

Ethics Committee Meeting
March 10, 2022
Via Zoom

In Attendance:

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

Council members: Katie Howard (Council liaison), Susan Fattig

Village Manager: Niles Anderegg

Residents: None

7:05 – Quorum established and the meeting was called to order.

Lorie welcomed the Committee members. The Ethics Committee meeting agenda was previously published.

First order of business – the minutes of the 1/25/22 meeting were unanimously approved.

Second order of business- End of the Year Report. The Ethics Committee discussed the structure of the end of the year reports. The Committee decided that the report should be more comprehensive than the end of the year report the Village of Chevy Chase produces. The report should include, besides the number of investigations and advisory opinions, the following: the number of meetings, the number of ethic's training given, recommendation of staggered terms, and the number of conflict of interests (COI) disclosures and Oath of Office forms submitted. The Committee voted unanimously to approve the end-of-year report format. The Committee also discussed establishing a procedure for reviewing Oath of Office and Conflict of Interest forms, with Marc agreeing to make an appointment with Niles to review forms submitted this term. Marc, noting that candidates for Council are required to submit COI forms, questioned whether the Committee should review those forms. Lorie agreed to speak with the Election Committee chair, and if appropriate, review the forms following the submission deadline.

Third order of business - Training materials review. The Committee voted unanimously to approve the current training document and remove the word "draft." The Ethics Committee discussed the upcoming Ethics Training, which is scheduled to take place for the new Election Committee on Monday, March 14, 2022. A link to the ordinance section of the Village Code will be included with the training material prior to the meeting. The Committee unanimously approved keeping the scenarios and not providing answers as it would facilitate discussions. Lastly it was determined that it would be better to hold the training under the administrative exception to the open meetings act as it has been demonstrated that training is more effective in smaller groups. The Committee voted unanimously to conduct the training for the Election Committee in an administrative session.

Fourth order of business – resident comments. There were no resident comments.

Fifth order of business - new business. The Committee discussed Lorie's idea of creating a standard operating procedure (SOP) for the committee. It was determined that the most efficient way forward would be to include the SOP items in the end of the year report.

The next Ethics Committee meeting was scheduled for April 26, 2022, at 7:00 pm.

8:04pm -Following a motion and a second, and with all Committee members present agreeing, the meeting was adjourned.

Ethics Committee Meeting Agenda
March 10, 2022
7:00 pm, via Zoom

- Call to Order
- Welcome and Introduction
- Approval of 01/25/22 minutes
- End-of-year report format
- Ethics training
- 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.

Additional information about the VMA Ethics Committee can be found at:
https://www.martinsadditions.org/governance/village_committees/ethics_committee.php

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 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)**