

CITY OF BALTIMORE



BOARD OF ETHICS
OF BALTIMORE CITY

AVERY AISENSTARK, Director
626 City Hall
Baltimore, Maryland 21202

November 30, 2010

The Honorable President and Members
of the City Council of Baltimore
Fourth Floor, City Hall
Baltimore, Maryland 21202
Attn: Karen Randle, Executive Secretary

Re: Bill 10-483 {"Persons 'Doing Business with City' "}

Dear Mr. President and Councilmembers:

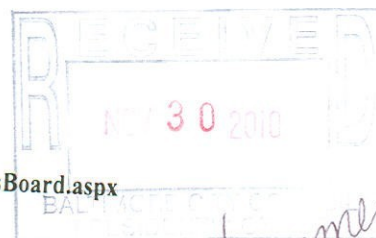
You have asked the Ethics Board to review and comment on Council Bill 10-483 {"Persons 'Doing Business with City' "}

Currently, the Ethics Code requires the Finance Department to prepare and submit to the Ethics Board, on or before February 1 of each year, "a list of all business entities [that did] business with the City" during the preceding year. This list is intended for the use and benefit of all City officials and employees who will be required to file financial disclosure statements for that preceding year.

Bill 10-483 would newly specify that the annual list generated by the Finance Department be "alphabetized" and "in an integrated, easily searchable electronic database", to then be posted on the Ethics Board's website. The bill also would clarify that the list need not include subcontractors (who would not necessarily be known to the Department).

If the Finance Department has the necessary resources (administrative and financial) to develop and maintain a database of the sort prescribed in Bill 10-483, that database would certainly be a vast improvement over what is now available. Currently, the annual submission by the Finance Department comprises several disparate documents [14 for calendar year 2008; 11 for calendar year 2009]; to determine if an entity is listed requires an independent search of each of these

Tel: (410) 396-4730 Fax: (410) 396-8483
<http://www.baltimorecity.gov/Government/BoardsandCommissions/EthicsBoard.aspx>



documents. The largest of the documents (and, perhaps, the one with the most helpful information) is a pdf of the Board of Estimates' Annual Agenda; this document (i) is hardly a "list" within any real meaning of that term, (ii) runs to thousands of pages of text each year [5,125 pages for calendar year 2008; 3,419 pages for calendar year 2009], and (iii) requires an inordinate amount of time for even the simplest word search.

The Ethics Board supports the proposed improvements. At the same time, however, the Ethics Board cannot speak to the practicability of effectuating those changes. Again, we do not know whether or to what extent the Finance Department has the resources to develop and maintain an "integrated, [alphabetized, and] easily searchable electronic database". The Ethics Board must, therefore, defer to the Finance Department in this regard.*

Very truly yours,



Avery Aisenstark

xc: The Honorable Helen Holton
George Nilson, City Solicitor
Edward J. Gallagher, Finance Director
Ms. Angela Gibson
Chair and Members of Ethics Board

* In one respect, Bill 10-483 arguably does not go far enough. As noted above, the "list" to which the bill addresses itself is limited to those who *did* "business with the City" in the *preceding* calendar year; it is thus helpful, as intended, to those officials and employees who are preparing financial disclosure statements for that *preceding* year. However, neither the "lists" currently made available nor, even, a more user-friendly list like that proposed by Bill 10-483 would assist an official or employee who might be contemplating some personal transaction for the *current* year and needs a source to determine, for conflicts-avoidance purposes, whether some other party to the transaction might *currently* be "doing business with the City".