

**Frederick County Ethics Commission
Minutes for the Meeting of Monday, February 9, 2004**

Present: Ronald W. Peppe, Chairman
 Phillip P. Killam, Commission Member
 G. Anthony Crook, 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 February 9, 2004, at the Office of the County Attorney on the 3rd floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701.

Old Business

Insurance memorandum – The Commission discussed the draft memorandum to the County Attorney that was e-mailed to the Commission members prior to the meeting. The members suggested changes to the wording of the memorandum. Mr. Peppe asked whether the insurance coverage provided to members of the Commission would continue after their terms expired, if the claim was based on action taken while they were still members of the Commission. Mr. Killam questioned whether the County would pay for private liability insurance in the event that the Commission members were not adequately covered by the County's liability insurance.

MOTION: Mr. Crook moved to send the memorandum as written. The motion was not seconded.

MOTION: Mr. Killam moved to approve the memorandum, as reworded to delete the reference to Commission members being "sued", to inquire as to the coverage of individual members under the County's liability insurance after the expiration of their terms and to have the memorandum prepared for Mr. Peppe's signature on behalf of the Commission. Mr. Crook seconded the motion. The motion passed unanimously.

Approval of the minutes – The Commission considered the minutes for its meetings on December 8 and December 15, 2003.

MOTION: Mr. Crook moved to approve the minutes for both meetings. The motion was seconded and approved unanimously.

Request for advisory opinion – Prior to the meeting, the Assistant County Attorney e-mailed the Commission members background information regarding the roles of the independent volunteer fire and rescue companies, the Frederick County Volunteer Fire and Rescue Association, Inc. and the Board of County Commissioners. The Commission members discussed the opinion request in light of the information provided.

MOTION: Mr. Crook moved to allow the employee to continue his outside employment with one of the volunteer fire and rescue companies for the current year due to the delay in issuing the advisory opinion, but to find that the outside employment was not acceptable in the future. Mr. Killam seconded the motion and it was approved unanimously.

The Commission asked the Assistant County Attorney to e-mail a draft of the advisory opinion to the members for review.

Request for assistance in preparing a website and preparing minutes – The Commission discussed the memorandum the Assistant County Attorney e-mailed to the Commission members prior to the meeting. During the discussion, the Assistant County Attorney updated the Commission on a new opinion issued by the Open Meetings Compliance Board on the practice of giving notice of a public meeting through posting a notice on the door of the location where the meeting will be held. The Commission members determined that in the future, notice should be posted at least one week in advance of its meetings.

MOTION: Mr. Crook moved to approve the memorandum to the Board of County Commissioners, but with an added reference to the decision of the Open Meetings Compliance Board. Mr. Killam seconded the motion and it was approved unanimously.

Financial disclosure statement – The Assistant County Attorney provided the Commission with the details of her conversation with an individual who filed a financial disclosure statement regarding his ownership of property on which a driving range is located. The individual advised the Assistant County Attorney that he leases the property to a tenant and that the tenant operates the driving range. The individual has no financial interest in the driving range and receives no additional rental as the result of its operation.

MOTION: Mr. Crook moved to have the Assistant County Attorney instruct the individual to amend his financial disclosure form to show his ownership of this property and for the Assistant County Attorney to let the Commission know if the amendment was not received within thirty days. Mr. Killam seconded the motion and it was approved unanimously.

Insurance Committee – The Commission discussed the composition of the Insurance Committee, as well as its responsibilities. The Commission determined that no further action on its part was required.

MOTION: Mr. Killam moved to have the Assistant County Attorney draft a letter for his signature conveying the Commission’s decision. Mr. Crook seconded the motion and it was approved unanimously.

Advisory Opinion 03-3 – The Commission considered whether it should issue a revised advisory opinion. The Commission also discussed the possibility of seeking review of the opinion from the State Ethics Commission. The members of the Commission agreed to defer any decisions to a later time after it receives a response to its request for information about liability insurance coverage.

New Business

Lobbying reform proposal – The Commission discussed the lobbying reform proposal made by the President of the Board of County Commissioners, John J. Thompson, Jr.

MOTION: Mr. Killam moved to have the Ethics Commission take a position in favor of the general concept of lobbying reform, citing the need to strengthen the County’s regulations as the County grows in population, making the issues faced by the County more closely parallel to those faced by the larger counties in the State. Mr. Crook seconded the motion and it was approved unanimously.

The Commission directed the Assistant County Attorney to prepare a letter for Mr. Peppe’s signature.

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

The meeting was adjourned at approximately 9:30 p.m.

/s/
Linda B. Thall, Assistant County Attorney