

## MONTGOMERY COUNTY

"official" or "officials" as used in this article shall not apply to members of bi-county agencies created by State law.

Section 4. Subsection b of Section 73-26, Chapter 73, title "Administration", of the Montgomery County Code 1965, as amended, is hereby repealed and re-enacted, with amendments, to read as follows:

73-26. Disclosure and non-participation required; ex parte communications.

b. An official shall not consider any ex parte or 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 where a determination is required by law to be made on a record after opportunity for hearing to interested persons. Any such ex parte or private communication received and considered shall be made of public record by the recipient, or reported to his superior, whichever shall apply, and if made orally, shall be written down in substance for this purpose by the recipient. A communication to the Secretary of the County Council, clerk of any County agency, concerning the status or procedures of a pending matter shall not be considered an ex parte or private communication. This subsection 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 or at the request of appropriate officials of the County.

Section 5. Severability.

The provisions of this Act are severable and if any provision, sentence, clause, section or part thereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the Act or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Act would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included therein, and if the person or circumstances to which the Act or any part thereof is inapplicable had been specifically exempted therefrom.