



Opinion 21-01

HARFORD COUNTY BOARD OF ETHICS

The Harford County Board of Ethics is in receipt of your letter dated November 23, 2021, requesting an advisory opinion as to whether you, as a Council Member, have a conflict of interest in receiving a payment under the state of Maryland's Rural Legacy Program for a property owned by you and your wife.

The Board of Ethics has considered your request and based on the facts presented finds that there is no conflict of interest for you to apply and receive a payment under the Rural Legacy Program.

Some relevant information contained in your letter, the supporting documentation attached to your letter (Deed of Conservation Easement and Agreement of Sale) and the State law stipulates that the County receives a grant from the State to fund the purchase easements under the Rural Legacy Program. Although the County administers the program and the County Executive signs both the deed of easement and the Agreement of Sale, all contracts for easements are subject to approval of the State's Rural Legacy Board and subject to the approval of the Maryland State Board of Public Works.

The Harford County Public Ethics Law, Section 23-5 addresses conflicts of interest. In particular, Section 23-5 D (1)(a)(1) and (2) prohibit an official or employee from having a financial interest in any entity subject to the authority of the official or employee or the County agency, board or commission with which the official or employee is affiliated and prohibit an official or employee from having an interest in any entity that is negotiating or has entered a contract with the agency, board or commission with which the official or employee is affiliated.

It is the Executive Branch, through the Department of Planning and Zoning, that applies to the State for the grant funding to purchase easements under the Rural Legacy Program. The County Executive signs the Deed of Conservation Easement and the Agreement of Sale, which are then forwarded to the State for the Rural Legacy Board and Board of Public Works for approval. The Harford County Council does not approve the grant application, does not approve the funding and does not review or approve the easement applications under this State conservation program. Unlike the County's agricultural easement program which requires County Council approval, the Rural Legacy Program is not submitted to the County Council and is not approved by the County Council. Because the County Council plays no role and has no

authority over the Rural Legacy Program, the Board does not believe that there would be a conflict of interest under Section 23-5 D (1) (a) (1) or (2) for you to apply under the Rural Legacy Program or to receive funding for a conservation easement under the Rural Legacy Program.

Conflicts of interest may also arise under Section 23-5 G(1) when an official or employee intentionally uses the prestige of the office or position they hold for their own private gain or the private gain of another individual. Again, the Board does not see a conflict of interest under Section 23-5 G. Under the State requirements for the Rural Legacy Program, the Harford County Department of Planning and Zoning accepts for consideration any property within the County's designated Rural Legacy Area that meets the requirements specified under the State Program. All properties applying under the Rural Legacy Program are evaluated under established criteria and the properties are ranked based on those scores. Offers for easements are then made based on the ranking and the funds available. Since the program permits all property owners within the Rural Legacy Area to apply and all applicants are evaluated and ranked according to the same established criteria, there is no opportunity for an official or employee to use their position to garner an offer over another property owner. The Board finds under the facts contained in letter and the provisions of the Rural Legacy Program that there is no conflict of interest under Section 23-5 G(1).