

FROM	NAME & TITLE	Maggie Master, Chief of Staff
	AGENCY NAME & ADDRESS	Office of Councilman Zeke Cohen's RM 522, City Hall
	SUBJECT	Government/Charitable Solicitation Application

CITY OF
BALTIMORE

MEMO



DATE: 05/18/2022

TO

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

**Re: Government/Charitable Solicitation Application
(*Reviewed by Ethics)**

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 solicit donations for a Leadership for Educational Equity Public Policy Fellow for the First District City Council office. The period of the campaign, pending board approval, will be effective upon Board approval to June 1, 2023..

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.

Leadership for Educational Equity's mission is to end the injustice of educational inequity by inspiring and supporting a diverse set of leaders with classroom experience to engage civically and politically. Leadership for Educational Equity's Public Policy Fellowship Program effectively develops leaders through significant policy and advocacy experiences that advance equity within the mission of their host organizations. Councilmember Cohen's office provides a strategic and diverse platform for these talented individuals to work directly with local leaders in developing and advancing policy initiatives and fostering valuable relationships. This funding will explicitly fund one Public Policy Fellow for the First District City Council office. There is a need in our City Government to enlist such individuals into our offices to promote a more equitable Baltimore.

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

6/15/2022

DATE



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: LEE Public Policy Fellow 2022-2023 District 1

PART A. SPONSORING AGENCY

Name Office of Councilmember Zeke Cohen

Address 1 N. Charles St. Baltimore 21202

Contact Person / Coordinator Maggie Master

Telephone 410-396-4821 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:

2022-2023 Leadership for Educational Equity Public Policy Fellow

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

The funds will be used to pay the host contribution toward the salary of the public policy fellow. (\$25,000)

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:** June 1, 2023

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, and equity 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 Zeke 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 equity 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 the public policy fellow's position. The focus of all solicitation requests will focus on the potential benefits to youth and community who will benefit from this additional staff impact. 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 Baltimore Civic Fund

Address 1 N. Charles St. Baltimore 21202

Telephone 410.727.1205 Email _____

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 - 2022-2023 LEE Public Policy Fellow - 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 - 2022-2023 LEE Public Policy Fellow - 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 - 2022-2023 LEE Public Policy Fellow - 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 Cohen -2022-2023 LEE Public Policy Fellow - 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 - 2022-2023 LEE Public Policy Fellow- 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: 05/18/2022

FOR: Office of Councilmember Zeke Cohen
{Type/Print Name of Sponsoring Agency}

BY: 
{Signature}

Maggie Master, 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}

Maggie.Master@baltimorecity.gov
{Type/Print Email Address}

APPROVED BY THE BOARD OF ESTIMATES

 6/15/2022
Clerk Date

2022-23 LEE Public Policy Fellowship - Governmental/Charitable Solicitation Application
Office of Councilmember Zeke Cohen

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.

The Baltimore Civic Fund's Director of Finance and Operations, Tammy Grinnan, is responsible for fund distribution and accounting. The Civic Fund's President, HyeSook Chung, is responsible for reviewing and approving all disbursements. Program Manager, Christina Gatto, can provide reports and other information about program account use.

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.

The Baltimore Civic Fund holds funds in a co-mingled account wherein every program account is segregated by a unique identifying program account code that is only accessible by the authorized contacts and uses. This project will hold funds in a program account for the LEE Public Policy Fellowship in the District 1 City Council office.

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 input into our financial system with supporting documentation uploaded with the deposit. Donations are coded as contributions and grants are assigned grant codes. The Civic Fund sends donors gift acknowledgment letters. The funds remain in the program's

account to be used in accordance to the scope of the program unless otherwise directed by the donor.

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.

All disbursements need authorization by the Civic Fund program's authorized signatory, sufficient supporting documentation and are made in accordance of the IRS guidelines for nonprofits.