

Ethics Committee Meeting

Date: 14 December, 2021

Via Zoom

In Attendance:

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

Council members: Andrew Kauders, Katie Howard, Susan Fattig

Residents: Peter Kahn, Lynn Welle

Call To Order: 7:03pm – *Lorie Mitchell*

Introduction: Lorie Mitchell introduced the meeting agenda as distributed to the residents by email in advance of the meeting.

Approval of minutes: The minutes from the last week's meeting were unanimously approved.

Open Issues: Lorie reviewed the open action for Niles to create an acceptable option for a private email address that is inaccessible by the Village Manager. This will be followed up on in a future meeting.

New Business:

-Lorie initiated the meeting on the subject of ethics training and asked the committee for initial thoughts and comments.

-Alex preferred a verbal, in person training approximately 15 minutes long over a PowerPoint or text document. Alex thought that the ordinance was straightforward, that there had been significant attention on it last year and perhaps the training should focus on dispelling misconceptions that came up during the original debates.

-Ben agreed that the ordinance was straightforward but hesitated from focusing on the misconceptions as it might provide unintentional additional focus on these incorrect views. Ben agreed that in-person training would be preferred.

-Marc volunteered to take the responsibility for creating the first draft outline of the training.

-Lorie suggested considering what the committee would write in the "committee corner" section of the newsletter. One option would be to create an end-of-year report.

-Alex, Ben, and Marc concurred with the value of an end-of-year report to confirm the activity of the committee and, hopefully, to confirm that the committee was not needed for any significant business.

-The possible ordinance regarding endorsements by council members was discussed. The legal limitations on prohibiting endorsements were reviewed. Marc, Lorie, Alex, and Ben all concurred that there are no available options to legally prohibit endorsements by council members for council candidates.

-The committee voted unanimously not to move forward on any proposal to prohibit endorsements by council members for or against candidates for village council.

-Marc moved that the committee decide not to take up any action with respect to precluding any members of the ethics committee from electioneering or other election activity. Lorie discussed that other ethics committees (e.g. Montgomery County Ethics Commission, and other ethics

bodies throughout the country) did have prohibitions on endorsing candidates. Alex pointed out that this had not historically been an issue and likely did not need a solution.

-The committee voted in agreement with Marc's proposal, 3-0, with Lorie abstaining.

-The potential change to the Village code that would provide for staggered terms for Ethics committee members was discussed.

-Lorie reviewed the proposal to ensure ethics committee members have staggered terms. Lorie reviewed the tradeoffs and showed a Venn diagram* relating the benefits, drawbacks, and neutral considerations of this proposal.

-Alex asked questions about the practical considerations of compelling committee members to continue in service.

-Ben and Marc concurred that this would require a code change if this were to be adopted.

-Marc suggested that the Village Council be asked to provide an opinion or preference on this matter, and whether to pursue this further.

-Marc motioned to seek the advice of the council as to whether this committee should investigate the matter of staggered ethics committee terms further.

-The motion passed unanimously, 4-0.

Committee Actions Summary:

-Marc volunteered to take the responsibility for creating the first draft outline of the training.

-The committee agreed to seek the advice of the council as to whether this committee should investigate the matter of staggered ethics committee terms further.

Resident Comments:

-Katie Howard stated her opposition to election-related endorsements by Council members.

-Andrew Kauders asked for clarification; should endorsements have council titles included or should those titles be prohibited? Lorie clarified that the law states that the residents have an interest to know what political representatives' positions are on candidates for election. Andrew accepted the explanation and reiterated his appreciation for the committee members and work.

-Peter Kahn asked for a clarification question as to when the ethics training would occur; Lorie clarified that the committee would be working on a training module to be delivered to committees in the future.

-Marc asked a question related to Election Committee activity, as to whether the Community Engagement committee should be covered by the impartiality requirement of the ethics code if they are engaged in election related activity such as voter registration or voter role management. Marc pointed out that this decision is not necessary ahead of a decision by the election committee and the Ethics committee can wait until an action is required before discussing the matter further.

-The committee agreed that the discussion would be deferred until any action was taken by the Election committee.

Next Meeting: *Tuesday, January 25 at 7:00pm*

Adjournment: 8:04 pm.

*See Addendum

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

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

- Would require a change to the VMA Code
- Would require a consistent number of volunteers (3 or 5)