

**Frederick County Ethics Commission
Minutes for the Public Meeting of Monday, August 15, 2005**

Present: G. Anthony Crook, Chairman
 Phillip P. Killam, Commission Member
 Ronald W. Peppe, Alternate Commission Member
 Linda B. Thall, Assistant County Attorney

Absent: Andrew T. Jones, Commission Member

The Frederick County Ethics Commission met at 7:00 p.m. on August 15, 2005, at the Office of the County Attorney on the 3rd floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701.

MOTION: Mr. Peppe moved to open the meeting. Mr. Killam seconded the motion, which was approved unanimously.

Unfinished Business

Approval of the minutes – The Commission considered the minutes from its June 30, 2005, meeting.

MOTION: Mr. Peppe made a motion to approve the minutes. Mr. Killam seconded the motion, which was approved unanimously.

Additional information about a Frederick County Public Schools' official – The Commission previously received a complaint about the appointment of an official of the Frederick County Public Schools to the Board of Directors of another entity that does business with the Board of Education. The Commission had forwarded the complaint to the President of the Board of Education and to that Board's Ethics Panel. The Assistant County Attorney advised the Commission that the official who was the subject of the complaint had declined to accept the appointment to the Board of Directors of the other entity in order to avoid the appearance of a conflict of interest.

New Business

Discussion of Board of County Commissioners' Legislative Package for the 2006 General Assembly Session – Prior to its meeting, the Commission members received a summary from the Board of County Commissioners of items suggested for inclusion in the 2006 Legislative Package. One of the items, proposed by the President of the Board of County Commissioners, is a public ethics bill. The bill would require the disclosure of certain communications made with a County Commissioner outside of a public meeting and would also prohibit a County Commissioner from soliciting or accepting contributions to a person who has business pending

before the Board of County Commissioners. The Commission members discussed this bill, noting that it would not amend the County's Ethics Ordinance.

MOTION: Mr. Peppe moved to have the Commission send a letter to the Board of County Commissioners stating that while the Commission sees the value in the public ethics bill, the Commission does not believe it would be appropriate to take a position on the bill due to the fact that the bill would not be amending the Ethics Ordinance. Mr. Killam seconded the motion, which was approved unanimously.

The Commission also discussed whether it wanted to recommend that the Board of County Commissioners include in its Legislative Package a proposal to extend the County's Ethics Ordinance to entities that receive County funding, such as the State's Attorney's Office, the Sheriff's Office and the Board of Education. The Commission opted not to make such a recommendation at this time.

Lobbying Reform Ordinance – The Commission members discussed the Lobbying Reform Ordinance pending before the Board of County Commissioners. The members favored expanding the definition of “County Official” in Section 1-7.2-1(d) to include any official or employee who is required under the Ethics Ordinance to file a financial disclosure statement with the Ethics Commission. This change would apply wherever that term is used, including Section 1-7.2-5(b)(2). The Commission also expressed concern over the inclusion of other governmental agencies in the definition of “entity” in Section 1-7.2-1(f), which could result in a governmental entity needing to register as a lobbyist if it spent at least \$2,000 to solicit others to communicate with County officials to influence an official action.

MOTION: Mr. Peppe moved to have the Commission send a letter to the Board of County Commissioners with the Commission's recommendations. Mr. Killam seconded the motion, which was approved unanimously.

Training request to the State Ethics Commission – The Commission noted that the State Ethics Commission has not provided any training for local Ethics Commission members for approximately two years.

MOTION: Mr. Peppe moved to have the Commission send a letter to the State Ethics Commission expressing the Commission's interest in a two to three day training conference. Mr. Killam seconded the motion, which was approved unanimously.

New Standard Operating Procedures – The Assistant County Attorney provided the Commission members with draft Standard Operating Procedures. The Commission members agreed to defer discussion of the Standard Operating Procedures until a future meeting.

Review of financial disclosure forms – The Commission members reviewed and discussed the financial disclosure forms received to date. The Commission noted an inconsistency between the heading of the fourth question and the question itself. This will be fixed prior to release of the forms next year. The Assistant County Attorney was asked to contact two individuals to

obtain more information in response to questions raised upon review of their financial disclosure forms.

Adjournment

MOTION: Mr. Peppe moved to adjourn the meeting. Mr. Killam seconded the motion, which was approved unanimously.

The Ethics Commission adjourned its meeting at 9:35 p.m.

/s/
Linda B. Thall, Assistant County Attorney