

CECIL COUNTY ETHICS COMMISSION

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Meeting Minutes

February 13, 2017

Present: Chairman Joe Cline, Bob Boonstoppel, Donna Caudell, L. Michelle Henson

Absent: Nicholas Cusmano

Guest: Sally Thompson

Open Session

Joe Cline called the meeting to order at 4:06 pm.

Bob Boonstoppel added an item to the agenda about Open Meetings. Bob Boonstoppel moved to accept the open agenda as revised and the closed agenda as presented, Donna Caudell seconded the motion, all approved to adopt the agendas as revised and written, respectively.

Bob Boonstoppel moved to approve the minutes per revisions, Donna Caudell seconded, and all were in favor to approve the November minutes with the revisions made.

Old Business:

Implementation of Ethics Training Module: This item is targeted for June/July 2017. At the May meeting, the Commission will know the status of their budget and make a determination on whether to proceed.

Financial Disclosure Statements/Electronic Implementation: Scott Mesneak had been looking into providing more information on the three levels of DevExpress software needed for this. He is no longer employed with the County and his position is currently open. Sally Thompson offered to check on the status of this item. Sally contacted IT and provided a new IT contact, John Ferguson, along with a link to more information about the software.

Status of 2016 Financial Disclosure Statements: The forms are due to be sent out; however, the Commission has made some changes to the 2016 forms. Michelle Henson questioned whether the changes would necessitate an ordinance change; the Commission determined an ordinance change would not be required since the changes are only clarifications to the instructions to make them easier to understand. Joe Cline will review his notes, then contact the Commission members to provide an update on the forms.

2017 Ethics Commission Direction: The Ethics Training Module and electronic access of the Financial Disclosure Statements will be two main focuses; therefore, this item will remain open.

Ethics Commission Board Member Removal Process: Bob Boonstoppel had drafted a written process defining the dismissal process. The Commission was advised by Jason Alison that a formal procedure would require a code change. The Commission feels that the written recommendation will not change the County Executive's authority to remove people at will; it will simply establish the standard for an Ethics Commission member's removal. A written process will bring the county more in line with most other Maryland counties that have formal due process removal procedures. Joe Cline will send a draft procedure to members who are asked to review it and provide feedback by the end of March, so the draft can be readied for presentation to the County Executive by May.

New Business

2017 Ethics Commission Board Officer: Bob Boonstoppel motioned that Joe Cline continue as Chairperson for the remainder of his term, seconded by Michelle Henson, and unanimous vote by the members present.

Open Meetings: At the last meeting, the Commission was given a Written Statement For Closing A Meeting Under The Open Meetings Act, this form was new to the Commission. When this form was revised in 2014, there was a change to the statute requiring a training component to be in compliance with the Open Meetings Act. Michelle Henson offered to take the required training.

Complaint/Opinion Response Times/Guidance: The length of time between quarterly meetings is too long to wait to issue an advisory opinion on certain issues. Electronic communication requires 100% agreement by the membership; if that does not occur then conference calls or additional meetings may be required. Michelle Henson raised the concern that since the Ethics Commission is a quasi-judicial board, would the board be in violation of the Open Meetings act when using electronic correspondence that might be considered ex parte communication? Joe Cline stated that if a specific situation is a closed session item, and communication is conducted via personal email with everyone in consensus without any questions, than multiple legal opinions have agreed that this is acceptable for open meetings. Any issue would then be ratified at the subsequent meeting. Once Michelle has taken the required open meeting training and been appointed as the Commission's compliance officer, she will advise if an item being discussed in a closed session needs to be moved to an open session.

Michelle asked for more guidance when handling items that may be assigned to Commission members, e.g., where to begin an investigation, how to know a member's boundaries. While there is a time line for when responses are to be issued from receipt, there is nothing specific on how to handle an assigned issue. When a member is asked to investigate an issue, they should gather information by asking appropriate questions of the involved parties, then present their findings to the Commission and express their individual opinion on the matter. The Commission will then discuss the issue and if there are additional questions, the assigned investigator will obtain those answers. Finally, the Commission as a whole will decide on the final opinion, consulting with Jason Alison if a legal opinion is needed.

Chesapeake City Government Complaint: A complaint was received concerning the Chesapeake City Government; the complaint was submitted to the County's Ethics Commission since the town of Chesapeake City does not have an Ethics Commission. After reviewing the complaint and Chapter 39, the Commission found that they do not have jurisdiction to address this matter. Joe Cline will issue a letter to the complainant explaining the Commission's position.

Councilperson Meffley's Advisory Opinion: Councilperson Meffley's financial disclosure was sent via email. Bob Boonstoppel raised a security concern about possibly sensitive information being communicated electronically. Commission members decided to review financial disclosures and privacy sensitive materials in person during a meeting. Initially, insufficient information about H&B Plumbing's business dealings with the County were provided for the Commission to render a decision.

Cecil County Ethics Commission Open Session meeting – February 13, 2017 (continued)

Michelle Henson made a formal motion to adjourn to a closed session, seconded by Donna Caudell, and unanimous vote by the members present in accordance with Maryland statutes.

This open session was reopened and called to order by Joe Cline at 5:45 pm to discuss an agenda item.

Ethics Commission Member/County Council Member Familial Relationship: An advisory opinion was requested by the Council Executive, dated December 13, 2016, concerning whether a conflict of interest would occur when a current Ethics Commission member serves after that member's family member has been elected and sworn in as a County Council member. It was requested that, if no conflict of interest is found, the Commission address what safeguards will be put in place to assure that the relationship does not give the appearance, or conflict, of impropriety, e.g., recusal by the Commission member from matters involving the Ethics Commission that may be before the Council, recusal by the Commission member if the related Council member were to have a matter brought before the Ethics Commission. While the Ethics Commission determined there would not be a conflict of interest, Ethics Commission members are not appointed by County Council; the member readily agreed to recuse herself and leave the meeting if a situation requiring it should arise.

The next meeting will be held on May 8th at 4:00 pm in the Rising Sun Room.

A motion was made to adjourn the open session at 5:55 pm. The meeting was closed by a formal motion by Michelle Henson, seconded by Bob Boonstoppel, and unanimous vote by the members present in accordance with Maryland statutes.

Respectfully Submitted by

Edie (Crick) Tinsman