



Maryland Food System Resiliency Council

Draft Agenda for January 5, 2023

Time	Agenda Item
10:00	<p>Welcome - Russ, and Heather, Co-Chairs</p> <ul style="list-style-type: none">● Roll Call - Brittany Cook, MDEM● Welcome to:<ul style="list-style-type: none">○ Maryam Taysir - Congressional Hunger Fellow○ Julia Groenfeldt- Program Manager with the Prince George's County Food Equity Council.● FSRC Lunch and Learn & Tours Update<ul style="list-style-type: none">○ January 19, 2023, 12pm-1pm virtual Lunch and Learn is scheduled with Katie Murphy who is the Senior Manager, Business Continuity with C&S Wholesale Grocers. C&S Wholesale Grocers, Inc. is an industry leader in supply chain solutions and wholesale grocery supply in the United States. Founded in 1918 as a supplier to independent grocery stores, C&S now services customers of all sizes, supplying more than 7,500 independent supermarkets, chain stores, military bases and institutions with over 100,000 different products.○ April 19, 2023, 9am-3pm in-person tour with ECO City Farms, The Urban Farm Incubator (UFI), and Purple Mountain Organics is confirmed, lunch will be included and transportation will be finalized. A google invite was sent to all appointed members, by accepting the invite you are indicating you plan to attend in-person.○ February and March lunch and learn sessions are to be determined, if members have ideas or interest in a particular topic, please contact MDEM staff.● Committee Survey<ul style="list-style-type: none">○ A survey was sent to all appointed members to determine and reconfirm membership for each committee. This survey was created to gauge appointed members' level of involvement to determine an official quorum for the voting process. Please complete the survey no later than January 8, 2023. Note: Appointed

members have the right to change their status at any time; if a member desires to change their level of involvement, they should notify MDEM staff and/or the committee chair immediately.

Link to committee survey: <https://forms.gle/jPfWKJLVRw3cRasc8>

10:30

Ethics and Conflict of Interest Discussion - Sabrina Chase

- This is a discussion about the public ethic laws as it applies to the members of the state boards and commissions. Note: This PowerPoint is not legal advice of MDEM or the Office of the Attorney General, and is not specific to any ethical or lobbying questions of any member. It is for general purposes only, and consultation is recommended with the state ethics commission.
- Materials will be provided at the end of today's meeting that are from the state ethic commission. Questions can be sent to the FSRC and MDEM staff.
- The purpose of the law is to help officials and employees to avoid improper influence and appearance of improper influence, assure citizens of the impartiality and independent judgment of officials and employees, and requires officials/employees to disclose financial affairs and to meet minimum standards of ethical conduct.
- The state ethics commission has five commissioners, which are appointed to 5 year terms. They are charged with administering the Public Ethics Laws, and providing advice, issues formal opinions, regulates lobbyists, and undertakes enforcement actions.
- Different types of conflict of interests that members might encounter during legislative work and time of appointment include the following:
 - Employment/Financial Interest- Absent or exception, a board or commission member that is appointed may not be employed by, or have a financial interest in: (1) an entity regulated by the member's board or agency, (2) an entity that is negotiating or has entered a contract with the member's board or agency.
 - Exception:
 - This prohibition does not apply to a member of a board or commission where the statute governing the board requires appointment

of persons regulated by the board or commission.

- This prohibition does not apply to a member of a board or commission
 - Who holds the employment or financial interest when appointed, but recusal procedures may still apply, and
 - The employment or financial interest is publicly disclosed to the appointing authority, the Ethics Commission and if applicable, the Senate “time of appointment” exceptions must be disclosed. Recusal procedures may be applicable. These may require review by the State Ethics Commission.
- Example:
 - What if you serve on the FSRC and your spouse is a part owner of Food for You, a company that provides food insufficiency consulting services in Maryland and is asked to do research for the Council. *Is there a problem here?* Yes, there is a conflict of interest, if you have family members who may have a financial or competitive interest in working with the council. This is a good time to disclose in advance so that the procedure for refusal from that specific matter can be set forth.
 - What is financial interest as defined by the public ethics law? Ownership of more than 3% of a business entity by employee or spouse; ownership of securities that represent more than 3% of a business entity by employee or spouse; ownership of an interest where owner has received in past 3 years, is currently receiving or will receive more than \$1,000 per year.
 - What if in the previous scenario, your spouse’s company is awarded a contract to provide services to another state board, or to the FSRC itself. *Would either of these circumstances be a problem? It may be fact dependent on whether information from the FSRC or the prestige of the office was used to obtain the contract.* When these circumstances arise, please reach out to

FSRC/MDEM staff so that we can help work through these concerns, by referring you to the public ethics hotline (which can be accessed anonymously, working with boards and commissions, state agencies, and the FSRC themselves.

- Participation - Public ethic laws prohibits participation in:
 - (1) matters where the employee or official or certain relatives (spouse, parent, child, brother, sister) have a specific interest, (2) matters involving business entities in which the employee or official or certain relatives have employment, contractual, creditor, or potential employment relationships.
 - Exceptions:
 - Conflict disclosed and (1) disqualification would leave the body with less than quorum (applies generally to boards/commissions); (2) disqualified official/employee required to act by law; (3) disqualified official/employee only one authorized to act or permitted by state ethic commission regulations. Note: This circumstance and restrictions will apply to voting members of the committee, or people who are appointed to it, not necessarily a member of the public, who can participate in an open meeting.
 - Examples:
 - What if you serve on the FSRC that reviewed, and approved, proposed legislation. You disagree with the legislation and take a job with the State's professional education association to lobby against the bill. *Can you do so? This may be a potential conflict of interest. If a potential conflict of interest is anticipated- disclosure to the FSRC is necessary, and consultation with the State Ethics Commission in advance is recommended. Best practice is disclosure to the FSRC and consultation with the state ethics board, which is also recommended if your voting is necessary.*
- Post-Employment Restrictions - Former official/employee may not assist or represent outside entities or persons for compensation (1) in a case, contract or specific matter, (2) If the

former official/employee significantly participated in the matter in his/her State position (which includes appointment).

- Example:
 - What if as a member of the Board, you are invited to lunch by the owner of a large education think-tank that has proposed legislative and regulatory changes to your Board. *Monetary restrictions of public ethic law to consider include: Can you accept and allow the company to pay? Is it \$20 or less? Do they have an expectation that you will advocate for their position? Does it create an appearance of impropriety? Is it in the presence of the donor? Can you accept the logo jacket the company offers you? No. While the jacket may fall under the financial limitations, it has the "appearance of impropriety".*

- Gifts
 - Prohibitions Generally
 - No solicitation
 - No unsolicited gifts from 1) vendors, 2) regulated entities, 3) lobbyists, or 4) those with financial interests that may be uniquely affected by recipient
 - Key Exceptions
 - Nominal = \$20 or less (Note: if provided multiple gifts and the amount of 20 dollars, if they segregated gift into parts of, for less than 20 dollars that may create a conflict)
 - Meals/beverages in the presence of the donor
 - Reasonable food, lodging, and travel for participation at a speaking engagement
 - Example:
 - What if your best friend's son has applied for a position at the company of another Council member with which you interact regularly? Your friend knows your relationship with that Council member and asks you to put in a good word for his son with the person who is doing the hiring. *Can you do so? Best answer is no, due to the appearance of improprieties and is a conflict.*

- Prestige of Office
 - Prohibitions Generally

- No use of office for official's or employee's private gain
 - No use of office for private gain of another (whether they are related or not)
 - Covers both using the influence of one's office and using State resources
 - Example:
 - What if you are a member of the FSRC Legislative Committee which is considering stricter regulations for operating a school food program. You share this with your friend who has his own proposed school food program so he can beat the anticipated changes. *Can you do so? No this is a conflict of interest*
- Confidential Information - Cannot disclose or use confidential information acquired by reason of one's position and not available to the public:
 - For personal economic benefit, or
 - For the economic benefit of another

Note: consider disclosure and leaving the meeting if you have a conflict.

- Consider recusal and leaving a meeting if you will have a conflict. Registered lobbyists must take additional care to review lobbying restrictions under law.
- Lobbyist - Maryland defines "lobbying" as performing any act that requires registration. md. code ann. gen. provisions, title 5. see lobbying handout provided by the state ethics commission.
- We strongly recommend any individual who may be receiving integration for legislation, and advocacy examine this article, consult with the state ethics commission to determine whether you should register.
 - A "regulated lobbyist" means an entity that is required to register with the ethics commission. See MD. Code ann. Gen. Provisions. an "entity" means a person or a government or instrumentality of government.
 - A "person" can be an individual, receiver, trustee, guardian, personal representative, fiduciary, representative of any kind, corporation, partnership, business trust, statutory trust, Limited Liability Company, firm, association or other nongovernmental entity.
 - Lobbyists must register with the state of Maryland within 5 days after first performing an act that requires registration. Md. Code ann. Gen. Provisions § 5-704(d)

- A registered lobbyist must report all of the lobbying related expenses of the employer on lobbying activity reports, including compensation, other expenditures made by the lobbyist and any other support expenses, compensation or other lobbying related expenditures made by the lobbyist's employer. Md. Code ann. Gen. Provisions §§ 5-702(a)(6), 5-702(c); state ethics commission manual. Lobbying is often determined by compensation amount.
- Available Resources:
 - [State Ethics Commission website](#)
 - The following resource will be emailed to appointed FSRC members post-meeting:
 - Summary of Public Ethics Law Restrictions on Participation in Matters as a State Employee
 - State Ethic Commission
 - Maryland Public Ethic Law
 - Summary of Public Ethics Law Restrictions on Secondary or Outside Employment and Ownership of Financial Interests

11:30

Council Member Round Table & Updates

- Open discussion
- Anna Sierra – Legislative updates Maryland General Assembly has not released any pre-filed bills, or guidance on providing testimony or procedure for conducting hearings. There are changes to the committees :
 - Environment, Health and Education Committee is now reworked to Environment, Energy, and Education (EEE)
 - Some related items are being considered by the Finance Committee who are traditionally involved with energy
 - Other changes in committee responsibility; chairman Pinky has been appointed the Maryland Energy Administration Administrator. Senator Feldman will come from the Finance Committee to EEE
- Michael J – Communication and Coordination Committee will not meet on January 9th or 16th due to the delay in release of pre-filed bills, and the MLK holiday. The first meeting will be on January 23, 2023 from 1pm – 2pm. Please consider joining and become a member of the committee for the quorum process. Email Michael J with questions.
- Mark Powell – Here is an update for our annual Maryland's Best Bi-local Buyer, Grower meeting in Annapolis, at the Naval

Academy football stadium, 400 people signed up including farmers, waterman, niche producers, buyers from grocery stores, restaurants distributors, school, prison systems, etc. Link is provided [here](#).

- Heather Bruskin – Montgomery County Food Council will have a food security community call Monday at 1pm, speakers include one of Michael J's colleagues from Maryland Hunger Solutions, and Laura Hail from the New American Heart Association. This discussion will be on some bills and policy issues coming up in Annapolis that affect food security statewide, and the forthcoming end of emergency allotments for SNAP in February. We are launching food system advocacy meetings once per month, which are virtual and open to the public, on the 4th Tuesday of the month 1 -2pm, link [here](#), feel free to share with others.
- Michael J – The end of Emergency allotments update, for most of the approximately 800,000 SNAP participants in the state of Maryland, starting in March will experience a reduction in benefits (e.g. Senior receiving \$280 per month, would most likely receive \$40-45 monthly). Lastly, as a registered lobbyist Michael J is offering assistance or support related to ethics considerations and lobbying guidance.
- Delegate Charkoudian – Some legislative updates and committee interest include: the bill is drafted and was cross-filed by Senator Hester to establish the FSRC as permanent, using the recommendation language of the committee, to enter into legislation. We have expanded the local procurement of state agency bill, from a few years ago (prior to the establishment of the FSRC) to include invasive species that are harvested from the Chesapeake Bay. Within the procurement system, the 20% goal is mostly blue catfish but can also include other invasive species, like snakehead. We focus mostly on blue catfish, both removal from the Bay, and the consideration that it is a high quality protein that could be served in institutions. Another bill of interest is for pollinator corridors, since there was discussion regarding pollinators related to food systems. Lastly there are a number of areas being examined regarding the budget process, including cold storage, funding, the council itself, and other programs that were passed last year without or with limited funding attached (e.g. school compost program, farm to school program, etc.). We have discussed with the transition team for the new administration, and will continue those discussions. You can find the fact sheet on this bill at lorig.d20.com, go to 2023 legislation to track bills. Members are also welcome to email Delegate Charkoudian directly for bill language.

