


<b>FROM</b>	NAME & TITLE	Joshua Thomson, Chief of Staff	<b>CITY OF BALTIMORE</b>  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Office of Councilman Zeke Cohen's RM 522, City Hall		
	SUBJECT	Government/Charitable Solicitation Application		

DATE: 01/29/2019

**TO** To Honorable Clerk of the Board  
of Board of Estimates  
Room 204, City Hall

**Re: Government/Charitable Solicitation Application**

**ACTION REQUESTED OF THE BOARD OF ESTIMATES:**

The Board is requested to endorse a Governmental/Charitable Application for submission to the Board of Ethics of Baltimore City to allow Councilman Zeke Cohen and staff to solicit donations from local individuals, businesses, civic leaders, the foundation community and the general public to establish a Southeast community associations neighborhood fund to fund services for translators, childcare services, food, and meeting spaces. The period of the campaign, pending board approval, will be effective upon Board approval to January 31<sup>st</sup>, 2020.

**AMOUNT AND SOURCE OF MONEY:**

No general funds are involved in this transaction.

**BACKGROUND AND EXPLANATION:**

Donations will be solicited from Baltimore businesses, civic leaders, the foundation community and the general population. A potential donor list will be comprised of individuals and corporate entities that contribute to the economic, social, and cultural vitality of Baltimore City. Most of the individual and corporate entities fitting that description are not controlled donors. However, those potential donors who are controlled donors with respect to the City Council or the 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 the other potential donors.

Neighborhood Associations are critical components of healthy communities that play a positive role in actively engaging community members in community-related initiatives, concerns, and events. Recognizing the importance of this, our neighborhood associations are struggling to increase their monthly participations due to challenges in access to translation services, childcare services and other services that would provide support for other residents to be able to actively participate in these meetings. The lack of these services leaves out many residents from the Latinx community and working parents who would like to become actively involved with their neighborhood associations. Our office would like to work with the Southeast Community Development Corporation to start a neighborhood fund that neighborhood associations in the First District would be able to use to pay for translation services, childcare costs, and other

services needed to increase their overall monthly participation and better represent underserved populations.

Baltimore City Code Article 8, Section 6-26, prohibits solicitation or facilitating the solicitation of a gift. 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. Ethics Regulation 96.26B sets out the standards for approval, which includes the requirement that the program, function or activity to be benefited and the proposed solicitation campaign must be endorsed by the Board of Estimates or its designee.

**MBE/MWE PARTICIPATION:**

N/A

APPROVED BY BOARD OF ESTIMATES:

*Bernice N. Taylor*

CLERK

DATE

FEB 06 2019

**BALTIMORE CITY ETHICS BOARD**  
626 City Hall  
Baltimore, Maryland 21202  
Phone: 410-396-4730 Fax: 410-396-8483  
<http://ethics.baltimorecity.gov>

**GOVERNMENTAL/CHARITABLE SOLICITATIONS –  
APPLICATION FOR APPROVAL**

**DIRECTIONS AND GENERAL INFORMATION**

**NOTE: *Bold-italicized terms* are defined at the end of these Directions.**

**I. BACKGROUND**

Article 8, § 6-26 {"Gifts: Solicitation prohibited"} 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*. Article 8, § 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. 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 to standardize and clarify the requirements and procedures for invoking this exception. (The full text of the Regulation is appended to City Code Article 8, accessible online through the Ethics Board's website: <http://ethics.baltimorecity.gov>.)

**II. GENERAL STANDARDS FOR APPROVAL**

Ethics Regulation 96.26B sets out 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.

## II. WHEN AND WHERE TO APPLY

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

## III. ACTIVITY REPORTS AND RECORDS

The *sponsoring agency* must periodically report solicitation activities to the Ethics Board, 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 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. (See Form 627.)

## IV. FORMS AND INFORMATION

Additional forms and instructions for the application and activity reports are available on the Board's Website, <http://ethics.baltimorecity.gov>.

Any questions about the scope or applicability of the City Ethics Code should be directed to the Board, at 626 City Hall (410-396-4730).

**DEFINITIONS 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 City Parking Authority.
- (2) Baltimore Development Corporation.
- (3) Baltimore Police Department.
- (4) Board of Liquor License Commissioners for Baltimore City.
- (5) Civilian Review Board of Baltimore City.
- (6) Enoch Pratt Free Library of Baltimore City.
- (7) Housing Authority of Baltimore City.
- (8) Local Development Council, South Baltimore Video Lottery Terminal.
- (9) Pimlico Community Development Authority.
- (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).

**“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 partnership, firm, association, corporation, or other entity of any kind;
- (3) a receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind; and
- (4) except as used in Subtitle 9 {“Enforcement”} of this article 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 Ethics Code § 6-26(b) and Board Regulation R 06.26, 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.

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626 City Hall  
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**GOVERNMENTAL/CHARITABLE SOLICITATIONS –  
APPLICATION FOR APPROVAL**

NAME OF BENEFITTED PROGRAM / CHARITY: Neighborhood Association Fund - First District

**PART A. SPONSORING AGENCY**

Name Office of Councilman Zeke Cohen  
Address Suite 522, City Hall  
Baltimore, MD 21202  
Contact Person / Coordinator Joshua Thomson  
Telephone ( 410 ) 396-4821 Email joshua.thomson@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:**  
Neighborhood Association Fund - First District

**II. Describe the specific purposes to which contributions and other receipts will be applied:**  
Contributions will be used to support the Neighborhood Association Fund that will be used to cover the cost of translation services, childcare services, food, and additional services to increase participation in neighborhood associations, specifically to our Latinx community.

**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. CITY ENDORSEMENT**

By: \_\_\_ Board of Estimates \_\_\_ Designee of B/E: \_\_\_\_\_

Date and Manner of Endorsement: \_\_\_\_\_

Attach Copy of Written Endorsement

**PART D. WHEN AND HOW SOLICITATION TO BE CONDUCTED**

I. Proposed starting date of solicitation efforts: Immediately upon approval

II. Proposed ending date of solicitation efforts: January 31st, 2020

III. Describe the categories of persons to be solicited and by whom and how those solicitations will be made:  
This campaign will target individuals, organizations and business with a history of supporting community associations with translation services, childcare services, and initiatives to increase neighborhood participation and improve the communities in Baltimore City.  
They will be contacted through individuals, groups, emails, calls, internet, social media (Twitter, Facebook, Instagram, videos, etc).

IV. Identify all *public servants* who will be soliciting contributions:  
Councilman Zeke Cohen and 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 activities related to improving the community and neighborhood associations. Most potential donors fitting this description are not controlled donors. Potential donors who are controlled donors with respect to the City Council or the Board of Estimates will not be targeted 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:**  
The Neighborhood Association Fund would be established to fund services for translation, childcare, and additional services to neighborhood associations. Additionally, the focus of this fund will be the potential benefits to the members of the neighborhood association, rather than assisting the City or its agencies. The purpose of these funds will be made clear to donors who will be informed that they will not gain favors or special access.

**PART E. PERSON RESPONSIBLE FOR CUSTODY, ACCOUNTING, AND DISTRIBUTION OF DONATIONS**


Name Southeast Community Development Corporation  
Address 3323 Eastern Ave #200  
Baltimore, MD 21224  
Telephone 410-342-3234

**PART F. SIGNATURE AND AFFIRMATION**

I affirm under the penalties of perjury that the contents of this Application and of all accompanying attachments are true to the best of my knowledge, information, and belief.

Date: 01/29/2019

FOR: 1st District Baltimore City Council  
{Type/Print Name of Sponsoring Agency}

BY:   
{Signature}

Joshua Thomson, Chief of Staff  
{Type/Print Name and Title}

100 Holiday St. Baltimore, MD 21202  
{Type/Print Office Address}

410-396-4821  
{Type/Print Office Telephone Number}

joshua.thomson@baltimorecity.gov  
{Type/Print Email Address}