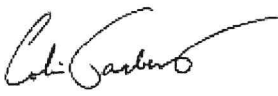


Memorandum

To: Honorable President and Members of the Board of Estimates

From: Colin Tarbert, President & CEO 

Date: July 20, 2020

Subject: Application to Solicit Charitable Donations

ACTION REQUESTED OF BOARD OF ESTIMATES:

The Board is requested to approve the City of Baltimore Development Corporation's (BDC) application for Governmental/Charitable Solicitations, as it is required by the City Code, Article 8 Regulation 06.26. BDC's President & CEO, Colin Tarbert and members of the senior staff including: Kimberly Clark, Jeffrey Pillas, Nancy Jordan-Howard, Larysa Salamacha, William Beckford, Susan Yum, Daniel Taylor, Kristin Dawson and Stephanie Hsu, may all solicit sponsorships/donations for the purpose of supplementing and enhancing the City's economic development initiatives.

Amount OF Money and Source of Funds:

No general funds are involved in this transaction. Donations will be solicited from local, state, and federal government agencies, Baltimore-area business and civic leaders, and private foundations.

BACKGROUND/EXPLANATION:

The Baltimore Development Corporation (BDC) would like to solicit sponsorships/ donations for the purpose of supplementing and enhancing the city's economic development activities and initiatives from September 1, 2020 through August 31, 2021. Uses of funds will include: funding for service providers to provide hands-on business assistance to entrepreneurs in a variety of tracks; sponsorship dollars for tours of city projects, trade shows, special events, seminars, educational workshops, marketing material, and research.

A potential donor list will be comprised of individuals and corporate entities that have demonstrated a history of providing financial and in-kind contributions to the small business community and Baltimore's economic revitalization. Criteria for targeting a corporate entity for solicitation will include: commitment to overall community, value to overall community, interest in entrepreneurship, and a history of providing financial and in-kind contributions to growing the business community and Baltimore's economic revitalization.

Most of the corporate entities or private foundations may or may not be controlled donors. However, those potential donors, who are controlled donors with respect to the Baltimore Development Corporation, 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 all other potential donors. Solicitations will be made in the context of a scheduled formal meeting, with presentation materials, detailed budgets and follow-up as required. BDC will not provide exclusive access to BDC clients to any sponsors.

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 that has been pre-approved by the Ethics Board. Ethic Regulation 96.26B sets out the standards for approval, which include 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/WBE:

Not applicable.

EMPLOY BALTIMORE (EB):

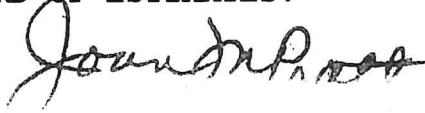
EB applicable: _____ yes; X no

If not, why: _____ professional service contract
_____ emergency contract
_____ contract under \$49,999.99
 X N/A

EB Certification Statement completed and returned to Agency:
_____ yes; X no

Solicit Charitable Donations
Baltimore Development Corporation
July 17, 2020

APPROVED BY THE BOARD OF ESTIMATES:



Clerk

Date

AUG 05 2020

Attachment: Governmental/ Charitable Solicitations Application

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**

NAME OF BENEFITTED PROGRAM / CHARITY: City of Baltimore Development Corporation

PART A. SPONSORING AGENCY

Name City of Baltimore Development Corporation (BDC)

Address 36 S. Charles Street, Suite 2100, Baltimore, MD 21201

Contact Person / Coordinator Kimberly Clark

Telephone (410) 837-9305

Email kclark@baltimoredevelopment.com

PART B. PURPOSE OF PROPOSED SOLICITATION

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

City of Baltimore Development Corporation (BDC) would like to solicit sponsorships/donations for the purpose of supplementing and identifying additional funding for activities related to enhancing the City's economic development activities and initiatives.

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

Uses of the funds will include: payment to service providers to provide hands-on business assistance to entrepreneurs in a variety of tracks; sponsorship dollars for tours of city projects, trade shows, special events, seminars, educational workshops, and related marketing efforts and materials; and research.

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: Solicitation will begin upon approval or September 1, 2020

II. Proposed ending date of solicitation efforts: August 31, 2021

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

Corporations, businesses dealing with financial services, banking, law, accounting, real estate, construction, foundations; and others as appropriate. Solicitations will be made personally by the President & CEO of BDC, members of the senior staff, including Jeffrey Pillas, VP & CFO; Kimberly Clark, Executive VP, and other staff members as appointed. BDC will also solicit the assistance of its Board of Directors who may make introductions. Solicitations will be done in the context of a scheduled formal meeting with presentation materials, detailed budgets, and follow-up as required.

IV. Identify all public servants who will be soliciting contributions:

Colin Tarbert, President & CEO; Jeffrey Pillas, VP & CFO; Kimberly Clark, Executive Vice President; Nancy Jordan-Howard, Chief Operating Officer; Larysa Salamacha, Managing Director of Strategic Research & Analytics; William Beckford, VP of Business & Neighborhood Development; Susan Yum, Managing Director of Marketing and External Relations; Daniel Taylor, Managing Director of Business & Neighborhood Development; Kristin Dawson, Director of Business Development; and Stephanie Hsu, Equity Manager

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:

Criteria for targeting a corporate entity for solicitation will include: commitment to overall community, value to overall community, interest in entrepreneurship, and a history of providing financial and in-kind contributions to growing the business community and Baltimore's economic revitalization. The corporate entities public or private foundations may or may not be controlled donors. All potential donors, who are donors with respect to BDC, the Council, or the Board of estimates of Estimates will not be targeted or singled out in any way and will be solicited, if at all, in the same manner as all 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:

BDC will not provide exclusive access to BDC clients. In the event that any contributing developer, business, or other person or entity subsequently makes any proposal to or seeks any assistance from BDC, such Contributions shall be disclosed to the BDC Board and, if applicable, to the Board of Estimates, the Mayor, or other City agency or official. In such event, the City's ethics rules shall be followed.

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

Name Jeffrey Pillas, Vice President & CFO, City of Baltimore Development Corporation
Address 36 S. Charles Street, Suite 2100, Baltimore, MD 21201
Telephone (410) 837-9305

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: July 20, 2020

FOR: City of Baltimore Development Corporation
{Type/Print Name of Sponsoring Agency}

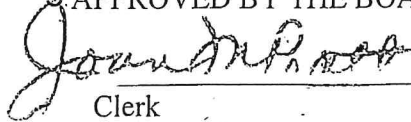
BY: 
{Signature}

Kimberly Clark, Executive Vice President
{Type/Print Name and Title}

36 S. Charles Street, Suite 2100, Baltimore, MD 21201
{Type/Print Office Address}

410-837-9305
{Type/Print Office Telephone Number}

kclark@baltimoredevelopment.com
{Type/Print Email Address}

APPROVED BY THE BOARD OF ESTIMATES

Clerk Date

AUG 05 2020

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.