

Frederick County Ethics Commission
Minutes for the Public Meeting of Thursday, June 9, 2005

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

The Frederick County Ethics Commission met at 7:00 p.m. on June 9, 2005, at the Office of the County Attorney on the 3rd floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701.

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

New Business

Request for an advisory opinion – The Commission received a request for an advisory opinion from the President of the Board of County Commissioners. The request was made after another Commissioner alleged that it was a conflict of interest for the President of the Board of County Commissioners to present a proposed amendment to the Ethics Ordinance that had been recommended by the Ethics Commission. The Commission members viewed a videotape of the May 26, 2005, administrative business meeting where the subject of amending the Ethics Ordinance was discussed by the County Commissioners and where the allegation of a conflict of interest was made. The Commission then discussed the request for an advisory opinion.

MOTION: Mr. Crook made a motion to issue an advisory opinion describing the types of conduct covered by the conflict of interest provisions in the Ethics Ordinance and finding that proposing consideration of the legislation recommended by the Commission was not a conflict of interest under the Ordinance. The advisory opinion would also state that the Commission members viewed the video tape of the session in which the amendment of the Ethics Ordinance was discussed, that the President of the Board of County Commissioners also sought an opinion from the County Attorney as to the existence of a conflict of interest, and that the County Attorney had concluded that there was not a conflict of interest. Mr. Peppe seconded the motion. The motion was approved by a vote of two members in favor of the motion (Mr. Crook and Mr. Peppe) with one member (Mr. Killam) opposed to the motion.

After additional discussion, Mr. Killam concurred with the decision to issue the advisory opinion. The Assistant County Attorney was asked to draft the advisory opinion and e-mail it

to the members for comments. The Commission members agreed to provide comments on the draft advisory opinion within two business days.

Unfinished Business

Approval of the minutes – The Commission considered the minutes from its May 10, 2005, meeting. A revision to the minutes had been requested by Mr. Crook prior to the meeting and revised minutes were prepared to incorporate the revision.

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

Update on recommended Ethics Ordinance amendment – The Assistant County Attorney advised the Commission members that the President of the Board of County Commissioners had sent a request for an advisory opinion to the State Ethics Commission. The request asked whether the conflict of interest provisions in the County's Ethics Ordinance were similar to the State Ethics Law provisions on conflicts of interest. If the answer is that the two laws are not similar, the request asked whether the County was in compliance with the requirement in State law that counties adopt conflict of interest provisions that are similar to the State Law's conflict of interest provisions. The Commission determined that there was no need for further action by the Commission at this time.

Reception for County Board and Commission members – The annual reception will be held on June 14, 2005. The Commission members were advised that anyone planning on attending the reception needed to RSVP by June 10.

New Business

Recommendation for selection of new Commission member – The Commission members were advised that Mr. Jones has applied for the vacant position on the Commission that will be created by the departure of Mr. Peppe at the end of June.

MOTION: Mr. Crook made a motion to have the Commission support the appointment of Mr. Jones. Mr. Killam seconded the motion, which was approved unanimously.

County Commissioner's request for comments on proposed resolution – Mr. Peppe received a request for comments from a County Commissioner on a resolution that has been submitted to the Board of County Commissioners. The resolution, if approved, would reflect a commitment by the County Commissioners not to knowingly accept or solicit campaign contributions from a person, business entity or representative with pending business before the County Commissioners and to publicly disclose any such contributions inadvertently solicited or accepted. The resolution would also express interest on the part of the Board of County Commissioners in supporting legislation in 2006 to regulate these contributions and to impose a fine in the event of a knowing violation. Mr. Crook stated that the Commission should not comment on the proposal as it called for the adoption of voluntary standards and was self-enforcing by the County Commissioners and was not proposing an amendment to the Ethics

Ordinance. Mr. Jones suggested that the Commission respond to this request as it did in a prior advisory opinion concerning possible violation of County policies unrelated to the Ethics Ordinance. In that case, the Commission recognized that it lacked the authority to enforce policies not contained in the Ethics Ordinance.

MOTION: Mr. Crook made a motion to respond to the Commissioner with a letter stating that it would not provide comments, for the reasons expressed above. Mr. Killam seconded the motion, which was approved unanimously.

Selection of a new chairman – The Commission considered the selection of a new chairman.

MOTION: Mr. Crook made a motion to have the Commission nominate a new chairman when Mr. Peppe's term ends. Mr. Killam seconded the motion, which was approved unanimously.

MOTION: Mr. Crook made a motion to nominate Mr. Killam as the new chairman. Mr. Killam thanked Mr. Crook and the other members for the nomination, which he respectfully declined. Mr. Killam then moved to nominate Mr. Crook as the new chairman. Mr. Crook agreed, with the understanding the Mr. Killam would act as the chairman whenever Mr. Crook is unable to attend a Commission meeting. The effective date for this change would be June 30, 2005. Mr. Peppe seconded the motion, which was approved unanimously.

Adjournment

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

The Ethics Commission adjourned its meeting at 8:35 p.m.

/s/
Linda B. Thall, Assistant County Attorney