

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Commissioners of St. Mary's County will conduct a public hearing in the Commissioners' Meeting Room in the Chesapeake Building, 41770 Baldrige Street, Leonardtown, Maryland, on **Tuesday, March 1, 2016** beginning at 6:00 p.m., for the purpose of receiving public comment on proposed Ordinances amending the *Code of St. Mary's County, Maryland*. The proposed Ordinances would:

- Amend Chapter 248 of the *Code of St. Mary's County, Maryland* (Property Maintenance Ordinance) to provide for a Voluntary Agreement between St. Mary's County and a property owner for the maintenance of property and the removal of nuisances;
- Adopt and codify Chapter 191 of the *Code of St. Mary's County, Maryland*, to provide that a violation of certain ordinances is a civil infraction and shall be prosecuted in the same manner and to the same extent as provided for a municipal infraction under Title 6 of the *Local Government Article* of the *Annotated Code of Maryland*;
- Amend Chapter 158 of the *Code of St. Mary's County, Maryland* (St. Mary's County Public Ethics Ordinance) to provide that an official or employee may not participate in any matter in which any person or entity with which the official or employee has a direct or indirect financial or business relationship is a party; and
- Amend Chapter 158 of the *Code of St. Mary's County, Maryland* (St. Mary's County Public Ethics Ordinance) to provide that persons appointed to volunteer boards, committees, commissions and councils shall be required to disclose financial information required by the St. Mary's County Public Ethics Ordinance only as to those interests, gifts, compensated positions, and liabilities that may create a conflict between the member's personal interests and the member's duties on the board, committee, commission or council. (This amendment has been recommended by the St. Mary's County Ethics Commission.)

Citizens are encouraged to attend and participate in the public hearing.

Copies of the proposed Ordinances are available in the Public Information Office, Governmental Center, 41770 Baldrige Street, Leonardtown, Maryland 20650, and under "Public Hearing Notices" at <http://www.co.saint-marys.md.us/>.

The Commissioners invite public comments and participation. Comments on the proposed Ordinances may be sent on or before March 1, 2016, to the Commissioners of St. Mary's County, P.O. Box 653, Leonardtown, Maryland 20650 or to csmc@stmarysmd.com.

Note that as a result of the evidence and comments made at the public hearing, amendments may be made to the proposed Ordinances.

COMMISSIONERS OF ST. MARY'S COUNTY

By: George R. Sparling, County Attorney

Subject: To Amend Chapter 248 of the *Code of St. Mary's County, Maryland*, to Provide for Property Maintenance Remediation Agreements

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ORDINANCE

TO AMEND CHAPTER 248 OF THE *CODE OF ST. MARY'S COUNTY, MARYLAND*, TO PROVIDE FOR PROPERTY MAINTENANCE REMEDIATION AGREEMENTS

RECITALS

WHEREAS, pursuant to Chapter 93 of the *Code of St. Mary's County, Maryland*, the Commissioners of St. Mary's County are authorized to provide for a Voluntary Agreement between St. Mary's County and a property owner for the maintenance of property and the removal of nuisances; and

WHEREAS, a notice of a public hearing was advertised on _____, 2016, and _____, 2016, in *The Enterprise*, a newspaper of general circulation in St. Mary's County, and a public hearing was held on _____, 2016, to receive public comment and consider the amendment of Chapter 248 of the *Code of St. Mary's County, Maryland*, to provide for a Voluntary Agreement between St. Mary's County and a property owner for the maintenance of property and the removal of nuisances; and

WHEREAS, the Commissioners of St. Mary's County find that it is in the best interest of the health, safety and welfare of the citizens of St. Mary's County to amend Chapter 248 of the *Code of St. Mary's County, Maryland*, to provide for a Voluntary Agreement between St. Mary's County and a property owner for the maintenance of property and the removal of nuisances,

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of St. Mary's County, pursuant to Chapter 93 of the *Code of St. Mary's County, Maryland*, that:

SECTION I. Chapter 248 of the *Code of St. Mary's County, Maryland*, is amended to add following:

Section 248-7. Remediation Agreements.

1. An owner of real property may enter into a voluntary agreement with the Commissioners of St. Mary's County for remediation by the County of the conditions constituting the nuisance, including demolition of existing improvements to the property.
2. The agreement shall provide for repayment by the property owner to the Commissioners of St. Mary's County of any remediation or demolition costs.
3. Any costs incurred by the County under an agreement shall constitute a lien against the

Subject: To Amend Chapter 248 of the Code of St. Mary's County, Maryland, to Provide for Property Maintenance Remediation Agreements

property until paid.

4. The Commissioners of St. Mary's County shall record notice of a lien under this chapter in the Land Records of St. Mary's County.

5. A lien under this chapter has the same priority and may be collected in the same manner as County real property taxes.

SECTION II. This Ordinance shall be effective upon the date written below.

Those voting Aye: _____

Those voting Nay: _____

Those Abstaining: _____

Date of Adoption: _____

Effective Date: _____

ATTEST:

COMMISSIONERS OF ST. MARY'S COUNTY

Rebecca B. Bridgett
County Administrator

James R. Guy, Commissioner President

Michael L. Hewitt, Commissioner

Approved as to form and legal
sufficiency:

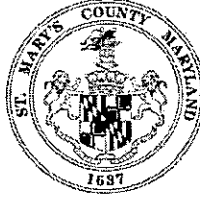
Tom Jarboe, Commissioner

George R. Sparling
County Attorney

Todd B. Morgan, Commissioner

John E. O'Connor, Commissioner

ST. MARY'S COUNTY GOVERNMENT
OFFICE OF THE COUNTY ATTORNEY
George R. Sparling, County Attorney
David A. Weiskopf, Deputy County Attorney



COMMISSIONERS OF ST. MARY'S COUNTY
James R. Guy, President
Michael L. Hewitt, Commissioner
Tom Jarboe, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

MEMORANDUM

TO: Commissioners of St. Mary's County

FROM: George R. Sparling, County Attorney

RE: Property Maintenance Ordinance (Voluntary Agreements)

DATE: January 15, 2016

An ordinance concerning property maintenance, authorized in 2014 by Chapter 93 of the *Code of St. Mary's County, Maryland* has been adopted. Enforcement has frequently involved remediation agreements between the County and the property owner. In some instances a property owner is willing, but without the financial resources, to remediate the violation or to demolish the structure. This amendment would enable (but not require) the County and the property owner to agree on a course of action to be undertaken by the County and a plan for repayment by the owner, to be secured by essentially adding the expense incurred by the County to the real property tax levied against the property.

Subject: To Codify Chapter 191 of the *Code of St. Mary's County, Maryland*, to Provide that Violations of Certain Ordinances Constitute Civil Infractions

ORDINANCE

TO CODIFY CHAPTER 191 OF THE *CODE OF ST. MARY'S COUNTY, MARYLAND*, TO PROVIDE THAT VIOLATIONS OF CERTAIN ORDINANCES CONSTITUTE CIVIL INFRACTIONS

WHEREAS, pursuant to §12-804 of the *Local Government Article* of the *Annotated Code of Maryland*, the Commissioners of St. Mary's County may provide that a violation of an ordinance is a civil infraction and shall be prosecuted in the same manner and to the same extent as provided for a municipal infraction under Title 6 of the *Local Government Article* of the *Annotated Code of Maryland*; and

WHEREAS, a notice of a public hearing was advertised on _____, 2016, and _____, 2016, in *The Enterprise*, a newspaper of general circulation in St. Mary's County, and a public hearing was held on _____, 2016, to receive public comment and consider a provision that a violation of certain ordinances is a civil infraction and shall be prosecuted in the same manner and to the same extent as provided for a municipal infraction under Title 6 of the *Local Government Article* of the *Annotated Code of Maryland*; and

WHEREAS, the Commissioners of St. Mary's County find that it is in the best interest of the health, safety and welfare of the citizens of St. Mary's County to provide that a violation of certain ordinances is a civil infraction and shall be prosecuted in the same manner and to the same extent as provided for a municipal infraction under Title 6 of the *Local Government Article* of the *Annotated Code of Maryland*,

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of St. Mary's County, pursuant to §12-804 of the *Local Government Article* of the *Annotated Code of Maryland*, that:

SECTION I. Chapter 191 of the *Code of St. Mary's County, Maryland*, be enacted and codified, to read as follows:

Sec. 191-1. Violation of ordinance a civil infraction.

A violation of the following ordinances codified in the *Code of St. Mary's County, Maryland*, as amended from time to time, is a civil infraction and shall be prosecuted in the same manner and to the same extent as provided for a municipal infraction under Title 6 of the *Local Government Article* of the *Annotated Code of Maryland*:

- Chapter 203 – Building Construction
- Chapter 217 – Electrical Code
- Chapter 236 – St. Mary's County Livability Code
- Chapter 256 – St. Mary's County Road Ordinance

Subject: To Codify Chapter 191 of the *Code of St. Mary's County, Maryland*, to Provide that Violations of Certain Ordinances Constitute Civil Infractions

- Chapter 261 – St. Mary’s County Stormwater Management, Grading, Erosion and Sediment Control Ordinance
- Chapter 262, §262 -3.C, §262-11, 12 – St. Mary’s County Solid Waste Disposal Ordinance
- Chapter 264 – St. Mary’s County Subdivision Regulations
- Chapter 285 – St. Mary’s County Comprehensive Zoning Ordinance

Sec. 191-2. Separate violation.

Every day that a violation continues is a separate civil infraction.

Sec. 191-3. Additional remedies.

In addition to all other remedies provided by this ordinance, the County may bring an action for an injunction against a person who violates an ordinance, a rule, or a regulation to require the correction or elimination of a violation.

SECTION II. §248-4.2 of the *Code of St. Mary's County, Maryland* is amended to read as follows:

A violation of this ordinance, as amended from time to time, is a civil infraction and shall be prosecuted in the same manner and to the same extent as provided for a municipal infraction under Title 6 of the *Local Government Article* of the *Annotated Code of Maryland*.

SECTION III. §260-5(b) of the *Code of St. Mary's County, Maryland* is amended to read as follows:

A violation of this ordinance, as amended from time to time, is a civil infraction and shall be prosecuted in the same manner and to the same extent as provided for a municipal infraction under Title 6 of the *Local Government Article* of the *Annotated Code of Maryland*.

SECTION IV. §203-9 of Chapter 203, §217.1.e(2)b of Chapter 217, §236-6.A of Chapter 236, §6.2.e of Chapter 256, §5.3.e of Chapter 261, §§262-3.D and 262-9.B, C, §40-2 of Chapter 264, and §§80.2 and 80.4 of Chapter 285 of the *Code of St. Mary's County, Maryland*, are hereby repealed.

SECTION V. This Ordinance shall be effective upon the date written below.

Those voting Aye: _____

Those voting Nay: _____

Those Abstaining: _____

Subject: To Codify Chapter 191 of the *Code of St. Mary's County, Maryland*, to Provide that Violations of Certain Ordinances Constitute Civil Infractions

Date of Adoption: _____

Effective Date: _____

ATTEST:

COMMISSIONERS OF ST. MARY'S COUNTY

Rebecca B. Bridgett
County Administrator

James R. Guy, Commissioner President

Michael L. Hewitt, Commissioner

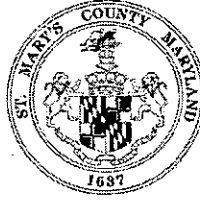
Approved as to form and legal
sufficiency:

Tom Jarboe, Commissioner

George R. Sparling
County Attorney

Todd B. Morgan, Commissioner

John E. O'Connor, Commissioner



MEMORANDUM

TO: Commissioners of St. Mary's County
FROM: George R. Sparling, County Attorney
RE: Violations of St. Mary's County Ordinances
DATE: January 15, 2016

The *Annotated Code of Maryland* formerly contained six different provisions that established penalties for violations of various ordinances in St. Mary's County. §12-804 of the *Local Government Article* is a general provision applicable to St. Mary's County. The five other provisions concerned roads, bridges, sediment control, subdivision regulations and the zoning ordinance. On October 1, 2015, legislation took effect which repealed the five specific provisions and clarified the remaining general provision.

§12-804 of the *Local Government Article* enables the Commissioners of St. Mary's County to make violation of a county Ordinance either a misdemeanor or a civil violation. The higher burden of proof and broader constitutional rights that inhere in a criminal proceeding gravitate against criminalization. A standard penalty clause implementing §12-804 of the *Local Government Article* has been formulated:

A violation of the this ordinance, as amended from time to time, is a civil infraction and shall be prosecuted in the same manner and to the same extent as provided for a municipal infraction under Title 6 of the *Local Government Article* of the *Annotated Code of Maryland*.

A municipal infraction is punishable by a fine not exceeding \$1,000, payable to the municipality. There are seven county ordinances violations of which should be designated as civil infractions:

- Chapter 203 – Building Construction
- Chapter 217 – Electrical Code
- Chapter 236 – St. Mary's County Livability Code
- Chapter 256 – St. Mary's County Road Ordinance
- Chapter 261 – St. Mary's County Stormwater Management, Grading, Erosion and Sediment Control Ordinance
- Chapter 264 – St. Mary's County Subdivision Regulations
- Chapter 285 – St. Mary's County Comprehensive Zoning Ordinance

The proposed ordinance repeals existing penalty language and applies the standard penalty clause to each of these ordinances. In addition penalty language in two recently enacted ordinances concerning property maintenance and removal of frozen precipitation is repealed and the standard penalty clause is substituted.

Subject: To Amend Chapter 158-5(a) of the *Code of St. Mary's County, Maryland*, to Prohibit Conflicts of Interest

Page 1 of 3

ORDINANCE

TO AMEND CHAPTER 158-5(a) OF THE *CODE OF ST. MARY'S COUNTY, MARYLAND*, TO PROHIBIT CONFLICTS OF INTEREST

RECITALS

WHEREAS, the Commissioners of St. Mary's County are required to adopt a St. Mary's County Public Ethics Ordinance pursuant to Title 15 of the *State Government Article* of the *Annotated Code of Maryland*; and

WHEREAS, the Commissioners of St. Mary's County find that it is in the best interest of the health, safety and welfare of the citizens of St. Mary's County to adopt provisions prohibiting conflicts of interest,

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of St. Mary's County that:

SECTION I. Section 158-5(a) of the *Code of St. Mary's County, Maryland*, is amended to read as follows:

Section 158-5. Prohibited conduct and interests.

(a) Participation prohibitions.

(1) Except as permitted by Commission regulation or opinion, an official or employee may not participate in:

(i) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision of the matter, any matter in which, to the knowledge of the official or employee, the official or employee or a qualified relative of the official or employee has an interest.

(ii) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision with respect to the matter, any matter in which any of the following is a party:

(A) A business entity in which the official or employee has a direct financial interest of which the official or employee may reasonably be expected to know;

Subject: To Amend Chapter 158-5(a) of the Code of St. Mary's County, Maryland, to Prohibit Conflicts of Interest

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(B) A business entity for which the official, employee, or a qualified relative of the official or employee is an officer, director, trustee, partner, or employee;

(C) A business entity with which the official or employee or, to the knowledge of the official or employee, a qualified relative is negotiating employment or has any arrangement concerning prospective employment;

(D) If the contract reasonably could be expected to result in a conflict between the private interests of the official or employee and the official duties of the official or employee, a business entity that is a party to an existing contract with the official or employee, or which, to the knowledge of the official or employee, is a party to a contract with a qualified relative;

(E) An entity, doing business with the St. Mary's County Government, in which a direct financial interest is owned by another entity in which the official or employee has a direct financial interest, if the official or employee may be reasonably expected to know of both direct financial interests; or

(F) A business entity that:

1. The official or employee knows is a creditor or obligee of the official or employee or a qualified relative of the official or employee with respect to a thing of economic value; and

2. As a creditor or obligee, is in a position to directly and substantially affect the interest of the official or employee or a qualified relative of the official or employee; or

(G) Any person or entity with which the official or employee has a direct or indirect financial or business relationship.

SECTION II. This Ordinance shall be effective upon the date written below.

Those voting Aye: _____

Those voting Nay: _____

Those Abstaining: _____

Date of Adoption: _____

Effective Date: _____

**Subject: To Amend Chapter 158-5(a) of the Code
of St. Mary's County, Maryland, to
Prohibit Conflicts of Interest**

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ATTEST:

COMMISSIONERS OF ST. MARY'S COUNTY

Rebecca B. Bridgett
County Administrator

James R. Guy, Commissioner President

Michael L. Hewitt, Commissioner

Approved as to form and legal
sufficiency:

Tom Jarboe, Commissioner

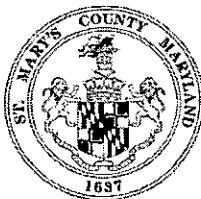
George R. Sparling
County Attorney

Todd B. Morgan, Commissioner

John E. O'Connor, Commissioner

**ST. MARY'S COUNTY GOVERNMENT
OFFICE OF THE COUNTY ATTORNEY**

*George R. Sparling, County Attorney
David A. Weiskopf, Deputy County Attorney*



COMMISSIONERS OF ST. MARY'S COUNTY

James R. Guy, President
Michael L. Hewitt, Commissioner
Tom Jarboe, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

MEMORANDUM

TO: Commissioners of St. Mary's County

FROM: George R. Sparling, County Attorney

RE: St. Mary's County Public Ethics Ordinance (Conflicts of Interest)

DATE: January 15, 2016

The current provisions in §158-5(a) of the St. Mary's County Public Ethics Ordinance prohibiting participation in a matter by a County official or employee are modeled after provisions in the Maryland Public Ethics Law. The provisions deal only with various direct relationships between the County official or employee and "business entities." The provisions are confusing and frequently difficult to apply to actual factual situations. More significantly, the current provisions contain loopholes, the greatest of which is the inapplicability of the prohibitions to often complex financial relationships between individuals.

The legislative purpose of conflict of interest prohibitions is to prevent participation when the governmental agent has any financial interest in the outcome.

The proposed amendment would add to §158-5(a)(1)(ii) the following prohibition of participation in any matter in which a party is:

(G) Any person or entity with which the official or employee has a direct or indirect financial or business relationship.

This "umbrella" provision should close any loopholes.

Subject: To Amend Chapter 158-7(a) of the *Code of St. Mary's County, Maryland*, to Designate Appointed Officials, Appointees, and Employees of the St. Mary's County Government Required to File Financial Disclosure Statements

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ORDINANCE

TO AMEND CHAPTER 158-7(a) OF THE *CODE OF ST. MARY'S COUNTY, MARYLAND*, TO DESIGNATE APPOINTED OFFICIALS, APPOINTEES, AND EMPLOYEES OF THE ST. MARY'S COUNTY GOVERNMENT REQUIRED TO FILE FINANCIAL DISCLOSURE STATEMENTS

RECITALS

WHEREAS, the Commissioners of St. Mary's County are required to adopt a St. Mary's County Public Ethics Ordinance pursuant to Title 15 of the *State Government Article* of the *Annotated Code of Maryland*; and

WHEREAS, the Commissioners of St. Mary's County find that it is in the best interest of the health, safety and welfare of the citizens of St. Mary's County to designate appointed officials, appointees, and employees of the St. Mary's County Government required to file financial disclosure statements,

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of St. Mary's County that:

SECTION I. Section 158-7(a) of the *Code of St. Mary's County, Maryland*, is amended to read as follows:

Section 158-7. Financial disclosure — employees and appointed officials.

(a) This section only applies to the following appointed officials, appointees, and employees of the St. Mary's County Government:

1. County Administrator
2. Assistant County Administrator
3. Chief of Staff for the County Administrator
4. County Attorney
5. Deputy County Attorney
6. Chief Financial Officer
7. Deputy Director of Finance
8. Director of Department of Aging and Human Services

Subject: To Amend Chapter 158-7(a) of the Code of St. Mary's County, Maryland, to Designate Appointed Officials, Appointees, and Employees of the St. Mary's County Government Required to File Financial Disclosure Statements

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9. Deputy Director of Department on Aging and Human Services
10. Director of Department of Economic Development
11. Deputy Director of Department of Economic Development
12. Director of Department of Human Resources
13. Deputy Director of Department of Human Resources
14. Director of Department of Land Use and Growth Management
15. Deputy Director of Department of Land Use and Growth Management
16. Director of Department of Emergency Services & Technology
17. Deputy Director of Department of Emergency Services & Technology
18. Director of Department of Public Works & Transportation
19. Deputy Director of Department of Public Works & Transportation
20. Director of Department of Recreation and Parks
21. Deputy Director of Department of Recreation and Parks
22. St. Mary's County Metropolitan Commissioners
23. Director of the St. Mary's County Metropolitan Commission
24. Deputy Director of the St. Mary's County Metropolitan Commission
25. General Counsel to the St. Mary's County Metropolitan Commission
26. Sheriff's Office Retirement Plan Board of Trustees
27. Retirement Benefit Trust of St. Mary's County Trustee appointed by the Commissioners of St. Mary's County
28. St. Mary's County Electrical Examiners Board
29. St. Mary's County Board of Appeals
30. St. Mary's County Planning Commission
31. St. Mary's County Economic Development Commission
32. St. Mary's County Ethics Commission
33. any person serving on an acting or interim basis in any position designated herein;
34. any person serving in a position or on a body that is created to perform substantially the same functions and duties as an abolished position or body designated herein; and
35. any member of a technical evaluation committee, any member of a procurement technical evaluation committee, or any person appointed to any board, committee, commission or council created by an ordinance, resolution, or public local law adopted by the Commissioners of St. Mary's County and not specifically enumerated above shall be required to disclose the information specified in §158-6 of this Ordinance, but only as to those interests, gifts, compensated positions, and liabilities that may create a conflict, as described in §158-5 of this Ordinance, between the member's personal interests and the member's duties on the board, committee, commission or council.

Subject: To Amend Chapter 158-7(a) of the Code of St. Mary's County, Maryland, to Designate Appointed Officials, Appointees, and Employees of the St. Mary's County Government Required to File Financial Disclosure Statements

SECTION II. This Ordinance shall be effective upon the date written below.

Those voting Aye: _____

Those voting Nay: _____

Those Abstaining: _____

Date of Adoption: _____

Effective Date: _____

ATTEST:

COMMISSIONERS OF ST. MARY'S COUNTY

Rebecca B. Bridgett
County Administrator

James R. Guy, Commissioner President

Michael L. Hewitt, Commissioner

Approved as to form and legal
sufficiency:

Tom Jarboe, Commissioner

George R. Sparling
County Attorney

Todd B. Morgan, Commissioner

John E. O'Connor, Commissioner

ST. MARY'S COUNTY GOVERNMENT
OFFICE OF THE COUNTY ATTORNEY

George R. Sparling, County Attorney
David A. Weiskopf, Deputy County Attorney



COMMISSIONERS OF ST. MARY'S COUNTY

James R. Guy, President
Michael L. Hewitt, Commissioner
Tom Jarboe, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

MEMORANDUM

TO: Commissioners of St. Mary's County
FROM: George R. Sparling, County Attorney
RE: St. Mary's County Public Ethics Ordinance (Financial Disclosure Statements)
DATE: January 15, 2016

A question has been raised regarding the requirement that members of **some** boards and commissions are required to file a financial disclosure statement, while others are not.

When changes in State law regarding financial disclosure required the County to revise the Ethics Ordinance in 2012, the enumeration of officials and employees required to file a financial disclosure statement was also revised. I am attaching the lists in the 2006 ordinance and the 2012 revision. I am uncertain as the rationale for several additions in 2012. I reviewed the State Ethics law and noted the following:

Local official", subject to § 5-801 of this title, means an **official, officer, or employee of a county** or municipal corporation that the governing body of the county or municipal corporation determines is subject to Subtitle 8, Part II of this title.

Related research as to the legal authority for certain boards and commissions led to the conclusion that a member of the following boards and commissions is not an "official of the County" because the board or commission is created and regulated by State law, even though State law may provide that the member is appointed by the Commissioners of St. Mary's County:

- Human Relations Commission
- Library Board of Trustees
- Social Services Board
- Soil Conservation Supervisors

Likewise, the Community Development Corporation is an independent body politic, not a County agency.

The St. Mary's County Human Services Council has been abolished and the Plumbing and Fuel Gas Board has no function since licensing, regulation and discipline of these professionals has been moved to the State level.

None of the above are subject to the St. Mary's County Public Ethics Ordinance, and reference to each should be deleted. This leaves the following:

- Procurement Technical Evaluation Committees
- St. Mary's County Emergency Services Committee
- St. Mary's County [Building Code] Appeals Board
- Agricultural Preservation Advisory Board Subcommittee
- Agricultural Reconciliation Subcommittee
- St. Mary's County Historic Preservation Commission

The State regulates its board members as follows:

The member [of a State Board] shall be required to disclose the information specified in § 5-607 of [the State law] **only** as to those interests, gifts, compensated positions, and liabilities **that may create a conflict**, as described in Subtitle 5 of [the State law], between the member's personal interests and the member's duties on the board.

While each of these boards and committees can, to some degree, affect public acquisitions and expenditures, procurement, or land use restrictions (with the exception of the Agricultural Reconciliation Subcommittee), the nexus is tenuous. Membership on procurement technical evaluation committees varies from procurement to procurement, and is determined within the Finance Department. The Building Code Appeals Board has not met in recent years in its official capacity. The Emergency Services Committee, Agricultural Preservation Advisory Board, and Historic Preservation Commission are advisory only.¹

Rather than attempt to analyze and classify individual boards and commissions, it may be preferable to follow the State model, and address **all board and commission members** who are "officials of the County" (many of whom are not currently required to file a financial disclosure statement) by the following:

Any member of a technical evaluation committee, member of a procurement technical evaluation committee, or person appointed to any board, committee, commission or council created by an ordinance, resolution, or public local law adopted by the Commissioners of St. Mary's County shall be required to disclose the information specified in §158-6 of this Ordinance only as to those interests, gifts, compensated positions, and liabilities that may create a conflict, as described in §158-5 of this Ordinance, between the member's personal interests and the member's duties on the board, committee, commission or council.

While self-reporting may be less than perfect, this provision would strike a balance between the obligations placed on citizen volunteers and the public good to be gained. Although a citizen volunteer may not have to file a financial disclosure statement, that board or commission member is still subject to the conflict of interest provisions of the Ordinance and required to provide notice of any potential conflict of interest. Failure to do so would constitute a violation of the Ethics Ordinance.

¹ No change is proposed with respect to the Board of Appeals, Planning Commission, Ethics Commission, Economic Development Commission or Electrical Examiners Board.