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MONTGOMERY COUNTY ETHICS COMMISSION

TO: Montgomery County Council

VIA: Phil Andrews, President

FROM: Barbara McNally, Executive Secretary *Barbara McNally*
Ethics Commission

SUBJECT: Approval to retain outside counsel

DATE: June 8, 2009

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The Ethics Commission is seeking the County Council's approval to retain outside counsel in order to prosecute an ethics complaint pending before the Commission.

Section 410 of the County Charter provides that "the Council, by law, may allow an ethics commission to retain legal counsel with the approval of the Council, subject to appropriation, and may exempt legal counsel for the commission from Section 213 [requiring approval of the County Attorney]." The Council has implemented this section of the Charter through section 19A-5(f)(4) of the ethics law, which states as follows:

The Commission may retain legal services from persons outside the Office of the County Attorney and without the approval of the County Attorney if:

- (A) the Commission finds that obtaining independent legal services is necessary for the Commission effectively to perform its responsibilities; and
- (B) the County Council approves the Commission's decision to select legal counsel and appropriates sufficient funds to cover the cost of the legal services.

The Commission has found that obtaining legal services is necessary for the Commission effectively to perform its responsibilities. Under Section 19A-10(h), the Commission must hold a confidential adjudicatory hearing on a complaint presently pending before the Commission. Accordingly, the Commission asks that the Council approve its decision to select legal counsel and appropriate sufficient funds to cover those costs.

Counsel: Laurie Horvitz, Esq.

Est. Total Sought: \$27,000 (90 hours x \$ 300/hour)

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