

ST. MARY'S COUNTY ETHICS COMMISSION

MINUTES OF May 16, 2005

St. Mary's County Governmental Center, Room 14

Members Present: David S. Deaderick, Chair
George Baroniak, Vice Chair
Joseph B. Bush, Member
Zora M. Siemasko, Member
Arthur F. Goeller, Member
Viola M. Gardner, Alternate Member
Susan J. Wolfe, Executive Secretary

Others Present: John B. Norris, III, County Attorney
Cynthia Brown, Division Manager, Community Services
Cathy Allen, Chairman, Board of Education
Daniel Carney, Chief Financial Officer, St. Mary's Public Schools
Jason Babcock, The Enterprise
Emily Jackson

CALL TO ORDER:

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

ANNOUNCEMENTS:

Members welcomed Viola Gardner, Alternate Member. Messrs. Deaderick and Goeller will be unable to attend the June 6 meeting.

REVIEW/APPROVE MINUTES:

Minutes of May 2, 2005. A motion was made by Mr. Baroniak to approve the minutes as written. The motion was seconded and carried.

FINANCIAL DISCLOSURE STATEMENTS:

FDS Status: 238 FDS statements for calendar year 2004 were sent. Nine statements remain outstanding. Certified letters will be sent to those individuals who have not submitted their reports; the letters will request that statements be submitted no later than June 20, 2005. After that date, cease and desist letters will be prepared and forwarded to the Board of County Commissioners for review. 192 statements have been reviewed by Ethics Commission members.

Review Session: No statements were reviewed.

UNFINISHED BUSINESS:

Revised Ethics Ordinance. Mr. Deaderick urged commission members to attend the meeting of the Board of County Commissioners on Tuesday, May 17 at 2:15 p.m. to formalize the public hearing process for review of the revised Ethics Ordinance. Mr. Norris reviewed the public hearing process and noted that Ms. Dudderar, Assistant County Attorney, with Mr. Deaderick, would present the item to the commissioners.

Advisory Opinion 2005-01. A request for an advisory opinion (2005-01) was received from Cynthia A. Brown, Division Manager, Community Services. After discussion by commission members and referral to Section 5.C.3.b. of the Ethics Ordinance, Mr. Baroniak moved to issue an advisory opinion stating that a county office specialist who on her own time has received training may perform contract work outside office hours under a grant awarded to the division in which she is employed. The motion was seconded and carried.

Advisory Opinion 2005-02. A request for an advisory opinion (2005-02) was received from Daniel L. Carney, Chief Financial Officer, St. Mary's County Public Schools. Ms. Siemasko recused herself from discussion and voting on this issue. Ms. Gardner participated in the discussion of this issue. Mr. Carney and Ms. Allen notified the commission that, prior to the meeting; she decided to recuse herself from the interview process with the Interim Superintendent of Schools who has applied for the position of Superintendent. After discussion by commission members and referral to Sections 5.A.-5.C. of the Ethics Ordinance, Mr. Baroniak moved to issue an advisory opinion stating that an elected board official may have a lease agreement with an administrative official under supervision of that board so long as (1) the agreement and its terms are disclosed in the annual Financial Disclosure Statement of both, (2) adequate and lawful consideration can be demonstrated by the parties to the lease, and (3) there is no participation by the elected official in the consideration by the board of candidacy by the administrative official for career advancement. The motion was seconded and carried.

Transferable Development Rights Program. Mr. Baroniak provided a brief overview of the proposed Transferable Development Rights Program.

NEW BUSINESS:

None.

PUBLIC COMMENT:

None

ADJOURNMENT:

Mr. Goeller moved to adjourn at 3:22 p.m. The motion was seconded and carried.