

ST. MARY'S COUNTY ETHICS COMMISSION

MINUTES OF December 18, 2006

St. Mary's County Governmental Center

Members Present: George E. Baroniak, Chair

Joseph B. Bush, Vice Chair

David S. Deaderick, Member

Arthur Goeller, Member

Warren Kunz, Member

Viola M. Gardner, Alternate

Susan J. Wolfe, Executive Secretary

Others Present: George Forrest, County Administrator

John Savich, Director for Economic & Community Development

CALL TO ORDER:

The meeting was called to order by Mr. Baroniak at 2:03 p.m.

Ms. Gardner will not be able to attend meetings in January 2007 and Mr. Goeller will not be able to attend meetings in January and February 2007.

ANNOUNCEMENTS:

Next Meeting. The next meeting will be held on January 8, 2007.

REVIEW/APPROVE MINUTES:

Minutes of December 4, 2006. A motion was made by Mr. Deaderick to accept the minutes as corrected. The motion was seconded and carried.

FINANCIAL DISCLOSURE STATEMENTS:

Mr. Baroniak will contact the three individuals who did not file a calendar year 2005 statement.

UNFINISHED BUSINESS:

Calendar Year 2006 Financial Disclosure Statement Preparation. Mr. Bush moved that the cover letter and Calendar Year 2006 FDS form be approved and distributed. The motion was seconded and carried.

FY08 Budget Process. Members agreed to ask for a raise in the hourly rate paid to the Executive Secretary. Mr. Deaderick moved that the Commission ask for an increase in the budget to reflect an increase in compensation for the Executive Secretary. The motion was seconded and carried. Mr. Baroniak will consult with the Director of Human Resources to determine the appropriate amount and report back to the Commission.

Annual Report. Members signed the 2005 Annual Report. It will be posted on the Commission's website.

VOTE TO MOVE INTO EXECUTIVE SESSION:

Mr. Bush made a motion to move into Executive Session as provided for in Article 25, Section 4-210(a)(1) Boards and Commissions and the St. Mary's County Ethics Ordinance Rules of Procedure, Section 7, and the motion was seconded. Motion carried, 5-0.

EXECUTIVE SESSION:

Present: George Baroniak, Chair

Joseph Bush, Vice Chair

David Deaderick, Member

Arthur Goeller, Member

Warren Kunz, Member

Viola Gardner, Alternate

Authority: St. Mary's County Code, Article 25, Section 4-210(a)(1) Boards and Commissions; St. Mary's County Ethics Commission Rules of Procedure, Section 7.

Time Held: 2:24 to 2:38 p.m.

Mr. Deaderick moved that the Executive Session be closed. The motion was seconded and approved.

The regular meeting resumed at 2:39 p.m.

George Forrest, County Administrator, joined the meeting and presented a Certification of Commendation to Mr. Deaderick for his service to the County as a member and Chairman of the Ethics Commission. Mr. Deaderick expressed his appreciation and thanked the members for their support.

Mr. Forrest left the meeting.

John Savich, Director for Economic & Community Development, joined the meeting.

Revised Ethics Ordinance. Mr. Baroniak asked Mr. Savich if, at the request of the Ethics Commission in a previous advisory opinion, the Economic Development Council (EDC) is keeping minutes. He responded in the affirmative. He said that the minutes reflect members present and any discussions. No actions are taken by the Council. Mr. Savich discussed the background of

the establishment of the Council and its previous entity, the Economic Development Commission. He described the current makeup of the Council, which includes appointed officials from major county business organizations including the Chamber of Commerce, the Patuxent Partnership, etc., as well as the Commander, NAS, and an education representative. In his position as Director for Economic & Community Development, he is authorized by the Board of County Commissioners to create advisory groups to advise him, of which the EDC is one. Mr. Baroniak asked for examples of recommendations made by the EDC. Mr. Savich cited the support he received from EDC members in his preparation of a list of community priorities to support the Navy under the recent BRAC process. Mr. Goeller asked if the EDC has appeared before the BOCC. Mr. Savich said not as a Council but as individuals representing their organizations.

Mr. Savich left the meeting.

Mr. Deaderick stated and members agreed that it would be helpful to review the EDC minutes. He further expressed concern that the BOCC, in its actions on the revised Ethics Ordinance, reversed a previous Commission action, i.e., including the EDC as a board, commission or committee required to submit Financial Disclosure statements. He also expressed concern that the BOCC removed the revised Section 4E from the revised ordinance. Members agreed that the BOCC does not have the authority to override previous Ethics Commission decisions unless it determines to remove the sitting Commission members. Mr. Deaderick referred to previous discussions with the Maryland Attorney General by the then County Attorney who stated that an ethics commission does have certain authorities that cannot be rescinded by a board of county commissioners. Members agreed with Mr. Deaderick's suggestion that the Commission notify the BOCC that they are rescinding the revised Ethics Ordinance and replacing it with the original revision for the Board's further discussion and approval. Mr. Baroniak asked the members to consider the roles of other appointed councils, task forces, etc. and whether their members should file FDS statements.

Mr. Deaderick further noted that the Ethics Commission name was moved from 6.A.1 to 6.A.2 of the Ordinance. The structure of names of boards and commissions listed under these two sections was negotiated with the BOCC in 2001. The Ethics Commission should be replaced into 6.A.1. He further recommended that the Commission review the 2003 decision affecting the Economic Development Council; rescind the revised Ordinance as approved by the BOCC; consider the future inclusion of the EDC under the requirement to file a FDS, including reinsertion of Section 4.G and the changes to 6.A.1 and 6.A.2; include discussion with Ms. Dillow of outside counsel; and obtain advice from the General Counsel, Maryland State Ethics Commission.

NEW BUSINESS:

Inquiry from Citizen. An email was sent by a county citizen to the Commission, as well as to other boards and commissions and County offices, asking for assistance with medical bills. After discussion the members determined that the citizen had already contacted the appropriate County offices for support.

Review of Applicants to Commission. Members reviewed applications for the vacancy on the Commission. A list will be submitted to the Board of County Commissioners for consideration at their December 19 meeting.

PUBLIC COMMENT:

None.

ADJOURNMENT:

A motion was made by Mr. Bush to adjourn the meeting at 3:55 p.m. The motion was seconded and carried.