



CITY OF LAUREL OFFICE OF THE MAYOR

Craig A. Moe
Mayor

8103 Sandy Spring Road, Laurel, MD 20707-2502
Phone: 301-725-5300 ext. 2124 • Fax: 301-725-6831

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FEB 03 2023

City of Laurel
Office of the Clerk

February 3, 2023

MEMORANDUM

To: Carl DeWalt, City Councilmember
From: Craig A. Moe, Mayor
Subject: Council Work Session Comments – February 1, 2023

At the City Council Work Session on Wednesday, February 1, 2023, the Mayor and City Council were discussing the Laurel Police FOP Lodge 11's recently negotiated labor contract in which few statements were made. I want to address two of those statements you made and correct them for the record.

Councilmember DeWalt stated the following: *"Christian, under the Police Retirement Plan, the first sentence is, the City does not have the authority to negotiate an amendment for the Police Retirement Plan, I have never seen that before. When I first became a Council member, I attended about 5 or 6 meetings. They knew I was strictly there for about our Police Retirement because I am a member of that retirement, and they knew based on my questions and everything...is this new to the City where they don't negotiate amendments to the police retirement plan? If it is, wherever it's written at could you please explain that to me, were I can find it?"*

In fact, in a memorandum to you dated June 14, 2019, I advised you that the responsibility of the Pension Board is to manage and recommend changes or adjustments. Once recommendations are forwarded to the Mayor and City Council, it is our authority to fund them." I further advised you that "you should also realize, since you went to the Pension Board and requested, they provide a COLA, that they advised you they could not recommend that to the Mayor and City Council because the pension is on a 77.1% for the police plan and 77.5% for the employees plan and that would be an irresponsible fiduciary recommendation". The Board is entrusted to protect the assets of the City Pension Plan funds to ensure that funds are available for current and future retirees. I have attached the memorandum from June 14, 2019, for your review.

During the discussion, the City Solicitor advised you that you should not be taking part in discussions regarding the pension since you are in the police retirement system. He also made several other observations to you as well responded in part with the following:

Councilmember DeWalt stated the following: *"I was, the Mayor already forwarded me going to the meetings mentioning cost of living raise at the Retirement Board meetings was sent to the Ethics Commission and the Ethics Commission has already ruled that if it comes to a vote in the City Council, if anything comes to a vote where I would benefit from it, I would recuse myself."*

In fact, I wrote to Mr. James Hester, Chairman of the City of Laurel Ethics Commission on April 10, 2019, and asked for a review and consideration of a matter that maybe a possible conflict of interest. I provided the different sections of the Laurel City Code and asked for proper direction to handle this matter. On April 25, 2019, I again, wrote to the Chairman of the Ethics Commission and requested an Advisory Opinion which is the proper language that I did not used in my first letter. On June 13, 2019, I received a copy of the Ethics Commission Advisory Opinion, not, as you stated a "Ruling".

I was taken aback by your comments, as stated above, the Commission's Advisory opinion stated nothing to the effect of your response to the City Solicitor. In the opinion the commission stated:

"The Mayor should not share any working drafts or other materials concerning a potential on-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 both the Mayor and the City Council member from a conflict of interest."

"The Mayor 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 discussion 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."

"The Mayor 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,"

"The Mayor 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 as 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."

As you know this Advisory Opinion was forwarded to you right after my office received it, and I recommend to you at that time to sit down with the Ethics Commission to discuss their Opinion in more detail. Which I don't think you ever did.

I highly recommend that you review the entire June 13, 2019, Advisory Opinion from the Ethics Commission again, which I have attached, and follow their advice.

Please let me know if you have any questions or would like to discuss this further if I got something wrong in this memorandum.

ttachments

cc: Brencis D. Smith, Council President
Christian L. Pulley, CPM, City Administrator
Joanne Barr, Deputy City Administrator
Ana R. Navarro, MMC, Executive Assistant to the Mayor
James S. Hester, FAICP, Chair, City of Laurel Ethics Commission
Lawrence N. Taub, City Solicitor
Council Read File



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Craig A. Moe
Mayor

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June 14, 2019

MEMORANDUM

TO: Carl DeWalt, City Councilmember
FROM: Craig A. Moe, Mayor
SUBJ: Comments – Council Meeting, May 13, 2019

I wish to respond to the comments you made at the Mayor and City Council meeting held on Monday, May 13, 2019, as I felt they were misguided and should have been addressed to the Chief nominee in a more private setting, since he had his wife, parents and children that were present for what I believe should have been all about Chief Hamill.

You stated, “Chief you are about to enter a culture that can be at times toxic.”

In fact, over half of the Laurel Police Department officers, representing all levels of our force, attended the meeting to show support for the new Chief of Police. That says a lot about them, the excitement they have for the new Chief and the confidence they have that he will work with them to take the Laurel Police Department to the next professional level. For you to start out the approval process with the comments you made was in bad taste. To state that the culture can be toxic at times was an insult to all of those officers that work hard day in and day out and took the time to attend is disrespectful. We are all aware we have issues to deal with, any big organization does. I just believe to make that statement during the confirmation was wrong and put all our officers unfairly under a cloud.

You stated, “Our retirement is antiquated and stagnant, the retirees haven’t had a COLA since 1995 and they tell me that they feel forgotten.”

In fact, you are well aware that the Police Chief has nothing to do with the pension system that is the responsibility of the Pension Board to manage and recommend changes or adjustments. Once recommendations are forwarded to the Mayor and City Council it is our authority to fund them. You are also aware that I have been working on doing something for all City retirees, not just the retired police officers. You should also realize, since you went to the Pension Board and requested they provide a COLA that they advised you they could not recommend that to the Mayor and City Council because the Pension is only at 77.1% for the police plan and 77.5% for the employees plan and that would be an irresponsible fiduciary recommendation. The Board is entrusted to protect the assets of the City Pension Plan funds, to ensure that funds are available for current and future retirees.

You have also been told that the Pension system is a defined benefit Retirement Plan, and when the employee signs the contract they are advised at the time they retire of the monthly benefit they will receive. That is why during my time as Mayor I have always proposed in my budgets the actual amount of funding suggested by the Actuarial, and have gone further by adding additional funds to the pension plans when possible to increase their funding levels. I have presented over \$2,382,503.00 of additional funding. I have spoken to several retirees as well and once the entire story is provided they have a better understanding of what we are dealing with regarding the underfunded balances in the pension system.

We have also increased the monthly health insurance reimbursement for retirees from \$200.00 to \$500.00 since I have been Mayor. So I think it is fair to say I have not forgotten about the retirees! Your "NO" vote on the FY2019 budget says to the employees and retirees that you don't care enough about them to support the pension contribution, health benefits, training and educational support provided.

You stated, "We currently have 60 officers and are approved to have 70, several more officers are getting ready to leave to other departments for better benefits."

Perhaps your sources are not as reliable as you may think. In fact, we currently have 12 Police Officer vacancies out of an authorized staffing level of 70 positions. We are working hard to fill those positions with qualified police officers. You may also know that we lost officers to Anne Arundel County having a signing bonus of \$20,000.00 and to Baltimore County due to their \$25,000.00 signing bonus. The Administration is working with the FOP and Chief Hamill on ways to recruit and keep officers. This has been an ongoing challenge for years, and we have always been able to adjust. I believe if we all work together to develop other incentive programs and benefits for our officers, we can rise to this challenge again. Furthermore, it is foolish for you to compare our municipal resources to those of a County government.

I welcome and await your written comments and suggestions on recruitment and retention of police officers.

You stated, "Up until several years ago the Police Department in my career was always considered on the low end of the priority list."

In fact, once you review the budget proposals I have submitted over the years, you will agree that your statement is untrue. It may be your opinion that you considered the Police Department on the low end of the priority list. Not sure what years you are talking about since you were with the Police Department for 28 years, but if you are speaking about my time as Mayor, I will have to totally disagree with that statement.

You stated, "Back in the late 1980's Fred Carmen and I could only dream of collective bargaining because a lot of people seated in these chairs before us were totally against it."

The fact is my position has always been in support of collective bargaining once the department reached 70 sworn Police Officers, and that word was kept.

To me the difference with the 1980's and now is that the recent and current FOP leadership has worked with the Administration, City Council and the public, and brought in others to educate those involved with collective bargaining. A lot of work went in to providing FOP Lodge 11 the right for collective bargaining; it took almost a year to get it done after the approval by the City Council, several of whom you claim were "against it".

You stated, "Nepotism along with favoritism also reared its ugly head in our hiring and promotional process."

In fact you are fully aware that this statement is 100% false and you continue to make these false public statements to fit your version of the story. The City spent \$12,000.00 to have an impartial, retired, respected Circuit Court Judge review your statements and version, interview you and many others and found no evidence of nepotism or favoritism in our hiring or promotional processes. The entire report can be found on the City's website, www.cityoflaurel.org should you wish to refresh your memory.

I am sorry you felt that the job you applied for should have gone to you and not another qualified applicant. If everything is so bad in the City, I just can't figure out why you wanted to come back to work here!

You stated, "A background investigation of an officer was completed without even interviewing any one of his large immediate family."

The fact is, we have checked the files and are unable to find the person you are referring to. If you wish to provide a name and date, that might be helpful to allow us to research and make adjustments, if appropriate, in this area of the application process.

You stated, "In haste the department hired a Service Supervisor, an individual who ultimately received numerous harassment and sexual harassment complaints from female civilian employees in the police department."

In fact, I have checked the files and found no formal harassment or sexual harassment complaints during the time this individual was employed with the City of Laurel Police Department. The person in question went through the hiring process, just like anyone else. They were hired on January 20, 2014, and the person was a U.S. Navy veteran. The former employees' official personnel file contains no disciplinary actions against him, nor any letters of reprimand.

The file did include an Employee Performance Evaluation, from February 2014-July 2014, covering a probationary period with a score of 347 out of a possible 500 points signed by Lt. Hamilton and Major Althoff.

You stated, "Chief Hamill, I hope, I really hope you are allowed to execute the duties of the Chief of Police without any political interference, good luck to you sir."

The fact of the matter is that I fully agree with you that Chief Hamill will not have political interference, which is why we have in place that the City Council members go through the City Administrator's Office when they need assistance or information, something you continue not to do.

I again want to state that this was a night for the Chief to shine and be in the spot light, not the Mayor, not the City Council and not you. Your many misguided statements were not to welcome him to the City of Laurel, and something I am sure his family did not need to be part of. If this is your true evaluation of the current situation, perhaps it may have been more appropriate for you to have discussed this during your hour and a half talk with him.

Please feel free to stop by and see me if you have any questions or if you would like to discuss this further.

cc: Honorable Fred Smalls, Council President
William F. Goddard, III, City Administrator
LouAnn Crook, Deputy City Administrator
Russell E. Hamill, III, Chief, Laurel Police Department
Aaron Waddell, President Laurel Fraternal Order of Police, Lodge 11
City Council Read File



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Craig A. Moe
Mayor

April 25, 2019


Mr. James Hester, Chairman
City of Laurel Ethics Commission
8103 Sandy Spring Road
Laurel, Maryland 20707

Dear Chairman Hester,

I hereby request an Advisory Opinion from the City of Laurel Ethics Commission on the matter I brought to your attention in my letter (copy enclosed) dated April 10, 2019.

Please contact Ms. Sara Green, Chief of Staff at 301-725-5300 Ext. 2124 or email at sgreen@laurel.md.us to coordinate a date for a meeting.

Sincerely,



Craig A. Moe
Mayor

Enclosure (1)

cc: William F. Goddard, III, City Administrator
Lou Ann Crook, Deputy City Administrator
Sara Green, Chief of Staff



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OFFICE OF THE MAYOR

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Mayor

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April 10, 2019

Mr. James Hester, Chairman
City of Laurel Ethics Commission
8103 Sandy Spring Road
Laurel, Maryland 20707

Dear Chairman Hester,

I write to ask for your review and consideration of a matter of possible conflict of interest.

As stated in the Laurel City Code, Section 310- City Council and Section 316-General Powers of the City Council are listed below.

Sec. 310. - City Council.

City Councilmembers shall be persons of known integrity, experience and sound judgment, not less than twenty-one (21) years of age, citizens of the United States, registered to vote in City elections and residents of the City and the ward for which they seek election for one (1) year (three hundred sixty-five (365) days) immediately preceding the date of their election. Each Councilmember shall hold his or her office for two (2) years from the date of the second regular meeting after the election in November of the year of his or her election and until the qualification of his or her successor. A Councilmember shall remain a resident of the city, within the ward from which they were elected and must remain a registered voter within such ward, unless elected at-large, while holding office.

Sec. 316. - General Powers.

The City Council shall have the power:

To pass all such ordinances, resolutions or regulations not contrary to the constitution and laws of the State of Maryland or this Charter as it may deem necessary for the good government of the City; for the protection and preservation of the City's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of and visitors in the city.

To pass ordinances not contrary to the laws and constitution of this state, for the specific purposes provided in the remaining subsections of this section of the ordinance in such cases provided.

Appropriations: To appropriate municipal moneys for any purpose within the powers of the Council.

Pensions: To provide by ordinance for a retirement or pension system or a group insurance plan for the officers and employees of the Mayor and City Council of Laurel or to provide for including the officers and employees of the Mayor and City Council of Laurel in any retirement or pension

system operated by or in conjunction with the state, or on such terms and conditions as state laws may prescribe.

For the past several years I have been working on a plan to provide for a one-time Cost of Living adjustment for the City of Laurel's retirees. In the meantime, the citizens of Laurel have elected a former City employee to the Laurel City Council.

I am now prepared to present Pension Plan changes to the members of the Laurel City Council, and need some direction with regard to the current sitting member who will gain from the possible enhancements to the pension system. I hesitate to provide him the information as I feel I would place him in a very bad position as well as a conflict of interest since he would gain from these revisions.

I ask that you and the Ethics Commission review this concern and provide me with the proper direction in which to handle this matter. I have attached the entire portion of the City code that deals with the City Council.

Please let me know if you have any questions or need other information from me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Craig A. Moe', written over the word 'Sincerely,'.

Craig A. Moe
Mayor

Attachment

cc: William F. Goddard, III, City Administrator
Lou Ann Crook, Deputy City Administrator
Sara Green, Chief of Staff

COMMISSION MEMBERS

James Hester, FAICP
Chair

Toni D. Drake, Esquire
Vice Chair

Robert Scaggs

Kenneth P. Dahms

Maxene Bardwell, CPA

James Kole, *Alternate*



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>

COMMISSION STAFF

William F. Goddard III
City Administrator

Wennesa Bell Snoddy, Esquire
Counsel to the Commission

Lena Grant
Administrative Assistant II

June 13, 2019

The Honorable Craig Moe
Mayor of the City of Laurel
8103 Sandy Spring Road
Laurel, Maryland 20707

RE: Request for Advisory Opinion

Dear Mayor Moe:

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 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, the Mayor, 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.

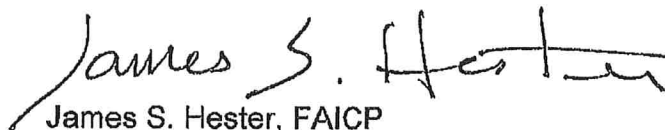
ADVISORY OPINION

It is the opinion of the Ethics Commission that:

- The Mayor 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 both the Mayor and the City Council member from a conflict of interest.
- The Mayor 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:
- The Mayor 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,
- The Mayor 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

