

WASHINGTON COUNTY ETHICS ORDINANCE
(Adopted May 1, 1982)

Ordinance enacting an ethics law for Washington County wherein the affected County officials, employees, official group members and candidates for office are set forth: Certain standards of conduct regarding conflicts of interest and certain requirements regarding financial disclosure are established for said individuals; an Ethics Commission is provided for and its duties set forth; lobbyists are defined and their obligations set forth and penalties for violations of this ordinance are established.

WHEREAS Article 40A of the Annotated Code of Maryland requires that each County of the State of Maryland, *inter alia*, adopts a local ethics law similar to the Public Ethics Law of the State as adopted by said Article and

WHEREAS The Board of County Commissioners of Washington County, having considered said requirement and desiring to comply with the same, has determined that the provisions of this Ordinance, as hereinafter set forth, comply with said requirement,

NOW, THEREFORE, BE IT ENACTED by the Board of County Commissioners of Washington County as follows:

Section 1 of this Ordinance. That in compliance with Article 40A of the Annotated Code of Maryland, the Washington County Ethics Ordinance shall read as follows:

1. **Applicability**

The provisions of this Ordinance, unless otherwise herein provided, shall apply to all Washington County Officials, employees, and members of boards and commissions, including, but not limited to:

- A. Members of the Board of County Commissioners
- B. County Administrator
- C. County Clerk
- D. County Treasurer
- E. County Finance Director
- F. County Attorney
- G. All heads of Departments of the County by whatever title they are known
- H. Members of all boards, commissions and committees appointed by the Board of County Commissioners
- I. Members of all boards, commissions and committees appointed by the Governor of the State of Maryland where such boards, commissions and committees are declared by the State Ethics Commission not to be executive

agencies in the State Government

2. **Ethics Commission**

There shall be a Washington County Ethics Commission which shall be composed of five (5) members appointed by the Board of County Commissioners. The Commission shall be advised by the County Attorney and shall have the following responsibilities:

- A. To devise, receive and maintain all forms generated by this Ordinance
- B. To provide published advisory opinions to persons subject to the Ordinance as to the applicability of the provisions of this Ordinance to them
- C. To process and make determinations as to complaints filled by any person alleging violations of this Ordinance
- D. To conduct a public information program regarding the purposes and applications of this Ordinance

3. **Conflicts of Interest**

Washington County Officials and employees who are subject to this Ordinance shall not:

- A. Participate on behalf of the County in any matter which would, to their knowledge, have a direct financial impact, as distinguished from the public generally, on them, their spouse or dependent child, or a business entity with which they are affiliated.
- B. Hold or acquire an interest of either Ten Thousand (\$10,000.00) Dollars or five (5%) percent or greater in a business entity that has or is negotiating a contract of One Thousand (\$1,000.00) Dollars or more with the County, or is regulated by their agency, except as exempted by the Commission where the interest is disclosed pursuant to Section 6 of this Ordinance.
- C. Be employed by a business entity that has or is negotiating a contract of more than One Thousand (\$1,000.00) Dollars with the County or is regulated by their agency, except as exempted by the Commission pursuant to Section 6 of this Ordinance.
- D. Hold any outside employment relationship that would impair their impartiality or independence of judgment.
- E. Represent any party, for a contingent fee, before any County body.
- F. Within one (1) year following termination of County service, act as a compensated representative of another in connection with any specific matter in which he participated substantially as a County official or employee.
- G. Solicit any gift or accept gifts of greater than Twenty-Five (\$25.00) Dollars in value, from any person that has or is negotiating a contract with the County, or is regulated by their agency, except when these gifts would not present a conflict of interest as determined by the Commission. For the purposes of this section, gift includes the transfer of anything of economic value regardless of form without adequate and lawful consideration.

- H. Use the prestige of their office for their own benefit or that of another.
- I. Use confidential information acquired in their official County position for their own benefit or that of another.

4. **Financial Disclosure**

A. The County officials and employees listed in Paragraph (C) of this section shall file annually not later than January 31 of each calendar year during which they hold office, a statement with the Commission disclosing any gifts, as hereinafter limited, received during the preceding calendar year from any person that has or is negotiating a contract with the County, or any person regulated by their agency. The statement shall identify the donor of the gift and its approximate retail value at the time of receipt. Disclosure of gifts of the following items where the reasonable value thereof does not exceed Twenty-Five (\$25.00) dollars shall not be required:

- (1) Meals and beverages
- (2) Ceremonial gifts or awards which have insignificant monetary value
- (3) Unsolicited gifts of nominal value or trivial items of informational value
- (4) 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
- (5) Gifts or tickets or free admission extended to an elected official or employee to attend a professional or inter-collegiate 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
- (6) 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
- (7) A specific gift or class of gifts which the Board of County Commissioners or the Commission 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.
- (8) Honoraria

B. Candidates for elective offices listed in Paragraph (C) of this section shall file

statements consistent with the requirements of Subsection (A) of this section at the time that they file their certificates of candidacy.

- C. Officials and employees required to file:
 - (1) Members of the Board of County Commissioners
 - (2) County Administrator
 - (3) County Clerk
 - (4) County Treasurer
 - (5) County Finance Director
 - (6) County Attorney
 - (7) Members of all of the boards, commissions and committees listed in Section I of this Ordinance, the members of which receive any compensation for their services as such members
- D. All County officials and employees or candidates for elective office to positions subject to this section shall file a statement with the Commission disclosing any interest or employment the holding of which would require disqualification from participation pursuant to Section 3(A) of this Ordinance, sufficiently in advance of any anticipated action to allow adequate disclosure to the public
- E. Disclosure statements filed pursuant to this section shall be maintained by the Commission as public records available for public inspection and copying

5. **Lobbying Disclosure**

- A. Any person who personally appears before any County official or employee with the intent to influence that person in performance of his official duties, and who, in connection with such intent expends or reasonably expects to expend in a given calendar year in excess of One Hundred (\$100.00) Dollars on food, entertainment or other gifts for such officials, shall file a registration statement with the Commission not later than January 15 of the calendar year or within five (5) days after first making these appearances.
- B. The registration statement shall include complete identification of the registrant and of any other person on whose behalf the registrant acts. It shall also identify the subject matter on which the registrant proposes to make these appearances, and shall cover a defined registration period not to exceed one (1) calendar year.
- C. Registrants under this section shall file a report within thirty (30) days after the end of any calendar year during which they were registered, disclosing the value, date and nature of any food, entertainment or other gift provided to a County official or employee. When a gift or series of gifts to a single official or employee exceed Twenty Five (\$25.00) Dollars in value, the official or

employee shall also be identified.

- D. The registrations and reports filed pursuant to this section shall be maintained by the Commission as public records available for public inspection and copying.

6. **Exemptions and Modifications**

The Commission may grant exemptions and modifications to the provisions of Sections 3 and 4 of this Ordinance if it determines that application of those provisions would:

- A. Constitute an unreasonable invasion of privacy
- B. Significantly reduce the availability of qualified persons for public service
- C. Not be required to preserve the purposes of this Ordinance

7. **Enforcement**

- A. The Commission may issue a cease and desist order against any person found to be in violation of this Ordinance and may seek enforcement of this order in the Circuit Court of Washington County. The Court may issue a cease and desist order and may also impose a fine of up to One Thousand (\$1,000.00) Dollars for any violation of the provisions of this Ordinance.
- B. A County official or employee found to have violated this Ordinance may be subject to disciplinary or other appropriate personnel action, including suspension of County salary or other compensation.
- C. Violation of Section 5 of this Ordinance shall be a misdemeanor subject to a fine of up to One Thousand (\$1,000.00) Dollars or imprisonment of up to one (1) year.