

**Frederick County Ethics Commission
Minutes for the Meeting of Monday, April 19, 2004**

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

Absent: Phillip P. Killam, Commission Member

The Frederick County Ethics Commission met at 7:00 p.m. on April 19, 2004, at the Office of the County Attorney on the 3rd floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701.

Unfinished Business

Approval of the minutes – The Commission considered the minutes from its March 22, 2004, meeting.

MOTION: Mr. Crook moved to approve the minutes. Mr. Peppe seconded the motion, which was approved with two in favor and none opposed. Mr. Jones was not present for this vote.

Request for secretarial assistance in preparing the minutes – The Assistant County Attorney advised the Commission that the Board of County Commissioners was reviewing the Commission's request as part of its budget deliberations and that the Board of County Commissioners had not made a decision on the request at this time. The Assistant County Attorney was not optimistic about additional funding being provided for this purpose. Mr. Jones suggested that the Commission consider bringing in a high school or college intern to prepare the minutes. The Commission decided to wait for receipt of a decision from the Board of County Commissioners before deciding how to allocate responsibility for preparation of the minutes.

Request for information on insurance coverage – The Assistant County Attorney informed the Commission that the memorandum from the County Attorney on insurance coverage for Commission members had not been received. The Commission members then discussed options for obtaining the requested information.

MOTION: Mr. Crook made a motion to request assistance from the Board of County Commissioners in getting the information it requested. The Ethics Commission would send a memorandum to the Board of County Commissioners describing the request the Commission made in its February 17, 2004, memorandum to the County Attorney and noting that the County Attorney had promised to respond

to the memorandum by the date of this meeting. The memorandum to the Board of County Commissioners would request that the Board of County Commissioners ask for a formal response from the County Attorney as soon as practicable. A copy of the February 17 memorandum would be attached to the memorandum.

A discussion of the motion followed. The motion was amended to have the memorandum contain a statement that the Commission hoped to have a response from the County Attorney by the time of the Commission's May meeting. Mr. Jones seconded the motion, as amended. The motion passed unanimously. Mr. Peppe will sign the memorandum for the Commission.

Creation of an Ethics Commission website – The Assistant County Attorney told the Commission that she and Kim Long had met with IIT to discuss the creation of a website for the Commission. IIT will create the website and Mrs. Long will then update the site as needed. The website will contain notice of future meetings and Commission minutes. The Commission decided to include its written opinions for the past five years. The Commission also asked that the ethics ordinance be scanned so that it is available on the website. Once the County Code is available on the Internet, the Commission's website could contain a link so that the ethics ordinance can be accessed on the publisher's website. The Commission's current brochure will be available on the website, as will financial disclosure forms. The Commission decided to have the members' names listed, but not their personal telephone numbers or e-mail addresses. Instead, the Commission requested that IIT create a separate mailbox for the Commission Chair and that the website contain a statement pointing out that the Commission Chair could be contacted directly by using that mailbox. The mailbox contents would only be accessible to the Commission.

New Business

Request for advisory opinion – The Commission discussed the memorandum from the Department of Parks and Recreation requesting guidance on a proposed contract with a business owned by two Frederick County employees. The contract is for the operation of a concession stand at a County park. The Commission members had questions regarding the manner in which the contract was advertised, whether the County followed its standards procedures in advertising the contract, and the past practice followed in operating the concession stand. The Commission questioned the impact on the County if the exemption from the conflict of interest provisions was not granted.

MOTION: Mr. Crook made a motion to have the Commission send a letter to the Department of Parks and Recreation stating that the contract would present a conflict of interest under the ethics ordinance and recommending that the County readvertise the contract. If the same situation presented itself after readvertising the contract, the letter would ask the Parks and Recreation Department to document the reasons in support of an exemption from the conflict of interest ordinance. The motion was not seconded.

MOTION: Mr. Crook moved to have the Assistant County Attorney contact the sender of the memorandum to obtain answers to the following questions:

- when, where and how the contract was advertised
- who has bid on the contract in the past three years and how the contract was advertised each of those times
- what was the dollar amount of the contract in each of the past three years
- after sharing the ethics ordinance language on conflict of interest exemptions with the sender of the memorandum, what are the reasons that would support an exemption; i.e., why should the Commission vote to grant an exemption under the ethics ordinance

Mr. Jones seconded the motion, which passed unanimously.

If the answers to these questions can be obtained during the week of April 19, the Commission agreed to meet again on April 26 to further consider the request from Parks and Recreation.

Adjournment

MOTION: Mr. Jones moved to adjourn the meeting. Mr. Crook seconded the motion. The motion passed unanimously.

The meeting was adjourned at approximately 8:20 p.m.

/s/

Linda B. Thall, Assistant County Attorney