

Expedited Bill No. 49-15
Concerning: Ethics – Update
Revised: January 28, 2016 Draft No. 4
Introduced: December 31, 2015
Enacted: February 2, 2016
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Leventhal

AN EXPEDITED ACT to:

- (1) revise certain provisions of the County Ethics Law governing conflicts of interest and financial disclosure to meet certain requirements of State law; and
- (2) generally update and amend the County Ethics Law.

By amending

Chapter 8A, Cable Communications
Sections 8A-30 and 8A-31

Chapter 19A, Ethics
Sections 19A-8, 19A-13, and 19A-19

Chapter 24, Health and Sanitation
Section 24-50

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Sections 8A-30, 8A-31, 19A-8, 19A-13, [[and]] 19A-19, and 24-50**
2 **are amended as follows:**

3 **8A-30. Cable and Communications Advisory Committee.**

- 4 (a) *Established.* The Cable and Communications Advisory Committee
5 may provide advice and recommendations to the County Executive,
6 County Council, and the Department of Technology Services on all
7 telecommunications issues, including the administration of this Chapter
8 and any franchise agreement or application.
- 9 (b) The Advisory Committee should meet quarterly or more frequently if
10 requested by the County Executive or County Council or if the Chair or
11 Committee finds it necessary.
- 12 (c) The Advisory Committee must have 15 voting members appointed by
13 the Executive and confirmed by the Council for 3-year terms. The
14 members should broadly represent technology areas.
- 15 (d) The membership must include one representative selected by the
16 Montgomery County Chapter of the Maryland Municipal League; one
17 representative selected by the City of Rockville; and one representative
18 selected by the City of Takoma Park. The members annually must elect
19 the chairperson and vice chairperson of the Committee. A person must
20 not serve more than 2 consecutive terms as chairperson.
- 21 (e) Members are subject to Chapter 19A [[, except that financial disclosure
22 statements are confidential and limited to communications-related
23 activities and interests]].

24 **8A-31. Cable Compliance Commission.**

- 25 (a) *Established.* The Cable Compliance Commission is established to
26 adjudicate subscriber complaints involving customer cable service and

27 other consumer protection claims that arise under this Chapter, any
 28 regulation adopted or franchise agreement approved under this Chapter,
 29 or Section 11-4A.

30 (b) *Membership.* The Commission is comprised of 5 voting members
 31 appointed by the County Executive and confirmed by the County
 32 Council. Each appointee must be appointed to a 3-year term. The
 33 Commission should include:

- 34 (1) a cable television service subscriber;
- 35 (2) a broadband Internet service subscriber;
- 36 (3) an individual with general business experience; and
- 37 (4) an individual with technical experience in communications.

38 (c) *Officers.* The Commissioners annually must elect a chair and vice chair
 39 of the Commission. An individual must not serve more than 2
 40 consecutive terms as chair.

41 (d) *Reserved.*

42 (e) *Ethics.* Each member of the Commission is subject to Chapter 19A [[,
 43 except that the member must file a limited public financial disclosure
 44 statement regarding any communication-related activities and interests
 45 and a full confidential financial disclosure statement]].

46 **19A-8. Waivers.**

47 * * *

48 (c) After receiving a written request, the Commission may waive the
 49 prohibitions of Section [19A-13] 19A-13(b) if it finds that:

- 50 (1) failing to grant the waiver may reduce the ability of the County to
- 51 hire or retain highly qualified public employees; or

(2) the proposed employment is not likely to create an actual conflict of interest.

* * *

19A-13. Employment of former public employees.

(a) A former public employee must not work on or otherwise assist any party, other than a County agency, in a case, contract, or other specific matter [for 10 years after the last date] if the employee significantly participated in the matter as a public employee.

* * *

19A-19. Content of financial disclosure statement.

(a) Each financial disclosure statement filed under Section 19A-17(a) must disclose the following:

* * *

(8) *Sources of earned income.*

(A) The statement must list the name and address of:

(i) each employer of the filer, other than the County Government[,];

(ii) [or a] each employer of a member of the filer's immediate family[,]; and

(iii) each business entity of which the filer or a member of the filer's immediate family was a sole or partial owner and from which the filer or member of the filer's immediate family received earned income at any time during the reporting period.

* * *

[(C) If a source of earned income and the filer have a confidential relationship which creates a privilege against testifying

79 under state law, the filer need not report the identity of the
 80 source unless the source:
 81 (i) is registered or must register as a lobbyist on a matter
 82 that is or could be considered by the County agency
 83 with which the filer is affiliated;
 84 (ii) does business with the County agency with which the
 85 filer is affiliated;
 86 (iii) owns or operates a business that is regulated by the
 87 County agency with which the filer is affiliated; or
 88 (iv) has an economic interest that is different from the
 89 public interest, which the filer may substantially
 90 affect in performing the filer's official duties,
 91 in which case the identity of the source must be disclosed
 92 confidentially to the Commission in a manner prescribed by
 93 the Commission.]

94 * * *

95 **24-50. Members; appointments; terms.**

- 96 (a) *Total members.* The Board has 17 members.
- 97 (b) *Ex officio members.* Subject to confirmation by the County Council, the
 98 County Executive should appoint the following individuals to serve as ex
 99 officio members of the Board:
- 100 (1) The County Health Officer or Officer's designee; and
 101 (2) The Chief of the Department's Behavioral Health and Crisis
 102 Service or the Chief's designee.
- 103 (c) *Other members.* Subject to confirmation by the County Council, the
 104 County Executive should appoint the following individuals to serve on
 105 the Board:

- 106 (1) 2 representatives of community health care providers that
 107 participate in the Program;
- 108 (2) 1 representative of hospitals that participate in the Program;
- 109 (3) The chair of the Board of Directors of the entity that contracts with
 110 the Department to administer the distribution of funds for the
 111 delivery of Program services or the chair's designee;
- 112 (4) 3 members of the public;
- 113 (5) 3 individuals who have knowledge of and experience with issues
 114 relating to health care for uninsured individuals such as primary
 115 care, specialty care, dental care, behavioral health care, or fiscal
 116 matters relating to any of these types of care;
- 117 (6) 1 representative of the Commission on Health;
- 118 (7) 1 representative of the County Medical Society;
- 119 (8) 2 current or former recipients of services under the Program; and
- 120 (9) 1 representative from a Managed Care Organization who is
 121 familiar with Medicaid and insurance issues affecting low-income
 122 populations.

123 * * *

124 (f) *Conflicts of Interest.*

- 125 (1) Section 19A-11(a) does not apply to a member appointed under
 126 subsection (c).
- 127 (2) A member appointed under subsection (c) must [[:
- 128 (A) file a limited public financial disclosure statement that
 129 complies with Section 19A-17(a)(6); and
- 130 (B)] publicly disclose to the Board the nature and circumstances
 131 of any conflict before voting on any Board
 132 recommendation.

133 **Sec. 2. Expedited Effective Date.**

134 The Council declares that this legislation is necessary for the immediate
135 protection of the public interest. This Act takes effect on the date on which it becomes
136 law.

137

138 *Approved:*

139 *Nancy Floreen* February 3, 2016
Nancy Floreen, President, County Council Date

140 *Approved:*

141

Isiah Leggett, County Executive Date

142 *This is a correct copy of Council action.*

143

Linda M. Lauer, Clerk of the Council Date