

## MINUTES OF THE BALTIMORE COUNTY ETHICS COMMISSION

### MEETING OF JULY 11, 2017

The Commission was called to order by the Chair at 4:35 p.m. at 400 Washington Avenue, Room 118, Towson, Maryland. Those present at the meeting were:

1. Jeffrey Forman, Esquire – Chairman
2. Lee Jacobson, Esquire – Commissioner
3. Susan Green, Esquire – Commissioner
4. Elaine C. Katz, Esquire - Executive Director
5. Susan Dubin, Esquire – Assistant County Attorney
6. Michael Field, Esquire – County Attorney

Commissioners J. Michael Lawlor and G. Darrell Russell were not in attendance.

The Chair called for the approval of the minutes for the meeting of April 4, 2017.

Commissioner Jacobson moved to approve the minutes. Commissioner Green seconded the motion. The minutes were approved with no additions or corrections.

The Chair called for the report of the Executive Director. The Executive Director welcomed Lee Jacobson to the Commission. Commissioner Jacobson was appointed in the place of Ben Polakoff, whose term expired. Commissioner Foreman was congratulated on being named Chairman of the Commission. An update was given on the 2016 financial disclosure forms. Approximately 200 forms were sent out on March 3, 2017, and were due on April 30, 2017. The first delinquent letter was sent on June 5, 2017. At this time, 37 forms remain outstanding. Updated rosters were distributed (see attachment #1).

The Commission was further advised that pursuant to the Maryland Public Information Act and §7-1-407(a) of the Baltimore County Code, Baltimore Sun reporter

Pamela Wood, came to the Office of the Ethics Commission to review the financial disclosure forms filed for 2016.

The Chair called for old business. There being none, the Chair called for new business. The meeting was turned over to Michael Field, County Attorney, to discuss several new procedures required of the Ethics Commission. The County Attorney presented County Bill 35-17 Public Ethics – Ethics Training. The bill provides that certain high ranking public officials and members of certain county boards and commissions must complete annual training in the county's ethics law. The bill provides that registered lobbyists must also complete annual ethics training. The County Attorney explained that the training is to be provided by the Ethics Commission and that he and counsel to the Commission have already started to work on creating the two training modules. While they expect to have to give live trainings through fiscal year 2018, they hope to be able to work with the Office of Information Technology to create an online module as authorized by the bill.

Mr. Field went on to discuss Chapter 519 of the Laws of Maryland 2017, which made members and employees of the Liquor Board subject to state ethics law beginning October 1, 2017. Under current law, they are subject to the county's ethics law but the state bill appears to pre-empt the county's authority so the County Attorney plans to present legislation to the County Council to remove the same persons from the county ethics law.

Finally, the County Attorney discussed legislation passed during earlier sessions of the Maryland General Assembly that made certain changes to the state Open Meetings Act. Initially, the County Attorney did not require the Ethics Commission to comply with

those provisions because the vast majority of its work falls under the "administrative function," which means the Open Meetings Act does not usually apply to the Commission. But because today's discussion of Bill 35-17 fell under the "advisory function," which is subject to the Open Meetings Act, the County Attorney decided that the Commission should seek to comply with the legislation. All future agendas for ethics meetings will reflect these changes, and they will be posted online for the public to view. Approved ethics meeting minutes will also be posted online. It is noted that a meeting may be "recessed and closed to the public" when the Commission is engaged in any administrative function. Future "closed minutes" will not be posted online.

Another bill requires at least one member of the Ethics Commission to take open meetings training on line. Prior law provided that staff for a board or commission complete the training; the Executive Director completed the training on behalf of the Commission a few years ago. It was noted that all Commissioners present at this meeting agreed to take this training and receive the proper certificate of completion.

Finally, as part of new business, the Commission was advised of a Request for Advisory Opinion received in the Ethics Office. The request was submitted by the Director of the Department of Planning. The Director sought guidance as to whether a staff member of the Department of Planning may apply for a grant from the Lead Safe Program (LSP) administered by the Department. The Commission engaged in a detailed discussion of what the "LSP" accomplishes for residents of low income housing, and balanced the discussion with the requirements of the Department of Planning in overseeing this program. The Commission determined that these grants do accomplish a

positive goal, but it would be an ethical violation for the department to review requests for its own employees. The Commission suggested, however, that perhaps another entity could review and approve such request. A motion was brought by Chairman Foreman, and seconded by Commissioner Green, to ask the Administration if this was something it wanted to pursue. The motion was unanimously approved.

There being no Commission concerns/questions, it was noted that the next meeting of the Ethics Commission will take place Tuesday, September 5, 2017.

Commissioner Jacobson moved to adjourn the meeting. Commissioner Green seconded the motion. The meeting adjourned at 5:40p.m.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Elaine C. Katz" followed by a stylized flourish.

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Elaine C. Katz, Esquire  
Executive Director