

Frederick County Ethics Commission

Minutes for the Public Meeting of Tuesday, May 8, 2007

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

The Frederick County Ethics Commission met at 7:00 p.m. on May 8, 2007, at the Office of the County Attorney on the 3rd floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701.

MOTION: Mr. Bickel made a motion to open the meeting. Mr. Jones seconded the motion, which was approved unanimously.

Unfinished Business

Approval of the minutes – The Commission considered the minutes from its March 1, 2007, meeting.

MOTION: Mr. Jones made a motion to approve the minutes as drafted. Mr. Bickel seconded the motion, which was approved unanimously.

Electronic filing of financial disclosure forms – The Senior Assistant County Attorney advised the Ethics Commission that officials and employees will be able to file their annual financial disclosure statements electronically in July.

Amendment of the Ethics Ordinance – The Senior Assistant County Attorney advised the Commission that the Board of County Commissioners may introduce an amendment to the conflict-of-interest provision in the Ethics Ordinance related to the acceptance of tickets to professional or intercollegiate sporting events. The amendment was recommended by the Ethics Commission in May 2005 and by the State Ethics Commission in January 2006. The previous Board of County Commissioners considered the amendment, but it was not adopted.

New Business

Appointment of new member – Mr. Crook's and Mr. Peppe's terms end on June 30, 2007. The Commission reviewed an application for appointment to the Commission and considered whether to take a position on the appointment, as requested by the County's Administrative Officer. Mr. Peppe stated that he had not applied for reappointment to the Commission, but would be willing to reapply and continue serving as an alternate member if the vacancy was readvertised and no other applications were received.

MOTION: Mr. Crook moved to have the Commission recommend the new applicant and make a request to have the second vacancy readvertised by the Administrative Officer. Mr. Jones seconded the motion, which was approved unanimously.

After further discussion, the Commission determined that it was necessary to address a potential conflict of interest on the part of the applicant recommended for appointment.

MOTION: Mr. Jones moved to have the Commission recommend the new applicant for full membership on the Commission, but point out a possible conflict due to the applicant's current membership on an ethics panel for an entity that receives funding from the Board of County Commissioners and note that there may be situations where recusal would be warranted if officials or employees of the other entity were involved in a matter on which the Commission was being asked to take a position. Mr. Bickel seconded the motion, which was approved unanimously.

The Commission authorized the Senior Assistant County Attorney to send an email to the Administrative Officer.

Lobbying reform – Prior to the meeting, the Senior Assistant County Attorney sent the Commission members forms and instructional materials related to the lobbying reform ordinance that takes effect on July 1, 2007. The Commission approved the forms and discussed efforts that could be taken to ensure that the public is aware of the new ordinance. The Commission also discussed a letter it received raising questions about the ordinance.

MOTION: Mr. Jones moved to have the Commission send a response to the letter in which it would share copies of the forms and instructional materials, as it is the Commission's position that the materials answer the questions presented in the letter. The author of the letter would be directed to contact the Commission if any questions remained after reviewing the materials provided. Mr. Bickel seconded the motion, which was approved unanimously.

Request for an Advisory Opinion – The Commission discussed a request from a member of the Board of County Commissioners for an Advisory Opinion on whether it would violate the Ethics Ordinance for a County Commissioner to take a public position on a possible annexation or referendum. The Commission concluded that announcing a position on a possible annexation or referendum would not violate the Ethics Ordinance.

MOTION: Mr. Jones moved to have the Commission issue an Advisory Opinion concluding that a County Commissioner who announced a position on a possible annexation or referendum would not violate the Ethics Ordinance. Mr. Bickel seconded the motion, which was approved unanimously.

Request for an Advisory Opinion – The Commission considered a request from a County Commissioner for an Advisory Opinion regarding acceptance of a consulting position from an

entity that does business in Frederick County. The Commission decided to invite the Commissioner to its next meeting so that additional information could be obtained.

Planning and Zoning Public Ethics Law – The Commission was advised that the Governor signed this legislation and that the law is scheduled to become effective on June 1, 2007. The law requires that the disclosures be made on forms approved by the Ethics Commission. The Senior Assistant County Attorney submitted proposed forms to be used for the disclosure of ex parte communications and contributions, as required by the new law, to the Commission for consideration.

MOTION: Mr. Jones moved to accept the forms as drafted. Mr. Bickel seconded the motion, which was approved unanimously.

Request for an Advisory Opinion – The Ethics Commission reviewed a request for an Advisory Opinion regarding appointments to a County Board or Commission. The Commission discussed application of the Ethics Ordinance to Boards and Commissions and the circumstances under which disclosure of potential conflicts of interest is required.

MOTION: Mr. Jones moved to have the Commission issue an Advisory Opinion concluding that the Ethics Ordinance does apply to members of County Boards and Commissions, finding that the Commission should not make recommendations on possible changes to a particular Board's Charter, providing guidance for advance review of potential conflicts of interest, and giving general advice on situations where recusal may be required. Mr. Bickel seconded the motion, which was approved unanimously.

Adjournment

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

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

/s/
Linda B. Thall, Senior Assistant County Attorney