

Baltimore County Blue Ribbon Commission on Ethics and Accountability
Meeting Minutes - Tuesday, June 7, 2022
Meeting held via Zoom

Present

Rev. William Johnson, Chair
Ms. Joanne Antoine
Gen. Janeen Birckhead
Ms. Kathleen Cox
Mr. Thomas Glancy
Mr. Jon Laria
Ms. Cynthia Leppert

Not Present

Mr. Joseph F. Murphy, Jr.

Schaefer Center Staff Present

Dr. Ann Cotten
Dr. Sarah Ficenec
Ms. Savannah Smith

Baltimore County Staff Present

County Administrative Officer Stacy L. Rodgers
Baltimore County Attorney, James Benjamin

1. Call to order:

- The meeting was called to order by Chair Johnson at 5:35 p.m.

2. Welcome

- County Administrator Rodgers welcomed the Commission members and, on behalf of County Executive John Olszewski, Jr., thanked them for their willingness to serve on the Commission.

3. Commissioner Introductions

- Chair Johnson invited each Commission member to introduce themselves, including their experience as it relates to the work of the Commission.

4. Commission Staff Introductions

- Dr. Cotten introduced the Schaefer Center for Public Policy, including the mission of the Center, the specific roles it will perform to support the Commission, and the staff members who will be working on the project.

This Commission is staffed by the Schaefer Center for Public Policy at The University of Baltimore.

The Commission webpage is: BlueRibbonEthics.ubalt.edu

The Commission email address: BlueRibbonEthics@ubalt.edu

5. Overview of Overview of Authority and Functions of Baltimore County Auditor, Baltimore County Inspector General, and Baltimore Ethics Commission, James R. Benjamin Jr. Baltimore County Attorney, Office of Law

- Mr. Benjamin provided an overview of the source of authority and the functions of the Baltimore County Auditor, Baltimore County Inspector General, and Baltimore County Ethics Commission. He cited the statutes establishing each office, each office's primary functions, and potential areas of overlap.
- At the conclusion of his presentation, Commission members were invited to ask questions. The questions included:
 - Commission members asked for confirmation that there is no specific language in the establishing legislation about interactions between the Baltimore County Auditor and the Baltimore County Inspector General. Mr. Benjamin confirmed that the offices are free to make referrals to the other and have discretion under the County Code to speak with each other about matters.
 - Mr. Laria asked for copies of the enabling legislation for the three offices, which Mr. Benjamin said he could provide.

6. Overview of Commission Charge

- Chair Johnson explained that, per County Executive Olszewski, the Commission is charged with evaluating Baltimore County's existing ethics laws and laws concerning the Office of Inspector General and providing recommendations to ensure existing policies align with national best practices and identify any additional policies, functions, or innovative practices to strengthen existing law. Specifically, the Commission will be reviewing Article 3, Title 14 (Inspector General) and Article 7 (Public Ethics and Open Government) of the County code (the Code) and making recommendations to align the Code with recognized best practices in government ethics and accountability. He noted the Commission was not intended to evaluate the performance of the Office of Inspector General or the Ethics Commission, but rather to look at the structures underlying them.
- Chair Johnson said the Commission will accomplish its work through three primary tasks:
 1. Factfinding, including presentations to and meetings of the Commission; the work of two subcommittees, and reviewing the findings of an Ethics Climate Survey to be conducted by the Schaefer Center.
 - The subcommittees would be focused on: 1) Inspector General operations, process, and procedure and 2) organizational structure and oversight. Chair Johnson said that Ms. Cox would chair the first subcommittee and Gen. Birkhead would chair the second subcommittee. He also asked Ms. Antoine and Ms. Leppert to serve on the first subcommittee and Mr. Glancy and Mr. Laria to serve on the second.¹

¹ The previous version of the minutes incorrectly listed the subcommittee assignments. The assignments were listed correctly during the meeting by Chair Johnson.

- Dr. Cotten explained that the Ethics Climate Survey is believed to be the first conducted of Baltimore County employees, elected officials and members of boards and commissions. The survey will be anonymous and designed to understand the employees' and others' experiences and understandings of ethics in County workplaces. Questions will include subjects such as: knowledge about the Ethics Commission, the Inspector General's Office, and County auditor and about County ethics laws; participation in County ethics training; experiences reporting ethical misconduct; beliefs about how reports of ethical misconduct would be handled; sources of advice on ethical dilemmas; and the general ethical climate in their workplaces. The survey is expected to be conducted in late June or early July, with results presented to the Commission no later than the end of August.
 - Commission members were invited to ask questions about the survey. Questions included:
 - Gen. Birckhead asked where the survey instrument came from, and Dr. Cotten and Dr. Ficenec explained it was derived from surveys conducted of Illinois state government employees by the University of Illinois, from an ethical climate survey conducted by ICMA, and from the Schafer Center's extensive experience conducting surveys.
 - Gen. Birckhead asked if there would also be interviews of County employees about their ethical experiences to supplement the survey's findings. Dr. Cotten explained there were currently not such interviews planned, but a question could be asked if the employees would be willing to be interviewed about their experiences.
 - Ms. Antoine asked if the questions would be asked to allow for comparisons about how employees in different departments are trained, and Dr. Cotten explained there were questions designed to gather limited demographic information, including where the respondents worked, which would allow such comparisons.
 - Commission members asked if the survey instrument was going to be shared in advance of the survey so Commission members could have the opportunity to provide input on the questions, and Dr. Cotten said it could be.
 - Gen. Birckhead asked how many employees are expected to take the County ethics training, and Dr. Cotten said she would find out.
2. A review of best practices Offices of Inspector General and Ethics Commissions nationally. This work will be conducted by the Schaefer Center and will include presentations from national experts on the structure, organization, and operation of local Inspectors General offices. The emphasis will be on local offices because the federal Inspectors General offices often operate quite differently than the Baltimore County office would be expected to.
 3. Deliberations by and recommendations from Commission members.

- Chair Johnson presented a series of questions that are expected to guide the Commission’s work. These questions were:
 - Organizational Structure:
 - How is the Office of Inspector General organized?
 - Independence
 - Should the Ethics Commission be an independent entity?
 - Resources
 - What is the current budget and staff for the IG and the Ethics Commission?
 - Does the IG need additional resources? If so, what is needed?
 - Should the Ethics Commission be staff separately?
 - Current Practice:
 - What prompts an IG investigation (currently, best practices)?
 - What are the appropriate boundaries for communication about investigations?
 - Regarding investigations, what is process for deciding if an issue is a personnel matter, business operations issue, for an issue that should be subject to investigation?
 - Performance and Accountability
 - What are the appropriate performance metrics for local Inspectors General?
 - Should there be formal accountability or oversight of IG office?
 - Authority
 - Are there overlaps in the roles of the Inspector General and the County Auditor? If so, how are distinctions made?
 - Should there be any limits on IG’s access to protected personal identifiable information and/ or the IG’s public release of personal or privileged information?
 - What are/should be the rights and obligations of employees and contractors regarding IG investigations?

- Commission members were invited to suggest additions to, modifications to or deletions of any questions or ask their own questions about these items. Their questions included:
 - A Commission member asked if there were written policies and procedures for the offices currently. Dr. Cotten said there were, and that these items would be provided to the Commission members.
 - Mr. Laria noted that most questions were asked about the Office of the Inspector General and asked if the questions should also be asked of the Ethics Commission and County Auditor or if the Commission was asked to look at specific issues or questions by the County Executive. Chair Johnson responded that the recent founding of the Office of Ethics and Accountability and its transformation into an Inspector General’s Office was why the Blue Ribbon Commission was established, and Dr. Cotten explained that some questions were interrelated such as independence for the Inspector General’s Office would require sufficient budgeted resources. A follow-up comment from Mr. Laria noted that it seemed like the focus was on the Inspector General’s Office and Ethics Commission because they are new offices and still evolving, whereas the County Auditor

is a core function of government and has been in existence for some time; there were concerns, however, that the County Auditor's Office could also still evolve and so should be examined as well. Chair Johnson noted that the questions are intended to be a guide, not the only things the Commission asks about.

- Gen. Birckhead asked for the opportunity to review the questions more, and Chair Johnson agreed and said agreed and the questions would be finalized at the next Commission meeting.
- Ms. Antoine asked about the oversight and independence issues surrounding the Inspector General's Office, and Chair Johnson said that is the type of question the Commission is considering and exploring through interviews and fact-gathering.

7. Commission Business

- Chair Johnson reiterated that there will be two subcommittees established to facilitate the work of the Commission. These subcommittees will do their work through interviews and fact-gathering and will bring their findings back to the larger group to discuss.
- Dr. Cotten presented the Commission's website (<https://BlueRibbonEthics.UBalt.Edu>), which will host or currently hosts information about the Commission, all documents related to the Commission, Commission meeting dates and times, links to register to attend the meetings, and agendas, minutes, and recordings of the meetings. She also explained that anyone can contact the Commission by email (BlueRibbonEthics@UBalt.Edu), the Contact link on the website, or anonymously by a link at the bottom of the website pages.
- Dr. Cotten noted that the Schaefer Center team is almost finished with data collection for the best practices research. She reaffirmed that this research is designed to look at how Offices of Inspector General are organized and created across the country and what sorts of authority they have and said that so far there does not appear to be a set standard. She said that a leading expert on these offices is expected to present at a future Commission meeting and that the findings of the best practices research will be provided to the Commission by the end of July.
 - Mr. Laria notes that he just found two annual fiscal reports from the Office of the Inspector General online and asked for them to be shared with the Commission. Chair Johnson said they would be.
- Dr. Cotten noted that the current Baltimore County Inspector General will be invited to speak at the next meeting to explain her office and its work and to answer questions from the Commission.
 - Gen. Birckhead asked for read-ahead items prior to the Inspector General's presentation, and Dr. Cotten said the material would be sent out before the next meeting. She also asked Commission members to let her know if they would like hard copies of any materials.

- Chair Johnson asked if Commission members had additional questions about any of these matters. Questions included:
 - Mr. Laria asked about the potential structure of the report that will result from the Schaefer Center’s research. Dr. Cotten explained that the report will include: a legislative history of the Office of the Inspector General; a taxonomy of local offices of inspector general; key findings of the Ethical Climate Survey; and findings of the subcommittees. She said an outline of the general structure of the report will be made available soon.
 - Ms. Antoine asked if future presenters to the Commission have been identified and if a representative of the national Association of Inspectors General. Dr. Cotten confirmed that there is a tentative schedule of potential presenters and that the Commission members will have the opportunity to request additional speakers.

- Chair Johnson reaffirmed that the Commission is asking about best practices so that Baltimore County can be a model of ethics and accountability in government. There are no initial assumptions about how this should be structured.

8. Adjournment

- Chair Johnson thanked the Commission member for volunteering their time and expertise on the Commission on behalf of County Executive Olszewski and the citizens of Baltimore County.

- The meeting ended at 6:49 p.m.

- The next full meeting of the Commission will be June 30th from 5:30 p.m. to 8:30 p.m. The meeting will be held via Zoom, and the link to register to attend will be posted within the next week.

Action Items

Item	Responsible Party
<ul style="list-style-type: none"> • Circulate of relevant statutes for Office of Inspector General, Ethics Commission and County Auditor 	Schaefer Center
<ul style="list-style-type: none"> • Circulate the Ethics Climate Survey instrument 	Schaefer Center
<ul style="list-style-type: none"> • Circulate the proposed questions that were to guide the Commission’s work 	Schaefer Center
<ul style="list-style-type: none"> • Circulate policies and procedures manuals for Office of Inspector General, Ethics Commission and County Auditor 	Schaefer Center
<ul style="list-style-type: none"> • Circulate copies of Office of Inspector General and Ethics Commission annual reports available on County’s website 	Schaefer Center
<ul style="list-style-type: none"> • Circulate list of potential speakers at future Commission meetings 	Schaefer Center
<ul style="list-style-type: none"> • Identify how many County employees are expected to take the County’s ethics training 	Schaefer Center
<ul style="list-style-type: none"> • Provide a draft outline of the final report of the Commission 	Schaefer Center
<ul style="list-style-type: none"> • Circulate materials provided in future meetings in advance 	Schaefer Center
<ul style="list-style-type: none"> • Inform Schaefer Center if materials such as above should be provided electronically or via hard copy 	Commission members