



ETHICS COMMISSION
c/o CITY OF ANNAPOLIS OFFICE OF LAW
160 DUKE OF GLOUCESTER STREET
ANNAPOLIS, MARYLAND 21401

CITY LIAISON:
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September 19, 2022

To: Mayor Gavin Buckley

Subject: Resolution R-39-22 Complaint, Findings of Fact and Conclusions of Law

This case arises from a complaint filed with the Ethics Commission (“Commission”) on June 28, 2022, alleging that Mayor Buckley in presiding over the City Council’s first and second reader of Resolution R-39-22 appeared to violate a conflict of interest provision of the City Ethics Codes. The resolution titled Use and Deputization of Mayor’s Personal Vessel for Governmental Use was passed by City Council on June 27, 2022. The referenced conflict of interest provision is Annapolis City Code (“Code”), § 2.08.040 (A)(1)(a) which provides, in relevant part, that “[a]n official or employee may not participate in...any matter in which, to the knowledge of the ...official..., the official... or a qualified relative of the official... has an interest.”

In considering the complaint the Commission, pursuant to Ethics Commission Procedures for Conducting Ethics Commission Business (“Procedures”) § (C) (4), chose to conduct its own investigation. Relying on that investigation, the Commission issued a July 18, 2022, Notice of Charge pursuant to Procedures § (C) (5), which reflects the responsibility of the Commission detailed at Code § 2.08.110. Mayor Buckley, acknowledged his rights as provided in the Notice of Charge and waived his right to a hearing.

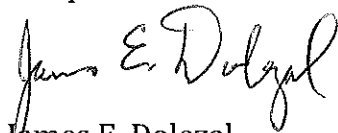
The Ethics Commission investigation included the review of the YouTube recordings of the June 10, 2022, first reader and the June 27, 2022, second reader of Resolution R-39-20. The Resolution clearly provided personal benefit, through his official use, in using his 17 foot rigid inflatable boat for Government use. An example of such benefit includes the avoidance of dockage fees of over \$1,000 per year. Such a benefit represents a conflict of interest for Mayor Buckley who presided over the City Council proceedings without mentioning a possible conflict of interest which were, in the opinion of the Commission, obvious to the meeting participants though no one made any comment. The Commission believes the Mayor should have recused himself from presiding over the proceedings and appointed a City Council member to preside. That Alderperson could have acknowledged

the apparent conflict of interest and called upon the Mayor who was most knowledgeable of the resolution's details to then present the resolution and respond to questions.

Regarding the June 27th City Council second reader, the Mayor indicated in his response to the Notice of Charge that he had intended to recuse himself from that day's debate of the resolution. Unfortunately, due to the intense and contentious public debate the Mayor believed he was unable to transfer the duty of presiding over the meeting. The Commission accepts his explanation and acknowledges the 8-1 approval vote.

In relying on the information obtained by the Commission, we conclude that the Mayor's recognition that his conflict of interest would appear obvious. Accordingly, the Commission is issuing a reprimand to the Mayor. This sanction is the least onerous sanction available to the Commission within Code § 2.08.100 and is intended to be a reminder to City officials of the importance of conflict of interest considerations and the availability of recusals. Also, the Ethics Commission is always available to provide advisory opinions related to the interpretation of the Ethics Code.

In accordance with Procedures § (C) (7), this final determination will be made public and posted on the City web site. A copy of this determination will be provided to the complainant.



James E. Dolezal
Chairman

cc: Ald. Eleanor "Elly" Tierney, Ward 1
Ald. Karma O'Neill, Ward 2
Ald. Rhonda Pindell Charles, Ward 3
Ald. Sheila M. Finlayson, Ward 4
Ald. Brooks Schandelmeier, Ward 5
Ald. DaJuan Gay, Ward 6
Ald. Robert Savidge, Ward 7
Ald. Ross H. Arnett III, Ward 8
Michael Mallinoff, City Manager
D. Michael Lyles, City Attorney
Regina C. Watkins-Eldridge, City Clerk
Patricia L. Hopkins, Human Resources Manager