

MONTGOMERY COUNTY ETHICS COMMISSION

Public Meeting, April 11, 2023

In-person only meeting, Council Office Building Room 114

Minutes

IN ATTENDANCE:

Commissioners:

Bruce Romer, Chair

Jennifer Collins, Vice-Chair

Rahul Goel

Mary Ann Keeffe

Staff Members: Robert W. Cobb, Chief Counsel

Erin Chu, Program Manager

Item 1. The meeting was called to order at 7:05 p.m. by the Chair.

Item 2. The Commission approved the minutes from the March 14, 2023, meeting.

Item 3. Ethics Education: Mr. Cobb indicated that the captioning of the video for new employee training is nearing completion. The next step will be to coordinate with the Technology and Business Solutions team to develop a delivery system for the video.

Item 4. The Commission discussed the failure of the County's appointment process to identify ethics issues prior to appointment, resulting in the Ethics Commission being placed in the awkward position of either granting a waiver of prohibitions or requiring the County to reverse itself, causing harm to appointees and the County. The consensus of the Commission is that a mature ethics vetting process by the County Executive and other appointing authorities is needed to ensure that ethics issues are addressed prior to appointment. The Commission discussed various aspects of a vetting program, some of the variables and complications of instituting a vetting program, and the Ethics Commission's role, if any, with respect to such a process. The Commission directed Robert Cobb to engage with the County Executive's Office in seeking the implementation of a vetting process. That process could include, among other

things, the development of a list of questions for candidates to answer to help identify any ethics issues. Other considerations in building a vetting program involved the identification of those who would be subject to it, such as all CEX appointees, with special attention to those subject to Council confirmation. The consensus of the Commission was the development of a vetting process was a significantly more important question than the question of any amendment to 19A-11(I) and (J), which had been implicated by a recent appointment and Ethics Commission waiver.

Item 5. The Commission discussed possible legislative solutions to 19A-11(I) and (J) and directed Robert Cobb to engage with the County Executive's office to see how it would like to see the law changed and report back to the Commission.

Item 6. New Business. Due to recently passed State and County legislation, the Commission revisited the question of the recordation of meetings. The Commission plans to wait for guidance from the CEX on BCC recordations of meetings.

The open meeting adjourned at 8 p.m to conduct administrative matters.

In the administrative meeting the Commission decided to issue two waivers and to issue an advisory opinion. The Commission also approved outside employment as presented and as discussed in the meeting.

Respectfully Submitted,

Robert W. Cobb

Chief Counsel