



MONTGOMERY COUNTY ETHICS COMMISSION

**Public Meeting
December 8, 2021
Conducted via Zoom call
Minutes**

IN ATTENDANCE:

Commissioners: Susan Beard, Chair
Bruce Romer, Vice-Chair
Jennifer Collins
Rahul Goel
Mary Ann Keeffe

PUBLIC ATTENDEES:

Jean Cavanaugh
Amanda Farber

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 September 9, 2021, meeting as presented.

Item 3. Mr. Cobb reported on matters pertaining to the question of whether the Commission should be recommending changes to the County's lobbying law to the County Council. Mr. Cobb reported that after discussions with the County Attorney and counsel to the County Council, that he did not believe that the Commission should recommend changes to the County's ethics law at this time. There has been proposed legislation at the State level regarding local lobbying provisions, and the Commission unanimously decided to table consideration of making legislative recommendations concerning lobbying at the current time, recognizing that the landscape of requirements at the State level could

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change. The Commission is to be advised of developments concerning State lobbying law and regulations.

Item 4. Mr. Cobb reported on the status of discussions with the HOC regarding procurement integrity. Mr. Cobb had provided a draft position paper regarding the application of 11B-52(a) to the counsel for the HOC. The HOC has proposed to voluntarily include in its contracts a provision that would replicate the intent of 11B-52(a). A Commissioner had a question as to the effect of the proposed provision and wants assurance that it will be applicable to HOC contracts. Mr. Cobb is to confirm that the draft proposal is incorporated into HOC contracts. Further, the Commission would like to know how the Montgomery County Revenue Authority addresses procurement integrity. There was acknowledgement that the draft HOC provision did not have the same weight as 11B-52(a) as 11B-52(a) is enforced by the Ethics Commission. Mr. Cobb noted that an additional alternative to the proposed contract provision or an Ethics Commission interpretation of the applicability of the law to the HOC would be for the Commission to seek legislative clarity that the HOC (and MCRA) are covered by 11B-52(a). Mr. Cobb is to report back to the Commission at the following public meeting.

Item 5. Mr. Cobb reported on developments regarding ethics training. The Commission is extremely interested in assuring that County employees are adequately informed of the conduct requirements they are subject to. Mr. Cobb is to work with the Office of Human Resources to establish appropriate training and information regarding the ethics program and report back to the Commission on developments at the next public meeting. The Commission intends to closely monitor the establishment of appropriate ethics training and understanding of requirements for employees subject to the public ethics law.

Item 6. A Commissioner recommended that the Commission develop letterhead reflecting each of the Commissioners names and position and that staff also be identified. Discussion ensued and Mr. Cobb is to find out what the County's protocols are for letterhead and report back at the next meeting.

Item 7. A Commissioner recommended that all drafts of Commission decisions be circulated to Commissioners for comment in advance of issuance and that all final Commission issuances be distributed to Commission members. The Commission decided to maintain the current practice of circulating drafts to the Chair and Vice Chair, and in particular cases having drafts going to all Commission members. If some adjustment needs to be made to the practices at a later date, the matter will be reconsidered.

Item 8. Pursuant to GP Art. 3-305, at 8:15 p.m. the Commission voted unanimously to close the meeting to the public to discuss legal advice and confidential matters.

- a. The Commission considered three applications for waivers and approved each of the requests.
- b. The Commission tabled an investigative matter until the next meeting.
- c. The Commission was advised regarding the handling of a financial disclosure compliance matter.

c. The Commission reviewed correspondence concerning application of the ethics law to an individual.

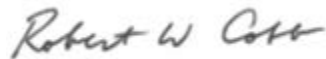
e. The considered outside employment requests and agreed with the recommendations of staff regarding the disposition of the requests.

The meeting reopened at 8:45.

Item 9. The Commission unanimously elected Susan Beard to be Chair and Bruce Romer to be Vice Chair for 2022.

Item 10. The meeting adjourned at 8:55.

Respectfully Submitted,



Robert W. Cobb
Chief Counsel