



City of Rockville Ethics Commission

Minutes

Webex Virtual Meeting

Meeting No. 20-5

Wednesday, June 17, 2020 at 6:30 PM

Commissioners Present: Eugene Thirolf, Karyne Akhtar, Kevin Jenkins, Jaime Espinosa

City Staff: Marlaine White
Wei Liu

- I. Convene
- II. Approval of Agenda
Chair Thirolf asked that a motion be made to approve the agenda. Commissioner Espinosa moved that the agenda be approved. The motion was seconded by Commissioner Jenkins and passed unanimously (4-0).
- III. Approval of Minutes
Minutes from April 22, 2020 - Chair Thirolf requested a motion be made to approve the minutes from April 22, 2020. Commissioner Jenkins noted two typos to be corrected. Commissioner Jenkins moved to approve the minutes as amended. The motion was seconded by Commissioner Akhtar and passed unanimously (4-0).
- IV. Old/New Business
 - Future Meeting Dates: August 19, 2020 – Chair Thirolf indicated that there would not likely be a need for a meeting in July. Staff confirmed that financial disclosure statements were not due from filers until July 31, 2020, and that an August meeting would likely be more appropriate. Staff also indicated that there may be a possibility for an in-person meeting in August.
 - Discussion of State Ethics Commission’s Review of Ethics Code Amendment and Review of the Draft Ordinance:
Chair Thirolf asked Staff to summarize the State Ethics Commission’s review of the City’s amended Ethics Ordinance and what the Commission would be required to do. Staff indicated that the State Ethics Commission had four suggested changes. Staff reviewed the four changes with the State Ethics Commission’s Assistant General Counsel. As to the first suggested change, Staff confirmed that the City’s Ethics Code already contained the additional language suggested by the State Ethics Commission for Code Section 16-25 and no change

was necessary. The second suggestion was that Section 16-30 (procurement) could be eliminated from the City Code because it is not required by the State Code. Staff recommended that the Commission retain Section 16-30 because it is cross-referenced in other sections of the City Code. Staff confirmed with the State Ethics Commission's Assistant General Counsel that it is solely the Commission's decision to retain or delete the Section. Commissioner Akhtar asked why the State would suggest that change. Staff stated that in discussions with the State Ethics Commission's Assistant General Counsel, it was indicated that procurement issues were covered in a different section of the State Code and that this illustrates the difficulties of trying to apply the general State Code provisions to multiple, various municipal codes. As to the third suggestion, because the City does not have a strong mayor, the suggested change to Section 16-64(4) regarding elected executive officials, was not applicable to the City. As to the fourth suggested change, Staff confirmed that the City's Ethics Codes already contained the additional language suggested by the State Commission for Code Section 16-64(4) and no change was necessary. Staff also indicated that the above was reviewed and confirmed with the State Ethics Commission's Assistant General Counsel and that the State Commission would only require an email stating that the changes were not necessary because the language is already contained in the City's Ethics Code and the elected executive language was not applicable to the City. Staff indicated the email will be promptly sent to the State Ethics Commission. Staff indicated that the only amendment to the Ethics Code will be the expansion of membership. Staff indicated that the draft ordinance could be revised to contain only the Commission membership expansion and resubmitted to the Commission at the next meeting. Chair Thirolf asked if it would be most efficient to adopt the draft ordinance with the revision to include only the expansion of the membership provision at this meeting. After discussion, Commissioner Akhtar moved to adopt the draft ordinance as revised to include only the expansion of the Ethics Commission membership from 5 members to 7 members. The motion was seconded by Commissioner Jenkins and passed unanimously (4-0). Staff indicated that a specific Mayor and Council agenda date could not be determined at this meeting, but Staff will work to get the amendment placed on an upcoming agenda, possibly in August.

- Chair Thirolf stated that because the Commission customarily provides a report to the Mayor and Council regarding compliance with the financial disclosure statement filing requirements, he would like to ask the City Clerk's Office to provide a list of filed disclosure statements to the Commission in preparation for the Commission's August meeting. Staff indicated the request would be made to the City Clerk's Office.

V. Adjournment

A motion to adjourn the meeting was made by Commissioner Jenkins. The motion was seconded by Commissioner Akhtar and passed unanimously (4-0).