

MONTGOMERY COUNTY ETHICS COMMISSION

Public Meeting, April 12, 2022

Conducted via Zoom call

Minutes

IN ATTENDANCE:

Commissioners: Susan Beard, Chair

Jennifer Collins

Rahul Goel

Mary Ann Keeffe

PUBLIC ATTENDEES:

Fariba Kassiri, Deputy Chief Administrative Officer

Berke Attilla, Director of the Office of Human Resources

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Staff Members: Robert W. Cobb, Chief Counsel

Erin Chu, Program Manager

Item 1. The meeting was called to order at 7:00 p.m.

Item 2. The Commission approved the minutes from the meeting on March 8, 2022, as presented.

Item 3. Ethics Education: Mr. Cobb provided a brief overview of the status of implementation of the five elements of the new employee training plan. Since the last meeting, Mr. Cobb reported that the notice to applicants of outside employment requirements had been implemented. Mr. Cobb also reported that exit procedures for County employees had been adjusted to add the post-employment provisions and is pending implementation. Mr. Cobb updated the Commission on the status of implementation of new employee mandatory training. Mr. Cobb then noted that agreement had not been reached on the introduction of an

employee acknowledgement form with OHR or on how communication would be conducted with new employees in connection with orientation.

Mr. Attila addressed the Commission and provided an overview of objectives associated with training programs. He conveyed several ideas about training that would be most effective and practical in the context of Montgomery County. Ideas included providing training that was in smaller pieces so that employees would not have to digest too much at once. Another idea was to have accessible online training that could be accessed for those who would not be able to attend live sessions. He also addressed the idea of a short video that could be shown to new employees as part of new employee orientation (NEOP). Mr. Attila indicated that OHR would be implementing the acknowledgement form and working to make sure employees at the NEOP would be informed of their ethics obligations, with his team working in concert with the Commission staff. Ms. Kassiri voiced her support for the initiatives and ensuring that public employees are aware of their responsibilities.

The Commission expressed their great appreciation to Ms. Kassiri and to Mr. Attila for attending the meeting.

Item 4. The Commission discussed the proposed changes to the ethics law that were in draft form. The changes are to put into effect the requirements of state law and the State Ethics Commission. The additional proposed change concerns the amendment to the County's procurement integrity law to ensure coverage of the Housing Opportunities Commission and the Montgomery County Revenue Authority by that provision. On a vote of the Commission of 4-0, the Commission authorized Mr. Cobb to present to the County Council a legislative proposal with all of the draft changes.

5. Pursuant to GP Art. 3-305, at 8:10 p.m. the Commission voted unanimously to close the meeting to the public to discuss legal advice and confidential matters.

- a. The Commission decided to initiate a proposed revocation of an outside employment approval.
- b. The Commission considered a request for advisory opinion and decided a request for a waiver needed to be submitted regarding a prohibition in the ethics law; the Commission was unable to decide a separate issue due to a split among present Commissioners (2-2). The matter is to be further developed and resubmitted to the Commission.
- c. The Commission considered a request for an advisory opinion and in the alternative a waiver. The Commission split (2-2) on the question of whether certain activity was prohibited by the ethics law. The Commission decided to issue a waiver based on the legal standard for issuing a waiver being met.
- d. The Commission confirmed informal advice Mr. Cobb provided concerning the scope of a previously issued waiver.

- e. The Commission approved the outside employment as presented, with a new condition added as to one employee. Further, the Commission decided to deny those with prohibited outside employment who were being held pending submission of a waiver request due to the failure of the employees involved to make a request for a waiver.

The meeting reopened at 9:54.

Item 6. The meeting adjourned at 9:54.

Respectfully Submitted,

Robert W. Cobb

Chief Counsel