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CITY OF LAUREL ETHICS COMMISSION

8103 Sandy Spring Road • Laurel, Maryland 20707 (301) 725-5300

Internet Address: <https://www.cityoflaurel.org/boards/commissions/laurel-ethics-commission>

June 13, 2019

[REDACTED]
8103 Sandy Spring Road
Laurel, Maryland 20707

RE: Request for Advisory Opinion

Dear [REDACTED]

Thank you for your letter dated April 25, 2019 requesting an Advisory Opinion from the Ethics Commission concerning a matter of a possible conflict of interest.

Under consideration is a desire by you to provide to the City Council a plan for a one-time cost-of-living adjustment for the City of Laurel's retirees. We understand that you are aware that a [REDACTED] member of the Laurel City Council is also former City employee and as such would be a beneficiary of such an increase.

Since this request for an Advisory Opinion comes from you, [REDACTED] and not from any potentially affected member of the City Council, this Opinion is directed to you and covers what actions you should take.

ETHICS COMMISSION 'S FINDINGS

Pursuant to the Laurel City Code, Chapter 2, Article IV on Ethics, Sec. 2-55(a)(1)(i), except as permitted by Commission regulation or opinion, an official or employee may not participate in ". . . any matter in which, to the knowledge of the official or employee, the official or employee or a qualified relative of the official or employee has an interest."

Members of the City Council, under Sec. 316 of the Laurel City Code, have as one of their general powers to appropriate municipal moneys for any purpose within the powers of the Council. Further, members of the City Council provide for a retirement or pension system for City employees. The Laurel Ethics Commission finds that it would be a likely conflict of interest if a current member of the City Council who is eligible for current or future City retirement or pension benefits to vote to approve an increase in retirement or pension benefits that they would then receive.

The Commission further finds that it would be a likely conflict of interest if such a member of the City Council were to participate in any way in any formal or informal discussions that may precede or lead to such a vote.

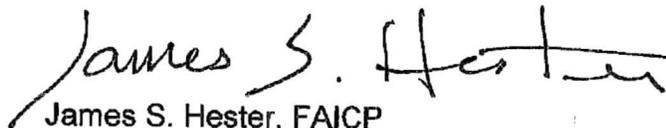
ADVISORY OPINION

It is the opinion of the Ethics Commission that:

- [REDACTED] should not share any working drafts or other materials concerning a potential one-time cost of living adjustment with any member of the Council who has previously been employed by the City and who may benefit from any increase in their current or future City retirement benefits. This will protect [REDACTED] and the City Council member from a conflict of interest.
- [REDACTED] should counsel any City Council member who may be a recipient of a City of Laurel retirement or pension benefit that the Councilmember should recuse himself/herself from discussing or voting on any resolution of an increase or adjustment to the City's retirement or pension plan. This will ensure such member does not create a conflict of interest situation that would result in possible action by the City of Laurel Ethics Commission:
- [REDACTED] should counsel any potentially affected City Council member that such recusal should be in writing with copies to the Mayor, the other City Council members, and the Chair of the Ethics Commission; and,
- [REDACTED] should advise any potentially affected City Council member that the Ethics Commission invites any potentially affected City Council member to come before the Commission if there are any questions or if said Councilmember would like to request a specific Advisory Opinion to provide further guidance on compliance with the Ethics Ordinance on this or any other matter.

Thank you for coming to the Ethics Commission on this important matter. Your long time commitment to ensuring the integrity of all officials and employees of the City of Laurel is warmly welcomed and very much appreciated.

Sincerely yours,



James S. Hester, FAICP
Chair, City of Laurel Ethics Commission