

BOWIE CITY ETHICS COMMISSION

Minutes

June 16, 2015 - Open Meeting

A meeting of the Bowie City Ethics Commission was held on Tuesday June 16, 2015 in the City Manager's conference room. Commission members in attendance were Benjamin Woolery, Chair, Jim Holderbaum and Karl Stehmer. Vince Canales was excused from the meeting. 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 3:04 p.m. by Chairman Woolery.

Mr. Stehmer indicated that he may file for the District 1 City Council seat and that he may have to resign from the Commission. Chairman Woolery asked Mr. Stehmer to remain on the Commission and recuse himself should there be any conflicts of interest that arise. Chairman Woolery asked staff to continue to advertise the need for additional members.

The minutes for the April 21, 2015 minutes were reviewed. Mr. Holderbaum moved approval as amended. This was seconded by Mr. Stehmer and unanimously approved by the Commission.

The Commission discussed the City's Records Retention schedule and what their recommendations would be for retaining Ethics Commission records. After discussion, the Commission agreed to the following recommendations:

- Financial Disclosure Statements for Elected Officials - Retain during the term of office and destroy one year after leaving office.
- Financial Disclosure Statements for Unsuccessful Candidates - Retain one year following election and then destroy.
- Financial Disclosure Statements for appointed employees and committee members - Retain four years from date of receipt, then destroy.
- Advisory Opinions - Permanent. Transfer every five years to the State Archives.
- Complaints Final Determination - Permanent. Transfer every five years to the State Archives.
- Lobbying Registration Forms and Lobbying Activity Reports - Retain for five years and then offer to the State Archives.

The Commission approved the Advisory Opinion Procedures prepared by Mr. Sussman. These were previously reviewed and discussed by the Commission at their April 21, 2015 meeting. The Commission asked that these procedures be posted on the City's web page.

The Commission discussed several issues associated with the drafting of the complaint procedures by Mr. Sussman. The first issue pertained to whether a complaint must be filed within one year of: 1. The date of the act or omission alleged to constitute a violation; or 2. The date that the act or omission alleged to constitute a violation became, or reasonably should have become, known to the general public if the act or omission was not known, or reasonably could not have been known, within one year from the date of the act or omission. The Commission concurred that this was an appropriate modification to the City Code and requested that Mr. Sussman draft an ordinance for Commission review at its next meeting. Ultimately, this ordinance would be presented to City Council for their consideration.

The second issue associated with the drafting of complaint procedures pertained to whether the Commission wished to consider possible violations of Article V on its own initiative. The Commission determined that it did not wish to pursue this matter at this time.

There being no further business to conduct in an open session, a motion was made (Holderbaum) and seconded (Stehmer) to adjourn the meeting into a closed session for administrative purposes. The motion was carried unanimously and the open portion of the meeting was closed at 4:00 p.m.

Public Minutes of Closed Session

During the closed meeting, the following actions were taken:

The Commission reviewed a Request for an Advisory Opinion.

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

The Commission also re-reviewed forms submitted previously by a City Committee member.

The Commission reviewed a Lobbyist Registration Form.

There being no further business to be conducted in closed session, Mr. Woolery adjourned the meeting at 4:55 p.m.

[The next meeting of the Ethics Commission will be held on Tuesday, July 28, 2015 at 3:00 in the City Manager's conference room.]

John L. Fitzwater

Staff Liaison to the Ethics Commission