

**Ethics Committee Meeting**  
**January 25, 2022**  
**Via Zoom**

**In Attendance:**

**Committee members :** Alex Ghesquiere, Marc Efron, Lorie Mitchell, Ben Dunford

**Council members:** Katie Howard (Council liaison), Andrew Kauders, Susan Fattig

**Village Manager:** Niles Anderegg

**Residents:** Tiffany Cissna, Jonathan Weinberg

7:03 – Quorum established and the meeting was called to order.

Lorie welcomed Committee members and residents. The Ethics Committee meeting agenda was previously published, as well as a meeting packet including draft training packet and illustrative Venn diagram related to consideration of overlapping terms.

First order of business – the minutes of the 12/14 meeting were unanimously approved.

Second order of business- Follow up on the confidential email account. Niles explained the recommendations from the IT consultant. An Outlook account should be partitioned into 2 accounts – one for normal business and one for special/confidential Ethics Committee business. Orin (IT consultant) and Ron Bolt (lawyer) would administer the confidential account. The email address would have a separate address, *e.g.*, confidential@ethics.martinsadditions.org. The Committee and administrators would have the password (*i.e.*, not the Village Manager). The timeline for implementation would be relatively soon (hours/days). For process – Committee members would forward appropriate emails to the confidential account from the main ethics account so that residents would not be confused as to sending to multiple accounts. Alex asked - Why not just one email address? The Village Manager still requests access to the main account, serving in the capacity of the public information administrator – which is most of the business of the main account. Niles added that he will let the Council know of this change before it is enacted so that if there are any questions from the Council, those can be answered before the change is implemented.

Third order of business - Training materials review. Niles shared the draft. Alex provided feedback and prompted discussion about ethical dilemma 2; in particular the applicability of the question and also whether to include a specific answer. Lorie explained the applicability particularly in regards to the new “Impartiality” requirement is valuable. Marc indicated that stating a direct answer should be avoided to ensure we don’t set precedent unnecessarily in the training. The suggestion is to phrase the potential solution as a question for discussion rather than an answer. Marc suggested that the dilemmas be ordered at the end to ensure the summary of all considerations are allowed enough time before uncertain time limits on dilemma discussions. The summary would still conclude the slides. Although no vote was taken, the general sense of the Committee was that the training packet was a good idea and should be reviewed by the Council.

Katie agreed to take the draft to the Council for review and comment.

Fourth order of business – staggered terms. Lorie reviewed the feedback from the Council, including the benefits of the longer terms and also the burden of changing the VMA Code (for the ethics committee) or the Charter (if the same was adopted for the Election Committee). Alex and Marc concurred that the

benefits outweigh the risks/challenges and that it should be recommended to proceed. The risk of changing the Code is a one-time risk and can be done at a leisurely pace. The risk of requiring an overbearing commitment is mitigated because Committee membership is not too difficult and furthermore, any Committee member can resign at any time if desired. Alex moved to recommend this proposal with respect to the Ethics Committee to the Council, Marc seconded and was unanimously approved. Although there was a discussion of staggered terms for the Elections Committee, the general sense of the Committee was that this was a matter for the Elections Committee and/or the Council, particularly because it would require a change to the Village Charter.

Fifth order of business – resident comments. Tiffany Cissna – was complimentary of the training scenarios, though the training might consider being definitive on answers or suggestions since trainees might be looking for that. She suggested that staggered terms for Ethics Committee members would raise the risk that the council would not be able to appoint new members as they are generally reluctant to “remove” committee members. The natural expiration of a term provides a simpler path to renewal than requiring removal. Andrew Kauders – the traditional non-political nature of the Council would likely mean the Council is not likely to require turnover of Committee members following an election.

The next Ethics Committee meeting was scheduled for March 10th at 7:00 pm.

7:51pm -Following a motion and a second, and with all Committee members present agreeing, the meeting was adjourned.

Ethics Committee Meeting Agenda  
January 25, 2022  
7:00 pm, via Zoom

- Call to Order
- Welcome and Introduction
- Approval of 12/14 minutes
- Ethics training
- Staggered terms
- Resident comments
- Additional business/Committee discussion
- Scheduling of next meeting
- Adjournment

The Committee invites and encourages comments prior to the meeting. Please send any such comments to [ethics@martinsadditions.org](mailto:ethics@martinsadditions.org) .

Additional information about the VMA Ethics Committee can be found at:  
[https://www.martinsadditions.org/governance/village\\_committees/ethics\\_committee.php](https://www.martinsadditions.org/governance/village_committees/ethics_committee.php)

## Potential Benefits

- Generally considered a “best practice” for governmental ethics bodies.
- Consistent with ethics bodies in surrounding jurisdictions and Montgomery County.
- Retention of institutional knowledge.
- Ensures availability to conduct ethics training during orientation.

## Staggered Terms

- Limits the ability of each VMA Council to appoint their own Ethics Committee.
- Continuity of service.
- Multi-year terms may affect resident willingness to volunteer.

## Potential Challenges

- Requires a change to the VMA Code.
- Requires a consistent number of Ethics Committee members (3 or 5).
- Disrupts the status quo
- Transition Committee from one year to multi-year terms.

**DRAFT**



# 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.

# 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 a minimum 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). The **disclosure form** and **oath of service** are Attachments #1 and #2.

## 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 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, 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 parent's 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?

\*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.

# 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)**