure of confidential information; **retaliation**.

- (1)** Other than in the discharge of official duties, an official or employee **or former official or employee** may not disclose or use confidential information, that the official or employee acquired by reason of the official's or employee's public position **or former public position** and that is not available to the public, for the economic benefit of the official or employee or that of another person.

(2) An official or employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the local ethics law or ordinance.

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§ 88-6. Financial disclosure by local elected officials and candidates to be local elected officials.

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C. Public record.

- (1) The Commission or office designated by the Commission shall maintain all financial disclosure statements filed under this section.
- (2) Financial disclosure statements shall be made available during normal office hours for examination and copying by the public subject to reasonable fees and administrative procedures established by the Commission.
- (3) If an individual examines or copies a financial disclosure statement, the Commission or the office designated by the Commission shall record:
 - (a) The name and home address of the individual reviewing or copying the statement; and
 - (b) The name of the person whose financial disclosure statement was examined or copied.
- (4) Upon request by the official or employee whose financial disclosure statement was examined or copied, the Commission or the office designated by the Commission shall provide the official with a copy of the name and home address of the person who reviewed the official's financial disclosure statement.
- (5) For statements filed after January 1, 2019, the Commission or the office designated by the Commission may not provide public access to an individual's home address that the individual has designated as the individual's home address.

(6) The Commission or the office designated by the Commission shall not provide public access to information related to consideration received from:

(a) The University of Maryland Medical System;

(b) A governmental entity of the State or a local government in the State; or

(c) A quasi-governmental entity of the State or local government in the State. For purposes of this subsection, “quasi-governmental entity” means an entity created by State statute, that performs a public function, and that is supported in whole or in part by the State but is managed privately.

D. An individual who is required to disclose the name of a business under this section shall disclose any other names that the business is trading or doing business as.

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F. Contents of statement.

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(4) Gifts.

(a) A statement filed under this section shall include a schedule of each gift in excess of \$20 in value or a series of gifts totaling \$100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with or is regulated by the County **or from an association, or any entity action on behalf of an association that is engaged only in representing counties or municipal corporations.**

* * *

(11) Relationship with University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity.

(a) An individual shall disclose the information specified in General Provisions Article, § 5-607(j)(1), Annotated Code of Maryland, for any financial or contractual relationship with:

[1] The University of Maryland Medical System;

[2] A governmental entity of the State or a local government in the State;

[3] A quasi-governmental entity of the State or a local government in the State.

(b) For each financial or contractual relationship reported, the schedule shall include:

[1] A description of the relationship;

[2] The subject matter of the relationship; and

[3] The consideration.

G. For the purposes of § 88-6G of this chapter, the following interests are considered to be the interests of the individual making the statement:

(1) An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.

(2) An interest held, **at any time during the applicable period**, by:

(a) a business entity in which the individual held a ~~30%~~ 10% or greater interest-at-any time during the reporting period

(b) A business entity described in Subsection (G)(2)(a) above in which the business entity held a 25% or greater interest;

(c) A business entity described in Subsection (G)(2)(b) above in which the business entity held a 50% or greater interest; and

(d) A business entity in which the individual directly or indirectly, through an interest in one or a combination of other business entities, holds a 10% or greater interest.

(3) An interest held by a trust or an estate in which, at any time during the reporting period:

(a) The individual held a reversionary interest or was a beneficiary; or

(b) If a revocable trust, the individual was a settlor.

SECTION TWO: Pursuant to the Acts be it further ENACTED and ORDAINED by the County Council of Dorchester County, Maryland that General Code Publishers is directed to codify the above amendments to Chapter 88 of the Dorchester County Code accordingly.

SECTION THREE: And be it further ENACTED pursuant to Section 308 of the Charter of Dorchester County, Maryland that promptly after enactment of this Act, the County Manager shall cause a fair summary of this Act to be published at least once in a newspaper of general circulation in Dorchester County, Maryland.

SECTION FOUR: And be it further ENACTED and ORDAINED by the County Council of Dorchester County, Maryland that this Bill shall be known as Bill No. 2023-8 of Dorchester County, Maryland and shall take effect sixty (60) days after its final passage.


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PASSED this 1st day of August, 2023.

ATTEST:

COUNTY COUNCIL OF DORCHESTER
COUNTY, MARYLAND

BY: 
Jeff Powell
Interim County Manager

BY: 
George L. Pfeffer, Jr.
President

- Pfeffer – *aye*
- Detmer – *aye*
- Kramer – *aye*
- Nichols – *aye*
- Travers – *aye*