



CALVERT COUNTY ETHICS COMMISSION

RULES OF PROCEDURE

ADOPTED: JANUARY 14, 2009

Revised: August 21, 2014

Revised: April 21, 2016

THE PROCEDURES CONTAINED HEREIN ARE INTENDED TO BE A GENERAL REFERENCE AND GUIDANCE FOR THE EXECUTION OF THE CALVERT COUNTY ETHICS COMMISSION'S OFFICIAL BUSINESS AND ARE NOT A SUBSTITUTE FOR THE CALVERT COUNTY CODE OF ETHICS ARTICLE 5, CHAPTER 41 OF THE CODE OF PUBLIC LOCAL LAWS OF MARYLAND. WHEN A DISCREPANCY ARISES BETWEEN THESE PROCEDURES AND THE ETHICS LAW, THE ETHICS LAW SHALL BE FOLLOWED AND IS THE ULTIMATE AUTHORITY FOR THE ETHICS COMMISSION'S CONDUCT, DECISIONS, AND OFFICIAL BUSINESS. THESE RULES OF PROCEDURE WERE DULY ADOPTED BY THE CALVERT COUNTY ETHICS COMMISSION ON THE 14th DAY OF AUGUST, 2009.

SECTION 1 – PREFACE

The following rules establish the procedures which should be followed by the Calvert County Ethics Commission (also referred to as “the Commission” or “Ethics Commission” or “EC”.) Any reference herein to “the Commission” shall mean the Calvert County Ethics Commission and any reference herein to the “Code” or “Code of Ethics” shall mean Chapter 41 of the Code of Calvert County – Code of Ethics (including any subsequent amendments.)

SECTION 2 – MEETINGS

A. Open Meetings:

1. Commission meetings are open to the public in accordance with the Maryland Open Meetings Act, Maryland Annotated Code, State Government Article, §10-501, et seq.
2. This section does not prohibit the Commission from meeting and entering into Closed Meetings in accordance with the Maryland Open Meetings Act, Maryland Annotated Code, State Government Article, §10-501, et seq. Closed Meetings are not open to the public.
3. Minutes. Meeting minutes of the monthly Open Meetings shall be made available to the public upon request.
4. Order of Open Meeting. The Open Meeting should include the items listed below:
 - a. Determination of a Quorum; the Chairperson shall determine if a quorum is present.
 - b. Call to Order; if a Quorum is present, the Chairperson shall call the meeting to order.
 - c. Review and Approval of Minutes.
 - d. Approval of Agenda.
 - e. Announcements, includes business conducted in Closed Meeting.
 - f. Unfinished Business.
 - g. New Business.
 - h. Public Comments. *This is the only time the public is allowed to participate.*
 - i. Recess, Subject to Motion of Privilege for Closed Meeting.
 - j. Adjournment.
5. Recess. An Open Meeting may be recessed as determined by the Commission.

B. Closed Meetings:

1. The Commission will conduct Advisory Opinions (when the criteria established by the Maryland Open Meetings Act are met) and all complaint proceedings in Closed Meetings.
2. The Commission may also enter into Closed Meetings in accordance with the Maryland Open Meetings Act. SG§10-501 et seq. if the topic meets any of the following exceptions:
 - a. Personnel matters,
 - b. Privacy or reputation,
 - c. Real property acquisition,
 - d. Business location,
 - e. Investment of public funds,
 - f. Marketing of public securities,
 - g. Legal advice,
 - h. Pending or potential litigation,
 - i. Collective bargaining,
 - j. Public security,
 - k. Scholastic, licensing and qualifying examination,
 - l. Investigative proceeding regarding criminal conduct,
 - m. Other law, or
 - n. Procurement.

3. Procedure for closing a meeting:
 - a. A motion to go into Closed Meeting is a question of privilege and is therefore adopted by a Majority Vote.
 - b. The reasons for going into a Closed Meeting will be announced at the Open Meeting and recorded in the Open Meeting Minutes.
 - c. Commission members, the subject of the meeting, the complainant, the subject of the complaint, legal counsel, the Administrative Aide to the EC, and relevant witnesses (as determined by the Commission,) may attend a Closed Meeting.
 - d. Commission Members may decide by a Majority Vote who may attend the Closed Meeting.
 - e. The item, action, and vote made in Closed Meeting shall be announced at the next Open Meeting and recorded in the Open Meeting Minutes.
4. Minutes:

Minutes of any Closed Meeting shall remain confidential and will NOT be made available to the public.
5. Recess:

A closed meeting may be recessed to an agreed time and place by vote of the Commission Members.

SECTION 3 – FINANCIAL DISCLOSURE STATEMENTS

A. Filing:

1. Financial Disclosure Statements (FDS) will be in accordance with the Calvert County Code of Ethics, Chapter 41 of Article 5 of the Code of Public Local Laws of Maryland.
2. FDS should be distributed to all individuals who are required to file by January 31st by the Administrative Aide provided to the Commission by the Board of County Commissioners (BOCC).
3. FDS are required to be completed and returned to the Commission by March 31st.
4. A past-due notice will be sent by the Administrative Aide to delinquent filers after the due date.

B. Review:

1. FDS's will be received by the Administrative Aide prior to the formal review by the Commission Members in an Administrative Work Session.
2. The Administrative Aide will return an incomplete FDS form to the Filer with notification of explanation and request that it be completed and returned.
3. The Commission Members will review FDS forms in a timely manner.
4. FDS's that do not require further clarification or explanation with regards to Appearance of Improper Influence or a Conflict of Interest require only one Commission Member's Review and Initial.
5. If a FDS is in question, it should then be reviewed and initialed by a 2nd Commission Member before approval.
6. After review by the 2nd reviewer, if the FDS remains in question, then the Commission will discuss the issue in question and make a determination.
7. Ethics Commission Members should not review their own FDS.

SECTION 4 – ADVISORY OPINIONS

A. Requesting an Advisory Opinion:

1. A request may be submitted by mail to P.O. Box 1104, Prince Frederick, MD 20678, by email at calvertethics@gmail.com, in person at a Commission's regularly scheduled Open Meeting, or by contacting the Commission via telephone, with a follow up in writing.
2. The Commission will acknowledge receipt of the request and present the request at a scheduled Open or Closed Meeting.

B. Commission Proceedings On Advisory Opinions:

1. Supplemental Information:

- a. The Commission, in its discretion, may determine if additional information needs to be obtained to respond to the request.
- b. The Commission may ask for supplemental information, conduct meetings to obtain additional information or designate a member of the Commission to gather additional information and report back to the whole Commission.
- c. Individuals invited to attend a meeting of the Commission shall be provided notice prior to the meeting.

2. Advisory Opinion Decision:

- a. After review of an Advisory Opinion request and factual information, the Commission will decide on an Advisory Opinion.
- b. A Commission member will prepare and draft Advisory Opinion response and obtain administrative approval from the rest of the Commission Members.
- c. Upon Commission approval, the Advisory Opinion Requester will be sent the Advisory Opinion from the Commission.

SECTION 5 – COMPLAINTS

A. Initiation of Complaint:

1. Who can file: any person may file a complaint with the Commission alleging a possible violation of the Code of Ethics. The Commission may also issue a Complaint.
2. Content of complaint:
 - a. A Complaint must be in writing and identify specific facts in support of the alleged violations of specified portions of the Code of Ethics.
 - b. The Complaining Party is encouraged to provide copies of pertinent documents substantiating the allegations or to identify persons or the location of documents specifying what information would be available.

B. Commission Action After Receipt Or Initiation Of Complaint:

1. Acknowledgment: The Commission will acknowledge receipt of a Complaint.
2. Review: The Commission will review the Complaint at a scheduled Closed Meeting.
3. Determination of Insufficiency: If the Commission determines that the Complaint is insufficient for any reason, the Commission shall notify, in writing, the Complaining Party of its determination.
4. Investigation: The Commission, in its discretion, will determine if additional information needs to be obtained to respond to the request.
 - a. The Commission may ask for supplemental information to be submitted in writing, conduct meetings to obtain additional information or designate a member of the Commission to

investigate further and report back to the whole Commission.

- b. Individuals requested to attend a meeting of the Commission will be provided notice prior to the meeting and will be administered an oath or affirmation to tell the truth prior to their testimony.
 - c. Hearings and investigative proceedings may be recorded at the discretion of the Commission.
5. Determination:
- a. Based upon the evidence submitted to the Commission, the Commission has the Authority to proceed as outlined in section 41-12 G. of the Code.
 - b. Once the Commission determines that a violation of the Ethics Code did occur, the Violation then becomes part of public records.

SECTION 6 – EVIDENCE

- A. Admissibility of Evidence: although not guided by formal rules of evidence, pertinent rules will be followed, including:
1. Evidence presented must be relevant and material to the case and issue at hand.
 2. The Commission shall make the determination as to the admissibility of evidence presented at the Complaint Proceeding, and may make such ruling with the advice of Legal Counsel.

SECTION 7 – EX PARTE COMMUNICATION

- A. Prohibition of Ex Parte Communications. No member of the Commission may communicate Ex Parte with any party regarding a pending case. The members may, however, communicate with counsel for the Commission regarding potential legal issues.
- B. Disclosure of Ex Parte Communication. Any member of the Commission who receives an ex parte communication in violation of subsection (A) shall place on the record all written communication received and shall disclose all oral communication received and responses made. Any Commission Member may recuse him or herself and withdraw from the Proceeding, if they deem it necessary to eliminate the effect of a prohibited Ex Parte communication.

SECTION 8 – RECUSAL

- A. A Commission Member should recuse him or herself from participating in a particular Ethics Proceeding under the following circumstances:
1. The Commission Member has a Conflict of Interest as defined in Section 41-13 of the Code.
 2. A member of the Commission Member's immediate family is or was directly involved in the matter or with a person that is the subject of the Complaint.
 3. The Commission member's business interests in the County are directly affected by the determination in the Proceeding.
- B. A Commission Member will recuse him or herself from participating in a particular Ethics Proceeding if the member believes, for any reason, that they may have a Conflict of Interest or Appearance of Conflict of Interest in the matter or with a person that is the subject of the issue being discussed.
- C. Members should review Advisory Opinion on Recusal dated 9/1/15.

SECTION 9 – CONFIDENTIALITY

- A. The Commission will keep the proceedings relating to any Complaint confidential within the meaning and as set forth in Section 41.12.H of the Code.
- B. The Ethics Commission and its designees may not disclose any information relating to the Complaint, including the Identity of the Complainant and the Subject of the Complaint, except as required by Court Order or extenuating circumstances.
- C. The Subject of the Complaint has the right to know the identity of the Complainant if a Civil Lawsuit or Criminal Action is initiated or if the Complainant agrees to being disclosed in writing.

SECTION 10 – PROCEDURE FOR RECORDING AND APPROVAL OF MINUTES

- A. Open Meeting Minutes: The procedure for recording and approval of the minutes is to ensure the actions of the Commission are documented and approved by the Commission Members.
 - 1. The secretary or a designee will:
 - a. Draft the Minutes of the Open Meeting prior to the next regularly scheduled meeting.
 - b. Distribute the Minutes to all Commission Members.
 - c. Retain a copy of all Minutes.
 - 2. The Minutes will be approved by the Members, subject to any corrections, additions, or deletions.
- B. Closed Meeting Minutes: Minutes from a Closed Meeting are confidential and cannot be distributed unless required by Law.
 - 1. The Secretary or a Designee will:
 - a. Draft the Minutes of the Closed Meeting prior to the next Regularly Scheduled Meeting.
 - b. Present the Minutes of the Closed Meeting at the next Regularly Scheduled Meeting, in Closed Session, for approval by the Commission Members, subject to any corrections, additions, or deletions.
 - 2. The Motion to approve the Minutes will be called and voted. After the Minutes have been approved by the Commission, they are retained for permanent record.

SECTION 11 – AVAILABILITY OF RECORDS

- A. Financial Disclosure Statements:
 - 1. FDS should be maintained in the administrative office of the Board of County Commissioners.
 - 2. FDS are public records available during normal business hours for inspection and/or copying, subject to reasonable fees and administrative procedures.
 - 3. FDS examination must be in person and must be person specific. Request for examination may not be a blanket review; it must be for an examination of a specific FDS.
 - 4. Any person seeking to inspect or copy a FDS shall provide his or her name and home address along with a photo ID for verification purposes.
 - 5. The Commission or its designated representative will maintain a record of the examination and notify the person whose record was examined, if so requested.

- B. Advisory Opinions:
 - 1. Advisory Opinions may be posted on the Commission’s Website or made available in the BOCC Office.
 - 2. The Commission will take all reasonable efforts to ensure that personal information will not be disclosed.
- C. Open Meetings: the Minutes of Open Meeting will be available for review upon request.

SECTION 12 – ADMINISTRATIVE MATTERS

- A. The Commission shall conduct its activities as determined by the Commission.
- B. All correspondence on behalf of the Commission will be prepared for and signed by the Chairman, Vice-Chairman, or Secretary.
- C. Commission contacts, correspondence, and/or any other form of interaction with other governmental entities or the public concerning Commission matters should be conducted as follows:
 - 1. The Commission Spokesperson shall be the Chairman, in his or her absence the Vice-Chairman shall serve as the Spokesperson with other Members to serve solely in that capacity as delegated by the Spokesperson, whether it is the Chairman or the Vice-Chairman.
 - 2. No member, including but not limited to the Chairman or Vice-Chairman, is authorized to commit the Commission to a course of action unless duly authorized by the Commission.

SECTION 13 – RULES, CHANGES, AND SUPPLEMENTS

- A. In case of Conflict between these Rules of Procedure and the Ethics Code, the Code shall prevail.
- B. The Calvert County Ethics Commission may amend or repeal these Rules of Procedure with Three Affirmative Votes of the Commission.
- C. These rules should be reviewed annually and revised every three years.