

Baltimore City Ethics Board
626 City Hall
Baltimore, MD 21202
June 10, 2020

Minutes of the Public Session

The Ethics Board met on June 10, 2020 at 2:30 p.m. by conference call.

Call to Order - Chairperson Lu Pierson called to order the meeting of the Baltimore City Ethics Board at 2:30p.m. with a quorum present. Present were Board members Lu Pierson, Stephan Fogleman and Donna Davis. Avery Aisenstark, Ethics Director and Anthony DeFranco, Deputy Ethics Director, were also present.

Approval of the minutes: The minutes of the May meeting were approved by a vote of 3-0.

Chair's report: No report.

Director's report: The Deputy Director noted that, after a delay in processing due to COVID-19, the processing of financial disclosure reports had resumed. Board staff would be transferring receipt and processing of the disclosure reports to the OIG, ahead of the full Board transition. July 15 is the filing deadline.

The Deputy Director also discussed a conflicts disclosure made by Councilman Henry regarding the Ordinance of Estimates. Based on advice received by the General Assembly's Ethics Council, Councilman Henry may vote on the Ordinance of Estimates as the conflict is de minimis in relation to the entirety of the City's budget.

Solicitations:

None.

Upcoming meeting- The next Board meeting will be July 14, 2020 at

2:30 p.m. by conference call.

The meeting adjourned at 3:30 p.m.

Subject: Re: Ordinance of Estimates Inquiry
Date: Thursday, June 4, 2020 at 4:28:49 PM Eastern Daylight Time
From: Henry, Bill (City Council)
To: Defranco, Anthony (LEGREF)
CC: Govan, Nia (City Council), Kelleher, Kathleen (City Council)

In keeping with your recommendation below, please accept this as my disclosure that my wife, Ruth Henry, is employed by the Enoch Pratt Free Library and my sister, Lenora Henry, is employed by the Baltimore Office of Promotion & the Arts. This information can also be found in my annual financial disclosure.

Both organizations receive regular appropriations from the Mayor & City Council of Baltimore which contribute to the salaries of my family members, but I hereby affirm that I am able to place the public interest ahead of those family member interests when considering the annual Ordinance of Estimates containing those appropriations.

Thanks!

- Bill

The Honorable Bill Henry
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From: Defranco, Anthony (LEGREF) <Anthony.Defranco@baltimorecity.gov>
Sent: Thursday, June 4, 2020 12:31 PM
To: Henry, Bill (City Council) <[REDACTED]>
Subject: Ordinance of Estimates Inquiry

Good afternoon!

As we discussed, after doing further research and consulting with our State counterparts, we believe that you do not have to recuse yourself from the City's budget proceedings due to having certain family members employed by entities that are funded by City. Since the relevant line items within the Ordinance of Estimates are general appropriations, we believe that any direct financial benefit (such as a salary) that your family may derive from that general appropriation is so attenuated from your potential vote that it renders any conflict that might otherwise exist moot. In addition, the Legislative Ethics Committee has advised General Assembly members that:

If a legislator is employed by a State or local governmental unit in Maryland, considerable leeway will be given in allowing the legislator to participate in legislative action that affects the legislator's government employer. ... It would be inappropriate and governmentally unsound to require recusal by a legislator on any legislative action that affects only the legislator's State or local government

employer. Nonetheless, some matters affecting a governmental employer would require recusal, such as the salary-setting example noted above, or a bill that makes substantive administrative changes in the specific governmental agency in which the legislator is employed.

See Maryland General Assembly Ethics Guide 2020, p. 5. We believe, along with our State counterparts, that if this leeway exists for members themselves, it would logically extend to family members as well. In fact, recently, the Ethics Committee to the General Assembly informally considered an inquiry from a legislator who asked if he could vote on a bill that would provide funding to a nonprofit that employed his spouse. The committee advised him that he could.

Obviously, our analysis would change if the Ordinance of Estimates, or any bill, set your family member's salary or had some individualized impact other than a general appropriation to a larger entity. As an additional protective measure, we recommend filing a public disclaimer/declaration with us disclosing your family member's employment with the relevant agencies, but affirming that you are able to place the public interest ahead of those family member interests.

I hope this helps and please don't hesitate to reach out with further questions.

Tony

Tony DeFranco
Department of Legislative Reference
[REDACTED]