

## **BOWIE CITY ETHICS COMMISSION**

### **Minutes**

#### **October 20 , 2015 - Open Meeting**

A meeting of the Bowie City Ethics Commission was held on Wednesday October 20, 2015 in the City Manager's conference room at Bowie City Hall. Commission members in attendance were Benjamin Woolery, Chair, Vince Canales, Jim Holderbaum, Jay Fagan, Karl Stehmer, Alan Kolski and Daniel Thomas. 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 3:00 p.m. by Mr. Stehmer. Mr. Woolery joined the meeting at 3:10 p.m.

The Commission reviewed the minutes of the September 16, 2015 meetings. Mr. Holderbaum moved approval and Mr. Kolski seconded. All voted in favor.

The Commission reviewed the Revised Bowie Ethics Commission Violation Procedures. These procedures had been previously reviewed and amended by the Commission. Mr. Thomas moved approval and Mr. Kolski 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 acceptable. There was discussion about whether the Commission should establish a different standard of review that if the Commission is aware of something that may be incorrect with the way a particular question was answered this would be brought to the attention of the person submitting the form for possible modification. It was decided for the present time that the Commission would stay with the current standard of review that if all questions on the form are filled out, then the form is considered acceptable. The Commission also determined to modify the forms using more clear and direct language. These modifications will hopefully better communicate what is required in responding to questions.

The Commission began the review of forms which will be used by the Commission for 2016. The Complaint Form was determined to be adequate and no changes were made to this form.

The letter to those who are required to file Financial Disclosure Statements (FDS) was reviewed. The Commission requested that the letter be modified to have highlighted language at the beginning of the letter that communicates that once the FDS has been filed that the document becomes public record. Also language should be added that the form is signed under oath under penalty of perjury. Mr. Sussman and Mr. Fitzwater will revise the letter along these lines and will have a revised copy for review by the Commission at the November 17<sup>th</sup> meeting. It was also felt that better

instructions to candidates should be provided regarding filling out the FDS. This will be worked on in conjunction with the City Clerk.

The Financial Disclosure Statement for Certain Employees and Appointed Members of Boards and Commissions was reviewed. Several grammatical changes were made by the Commission which will be incorporated into a revised document by staff. Also, the reference to Article 33, Section 26-1 of the Annotated Code of Maryland has been modified and will need to be corrected. Finally, there was a question whether the language “(a) any individual gift, worth \$20 or more; or (b) a series of gifts totaling \$100 or more from any one person” applied to this form or only applied to the FDS for Elected Officials and Candidates. Mr. Sussman and Mr. Fitzwater will research this issue and a modified form, reflecting the changes requested by the Commission, will be provided at the November 17<sup>th</sup> meeting of the Commission for further consideration.

The Definitions, which accompany the disbursement of Financial Disclosure Statements was reviewed. The Commission modified the language for the definition of “Immediate Family” from “independent children” to “dependent children”. Otherwise, this form was determined to be acceptable by the Commission.

The Financial Disclosure Statement for Elected Officials and Candidates for Elective Office was reviewed. Several grammatical changes were made by the Commission which will be incorporated into a revised document by staff. Schedule A pertaining to Real Property Interests was discussed. Chairman Woolery will redraft this section to provide more clear language. On Schedule E. pertaining to Debts Owed to Business Entities Doing Business with the City, it was determined that a more complete explanation of what it means to do business with the City needs to be provided. Schedule G pertaining to General Income Sources was discussed. Mr. Fagan will redraft this section to make the language clearer. There was a discussion about whether mutual funds and stocks held in retirement accounts were required to be included in this form. Staff indicated that mutual funds are not required to be disclosed and would identify the code section that states this. Staff would research the question about stocks held in retirement accounts.

There being no further business to come before the Commission the meeting adjourned at 5:00 p.m.

**[The next meeting of the Ethics Commission will be held on Tuesday November 17, 2015 at 3:00 p.m. in the City Manager 's conference room.]**

John L. Fitzwater  
Staff Liaison to the Ethics Commission