

*RMAC*

<b>FROM</b>	NAME & TITLE	Robert Cenname, Chief	CITY of <b>BALTIMORE</b> <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432, City Hall (410) 396-4774		
	SUBJECT	City Council Bill 19-0378 – Ethics Board - Administration and Staff		

DATE:

**TO**

The Honorable President and  
Members of the City Council  
City Hall, Room 400

January 28, 2020

**Position: Does not oppose**

The Department of Finance is herein reporting on City Council Bill 19-0378 – Ethics Board-Administration and Staff. This bill would appoint the Inspector General to serve as the Executive Director of the City’s Board of Ethics and require that the Office of the Inspector General (OIG) provide staff to the Board.

**Background**

The City Charter establishes a five-member Board of Ethics in Article VII, Subtitle 106. The Board includes the Mayor, City Solicitor, and three members appointed by the Mayor that are not elected officials or City employees. Rules for operation of the Board are outlined in Article 8, Subtitle 3 of the City Code, which states that the director of the City’s Legislative Reference agency is Executive Director of the Board and may assign members of his staff to assist the Board in its duties.

Responsibilities of the Board include training City officials on ethical standards, collecting conflict of interest affidavits from officials, receiving and posting lobbying disclosure forms, and issuing advisory opinions to City employees upon request. When the Board receives a complaint alleging violations of the City’s ethics rules, it must investigate the complaint, hold a hearing, issue a decision, and impose sanctions as appropriate.

The Board draws on resources as needed from the \$1.3 million Legislative Reference budget to support its work. Legislative Reference currently assists the Board by having three of their six full-time employees (Director, Legislative Services Analyst, Archives Records & Management Officer) spend part of their time on ethics matters. Staff spend about five hours each month preparing for and attending Board meetings. Time spent on other Board tasks varies depending on the time of year and number of requests for opinions and advice. In the few months prior to the deadline for conflict of interest forms, the attorney in the Analyst position estimates spending up to 30 percent of his time providing ethics guidance to City officials. He estimated that the Management Officer spends up to 10 percent of her time on Board duties. Complaints significantly increase required staff time. However, there have been no complaints of ethics violations filed with the Board in the past year, and few filed in the past several years.

**Other Considerations**

Nearby counties have ethics boards or commissions with similar responsibilities. Last year, Anne Arundel County had two full-time staff and a \$233,000 budget, Montgomery County had three full-time staff and

a \$463,000 budget, and Prince George's County had six full-time staff and an \$854,000 budget. Baltimore County's Fiscal 2020 Budget includes \$163,000 for a new Office of Ethics and Accountability.

### **Fiscal Impact**

City Council Bill 19-0378 would transfer support of the Ethics Board from Legislative Reference to the OIG. The Inspector General would serve as Executive Director, and OIG staff would assist the Board's work as needed. The legislation shifts Board staffing responsibilities between departments, but does not mandate more intensive staff time. As such, this bill should be net neutral, but there might be a need to transfer resources, such as personnel and other expenditure line items, from Legislative Reference to OIG in order to meet the requirement of the legislation.

### **Conclusion**

While this legislation shifts staffing responsibilities from the Department of Legislative Reference to the OIG, the Department of Finance does not anticipate a significant fiscal impact. We expect that current services can be absorbed in the OIG budget of \$1.6 million. The Department of Finances plans to monitor the impact of implementation and assess the need for appropriations of additional resources through the annual budget process.

**For the reasons stated above, the Department of Finance does not oppose City Council Bill 19-0378.**

cc: Henry Raymond  
Matthew Stegman  
Nina Themelis