

Frederick County Ethics Commission

Minutes for the Public Meeting of Monday, August 18, 2008

Present: Andrew T. Jones, Chairman
Karl W. Bickel, Commission Member
Paula C. Bell, Commission Member
E. Donald Foster, Alternate Commission Member
Linda B. Thall, Senior Assistant County Attorney

Also present for the initial part of the meeting were Assistant County Manager Barry Stanton and Ethics Compliance Administrator Ragen Cherney.

The Frederick County Ethics Commission met at 7:00 p.m. on August 18, 2008, at the Office of the County Attorney on the 2nd floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701.

Unfinished Business

Approval of the minutes – The Commission considered the minutes from its May 7, 2008, meeting. Before the meeting, the draft minutes were circulated and subsequently revised at the request of Mr. Jones.

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

Public Ethics Law summary report – The Assistant County Manager and Ethics Compliance Administrator met with the Commission to discuss the contents of the summary report that the Public Ethics Law requires the County Manager to submit at least twice a year. The Ethics Compliance Administrator will provide a draft of the summary report to the Commission, through the Senior Assistant County Attorney, for review and comment. The Commission members agreed to provide comments on the draft report within one week of its receipt. There was also a discussion of when information about campaign contributions to the members of the Board of County Commissioners would be available and how that information would be made public. The County Manager's staff agreed that if it receives information about campaign contributions to suggest that a violation of the Public Ethics Law may have occurred, this information would be highlighted in its reports.

Update on Advisory Opinion 08-03 – The Senior Assistant County Attorney advised the Commission members that this Advisory Opinion had been sent to members of County Boards and Commissions who are appointed by the Board of County Commissioners and subject to the Ethics Ordinance. The Advisory Opinion will also be included in the next employee newsletter, which is due to be published in October 2008.

Request for an Advisory Opinion – The Commission discussed a request for an Advisory Opinion that it received from a member of a County Board. The Commission determined that

additional information regarding the opinion request was needed and asked that the Board member be invited to the Commission's next meeting.

Recommendations for change to the Ethics Ordinance – The Commission considered possible changes to the Ordinance's list of officials and employees who are required to file annual financial disclosure statements. Information regarding current County boards and commissions was provided to the Commission members. Mr. Foster suggested that advisory groups not be required to file financial disclosure statements. Ms. Bell suggested that consideration be given to recommending a change in the Ordinance that would require all board and commission members to file financial disclosure statements.

MOTION: Mr. Jones moved to have the Commission direct the Senior Assistant County Attorney to contact the Human Resources Division Director to obtain his recommendation for the appropriate employee grade level at which financial disclosure statements would be required and to obtain information regarding the percentage of employees below grade 15. The Commission also asked for a listing of positions by grade level. Mr. Foster seconded the motion, which was approved unanimously.

The Commission decided to defer a decision until the end of August so that it could consider the additional information it requested.

2008 financial disclosure forms – The Senior Assistant County Attorney advised the Commission members that once all financial disclosure forms for 2008 have been received, they will be provided to the Ethics Commission for approval. Most, but not all, of the 2008 forms have been received.

New Business

Request for an investigation/possible complaint – Before the meeting, a member of the Board of County Commissioners had submitted a request that the Ethics Commission investigate charges of unethical conduct on his part. The Commission received several e-mail messages related to the charges. The Commission members discussed the facts and concluded that there was no need for an investigation because the facts alleged did not constitute a violation of the Ethics Ordinance. The Commission asked the Senior Assistant County Attorney to draft an Advisory Opinion in response to the County Commissioner's request.¹

Lobbying Activity Reports – The Senior Assistant County Attorney advised the Commission that most of the Lobbying Activity Reports due on July 31, 2008, had been received. The Commission agreed to review the Reports and address compliance issues at a future meeting.

¹ After the Commission met, additional information and new requests for action by the Ethics Commission were received. The Commission will revisit this matter at its next meeting. Until that time, Mr. Jones requested that staff suspend action on the Advisory Opinion and invite the person who alleged that unethical conduct had taken place to attend the Commission's next meeting.

Scheduling of the next meeting – The Commission agreed to meet again during the first week of September 2008.

Adjournment

MOTION: Upon being advised that it was necessary for Winchester Hall to be evacuated due to an emergency situation, Mr. Bickel moved to adjourn the meeting. Mr. Foster seconded the motion, which was approved unanimously.

The Ethics Commission adjourned its meeting at 8:30 p.m.

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