



## FREDERICK COUNTY GOVERNMENT

### OFFICE OF THE COUNTY EXECUTIVE

Jan H. Gardner  
County Executive

EXECUTIVE ORDER NO.: 01-2015

EFFECTIVE DATE: May 19, 2015

#### Limitations on Awards of County Contracts to Council Members, the County Executive, or Business Entities In Which They or Qualified Relatives Have A Direct Financial Interest

The Frederick County Ethics Commission recently issued Advisory Opinion No. 15-01, in which it determined that a sitting County Council member and business owner may submit bids and be awarded contracts for construction of County capital projects without violating the provisions of the County's Ethics Ordinance.

An Ethics Task Force was appointed in February 2015, and is undertaking comprehensive review of the Ethics Ordinance and will make recommendations to the County Council and the County Executive for amending the Ethics Ordinance. The Task Force will consider numerous issues, including strengthening conflict-of-interest provisions, and clarifying language to prevent county elected officials from profiting from their positions or doing business with the County.

To maintain the public trust and the highest standards of integrity, all elected officials must avoid even the appearance of impropriety or a conflict of interest in their activities.

Interim measures are needed to ensure open and honest government, and to restore the public trust pending completion of the recommendations of the Ethics Task Force and the implementation of those recommendations.

NOW, THEREFORE, I, JAN H. GARDNER, COUNTY EXECUTIVE OF FREDERICK COUNTY, MARYLAND, PURSUANT TO THE AUTHORITY VESTED IN ME BY THE CHARTER OF FREDERICK COUNTY, MARYLAND, AND THE LAWS OF MARYLAND, HEREBY ISSUE THIS EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY.

#### LIMITATION ON AWARD OF CONTRACTS

1. The County may not award or enter into any contract with:
  - a) A County Council Member or the County Executive;
  - b) A business entity in which a County Council Member or the County Executive has a direct financial interest; or
  - c) A business entity in which a County Council Member or the County Executive is an officer, director, trustee, or partner.

2. The County may not award or enter into any contract with:
  - a) A qualified relative of a County Council Member or the County Executive;
  - b) A business entity in which a qualified relative of a County Council Member or of the County Executive has a direct financial interest; or
  - c) A business entity in which a qualified relative of a County Council member or the County Executive is an officer, director, trustee, or partner.

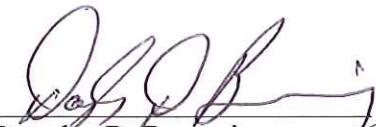
3. The following definitions apply to this Order:

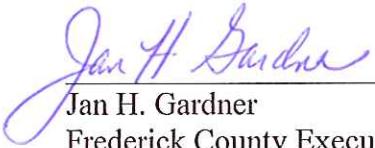
**BUSINESS ENTITY.** A corporation, general or limited partnership, sole proprietorship, limited liability company, joint venture, unincorporated association or firm, institution, trust, foundation or other entity operated for profit. Business entity does not include a governmental entity.

**DIRECT FINANCIAL INTEREST.** Ownership of or control over an interest in a business entity. Direct financial interest does not include ownership of less than 5% of the shares of a publicly traded business entity.

**QUALIFIED RELATIVE.** A spouse, parent, or child.

This Executive Order is issued this 19<sup>th</sup> day of May, 2015, and effective immediately.

  
Douglas D. Browning  
Chief Administrative Officer

  
Jan H. Gardner  
Frederick County Executive