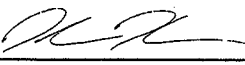



| | | | | |
|-------------|-----------------------|--|---|---|
| FROM | NAME & TITLE | Joshua Thomson, Chief of Staff  | CITY OF BALTIMORE MEMO P54-55 |  |
| | AGENCY NAME & ADDRESS | Office of Councilman Zeke Cohen's RM 522, City Hall | | |
| | SUBJECT | Government/Charitable Solicitation Application | | |

DATE: 04/17/2020

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 Councilmember Zeke Cohen and staff to raise \$120,000 to create a fund that will support and improve food access for the Southeast immigrant-owned food providers who are currently dealing with hardships as a result of COVID-19. Councilmember Zeke Cohen wishes to solicit donations from local individuals, business and the general population. The period of the campaign, pending board approval, will be effective upon Board approval to April 30th, 2021.

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.

Despite governmental assistance programs and current food distribution efforts in Baltimore, members of our immigrant communities in Southeast Baltimore are struggling to maintain reliable food access to support their families during the COVID-19 crisis. Many members of these communities have been laid off from work, which presents them with a significant financial burden. Additionally, local immigrant-owned businesses have either been forced to close or continue to operate but under challenging circumstances that contribute to stress, anxiety, and financial hardship. In this time, there is an opportunity to leverage the assets that are our local immigrant-owned food providers to help meet the food needs of our immigrant community members. Councilmember Cohen would like to establish a fund of up to \$120,000

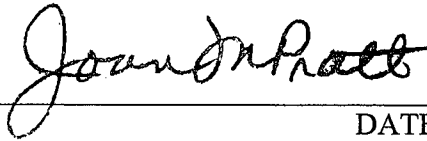
that would be held and managed by the Southeast Community Development Corporation to support and improve food access for immigrant communities in Southeast Baltimore and support local immigrant-owned food providers during the COVID-19 crisis.

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:



CLERK

DATE

APR 22 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.

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: Improving Food Access for the Immigrant Community

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:

Improving Food Access for the Immigrant Community

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

Contributions will be used to create a fund to support and improve food access to immigrant communities and immigrant-owned businesses who are dealing with financial struggles as a result of COVID-19

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: April 30th, 2021

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 businesses with a history of involvement in providing a variety of resources that promote and support local business and immigrant communities. They will be contacted through individuals, groups, emails, calls, Internet and social media (Twitter, Facebook, Instagram, videos, etc.). We would like to expand our target to other businesses that contribute to strengthening positive relationships among the many communities in our city.

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 this specific campaigns or have contributed to or have interests in similar causes to impact positive change for Baltimore's businesses. There potential donors who are controlled donors 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:

The funds raised will be held with the Southeast Community Development Corporation and they will choose which immigrant owned business will receive the funds based on their needs.

The purpose of these funds will be made clear to those donating and donors will be informed that they will not gain favors or special access by supporting this scholarship as donors have no agency over choosing the recipients of this scholarship.

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: 4/17/2020

FOR: Office of Councilman Zeke Cohen

{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}