

## **Ethics Committee 2022/2023 Annual Report (Revised, June 27, 2023)**

### **Overview**

The Ethics Committee met four times during the 2022/2023 term. All meetings complied with the MD Open Meeting Act, with agendas published before each meeting in the Village Weekly Wrap-up and posted on the Village calendar. Detailed minutes were prepared soon after each meeting and are available for review on the Ethics page of the VMA website.

This report is divided into five categories, consistent with the Committee's core responsibilities:

### **Ethics Complaints**

- The Committee did not receive any ethics complaints.

### **Review of Conflict Interest (COI) Questionnaires and Oaths of Office**

- Consistent with the Village Ethics Code, the Committee reviewed COI questionnaires and Oath of Offices from all members of the Council, Election Committee, Ethics Committee, the Village Tree Supervisor, and all Village employees. In 2022, the Committee also reviewed COI questionnaires and Oaths submitted by the Community Engagement Committee, which are required by Village policy but not covered under the Village Ethics Code.
- One potential conflict of interest was self-reported by a Village Official. In June, a Village employee submitted a revised COI questionnaire to the Committee to self-report a potential conflict. The Committee reported both potential conflicts to the Council chair.

### **Advisory Opinions**

- The Committee did not receive any formal requests for advisory opinions.

### **Ethics Training**

- The Ethics Committee conducted Fall and Spring sessions of ethics training. All members of the Village Council, Election Committee, Community Engagement Committee, Village staff, and the Tree Supervisor were invited to attend the training sessions.
- The Committee updated the ethics training slides, adding one additional informational slide and an appendix with copies of all ethics-related forms.

### **Review the Existing Ethics Ordinance and Committee Policies and Make Recommendations to the Village Council to Ensure Adherence to Best Practices.**

- After identifying a conflict between Village policy, which requires all Committees to complete a COI questionnaire and Oath of Office form, and the Village Ethics Code, which limits its applicability to the Council, Village employees, and statutory Committees, the Committee recommended that the Council consider amending the Village Code. Based on the Committee's recommendation, the Council instructed the Village attorney to draft an amendment to the Village Code to resolve the inconsistency. Following

multiple public meetings, a resident listening session, and a public hearing, the Council voted against adopting the amendment. In response to the vote, the Committee submitted a list of questions during the April Council requesting clarification of the Committee's role. The Council did not address the questions, which means that the 2023/2024 Ethics Committee may have to deal with the issues raised by the questions. The questions are attached.\*

- Noting that a number of the Village-mandated ethics forms were submitted late due in part to a turnover in Village management, the Committee recommended that the Council consider removing the notarization requirement on the Oath of Office form. At the Council's request, the Village attorney drafted a revised policy to remove the notarization requirement from all Oaths except those of Council members, which the State of Maryland requires to be notarized. The Council voted to adopt the revised policy.
- The Committee updated its SOP for reviewing COI questionnaires and Oath of Offices.

### **Conclusion**

The issuance of this year-end Summary is intended to reinforce public confidence that Village Officials and Village staff are executing their official duties with impartiality and an absence of conflict of interest. It also should help assure a smooth transition from the 2022/2023 Ethics Committee to the 2023/2024 Committee.

Of note, since the adoption of the expanded ethics ordinance in 2021, no ethics complaints have been received by the Committee.

### **\*Ethics Questions to Village Council, April 2023**

- 1.) Who monitors the completion of the COI and Oath of Office forms for members of committees not specified in the Code, i.e., not “Officials” under the Code? (Note: the Ethics Committee is excluded from this responsibility in the Code.)
- 2.) Who enforces the ethical considerations of the Code for these committee members?
  - a.) Can committee members who are not “Officials” under the Code ask for advisory opinions from the Ethics Committee? (Note: the Code dictates that these opinions be provided to “Officials,” which excludes members of committees not specified in the Code.)
  - b.) How does a resident file a complaint against one of these non-“Official” committee members, and what rules apply to the filing and resolution of any such complaints? (Note: the Code specifies the rules regarding ethics complaints, including due process, confidentiality, and burden of proof requirements, but these apply only to “Officials,” which does not include members of committees not specified in the Code.)
- 3.) Who is offered training on the ethics provisions in the Code? Training had previously been limited to specific/identified committee members that are explicitly subject to the ethics provisions in the Code.
- 4.) As a matter of good governance and to close the holes in the Village’s ethics provisions, should the Council address and fix the inconsistency between the Code and the Village’s regulation requiring all committee members, not just those specified in the Code and defined as “Officials,” to complete COI questionnaires and take Oaths of Office?”