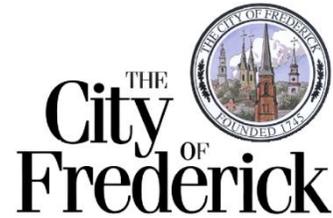


ETHICS COMMISSION RULES OF PROCEDURE



Introduction

These Rules of Procedure are adopted pursuant to the City of Frederick Ethics Ordinance, Section 21-2(e) of the City Code.

Section 1 – Meetings and Hearings

- a. The regular meetings of the Commission shall occur on the first Monday of each month at 8:00 AM, as needed.
- b. The Chair may call a meeting or hearing, as needed.
- c. The Chair or, in his/her absence, the Vice-Chair or senior member of the Commission (in that order) shall preside at all meetings and hearings of the Commission. The presiding officer shall decide on all points of order and procedure, subject to these rules, unless otherwise directed by the majority of the Commission members present.
- d. The order of business shall be in accordance with the agenda prepared by the Legal Department in consultation with the Chair or, in his/her absence, the Vice-Chair. The order of the agenda may be amended at the meeting by affirmative vote of the majority of the Commission members present.

Section 2 - Voting

- a. A quorum consists of three Commission members.
- b. A member shall not vote on a matter in which he or she has a conflict of interest.
- c. Items put to a vote are decided by a majority of the members present. The Chair may make motions and vote on all items.
- d. A tie vote by the Commission shall be interpreted as a defeat of the motion upon which the vote was taken.
- e. In order to be put to a vote, a motion must have a second. Members' votes shall be recorded on each motion.

Section 3 - Requests for Advisory Opinions

- a. Definition: An Advisory Opinion is a formal, written opinion, issued by the Ethics Commission that provides an interpretation of the Ethics Ordinance.
- b. Request for Advisory Opinion: If a City employee or official questions whether an activity, conduct, or action violates the Ethics Ordinance, that individual should contact the City Attorney to receive a Request for Advisory Opinion Form. Once the requestor has completed the Request for Advisory Opinion Form, it should be returned in a sealed envelope marked "Request for Advisory Opinion," either via hand-delivery or first-class mail to the City of Frederick Ethics Commission, City Hall, 101 North Court Street, Frederick, Maryland 21701. Alternatively, the request may be emailed to the City Attorney. The City Attorney will review the Request Form to determine whether the required information has been provided, schedule the matter to be heard by the Ethics Commission, and notify the Ethics Commission Chair.
- c. Process:
 1. Once the Ethics Commission decides it has sufficient information, a hearing will be scheduled. The requestor will attend the hearing to explain the facts surrounding the request, and to answer questions from the Commission.
 2. After deliberation, the Commission will provide an interpretation of the applicability of the provisions of the Ethics Ordinance to the requestor based on the facts provided by the requestor. The Commission's interpretation shall be rendered as a formal, written Advisory Opinion, and shall be sent to the requestor.
 3. All Advisory Opinions shall be written without disclosing the names of any persons involved in order to maintain confidentiality.
 4. Once the Advisory Opinion has been released to the requestor, it is available to the public.

Section 4 – Filing a Complaint

- a. Definition: A Complaint is a written statement, signed under oath, alleging a specific violation of the Ethics Ordinance. Any person may file a Complaint. The Complaint must be filed within one year of the time the person filing the Complaint either knew, or in the exercise of reasonable care should have known, of the violation.
- b. Filing a Complaint: If a person believes that an activity, conduct, or action violates the Ethics Ordinance, that person should contact the City Attorney to obtain an Ethics Complaint Form. Once the complainant has completed the Ethics Complaint Form, it should be returned in a sealed envelope marked "Ethics Complaint," either via hand-delivery or first-class mail to the City of Frederick Ethics Commission, City Hall, 101 North Court Street, Frederick, Maryland 21701. The City Attorney will review the Complaint Form to determine whether the required information has been provided,

schedule the Complaint to be heard by the Ethics Commission, and notify the Ethics Commission Chair.

c. Process:

1. Once the Ethics Commission reviews the Complaint, the Commission may either dismiss the Complaint, direct the City Attorney to investigate the allegations to aid the Commission in its initial evaluation of the Complaint, or set a formal hearing on the Complaint. The Ethics Commission shall notify the complainant in writing of its initial determination.
2. All actions regarding a Complaint are confidential until a final determination is made by the Commission.
3. At the formal hearing on the Complaint, the complainant and City employee or official named in the Complaint shall be given the opportunity to present evidence and cross-examine witnesses. All testimony shall be taken under oath.
4. The Commission may issue subpoenas and compel the attendance of witnesses and production of documents.
5. At the conclusion of the hearing, the Commission will issue a formal written Decision that includes findings of fact and conclusions of law based on the evidence presented. The written Decision shall be sent to the complainant.
6. Upon a finding of a violation of the Ethics Ordinance, the Commission may issue an order to cease and desist, impose a fine of up to \$1,000, and/or seek judicial enforcement for compliance.
7. Once a final determination is made by the Commission on a Complaint, the formal Decision of the Commission is available for public inspection and copying.

Section 5 - Conduct of Commission Members

- a. Only the Chair of the Commission has the authority to represent the Commission in speaking on behalf of the Commission.
- b. No Commission member shall publicly comment on the merits of a matter before the Commission, or a matter that can reasonably be expected to appear before the Commission, prior to public release of the decision.
- c. The Ethics Commission recognizes that impartiality and fair-mindedness is critical to the decision-making and integrity of the Commission. The Commission must remain neutral since even the appearance of bias threatens the integrity of the Commission and compromises its effectiveness. Therefore, members of the Commission shall not use the Commission for political purposes, either to benefit themselves or another.

d. Sanctions for violations of Sections 5(a)-(c) include:

1. private reprimand;
2. public reprimand; and
3. request by the Commission for the removal of a Commission member by the Board of Aldermen.

Section 6 - Amendments

Amendments to these rules of procedures may be introduced at any meeting of the Commission and voted on at any subsequent regular meeting.

Section 7 - Suspension of Rules

Any provision of these rules not governed by the City Charter or the City Code may be temporarily suspended by an affirmative vote of a majority of the Commission members present. The vote of any such suspension shall be taken and entered into the record.

Adopted: Richard L. Stey
Ethics Commission Chair

Date: 11/14/11

ETHICS COMMISSION