

MONTGOMERY COUNTY ETHICS COMMISSION

Public Meeting, July 11, 2023

In-person only meeting, Council Office Building Room 114

Minutes

IN ATTENDANCE:

Commissioners:

Jennifer Collins, Vice Chair/Acting Chair

Susan Beard

Rahul Goel

Mary Ann Keeffe

Staff Members:

Robert Cobb, Staff Director/Chief Counsel

Erin Chu, Program Manager

Members of the Public:

Cheryl Gannon

Elizabeth Joyce

Ken Markinson

Dan Meijer

Item 1. The meeting was called to order at 7:00 p.m. by the Vice Chair/Acting Chair.

Item 2. A moment of silence in honor of Bruce Romer was observed.

Item 3. Ethics Commissioners and staff provided personal perspectives on Bruce Romer and his contribution to the Ethics Commission and Montgomery County. The Commission recognized his consummate professionalism, thoughtful approach to issues and courteous treatment of all

persons with whom he dealt, and reflected on his loss to the Commission and to the community.

Item 4. The Commission approved the minutes from the May 9, 2023, meeting with one minor change. The Commission considered a motion to include the time of adjournment of the administrative meeting following the public meeting. The Commission voted in favor of the motion.

Item 5. Ethics Education: Mr. Cobb updated the Commission on training activities in May and June. Discussion took place on the delivery techniques used in the training and the status of a video to use as a back-up to those unable to attend offered new employee training.

Item 6. Status of Annual Financial Disclosure. Mr. Cobb provided a status report on the status of annual financial disclosure filings and review. He indicated that of 1553, all filers had submitted a filing. He indicated that 66 are still in the review process. Staff member Erin Chu was commended for her fine work on the financial disclosure reports.

Item 7. Working on Matters Affecting Prior Employers. A conversation had taken place on June 30, 2023, between Commission staff, the CEX's office, and Councilmember Friedson as to whether 19A-11(a)(2)(I) and (J) should be amended. A byproduct of that meeting was a request for the Commission's position on that issue.

A motion was made to have Commission staff draft an amendment to the law that would eliminate the 19A-11(a)(2)(I) and (J) restriction and in lieu thereof add a requirement in 19A-14 for an appointing authority to consider, based on certain factors, whether an appointment would implicate a misuse of prestige of office. This motion was not seconded. A motion was made for staff Counsel to draft up different options for the Commission to consider. This motion was not approved. A motion for the Commission to seek the tightening of vetting requirements and affirmatively opposing any change to the ethics law was made and was not approved.

As no motions regarding the issue were passed, Commission staff was directed to convey to the attendees of the June 30 meeting that the Commission is taking no position on the issue of amendments to 19A-11(a)(2)(I) or (J).

Item 8. Racial Equity. Mr. Cobb updated the Commission on the steps the Commission staff are taking to address implementation of requirements associated with the County's Racial Equity program.

Commission staff will complete taking all of the required courses provided by the Racial Equity office in the next few months. Mr. Cobb related his conversation with Tiffany Ward, the director of the Office of Racial Equity and Social Justice (ORESJ). Mr. Cobb indicated that Ms. Ward had orally acknowledged that there were limits on what an office like the Ethics Commission, with its particular mandate, would be able to do to fulfill racial equity program objectives and suggested that maybe the annual budget racial equity narrative generated by

the ORESJ can reflect this ceiling. (This might mean that on ORESJ's zero to three scale, ORESJ acknowledges that the maximum rating the Ethics Commission could obtain is a two.) In addition, Mr. Cobb related that Ms. Ward had told him that it may be that the Ethics Commission would not have to produce a Racial Equity Action Plan and she had indicated to Mr. Cobb that she would get back to Mr. Cobb on this after she had had an opportunity to discuss the matter with her team. Mr. Cobb indicated that there may be opportunities for Commission staff to help facilitate racial equity training. The Commission encouraged dedicating resources to this endeavor.

Item 9. Recordation of Commission meetings. A conversation occurred regarding the County's newly issued policy prohibiting Board Committees and Commission from recording meetings. That policy provides that an exemption can be obtained from the CAO. Mr. Cobb indicated that even if an exemption were obtained, the Commission would be challenged in meeting the County's accessibility policies because any recording would have to be recaptioned to meet the accessibility standards of County policy. A motion was made to have Mr. Cobb request a County official to come speak to the Commission about the County accessibility policy or for Mr. Cobb to conduct additional research on accessibility policy. This motion was not approved by vote of 2-2.

On the issue of requesting an exemption from the CAO on the prohibition on recordation, a motion was made to seek exemption from the prohibition. This motion was not approved by a vote of 2-2.

Item 10. New Business. There was no new business. The Commission reiterated that there would be no August meeting. The next meeting is September 12.

The open meeting adjourned at 9 pm to conduct administrative matters.

In the administrative meeting the Commission decided to issue a waiver. The Commission also approved outside employment as recommended.

The administrative meeting adjourned at 9:21.

Respectfully Submitted,

Robert Cobb

Staff Director/Chief Counsel