



Village of Martin's Additions Ethics Training

NOTE: THIS SUMMARY IS FOR TRAINING PURPOSES ONLY. WHILE IT SUMMARIZES CERTAIN SECTIONS OF THE VMA CODE, IT DOES NOT PURPORT TO BE COMPLETE OR TO REPLACE THE CODE. PLEASE REFER TO THE CODE BEFORE TAKING ANY ACTIONS REGARDING THE ETHICS REQUIREMENTS OF THE VILLAGE OF MARTIN'S ADDITIONS.

Why Does the Ethics Committee Offer Ethics Training?

- (1) Because the Village Ethics Code, **consistent with Maryland Ethics Law**, must be followed by all Village Public Officials and employees.
- (2) Because ensuring that Village decisions are impartial and free from conflicts of interest is at the heart of **good governance**.

Promoting an Ethical Culture

Chapter 4 of the Code **establishes the Ethics requirements** for VMA. Its purpose is to “ensure the **utmost ethical service** by [VMA] Officials, specifically that Officials (i) act with impartiality when executing their official duties (**‘duty of impartiality’**), and (ii) avoid conflicts between their private interests or relationships and Village interests (**‘conflicts of interests’**).”

The “VMA Officials” subject to the Code’s ethics requirements are all members of the Village Council, all members of the Election Committee, all members of the Ethics Committee, the Village Tree Supervisor, and all persons employed by the Village. Code, Section 4-101(d).

**“The basis of effective government
is public confidence.”
(John F. Kennedy)**

What is the VMA Ethics Committee?

Section 2-101(a) of the VMA Code requires that there be an “**Ethics Committee** composed of three (3) members appointed by the Village Council. Members of the Ethics Committee shall be qualified to vote in Village elections and shall not be members of the Village Council or the Elections Committee...[They] shall serve until the end of the fiscal year in which they were appointed.”

VMA Ethics Committee Responsibilities

Section 2-101(a) also defines the **responsibilities** of the Ethics Committee:

- (1) To provide **advisory opinions subject to the provisions of Chapter 4** of...[the] Code as to its applicability; and
- (2) To make **determinations as authorized by Chapter 4** to ...[the] Code.

Ethics Training Objectives

- **Understanding the Ethical Obligations of Public Service in VMA**
- Oath of Office and COI Forms
- Conflict of Interest/ Gifts
- Impartiality

- **Self-Governance**
- Affirmative Duty to Update Disclosure Forms
- Recusals
- Advisory Opinions

- **Accountability**
- Complaint Process

Oath of Office and COI Forms

Upon entering their positions and prior to executing any duties related to their positions, VMA Officials are required to file with the Committee (i) a **conflicts of interest disclosure form** and (ii) an **oath of office**, which includes a **duty of impartiality**. Code, Section 4-201(f).

Completing the Oath and COI questionnaire are requirements to be **completed each year before the first day of August**.

*The **disclosure form** and **oath of service** are attached.

Conflicts Of Interest/ Gifts

Officials are prohibited from soliciting or knowingly accepting any gift from any person seeking to do business “of any kind” with the Village or who has financial interests that may be affected by the performance of official duties, except that unsolicited gifts having a value of less than \$50.00 tendered for personal or social reasons may be accepted. Code, Sections 4-201(b) and (c).

Impartiality

“Impartiality” is defined as “making decisions based on objective criteria, rather than on personal bias, prejudice, or favoritism. It requires that Officials be fair and not give preferential treatment to any persons or organizations in performing their duties on behalf of the Village.” Code, Section 4-101(c).

Affirmative Duty to Update Disclosure Forms

Throughout their terms of service, **Officials have “an affirmative duty to update the disclosure form...**and thereby disclose to the Council actual or potential conflicts of interest.” Updated disclosures must be made “before executing any duty that in reality or in the reasonable perception of others could be influenced by an actual or potential conflict of interest.” Code, Section 4-202(g).

Recusals/Advisory Opinions

After complying with the disclosure and oath-taking requirements, an Official must (1) **voluntarily disqualify or recuse him/herself** and withdraw from any matters with respect to which there is a conflict of interest or an inability to execute his/her duties with impartiality, or (2) **request an advisory opinion** from the Council, with the assistance of the Ethics Committee, to determine the presence or absence of a conflict of interest or an ability to execute duties with impartiality and advise the Official of an appropriate course of action.

Complaint Process

- To be filed, a complaint must be **under oath** that it is fact-based, “that the relevant facts are contained in the complaint, and that those facts are accurate and complete.”
- If the complaint passes the “initial assessment,” the Committee must notify the person who is the subject of the complaint and give him/her an **opportunity to “cure”** the alleged ethics violation.
- The Ethics Committee and the Council are required to seek **informal resolutions** of any ethics complaints throughout the complaint process.
- The complaint process is subject to **confidentiality requirements**, except as necessary for the due process protections for the subject of the complaint and as required by law and/or court order.
- The remedy for any ethics violation is for the Official to be **disqualified** from participating in a specific matter or from his/her Village position. The scope of any disqualification must be tailored to remedy the ethics violation and cannot be broader than necessary **to ensure compliance with the Village’s ethics requirements**.

Ethical Dilemma (1)

In February, the Village Council, after reviewing multiple bids, awarded a contract to the catering company Platinum Plates to provide refreshments for a Village event in May. In March, Councilmember Jackson contacts Platinum Plates for a quote to prepare a dinner for his parents' anniversary party. The owner of Platinum Plates responds to the request with a price quote for catering the anniversary meal that includes a 30% discount valued at \$300.

- What, if any, concerns are raised by this scenario?
- Should Councilmember Jackson proceed with the work at the discounted price?

*This scenario is for training purposes only. Neither it nor any discussions of it is intended to provide advice or serve as precedent with respect to actual situations that may arise in the Village.

Ethical Dilemma (2)

The Elections Committee and the Council have established a rule that nominations for election to the Council must be received by March 1 and must be followed by statements of qualifications and completed conflict-of-interest forms by March 10. Three days before the March 1 deadline, and after three nominations were submitted and received, one Village resident expresses an interest in running for the Council and asks Elections Committee Member Brown to extend the deadlines to March 8 and March 17 because of a work project that has her fully occupied.

- What, if any, concerns are raised by this scenario?
- What, if anything, should Elections Committee Member Brown consider and do?

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Ethical Dilemma (3)

Martin, the Village Manager, is responsible for supervising Village contractors, including XYZ, which has the contract for collecting Village garbage, trash, and recyclables. Martin has just learned that his adult brother is in what appears to be a serious romantic relationship with the daughter of the President of XYZ.

- What, if any, concerns are raised by this scenario?
- What, if anything, should Martin consider and do?

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Key Takeaways

- Impartiality is a core principle of ethics, and guarantees Village residents that government action benefits the public, not friends, family, or individuals.
- Understanding the Ethics Code is essential to ensure Public Officials and Village employees recognize the importance of examining their actions and decisions carefully to consider ethical issues.
- If at any time a Public Official or Village employee is concerned that they may have an ethical problem, they should consult with the Ethics Committee for an advisory opinion.

**“There is no pillow so soft as a
clear conscience.”
(French Proverb)**

***Attachments**
Oath of Office and Conflict of Interest Forms

Oath of Service
Committee/Board Member

I, the undersigned, duly appointed to act as a member of the _____ Board / _____ Committee of the Village of Martin's Additions, a municipal corporation in Maryland, and being duly sworn, do depose and say that I will faithfully execute my duties as such member with strict impartiality and according to the best of my ability, in accordance with the Charter of the Village of Martin's Additions, the Code of Ordinances, and any committee/board charter or rules and procedures adopted by the Village Council.

Member Name: _____

Signed and sworn before me, this _____ day of _____, 20____.

**Oath of Service
Tree Supervisor**

I, the undersigned, duly appointed to act as the Tree Supervisor of the Village of Martin's Additions, a municipal corporation in Maryland, and being duly sworn, do depose and say that I will faithfully execute my duties as such officer with strict impartiality and according to the best of my ability, in accordance with the Charter of the Village of Martin's Additions, the Code of Ordinances, and any rules and procedures adopted by the Village Council.

Print Name: _____

Signed and sworn before me, this _____ day of _____,

Oath of Employee

I, the undersigned, being duly employed in an at-will capacity as Village Manager/Assistant Village Manager, of the Village of Martin's Additions, a municipal corporation in Maryland, and being duly sworn, do depose and say that I will faithfully execute my duties as such employee with strict impartiality and according to the best of my ability, in accordance with the Charter of the Village of Martin's Additions, the Code of Ordinances, and any rules and procedures adopted by the Village Council.

Member Name: _____

Signed and sworn before me, this _____ day of _____, 20____.

OATH OF OFFICE COUNCIL MEMBER

I, _____, do swear and affirm that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and Laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of Council member according to the Constitution and Laws of this State.

Term expires July 1, 20__.

Subscribed and sworn to before me this ____ day of _____, 20__, in Montgomery County, State of Maryland.

Notary Public

My commission expires _____

**OF MARTIN'S ADDITIONS
CONFLICT OF INTEREST QUESTIONNAIRE**

The Village of Martin's Additions is governed by a municipal Charter that provides for a five-member elected Council to appoint an Ethics Committee (Committee). The Committee shall provide advisory opinions to persons subject to the provisions of Chapter 4 of the Village Code (Code) as to its applicability and to make determinations as authorized by Chapter 4 of the Code. This questionnaire is required by Village Charter Section 903 and will assist the Committee in doing its work.

The purpose of this questionnaire is to ensure that each member of the Village Council and each Village employee (salaried and contract) is free of or has disclosed all Conflicts of Interest, as that term is defined below.

1. During the prior calendar year and in this year up to the date of your signature (the Period), have you or any Related Party of yours had any material interest, direct or indirect, in any Transactions to which the Village of Martin's Additions (VMA) was, or is to be, a party?

Yes__ No__ If Yes, please provide details.

2. Do you or any Related Party of yours have any material interest, direct or indirect, in any pending or incomplete Transactions to which VMA was, or is to be a party?

Yes__ No__ If Yes, please provide details.

3. During the Period, have you or any Related Party of yours been indebted to VMA?

Yes__ No__ If Yes, please provide details.

4. During the Period, have you or any Related Party of yours been an employee, officer, director, partner, or trustee of any organization with which VMA now has, or you have reason to believe may in the future have a business relationship?

Yes__ No__ If Yes, please provide details.

5. Are you or any Related Party of yours discussing or negotiating employment or any other relationship with any organization with which VMA now has, or you have reason to believe may in the future have a business relationship.

Yes__ No__ If Yes, please provide details.

6. During the Period, have you or any Related Party of yours received any gift from any organization with which VMA now has, or you have reason to believe, may have now or in the future a business relationship? Do not include any unsolicited gifts from any donor having a total value during the Reporting Period of less than fifty dollars (\$50.00).

Yes__ No__ If Yes, please provide details.

7. Is there any other circumstance or association that could be a Conflict of Interest between you or any Related Party of yours and VMA?

Yes__ No__ If Yes, please provide details.

8. I acknowledge the duty to update this disclosure form should any of my answers become no longer accurate.

I Agree__

My answers to the questions above are correct to the best of my knowledge and belief.

Signature

Printed Name

Date

Definitions for Purposes of this Questionnaire

- Related Party Means any person who has the potential to influence the actions of another person, including without limitation immediate family members (spouses, domestic partners, parents, children, siblings, and in-laws) and business colleagues and associates.
- Material Interest Means a financial interest greater than \$50.00 or any interest that has the potential to influence the independent judgement of a person.
- Conflict of Interest Means the potential to influence or in the perception of others to erode the undiminished loyalty of a person to the interest of VMA.
- Transactions Means dealings with which one party agrees to perform one or more obligations in exchange for one or more obligations of another party, whether or not such arrangement is memorialized in writing.