BOWIE CITY ETHICS COMMISSION

Minutes

September 16 , 2015 - Open Meeting

A meeting of the Bowie City Ethics Commission was held on Wednesday September 16, 2015 in the City Manager's conference room. Commission members in attendance were Benjamin Woolery, Chair, Vince Canales, Jim Holderbaum, Jay Fagan 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 3:04 p.m. by Chairman Woolery.

The Commission reviewed the minutes of the July 28, 2015 and August 18, 2015 meetings. Mr. Fagan moved approval and Mr. Canales seconded. All voted in favor.

The Commission reviewed the State Ethics Commission Local Government Ethics Law Annual Certification Form prepared by City staff. Mr. Holderbaum moved to authorize Mr. Woolery to sign this certification. Mr. Canales seconded. All voted in favor.

The Commission considered Lobbyist Activity Reports filed for Hatcher, Lynch and Mellits. Staff was instructed to contact Mr. Mellits to adjust his form regarding who he is lobbying for to make this consistent with his Lobbying Registration Form. Lobbying Registration forms for Donley and Jones were also reviewed. Mr. Canales moved approval of the Lobbying Activity Reports and the Lobbying Registration Forms as submitted. Mr. Stehmer seconded. All voted in favor.

Staff was also instructed to communicate with the City Manager and staff of the Planning and Economic Development Department regarding when Lobbying Registration Forms must be filed as required by Section 2-73 A and 2-68 k of the City Code.

The Commission considered the Financial Disclosure Statements (FDS) filed by candidates for the 2015 City Election. The forms of Candidates Handy and Best-James were reviewed for the first time and the form of Candidate Johnson was reviewed for a second time.

For Candidate Handy, the Ethics Commission had a discussion concerning the Time Share that was disclosed on the FDS for this candidate. The discussion centered on whether a Time Share was considered real property and, if so, whether additional information would be required. Mr. Canales moved that the Ethics Commission not do any additional follow-up on this matter at this time, but to only accept the disclosure in this particular instance. Mr. Holderbaum seconded. All voted in favor.

The Commission also had a further discussion about the standards of review used by the Commission in evaluating Financial Disclosure Forms. The current standard of review is that if all of the questions on the form are filled out, then the form is considered as acceptable. The Commission asked that this issue be added to a future meeting agenda for further review.

Finally, the Commission authorized Mr. Woolery to send letters to Candidates Best-James and Johnson requesting additional information on their Financial Disclosure Statements.

The Commission reviewed a draft of Complaint Procedures prepared by Mr. Sussman. The Commission requested two modifications to the proposed draft. First, the Commission requested that additional language be added to the draft that pertains to enforcement. Second, the Commission requested that Section C on page two indicate that if the complainant or respondent choose to be represented by legal counsel, it is at their own cost.

The Commission also requested Mr. Sussman to look at the role of the Commission pertaining to enforcement of Ethics issues as it now stands and how the Commission can play a more meaningful role in this area. Mr. Sussman was directed to the previous City Code as well when examining this issue.

The Commission reserved October 7th at 3 p.m. as a potential meeting date should additional candidates file for office.

There being no further business to come before the Commission the meeting adjourned at 4:05 p.m.

[The next meeting of the Ethics Commission w ill be held on Tuesday October 20, 2015 at 3:00 p.m. in the City Manager 's conference room.]

John L. Fitzwater
Staff Liaison to the Ethics Commission