



## FRIENDS of FREDERICK COUNTY

*Preserving the unique character and quality of life in Frederick County, Maryland  
through public education, active civic engagement and government oversight*

June 4, 2015

Jan Gardner, Frederick County Executive  
Bud Otis, President Frederick County Council  
Linda Norris, Chair, Frederick County Ethics Task Force  
Frederick County Ethics Commission c/o Linda Thall, Attorney

REF: Ethics Policy and Recommendations

Dear Frederick County Representatives,

The following are recommendations and considerations for various topics under discussion by the Ethics Task Force. Following this meeting, Friends of Frederick County (FoFC) will review the document to be released on this day, June 4, 2015 and modify these comments accordingly.

### **Conflict of Interest**

FoFC recommends that

1. No business which is owned by a County official (elected or appointed) or in which any County official has a financial interest, or employs a County official, may bid on County contracts; and
2. The Ethics Commission shall investigate all complaints of misconduct as defined within the State and County ordinance and the Code of Conduct. Findings should continue to be responded to in writing to the complainant and made available on the county website keeping the parties involved undisclosed as they currently are. However, in any instance when it is determined by the state's attorney's office and reported that an act of criminal misconduct has occurred, that information, along with name of the individual will be made public.

### **Code of Conduct**

FoFC recommends that:

1. An Ethics Code of Conduct be created separately from the county Ethics Ordinance. This code of conduct should outline citizen expectations of their elected officials (for both County Executive and County Council members). It should be reviewed and amended and attested to by every incoming newly elected body.

2. An Ombudsman should be made available to County Council members and to the Ethics Commission.

### **Independent Ethics Commission**

FoFC makes no recommendations at this time.

### **Investigative Powers**

FoFC recommends that:

1. A budget be assigned to the Ethics Commission for purposes of funding independent audits, legal counsel and the services of local prosecutors.

### **Enforcement**

FoFC recommends that:

1. The Ethics Commission begin immediately to refer all complaints or inquiries having the appearance of violating the law to the Frederick County States Attorney's office. An Ordinance should include precise language on how this process will flow, leaving no room for error or compromising the integrity of the Ethics Commission.

### **Lobbying Provisions**

FoFC makes no recommendations at this time.

### **Campaign Finance and Public Ethics Law (and Ex parte)**

There is substantial evidence that campaign contributions to public officials rise during the period before and after an elected official votes on matters before him/her. The same rise may be observed in the number of ex parte communications between public officials and financially benefiting parties; primarily, the applicant and their representatives but also contesting citizens. To date, it has been of particular importance to the taxpayers of Frederick County that fair and open disclosure of both campaign contributions and ex parte communications be required as legislated for campaigns, through the Maryland election law and for ex parte through the Maryland Public Ethics Law special section for Frederick County. While both processes are good, the current language fails to capture the intended transparency needed during the peak periods of concern within the pendency of the application (ref. Monrovia Town Center application graph and presentation by Steve McKay, RALE).

FoFC recommends that:

1. Both campaign contributions and ex parte communications (either by local ordinance or state legislation) become a mandatory inclusion in the application file and be available for review by citizens during normal business hours;
2. Both campaign contributions and ex parte communications be reported by the elected official no later than 7 working days of occurrence; and
3. The Ethics Commission or its Ombudsman will review the report, provide guidance to the elected official and immediately forward all complaints of state and local law violations to the States Attorney for review.

## **Financial Disclosure**

FoFC recommends that:

1. The Ethics Commission members be subject to the same financial disclosure requirements as elected and other appointed officials as outlined in MD General Provisions Title 5.

## **Ethics Education**

The best deterrent to misconduct is education and training.

FoFC recommends that:

1. The Ethics Commission be tasked with the development and establishment of an annual ethics training program reflecting the COMAR and Ethics Ordinances of Frederick County;
2. The Ethics Commission make mandatory the completion by all staff (contract, grant and county – part-time, full-time, seasonal), candidates upon filing to run for office and annually, thereafter;
3. An annual ethics training compliance report be kept on file with the Ethics Commission or a designated Ethics Ombudsman and available for public review upon request;
4. A budget be established to fund on-going ethics education awareness, annual training; and
5. A full-time Ombudsman to serve as an intermediary between the Ethics Commission and staff and elected officials.

Thank you for your consideration of these recommendations, which we believe essential for the ethical conduct of Frederick County Government.

Sincerely,

FoFC Board Members

Ellis Burruss  
Richard Jefferies  
Kimberly Mellon  
Janice Wiles  
Richard Wiles