

Ethics Board changes hit snag - Rawlings-Blake's bill doesn't do enough to curb mayor's power, city councilman says

By Julie Scharper, *Baltimore Sun*, February 26, 2010

A push by Baltimore's new mayor to revamp ethics safeguards after a City Hall corruption scandal has been temporarily stymied by a City Council member who says the proposal doesn't go far enough.

Councilman Bill Henry, a Democrat who represents North Baltimore, said legislation crafted by Mayor Stephanie C. Rawlings-Blake should be revised to prevent a mayor from appointing more than two members of the city ethics panel.

The mayor now appoints four of the five members; under Rawlings-Blake's proposal, the mayor would appoint three.

"If the mayor is attempting to show she is not trying to fully control the board structure, why not go the final step and not control the majority?" Henry said Thursday in an interview.

Rawlings-Blake, who took office Feb. 4 after a jury found Mayor Sheila Dixon guilty of stealing gift cards intended for needy families, has said that reform of ethics rules is a top priority. In her State of the City remarks this week, she said she was "relinquishing the power" to appoint some board members, which she called a rare step for an elected official.

"But for me, this decision was easy because it was the right and decent thing to do," Rawlings-Blake said.

The City Council - on which Rawlings-Blake had served for years - had appeared ready to pass her legislation, and had scheduled an initial committee vote on Wednesday.

Henry raised his concerns during the meeting and later walked out, thwarting a vote because there was no longer a quorum.

Some of his colleagues were furious.

Councilman William H. Cole IV, a fellow Democrat, described himself as "shaking with rage" after Henry left the meeting. "It was abundantly clear that there was at a bare minimum a plan to move the mayor's bill," he said.

But Henry said he had another meeting to attend and did not know that a vote had been planned.

"I must have been the only person who was not told that we were supposed to rush through this process," he said. "God forbid, we put any deliberative thought into this

important legislation."

The bill, which Rawlings-Blake introduced in one of her last acts as council president, is intended to rectify shortcomings in the city's ethics policy that came to light during the corruption investigation that led to Dixon's resignation.

The case against Dixon involved in part her failure to disclose gifts she received while City Council president from a developer, then her boyfriend, who relied on tax breaks from City Hall to enable his projects to go forward. Baltimore's ethics monitors - mainly mayoral appointees - declined to investigate the breach.

Under Rawlings-Blake's proposal, the council president and comptroller would each nominate one member of the ethics panel and the mayor would select the other three. City, county and state employees, and city lobbyists, would be barred from the Ethics Board. Terms would be staggered so that the sitting mayor would not bring in a new slate, as is now the practice. And the members of the board would designate a chairman from their ranks.

In her speech, Rawlings-Blake asked Councilman James B. Kraft, chairman of the Judiciary and Legislative Investigations Committee, to "promptly move this bill through your committee so it is among the first bills I sign as mayor."

But Henry says the gravity of the proposal necessitates a thorough analysis. He questions why the mayor should nominate the majority of the Ethics Board's members.

"The mayor stood there and said she was giving up power," he said. "But she hasn't given it up. She's reduced the level of power to the point where you have the bare minimum of control."

Henry's suggestion is "another step in the right direction," said Fred Guy, director of the University of Baltimore's Hoffberger Center for Professional Ethics. While he applauds the mayor's efforts to improve ethics, Guy said, the board should be as diverse as possible.

"Any time you can ensure as much impartiality as possible, it's good for everyone," Guy said. "The more personalities and the more voices present in this the better."

Mayoral spokesman Ryan O'Doherty said Rawlings-Blake is open to alterations to the bill but believes that even if the mayor retained three appointments, the members would "make their own independent judgments free of any potential influence," he wrote.

Henry has not drafted an amendment and said he wanted to discuss the issue at the hearing with Cole, who spoke about the bill on the mayor's behalf. Several minor changes to the pair of ethics bills were discussed at the hearing, including an amendment to Cole's bill, which clarifies guidelines on public officials receiving gifts from those who do business with the city.

Kraft, a Democrat, said he had clearly stated that he intended to hold a vote on the ethics bills at the hearing. Two of the five committee members, Agnes Welch and Robert Curran, did not attend.

When Henry left, only Kraft and Mary Pat Clarke were present and there was no longer the quorum needed for a vote.

Henry does not have the committee votes to approve his amendment, Kraft said.

"This isn't one you can win," Kraft said. "This is the mayor's legislation. It's important legislation. Right now, all he's doing is tying the bill up."

A committee vote on the bills has been scheduled for March 8, and the earliest the full council could consider them would be March 22.

Clarke, a Democrat, said she was confident that the bills, with minor amendments, would be approved. "I have every certainty that the votes are there," she said. "But let's make it clear. We need to do it right."

Rawlings-Blake is poised to make another move in hopes of improving government accountability.

Today, the mayor is expected to name David N. McClintock, an attorney in the office of general counsel for the National Park Police and a former Baltimore police officer, as the city's inspector general.

The inspector general's post has been vacant since June, when Hilton L. Green retired after City Council members criticized his department for inactivity and slashed its funding.