

COUNTY LOCAL LAWS

PRIVATE COMMUNICATION FROM ANY PERSON WHETHER ORAL OR WRITTEN, WHICH HE KNOWS IS OR REASONABLY MAY BE INTENDED TO INFLUENCE UNLAWFULLY THE DECISION ON THE MERITS OF ANY MATTER PENDING BEFORE THE BOARD OF APPEALS OR AN APPEAL THEREFROM TO A COURT OF COMPETENT JURISDICTION. ANY SUCH EX PARTE OR PRIVATE COMMUNICATION RECEIVED AND CONSIDERED SHALL BE MADE OF PUBLIC RECORD BY THE RECIPIENT, AND IF MADE ORALLY, SHALL BE WRITTEN DOWN IN SUBSTANCE FOR THIS PURPOSE BY THE RECIPIENT. A COMMUNICATION TO THE CLERK OF THE BOARD OF APPEALS, CONCERNING THE STATUS OR PROCEDURES OF A PENDING MATTER SHALL NOT BE CONSIDERED AN EX PARTE OR PRIVATE COMMUNICATION. THIS SECTION SHALL NOT APPLY TO LEGAL ADVICE RENDERED BY THE COUNTY ATTORNEY OR HIS STAFF AND SHALL NOT APPLY TO TECHNICAL ADVICE OR EXPLANATION RENDERED BY GOVERNMENTAL AGENCIES AT THE REQUEST OF A MEMBER OR MEMBERS OF THE BOARD.

F. EFFECT IF CONFLICT OF INTERESTS.

IF, BECAUSE OF DISQUALIFICATION OR DISQUALIFICATIONS BY INTEREST UNDER THE PROVISIONS OF THIS SECTION, LESS THAN A QUORUM OF THE BOARD OF APPEALS IS AVAILABLE TO ACT UPON ANY PARTICULAR MATTER, EXCEPT SPECIAL EXCEPTIONS, THE REMAINING MEMBERS OF THE BOARD SHALL CONSTITUTE A QUORUM AND SHALL HAVE AUTHORITY TO TRANSACT BUSINESS TO THE EXTENT PERMITTED BY LAW; PROVIDED THAT THIS SHALL NOT BE CONSTRUED TO PERMIT TRANSACTION OF BUSINESS CONTRARY TO THE QUORUM REQUIREMENTS OR OTHER PROVISIONS OF STATE OR OTHER LAW.

Section 3. Section 73-24 Chapter 73, title "Administration", of the Montgomery County Code 1965, as amended, is hereby repealed and re-enacted, with amendments, to read as follows:

73-24. Application.

The provisions of this article shall apply to all officers and employees of the County, whether subject to the personnel merit system or otherwise, and to the County Executive, Chief Administrative Officer, the County Council, the County Attorney, the Hearing Examiners, department heads, and all other officers, employees, and members of boards, except the Board of Appeals, commissions, and agencies hired or appointed by or under the authority of the County Executive, County Council, or of the County. The words,