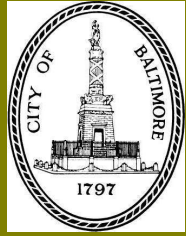


F R O M	NAME & TITLE	Zeke Cohen, Councilmember	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Baltimore City Council, First District 100 Holliday Street		
	SUBJECT	Charitable Solicitation Waiver Amendment		

DATE: July 2, 2024

**T
O:**

Members of the Baltimore City Ethics Board:

Please let this memo serve as a request to amend a previously submitted Charitable Solicitation Waiver from Councilmember Zeke Cohen regarding his expected transition to Baltimore City Council President, following the general election in November.

The council office would like to remove any reference to fundraising related to an inauguration into the above role. Any funds solicited through this waiver application would be exclusively for the purpose of facilitating a robust and organized transition process. This could include: costs related to site visits to model municipalities, consulting services related to facilitating a transition committee and producing a subsequent report, and costs associated with gathering transition committee members for in-person meetings, including food. Please also note that the amount targeted for solicitation (Section B, III) would be \$5,000-\$50,000.

Please let me know if you require any additional information. Thank you as always, for your service in ensuring that our city and elected officials demonstrate the highest ethical standards.

Thank you,



Zeke Cohen
Councilmember



BALTIMORE CITY ETHICS BOARD

100 N. Holliday Street, Suite 635 / Baltimore, MD 21202

ethics@baltimorecity.gov / 410-396-7986

GOVERNMENTAL/CHARITABLE GIFT SOLICITATION WAIVER – APPLICATION FOR APPROVAL DIRECTIONS AND GENERAL INFORMATION

Note: *Bold-italicized terms* are defined at the end of these directions.

I. BACKGROUND

Section 6-26 {"Gifts: Solicitation prohibited"} of the Baltimore City Public Ethics Law, contained in Article 8 of the City Code, generally prohibits any *public servant* from soliciting or facilitating the solicitation of a *gift*, "whether on the *public servant*'s own behalf or on behalf of another *person*," from any *person* that the *public servant* "knows or has reason to know" is a *controlled donor*.

Section 6-27 {"Gifts: Acceptance prohibited"} further prohibits any *public servant* from accepting a *gift*, even if unsolicited, from any *person* that the *public servant* "knows or has reason to know" is a *controlled donor*.

These prohibitions have long been recognized to apply even if the "gift" is being solicited to support a governmental function or charitable endeavor. For this reason, City *public servants* should avoid broad solicitation efforts, such as fundraising, which could reach *controlled donors*.

An exception was enacted in 2005 to permit certain solicitations that are "for the benefit of an official governmental program or activity or a City-endorsed charitable function or activity" and have been pre-approved by the Ethics Board.

More recently, the Ethics Board adopted Regulation 06.26.1 to standardize and clarify the requirements and procedures for invoking this exception. (The full text of the Regulation is available on the Ethics Board's website: <https://ethics.baltimorecity.gov/gift-solicitation-waivers>.)

II. GENERAL STANDARDS FOR APPROVAL

Ethics Board Regulation 06.26.1(B) provides the following general standards for Ethics Board approval:

1. The solicitation must be for the exclusive benefit of a governmental or charitable function, program, or activity.
2. **The program, function, or activity to be benefitted and the proposed solicitation campaign must have been endorsed by the Board of Estimates or its designee(s).**

3. The solicitation must be directed at a broad range of potential donors and may not specially target *controlled donors*.
4. The campaign must be designed and conducted so as to avoid any suggestion that contributors might receive special access or favored treatment from any City *agency* or any *public servant*.
5. The solicitation must be approved in advance by the Ethics Board, on written request of the *sponsoring agency*.
6. The solicitation must be conducted in accordance with the terms and conditions of the Ethics Board's approval.

III. WHEN AND WHERE TO APPLY

An application for Ethics Board approval must be submitted to the Ethics Board at ethics@baltimorecity.gov at least 45 days before any *controlled donor* is solicited, directly or indirectly.

IV. ACTIVITY REPORTS AND RECORDS

The *sponsoring agency* must periodically report solicitation activities to the Ethics Board, in a form consistent with generally accepted standards in the practice of accounting¹, as follows:

1. A Final, Cumulative Report must be filed within 30 days after all solicitations have been made and anticipated donations received.
2. Interim Reports must be filed on the following schedule, depending on the aggregate value of donations sought by the campaign:
 - (i) for campaigns seeking \$50,000 or more in donations, once every 3 months;
 - (ii) for campaigns seeking between \$5,000 and \$50,000, once every 6 months; and
 - (iii) for campaigns seeking less than \$5,000, only the Final, Cumulative Report is required.

The *sponsoring agency* must make and maintain detailed records to assure complete reporting of all of the information required to be disclosed in the Reports. Activity reports must be signed as accurate by the *sponsoring agency* and *fiscal sponsor*. (See Form 627.)

V. FORMS AND INFORMATION

Additional forms and instructions for the application and activity reports are available on the Board's website at <https://ethics.baltimorecity.gov/gift-solicitation-waivers>.

Any questions about the waiver application and/or reporting process should be directed to Ethics Board staff at ethics@baltimorecity.gov or 410-396-7986.

¹ You may review the Governmental Accounting Standards on the Governmental Accounting Standards Board's website, accessible here: <https://gars.gasb.org/>. For free access, choose "Basic View."

DEFINITION OF TERMS

All defined terms are indicated by *bold italics*.

“Agency”/ “City agency”

- (a) *General*. “Agency” or “City agency” means any department, board, commission, council, authority, committee, office, or other unit of City government.
- (b) *Inclusions*. “Agency” or “City agency” includes:
 - (1) Baltimore Children and Youth Fund;
 - (2) Baltimore City Parking Authority;
 - (3) Baltimore Development Corporation;
 - (4) Baltimore Police Department;
 - (5) Enoch Pratt Free Library of Baltimore City;
 - (6) Housing Authority of Baltimore City;
 - (7) Local Development Council, South Baltimore Video Lottery Terminal;
 - (8) Pimlico Community Development Authority;
 - (9) South Baltimore Gateway Community Impact District Management Authority; and
 - (10) any individual not embraced in a unit of City government who exercises authority comparable to that of the head of a unit of City government.

“Controlled donor”

“Controlled donor” means any *person* that:

- (1) does or seeks to do business of any kind, regardless of amount:
 - (i) with an *agency*; or
 - (ii) with another *person* in connection with or in furtherance of that other *person’s* contract with an *agency*;
- (2) engages in an activity that is regulated or controlled by an *agency*;
- (3) is a lobbyist with respect to matters within the jurisdiction of an *agency*;
- (4) has a financial interest that might be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the official duties of an *agency*; or
- (5) is an owner, partner, officer, director, trustee, employee, or agent of any *person* described in items (1) through (4).

“Fiscal Sponsor”

“Fiscal sponsor” means the person who is responsible for the custody, accounting, and distribution of donations. The fiscal sponsor may not be an individual employed by the sponsoring agency.

“Gift”

“Gift” means the transfer of any thing or any service of economic value, regardless of the form, for less than adequate, identifiable, and lawful consideration. “Gift” does not include political contributions that are regulated under state law.

“Person”

“Person” means:

- (1) an individual;
- (2) a receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind; and
- (3) a partnership, firm, association, corporation, or other entity of any kind;
- (4) except as used in the City Code, Article 8, Subtitle 9, for the imposition of criminal penalties, a governmental entity or an instrumentality or unit of a governmental entity.

“Public Servant”

“Public servant” means any official or employee of the City of Baltimore or of any *agency* of the City.

“Sponsoring agency”

“Sponsoring agency” means:

- (1) the City *agency* that, under the City Code, Article 8, § 6-26(b) and R 06.26.1, seeks to conduct a solicitation for an official governmental program or activity or for a charitable function or activity; or
- (2) if more than one City *agency* is involved, the *agency* designated to coordinate the solicitation.



BALTIMORE CITY ETHICS BOARD
 635 City Hall, Baltimore, Maryland 21202
 Phone: 410-396-7986
 Email: ethics@baltimorecity.gov

Date Received: _____

GOVERNMENTAL/CHARITABLE GIFT SOLICITATION WAIVER – APPLICATION FOR APPROVAL

Name of Benefitted Program/Charity:

City Council President Transition

PART A. SPONSORING AGENCY.

Agency Name: Office of Councilmember Zeke Cohen

Contact Person/Coordinator: Maggie Master

Address: 100 Holliday Street Baltimore MD 21202

Phone: 443 429 0417

Email: maggie.master@baltimorecity.gov

PART B. PURPOSE OF PROPOSED SOLICITATION.

I. Identify the specific governmental or charitable program, function, or activity for which solicitations will be made.

Funds will be solicited for costs associated with transition planning for the City Council President’s office from CM Cohen’s role as a council member. These costs would primarily relate to hiring a contractor to help support a transition committee (staffing that committee, doing research for the committee’s working groups, writing recommendations and a draft transition report), travel costs associated with site visits to observe best practices in other cities, and any expenses associated with an inauguration.

II. Describe the specific purposes to which contributions and other receipts will be applied.

Contributions will be applied to transition planning for the City Council President’s office from CM Cohen’s role as a council member. These costs would primarily relate to hiring a contractor to help support a transition committee (staffing that committee, doing research for the committee’s working groups, writing recommendations and a draft transition report), travel costs associated with site visits to observe best practices in other cities, and any expenses associated with an inauguration.

III. Select the appropriate range for the aggregate value of the contributions sought:

- \$500,000 or more
- Between \$150,000 and \$500,000
- Between \$50,000 and \$150,000
- Between \$5,000 and \$50,000
- Less than \$5,000

PART C. WHEN AND HOW SOLICITATION TO BE CONDUCTED.

I. Proposed starting date of solicitation efforts: June 27, 2024

II. Proposed ending date of solicitation efforts: Dec. 9, 2024

III. Describe the categories of persons to be solicited and by whom and how those solicitations will be made.

No outreach will be made to known controlled donors. This campaign will target individuals with a history of supporting civic engagement and democracy. They will be contacted by CM Cohen and his staff through email, by phone and via social media.

IV. Identify all *public servants* and other individuals at the request of the *sponsoring agency* who will solicit contributions.

Councilmember Cohen and his staff

V. Describe measures to be taken to ensure that the solicitation (i) will be directed at a broad range of donors and (ii) will not specially target *controlled donors*.

Potential donors will be solicited based on their history of participating in initiatives related to education, youth or trauma-informed initiatives. Most potential donors fitting this description are not controlled donors. However, those potential donors who are controlled with respect to the City Council or Board of Estimates will not be targeted or singled out in any way and will be solicited, if at all, in the same manner as other potential donors.

VI. Describe measures to be taken to avoid any suggestion that contributors might receive special access or favored treatment from any *agency* or *public servant* of the City.

Donors will be made aware that their donation will be directed towards Healing City events. The focus of all solicitation requests and promotion of the Healing City Summit or other smaller events and will focus on the potential benefits to youth and community members who are participating. The purpose of the funds will be made clear to those donating, and donors will be informed they will not gain favors or special access with their donation.

PART D. FISCAL SPONSOR (PERSON RESPONSIBLE FOR CUSTODY, ACCOUNTING, AND DISTRIBUTION OF DONATIONS)

NOTE: The *fiscal sponsor* may not be an individual employed by the *sponsoring agency*.

Entity Name: Baltimore Civic Fund

Contact Person: HyeSook Chung

Address: One North Charles St.
Suite 1600 One North Charles St. Baltimore MD 21201
Suite 1600

Phone: hyesook@baltimorecivicfund.org **Email:** hyesook@baltimorecivicfund.org

I. Disclose the person or persons within the distributing entity who will be responsible for fund distribution and accounting.

The Baltimore Civic Fund's Chief Operations Officer is responsible for fund distribution and accounting, supported by the Civic Fund finance team and an outside CPA firm. The Civic Fund maintains a web-based accounting system which is accessible by the President, the COO, the finance team, and the CPA firm. The Partnership Managers are able to view the information, but not make edits. The Civic Fund's Partnership Managers are responsible for reviewing and approving all disbursements and providing reports and other information about program account use.

II. Describe how the funds will be held pending distributions, e.g., held in a trust or other dedicated account, in a general account, co-mingled with other funds, etc.

The Baltimore Civic Fund keeps records of all supporting documentation related to a program's scope of work and funding sources. All disbursements are initiated by a payment request form completed by City agency staff and signed by the agency's authorized signatory (Agency Director or designated staff). Partnership Managers review payment requests to ensure the request fits within the scope of work for the program as

III. What measures will be taken by the distributing entity to ensure that the donations will actually be used for the intended purpose?

The Baltimore Civic Fund keeps records of all supporting documentation given for donations, including grants and other conditional funding. Grants are assigned transaction codes in our financial system. All disbursements from the accounts are initiated by a payment request form completed by the program and signed by the program's authorized signatory (agency director or designated staff), all payments must align to the stated scope of the program account.

IV. What measures are in place to account for the donations? In the event that donations exceed the charitable need, please state how the additional funds will be allocated or dispersed.

Donations are collected (1) by a web-based donation site and directly deposited into the general account; (2) by check received by mail and deposited into the general account; or (3) by ACH in the general account. All supporting documentation is uploaded into the web-based accounting system and saved with program files. Donors who use the web-based donation site receive an automated acknowledgement email. Donations by other means may be acknowledged by a gift letter from Civic Fund.

V. Please provide details about the measures that will be taken by the distributing entity to ensure to ensure that *controlled donors* will not receive preferential treatment.

All disbursements require approval by the City agency's authorized signatory, as well as the Civic Fund's Partnership Managers, financial team, COO, and outside accounting firm. Sufficient supporting documentation and alignment with the program's scope of work and donation's restrictions are required. All disbursements are made in accordance with the IRS guidelines for nonprofits.

PART E. SIGNATURE AND AFFIRMATION .

Part E should be completed by the *sponsoring agency* upon completion of the application.

I, Maggie Master [Name], on behalf of First District Councilmember Zeke Cohen [Sponsoring Agency], affirm under the penalties of perjury that the contents of this application and all accompanying attachments are accurate to the best of my knowledge, information, and belief.


Signature

6/4/2024

Date

PART F. CITY ENDORSEMENT [ONLY TO BE COMPLETED BY BOE OR DESIGNEE].

Part F should only be completed by the Board of Estimates or its designee(s).

- Endorsed by the Board of Estimates
- Endorsed by the Designee of the Board of Estimates: _____

Clerk Signature

Date