

A meeting of the City Ethics Commission (Commission) was held on Monday, September 19, 2022, in the Council Chamber, 2nd Floor, City Hall, Hagerstown, Maryland.

The following people were in attendance:

Joseph Jefferson, Chairperson
Lewis C. Metzner
Matthew Schindler
Jason Morton, City Attorney
Donna Spickler, City Clerk

Mr. Jefferson called the meeting to order at 5:30 p.m.

On a motion duly made by Mr. Schindler and seconded by Mr. Metzner, the minutes from the February 7, 2022 meeting were approved.

Review of Confidentiality for Advisory Opinions and Complaints

Mr. Morton recalled that this group wanted the City Code to track what the State does for confidentiality of Advisory Opinions and Complaints. The State Ethics Law indicates advisory opinions are confidential unless there is a criminal component or the filer gives consent for public discussion.

Mr. Jefferson asked if the City Code is automatically updated when a clear opinion is received from the State. Mr. Morton indicated the Ethics Commission would have to decide whether or not to proceed with presenting proposed amendments to the Mayor and City Council for consideration.

Mr. Schindler recalled the State's response was not clear. Mr. Jefferson stated he could ask again for an explanation of the confidentiality reasoning in the State Ethics Law. This would help the Commission to clarify to the Mayor and City Council why a potential amendment is being proposed.

Mr. Morton indicated the request for an Advisory Opinion, the complaint, the opinion itself, a hearing, and then deliberation are all confidential.

Mr. Jefferson stated he does not think an amendment should be presented to the Mayor and City Council without some further explanation from the State. Mr. Morton agreed and noted if the Commission decides to meet with the Mayor and City Council it would be during a Work Session.

Mr. Jefferson asked if the Commission members could agree to a proposed draft by email. Mr. Morton stated they could not as they have to follow the regulations within the Maryland Open Meetings Act.

Annual Certification Report

Mr. Jefferson signed the required Annual Certification Report that is due by October 1 of each year. Ms. Spickler will submit the report by the due date.

Review of Mandatory Revisions to the City’s Ethics Code

The State Ethics Commission notified the City of Hagerstown that House Bill 363 and House Bill 1058 made multiple modifications to the State Ethics Law, which will change the requirements for local government ethics laws. Those changes include new conflict of interest provisions and additional disclosures for State elected officials that local governments must incorporate into their ethics ordinances for their elected officials.

Mr. Morton stated there are several provisions that will require a Code change.

Amendments are required in the following areas:

1. Definition for “Quasi-governmental entity”
2. Prohibit gift acceptance from associations engaged in representing counties or municipal or corporations
3. Prohibit disclosure of confidential information by a former official or employee
4. Prohibit retaliation against individual for reporting ethics violation or participating in ethics investigation
5. Prohibit disclosure of amount of consideration received from: UMMS, State or local governmental entities and quasi-governmental entities
6. Disclosure of name business trades as or does business under
7. Disclosure of gifts from association engaged in only representing counties or municipal corporations
8. Disclosure of relationships with UMMS, State or local government or quasi-governmental entity
9. Attributable interests in business entities that must be disclosed

The Commission determined it would be appropriate to discuss the required amendments and the proposed amendment regarding confidentiality with the Mayor and City Council at the same time.

There are currently two vacancies on the Ethics Commission. Ms. Spickler stated the Mayor and City Council are aware of the vacancies and are working to fill them.

It was agreed that the Commission will meet quarterly, with the next meeting being on Monday, February 6, 2023.

On a motion duly made by Mr. Metzner and seconded by Mr. Schindler, the meeting was adjourned at 6:05 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: August 9, 2023