


FROM	NAME & TITLE	Joshua Thomson, Chief of Staff <i>Joshua Thomson</i>	CITY OF BALTIMORE MEMO <i>117-118</i>	
	AGENCY NAME & ADDRESS	Office of Councilmember Zeke Cohen, RM 522, City Hall		
	SUBJECT	Government/Charitable Solicitation Application		

DATE: 02/25/2021

TO Honorable Clerk of the Board of Estimates
 100 Holliday St
 RM 204
 Baltimore, MD 21202

Re: Governmental/Charitable Solicitation Application

ACTION REQUESTED OF THE BOARD OF ESTIMATES:

The Board is requested to endorse a Governmental/Charitable Solicitation Application for submission to the Board of Ethics of Baltimore City to allow Councilmember Zeke Cohen and staff to solicit donations from local individuals, businesses, civic leaders, the foundation community and the general public to support the design and delivery of trauma informed care trainings for City of Baltimore employees and community members. The period of the campaign, pending Board approval, will be effective upon Board approval to March 1, 2022.

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, organizations, businesses, and foundations with a history of supporting education, youth, mental health, and trauma informed care and healing centered engagement initiatives. 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.

Signed into law in February 2020, the Elijah Cummings Healing City Act established the Trauma Informed Care Task Force to develop and implement a strategy to dramatically reduce trauma across Baltimore. The Task Force is comprised of a diverse set of members, including physicians, beauticians, educators, elders, students, returning citizens, elected officials, and healers. Those Task Force members were sworn in on February 15, 2021.

The Elijah Cummings Healing City Act also mandates trauma informed care training for all members of the Trauma Informed Care Task Force and at least two staff members from each City of Baltimore agency. Following the passage of the Elijah Cummings Healing City Act, many individual community members and community organizations have expressed interest in receiving trauma informed care training. To meet this demand for training, we are seeking to raise between \$150,000-\$500,000 to support the planning and implementation of trauma informed care trainings for City of Baltimore employees and community members. Funds will be

used to compensate organizations for the design and delivery of trauma informed care trainings. Funds will also be used to compensate an individual serving as a coordinator to organize those individuals and entities providing trauma informed care trainings for community members.

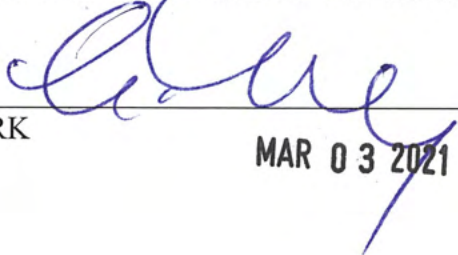
Baltimore City Code Article 8, Section 6-26, prohibits solicitation or facilitating the solicitation of a gift. An exception was enacted in 2005 to permit certain solicitations that are for the benefit of an official governmental program or activity, or a City endorsed charitable function or activity. 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

A handwritten signature in blue ink, appearing to be "Cohen", written over a horizontal line.

DATE

MAR 03 2021



BALTIMORE CITY ETHICS BOARD

635 City Hall
100 N. Holliday Street
Baltimore, Maryland 21202
(410) 396-7986
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 635 City Hall (410-396-7986).

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

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100 N. Holliday Street
Baltimore, Maryland 21202
(410) 396-7986
ethics@baltimorecity.gov

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

NAME OF BENEFITTED PROGRAM / CHARITY: Trauma Informed Care Trainings

PART A. SPONSORING AGENCY

Name Office of Councilmember Zeke Cohen - 100 Holliday St, Baltimore, MD 21202

Address _____

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:**

Trauma informed care trainings for City of Baltimore employees and community members

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

Funds will be used to support the planning and implementation of trauma informed care trainings for City of Baltimore employees and community members. Funds will be used to pay organizations for the design and delivery of trauma informed care trainings. Funds will also be used to compensate an individual serving as a coordinator to organize those individuals and entities providing trauma informed care trainings for community members.

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: Upon approval by the Board of Ethics
- II. Proposed ending date of solicitation efforts: March 1, 2022

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, businesses, and foundations with a history of supporting education, youth, mental health, and trauma informed care and healing centered engagement initiatives. They will be contacted by Councilmember Cohen and his staff through emails, calls, and social media (e.g. Twitter, Facebook, Instagram, etc.).

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

Councilmember Cohen and his staff will be soliciting contributions

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, mental health, and trauma informed care and healing centered engagement. Most potential donors fitting this description are not controlled donors. However, those potential donors who are controlled 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 toward supporting the design and delivery of trauma informed care trainings for City of Baltimore employees and community members. The focus of all solicitation requests and promotion of the project will focus on the potential benefits to youth, older adults, and the community. 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 E. Fiscal Sponsor PERSON RESPONSIBLE FOR CUSTODY, ACCOUNTING, AND DISTRIBUTION OF DONATIONS)

Note: This individual may not be employed by the *Sponsoring Agency*.

Name Maryland Philanthropy Network

Address 1600 W 41st St, Suite 700, Baltimore, MD 21211

Telephone 410-727-1205

Email ehyleck@marylandphilanthropy.org

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

(Please see responses in the accompanying document - "Office of Councilmember Zeke Cohen - Trauma Informed Care Trainings - Responses to Part E")

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.

(Please see responses in the accompanying document - "Office of Councilmember Zeke Cohen - Trauma Informed Care Trainings - Responses to Part E")

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

(Please see responses in the accompanying document - "Office of Councilmember Zeke Cohen - Trauma Informed Care Trainings - Responses to Part E")

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.

(Please see responses in the accompanying document - "Office of Councilmember Zeke Cohen - Trauma Informed Care Trainings - Responses to Part E")

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.

(Please see responses in the accompanying document - "Office of Councilmember Zeke Cohen - Trauma Informed Care Trainings - Responses to Part E")

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: 02/25/2021

FOR: Office of Councilmember Zeke Cohen

{Type/Print Name of Sponsoring Agency}

BY: Joshua Thomson

Digitally signed by Joshua Thomson
DN: cn=Joshua Thomson, o=Office of Baltimore City
Councilmember Zeke Cohen, ou=Chief of Staff,
email=joshua.thomson@baltimorecity.gov, c=US
Date: 2021.02.24 23:10:54 -0500

{Signature}

Joshua Thomson, Chief of Staff

{Type/Print Name of Sponsoring Agency}

100 Holliday St, Baltimore, MD 21202

{Type/Print Office Address}

410-396-4821

{Type/Print Office Telephone Number}

joshua.thomson@baltimorecity.gov

{Type/Print Email Address}

APPROVED BY THE BOARD OF ESTIMATES

Clerk

Date

Office of Councilmember Zeke Cohen – Trauma Informed Care Trainings

Part E. Fiscal Sponsor Person Responsible for Custody, Accounting, and Distribution of Donations

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

All cash disbursements are ultimately approved by Maryland Philanthropy Network (MPN) Acting President, Elisabeth Hyleck. Prior to her approval, disbursements are reviewed by at least two other staff members including Leah Abrams who serves as the organization's Accountant.

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

Funds will be held in the M&T Bank general operating account for Maryland Philanthropy Network. Cash is not segregated by bank account but is segregable via our accounting system.

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

MPN, acting as a good steward for funds contributed to the organization, is committed to ensuring that the funds are spent in an appropriate manner. The President will approve all applications for grant funds and will make certain that MPN staff fully understand donor requirements and expectations. The President and / or Program Director are responsible for ensuring MPN is in compliance with the grant conditions and scope of work. If changes are necessary and key deliverables are no longer feasible, either the President or Program Director will discuss the matter with the funder and document changes in writing. Interim and final reports will be presented to grantors on a timely basis.

Restricted grant income and expenses are tracked in MPN's chart of accounts. The President and / or Program Director will carefully monitor expenditures for restricted grant projects to ensure that total spending does not exceed grant revenues and that a grantor's funds are used only to support projects specified in, or appropriate under, the grant.

Regarding our Fiscally Hosted projects, the Network's internal evaluation includes:

- Affirming the interest and/or support of one or more Network members to fiscally host the proposed initiative.
- Affirming that the purpose and goals of the initiative align with our organizational values, mission and goals.
- Affirming that the initiative or organization has a clear and reliable governance or advisory structure.

- Affirming that the initiative or organization has sufficient initial funds to cover any costs that the Network will incur in providing services.
- Affirming that any related fundraising plan is well considered and realistic.
- Assessing and ensuring that a proposed initiative, viewed in conjunction with existing Network commitments, will not overextend the Network's human, physical or financial resources.
- Assessing and ensuring that the Network's staff, proposed partners, and/or consultants have sufficient capacity to effectively manage the initiative and/or provide the required services.

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.

Contributions and the related materials received with funds are reviewed, allocated and recorded on an ongoing basis. Documentation is reviewed for time and project restrictions imposed by the donor in order to determine the allocation to the appropriate project.

On a quarterly basis, the President and Program Directors monitor grants receivable for their program areas and are responsible for contacting granting organization for payment.

MPN will acknowledge all monetary and gifts in kind in writing within 30 days of receipt. The acknowledgement will include the amount and/or description of the gift or gift in kind as required by both federal and state laws.

If the donor's intent is unclear, the donor is contacted for clarification. If donations exceed charitable need, the donor is contacted to determine if they would like to redirect their funds to another purpose of their choosing or to have unspent funds returned.

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

Due to the purpose of the funds being raised, there will be a limited number of vendors. Prior to cash disbursement, each vendor relationship will be reviewed by MPN Staff in order to identify any potential conflicts with donations received.

Further, the President is directed to refer questionable gifts to the Board of Directors for guidance on a case-by-case basis. MPN employees shall promptly bring to the attention of the President all donations.

MPN may elect to refuse offers of gifts of any type if the gift poses a conflict of interest or the appearance or perception of a conflict of interest.

Office of Councilmember Zeke Cohen – Trauma Informed Care Trainings

Part E. Fiscal Sponsor Person Responsible for Custody, Accounting, and Distribution of Donations

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