

AN ORDINANCE TO AMEND THE CALVERT COUNTY ETHICS CODE

WHEREAS, pursuant to the authority contained in Section 5-807 of the *General Provisions Article* of the Maryland Annotated Code, the Board of County Commissioners of Calvert County, Maryland, is mandated to enact provisions to govern the public ethics of local officials relating to conflicts of interest, financial disclosure and lobbying with respect to Calvert County, and has heretofore adopted the Calvert County Code of Ethics by Resolution Number 15-95, enacted May 30, 1995, and amended by Ordinance Number 6-97 on January 28, 1997, and amended by Ordinance 12-20 recorded on April 19, 2012 and codified as the Calvert County Code of Ethics at Chapter 41 of the Code of Public Local Laws of Calvert County, Maryland, being Chapter 41 of *Article 5* of the Code of Public Laws of Maryland (hereinafter, the "Code");

WHEREAS, the Calvert County Ethics Commission has recommended certain changes to Chapter 41 of the Code to comply with State legislative requirements and address issues that have arisen since last amendment;

WHEREAS, a public hearing was duly advertised for two consecutive weeks before the public hearing held on November 25, 2014, at which time the Board of County Commissioners received public comment regarding the proposed amendments to Chapter 41 of the Code; and,

WHEREAS, upon considering the testimony presented at the Public Hearing regarding the recommendations of the Ethics Commission and County staff, the Board of County Commissioners finds it is in the best interest of the public health, safety and welfare of the citizens of Calvert County, Maryland to adopt those amendments proposed by the Calvert County Ethics Commission as set forth below.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners of Calvert County, Maryland hereby approves and enacts the following amendments to Chapter 41 of the Code by:

1. Repealing and readopting with amendments Section 41-2(Q), Qualified Relative, (B)(3) of the Code, which, upon amendment, shall provide as follows:
 - (3) Any Qualified Relative of the County Administrator or a Commissioner of the Calvert County Board of County Commissioners.
2. Append the following definition within Section 41-2 of the Code:

Apparent Conflict of Interest
An existing or anticipated situation or condition that gives an indication of a conflict of interest that is not or may not be a conflict of interest but can erode the confidence and trust of the people in the conduct of county business.
3. Repeal and readopt the definition of "Employee" within Section 41-2(J), Employee, of the Code, which, upon amendment, shall provide as follows:

Employee
An individual employed by Calvert County, employed by the Board of Library Trustees and those employed by selection by the Director of the Board of Library Trustees pursuant to Maryland Annotated Code, Education Article, Section 23-406,

as amended from time to time. An "employee" shall not include an elected or appointed official and employees or officials of an executive agency of the State of Maryland.

- 4. Repealing and readopting with amendments Section 41-5(A) of the Code, which, upon amendment, shall provide as follows:
 - A. The provisions of this Chapter 41 shall apply to the following:
 - (1) Elected officials;
 - (2) Employees;
 - (3) Appointed officials;
 - (4) Calvert County Board of Library Trustees, employees of the Board of Library Trustees and employees selected by its Director pursuant to Maryland Annotated Code, Education Article, Section 23-406, as amended from time to time; and
 - (5) Where specified, candidates.
- 5. Append the following new subpart "I" within Section 41-13 of the Code, which, upon amendment, shall provide as follows:
 - I. Apparent conflicts of interest.
 - (1) An apparent conflict of interest or code violation, usually by improper influence or financial interests, should be referred to the Commission for an opinion.
 - (2) An apparent conflict of interest is not a violation of the ethics code but should be avoided when possible.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that Chapter 41 of the Code, as amended hereby, shall remain in full force and effect.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that, in the event any portion of this Ordinance is found to be unconstitutional, illegal, null or void, by a court of competent jurisdiction, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the Ordinance shall be enforceable and valid, unless deletion of the invalid portion would defeat the clear purpose of the Ordinance, or unless deletion of the valid portion would produce a result inconsistent with the purpose and intent of the Board of County Commissioners in enacting this Ordinance.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that the foregoing recitals are hereby incorporated and adopted as if fully set forth.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that this Ordinance shall be effective upon recordation without publication of a fair summary.

DONE, this 25th day of November, 2014, by the Board of County Commissioners of Calvert County, Maryland, sitting in regular session.

Aye: 4

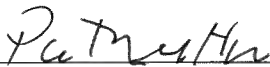
Nay: 0


Absent/Abstain: 1 - Weems

ATTEST:


BOARD OF COUNTY COMMISSIONERS
OF CALVERT COUNTY, MARYLAND


Maureen Frederick, Clerk

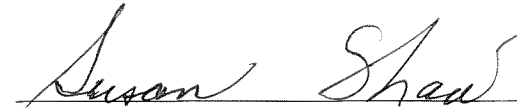

Pat Nutter, President



Steven R. Weems, Vice-President

Approved for legal sufficiency by:


Gerald W. Clark


John B. Norris, III, County Attorney


Susan Shaw


Evan K. Slaughenaupt Jr.

Received for Record..... 11/26..... 2014
at 9:45 o'clock..... A.M. Same day
recorded in Liber KPS No. 46
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OF CALVERT COUNTY AND RESOLUTION.

