

# **BOWIE CITY ETHICS COMMISSION**

## **Minutes**

### **February 16, 2016 – Open Meeting**

A meeting of the Bowie City Ethics Commission was held on Tuesday February 16, 2016 in the City Manager's conference room at Bowie City Hall. Commission members in attendance were Benjamin Woolery, Chair, Jay Fagan, Jim Holderbaum, Karl Stehmer, and Daniel Thomas. Also in attendance was Fred Sussman, Counsel for the Commission and John Fitzwater, Assistant City Manager, and liaison to the Commission. Commission members Vince Canales and Alan Kolski were excused.

The meeting was called to order at 3:05 p.m. by Chairman Woolery.

The Commission determined that it wished to make an educational presentation to City Council as had been done in previous years. Staff was asked to provide the Commission with a copy of the PowerPoint presentation from the previous year and to provide possible dates for a City Council presentation.

The Commission reviewed the minutes of the November 17, 2015 meeting. Mr. Sussman suggested additional language be added to the minutes expanding on his comments pertaining to the rights of Commission members to testify before the general assembly. The language, "in his opinion" was added to the comments provided by Mr. Sussman regarding this issue. However, additional language proposed by Mr. Sussman concerning the role of the City Attorney was not added to the minutes. Mr. Stehmer moved approval of the minutes as amended and Mr. Fagan seconded. All voted in favor.

Chairman Woolery asked Mr. Sussman whether there were any proposed bills in Annapolis that would be of interest to the Ethics Commission. Mr. Sussman indicated there were not.

The Commission reviewed the Financial Disclosure Statements (FDS) that have been submitted thus far in 2016. These FDSs had been previously electronically distributed to Commission members and to Mr. Sussman. Mr. Sussman prepared an analysis of the FDSs for Commission consideration. The Commission determined that additional information was required from Councilwoman Polangin and from Mayor Robinson. The Commission also determined that it would not contact those who did not submit fax or e-mail information since the form was ambiguous as to whether this information was required. The Commission also discussed Schedule G regarding income received during calendar year 2015. The Commission determined that they would not raise an issue concerning individual FDSs that appeared to be incorrectly filled out regarding earned income. However, the Commission decided that they would add an item to the PowerPoint presentation for City Council that provided a generic reference to the matter of declaring income, to indicate that the FDSs are a matter of public record for public review, to further indicate that the FDSs are signed under oath and to offer to assist City Council in filling out this form. Finally, the Commission decided to wait to approve all FDSs until all had been reviewed.

The Commission reviewed Lobbyist Registration Forms for Proctor, Warfel, Stehle, Berman and Gibbs. Mr. Sussman indicated that he had reviewed all of the forms and had no issues with

what was submitted. The Commission discussed the issue that if a lobbyist checks the box that an employer/client of the lobbyist is exempt from filing a lobbyist registration under Section 2-73N that the company representatives would not have to file a Lobbyist Registration Form. Mr. Holderbaum moved to approve the Lobbyist Registration Forms reviewed. Mr. Thomas seconded. All voted in favor.

The Commission reviewed the Lobbying Activity Reports for Warfel, Stehle, Berman, Lynch, Hatcher, Gibbs and Proctor. The Commission noted that Mr. Gibbs had contacted staff by e-mail and corrected his form showing compensation of \$472.50 to be for the period from January 1, 2015 thru June 30, 2015. Mr. Fagan moved to approve the Lobbying Activity Reports reviewed. Mr. Stehmer seconded. All voted in favor.

The Commission reviewed a Lobbying Explanatory document prepared by Mr. Sussman that hopefully better communicates to potential lobbyists the need to prepare a Lobbying Registration Form under certain circumstances. This was developed after a meeting with City staff. The Commission requested that this document be posted on the Ethics Commission's Web Page and placed in the back of the Council Chambers for potential lobbyists to review. Mr. Stehmer moved to approve. Mr. Holderbaum seconded. All voted in favor.

There being no further business to come before the Commission Mr. Stehmer moved to adjourn the meeting into closed session to consult with legal counsel to obtain legal advice regarding an Advisory Opinion. Mr. Fagan seconded. All voted in favor. The meeting adjourned into closed session at 4:30 p.m.

After adjourning out of the closed session, Mr. Stehmer moved to close the regular meeting. Mr. Holderbaum seconded. All voted in favor. The meeting adjourned at 4:50 p.m.

### **Public Minutes of the Closed Session**

During the closed session, the Commission approved an Advisory Opinion.

*[The next meeting of the Ethics Commission will be held on Tuesday March 22, 2016 at 3:00 p.m. in the City Manager's conference room.]*

John L. Fitzwater  
Staff Liaison to the Ethics Commission

**WRITTEN STATEMENT FOR CLOSING A MEETING  
UNDER THE OPEN MEETINGS ACT**

Date: 2-16-16 Time: 4:30pm Location: Bowie City Hall Motion to close meeting made by: Stehmer

Seconded by Fagan Members voting in favor: Woolery, Holderbaum, Fagan, Stehmer  
+ Thomas Opposed: \_\_\_\_\_ Abstaining: \_\_\_\_\_ Absent: \_\_\_\_\_

**STATUTORY AUTHORITY TO CLOSE SESSION, General Provisions Article, §3-305(b) (check all that apply):**

- (1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals;
- (2) To protect the privacy or reputation of individuals concerning a matter not related to public business;
- (3) To consider the acquisition of real property for a public purpose and matters directly related thereto;
- (4) To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;
- (5) To consider the investment of public funds;
- (6) To consider the marketing of public securities;
- (7) To consult with counsel to obtain legal advice on a legal matter;
- (8) To consult with staff, consultants, or other individuals about pending or potential litigation;
- (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations;
- (10) To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans;
- (11) To prepare, administer, or grade a scholastic, licensing, or qualifying examination;
- (12) To conduct or discuss an investigative proceeding on actual or possible criminal conduct;
- (13) To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter;
- (14) Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

**FOR EACH CITATION CHECKED ABOVE, THE REASONS FOR CLOSING AND TOPICS TO BE DISCUSSED:**

§3-305(b) (7) to consult with legal counsel to obtain legal advice regarding an Advisory Opinion,

§3-305(b) ( ) \_\_\_\_\_

§3-305(b) ( ) \_\_\_\_\_

This statement is made by \_\_\_\_\_, Presiding Officer: \_\_\_\_\_  
SIGNATURE

**WORKSHEET FOR USE IN CLOSED SESSION (CHECKLIST OF DISCLOSURES TO BE MADE IN MINUTES OF NEXT REGULAR MEETING- NOT A PART OF THE CLOSING STATEMENT)**

PERSONS ATTENDING CLOSED SESSION: Woolery, Holderbaum, Fagan, Stehmer, Thomas, Sussman, Fitzwater

TOPICS ACTUALLY DISCUSSED Advisory Opinion

ACTION(S) TAKEN (IF ANY) AND RECORDED VOTES: Approved Advisory Opinion

TIME CLOSED SESSION ADJOURNED: 4:50 pm

PLACE OF CLOSED SESSION Bowie City Hall

PURPOSE OF CLOSED SESSION: To consult with legal counsel to obtain legal advice regarding an Advisory Opinion

STATUTORY AUTHORITY FOR THE CLOSED SESSION: §3-305(b) (7); ( ) ; ( )

MEMBERS WHO VOTED TO CLOSE: Woolery, Holderbaum, Fagan, Stehmer, Thomas

(Form Revised 10/1/14)