



Bill No. 18-25

Concerning: Impartiality of Planning Commission
and Board of Appeals Members

Introduced: September 4, 2018

Revised: _____ Draft No. _____

Enacted: _____

Effective: _____

Expires: October 31, 2018

Frederick County Code, Chapter 1-13

Section(s) 22 (new)

COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council Member Tony Chmelik

AN ACT to: Assure the impartiality of Planning Commission and Board of Appeals Members

Executive: _____ Date Received: _____

Approved: _____ Date: _____

Vetoed: _____ Date: _____

By amending/adding:

Frederick County Code, Chapter, 1-13 Section(s) 22

Other: _____

| | |
|----------------------------|---|
| Boldface | <i>Heading or defined term.</i> |
| <u>Underlining</u> | <i>Added to existing law.</i> |
| [Single boldface brackets] | <i>Deleted from existing law.</i> |
| *** | <i>Existing law unaffected by bill.</i> |

Bill No. 18-25

The County Council of Frederick County, Maryland, recognizes that members of the Frederick County Planning Commission (FcPc) and Board of Appeals (BOA) are called upon in the exercise of their office to render decisions on matters of public interest.

The council further recognizes that members of the FcPc and BOA should exercise their authority in such matters impartially and in accordance with applicable law, without regard to any personal position or prejudice.

The Council finds that it will enhance public confidence and promote good government for the members of the FcPc and BOA to abide by a canon of ethics which precludes them from participating in or expressing personal opinion on matters of public interest which may come before them in their respective administrative roles.

The Council, therefore, has decided to amend Chapter 1-13 of the Frederick County Code to provide such ethical parameters for the members of the FcPc and BOA.

The goal of this bill is to provide guidance to members of the FcPc and the BOA, so they may better understand their responsibility to be impartial. At all times, a member of the FcPc or the BOA should strive to meet the overarching judicial obligation to apply and uphold the law, impartially, without regard to his or her personal views. They should aspire to avoid making commitments, promises, or pledges that may be inconsistent with the impartial performance of their duties of office; so that any reasonable person would not believe that the member has specifically undertaken to reach a particular result in any case brought before them. Political commitments, promise, and pledges must be contrasted with and are distinct from statements or announcements of personal views on legal, political, or other issues, which are not prohibited.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF
FREDERICK COUNTY, MARYLAND, that the Frederick County Code be, and it is hereby,
amended as shown on the attached Exhibit 1.

Harold F. (Bud) Otis, President
County Council of Frederick County,
Maryland

1-13-22. IMPARTIALITY OF PLANNING COMMISSION AND BOARD OF APPEALS MEMBERS.

A. Members of the Frederick County Planning Commission and Members of the Frederick County Board of Appeals (Member), once the appointment of Member has become effective, shall comply with the following provisions.

B. A Member shall:

1. Act at all times in a manner consistent with independence, integrity and impartiality, and maintain the dignity appropriate to the body to which appointed;

2. With respect to a case, controversy, or issue that is likely to come before the Member, shall not make a commitment, pledge, or promise that is inconsistent with the impartial performance of the adjudicative duties of the office;

3. Shall not make any statement that would reasonably be expected to affect the outcome or impair the fairness of a matter pending or impending before the Member;

4. Shall not disclose or use nonpublic information acquired in their role as a Member for any purpose unrelated to their official duties.

Underlining indicates matter added to existing law.

[Single boldface brackets] indicates matter deleted from existing law.

*** - indicates existing law unaffected by bill.