

BOWIE CITY ETHICS COMMISSION

Minutes

April 21, 2015 - Open Meeting

A meeting of the Bowie City Ethics Commission was held on Tuesday April 21, 2015 in the City Manager's conference room. Commission members in attendance were Benjamin Woolery, Chair, Vince Canales, Jim Holderbaum, and Karl Stehmer. Also in attendance was Fred Sussman, Counsel for the Commission and John Fitzwater, Assistant City Manager, and liaison to the Commission.

The meeting was called to order at 3:03 p.m. by Chairman Woolery.

The minutes for the March 17, 2015 minutes were reviewed. Mr. Holderbaum moved approval. This was seconded by Mr. Canales and unanimously approved by the Commission.

Mr. Fitzwater provided a follow-up to the questions raised at the previous Ethics Commission meeting as follows:

- Confidential minutes in the Ethics Commission file cabinet have been brought up to date to include copies of all meeting minutes, including the minutes pertaining to the closed portion of these meetings. Chairman Woolery asked whether an index of all files contained in the Ethics Commission file could be created.
- The Ethics Commission files maintained by the City Clerk are: Financial Disclosure Statements; Lobbying Disclosure Statements; Lobbying Activity Reports; Minutes of the open portion of the Ethics Commission meeting; Redacted versions of Advisory Opinions; and Formal Orders of Complaints.
- The City's Records Retention Policy addresses two aspects pertaining to Ethics Commission Records as follows: retaining minutes for three years and maintaining Financial Disclosure Statements for four years. The Commission discussed whether the Financial Disclosure Statement should be maintained for two election year cycles or eight years for elected officials. Also, the Commission indicated that Advisory Opinions and Orders of Complaints should be retained indefinitely. The Commission asked for a copy of the City's Records Retention Policy to be provided to them and whether the City Council adopts this policy. The Commission requested that a continued discussion of this matter be added to the agenda for the next meeting and that the Commission may wish to make recommendations regarding how long Ethics Commission records should be retained.

- The comments of the City's IT Director regarding whether the Ethics Commission should have separate e-mail addresses were discussed. There was a discussion as to whether personal e-mails could be subject to inspection if someone made a request under the Maryland Freedom of Information Act. While this possibility does exist according to Mr. Sussman, the Commission decided at this time not to request separate e-mail addresses from the City.

The Commission reviewed a copy of Draft Advisory Opinion Procedures prepared by Mr. Sussman. Mr. Sussman summarized that he went to other jurisdictions and looked at their practices and compiled this draft that is before the Commission for consideration. Two other jurisdictions are using documents very similar to this draft. The Commission asked to add this item to the agenda for the next meeting for further discussion and approval by the Commission. Mr. Sussman was also asked to prepare procedures for dealing with complaints that will be added to the next agenda as well.

With the resignation of Commission member Lee Weimer the Commission revised the proposed presentation for City Council scheduled for May 18, 2015 as follows:

- Introduction - Mr. Woolery
- Purpose - Mr. Canales
- Processes - Mr. Holderbaum
- Outreach - Mr. Holderbaum
- Questions - Mr. Stehmer

Since the Commission will be presenting to City Council on May 18th, it was agreed to cancel the May 19th meeting of the Commission. The next meeting of the Commission will be June 16, 2015.

There being no further business to conduct in an open session, a motion was made (Canales) and seconded (Stehmer) **to close the meeting pursuant to §10-508** of the Maryland Open Meetings Act to meet with the Commission's Counsel and to discuss a personnel matter. The motion was carried unanimously and the open portion of the meeting was closed at 3:55 p.m. Mr. Sussman advised that the Commission would be performing executive functions and may not be subject to the closed meeting requirements of the closed meeting act.

Public Minutes of Closed Session

During the closed meeting, the following actions were taken:

The Commission reviewed Financial Disclosure Statements submitted by candidates for public office.

The Commission also re-reviewed forms submitted previously by City Council and City Committee members.

The Commission reviewed Lobbyist Registration Forms.

The Commission reviewed a Request for an Advisory Opinion.

There being no further business to be conducted in closed session, Mr. Stehmer moved to close the meeting and Mr. Canales seconded this motion, which was unanimously approved by the Commission. Mr. Woolery adjourned the meeting at 4:32 p.m.

[The next meeting of the Ethics Commission will be held on Tuesday, June 16 2015 at 3:00 in the City Manager's conference room.]

John L. Fitzwater
Staff Liaison to the Ethics Commission