

FROM	NAME & TITLE	Catalina Rodriguez Lima <i>Catalina Rodriguez Lima</i>	CITY of BALTIMORE MEMO <i>97-92</i>	
	AGENCY NAME & ADDRESS	Mayor's Office of Immigrant Affairs		
	SUBJECT	Governmental/Charitable Solicitation Application		

TO Honorable President and Members of the Board of Estimates DATE: April 30, 2020

ACTION REQUESTED OF THE BOARD OF ESTIMATES:

The Board of Estimates is requested to endorse a Governmental/Charitable Solicitation Application to be approved by the Baltimore Ethics Board for the Mayor's Office of Immigrant Affairs (MIMA) to promote contributions to Baltimore's Immigrant Community Fund. The Baltimore Civic Fund will be the entity responsible for processing the individual contributions.

AMOUNT AND SOURCE OF FUNDS:

There is no general money associated with this request.

BACKGROUND/EXPLANATION:

The Mayor's Office of Immigrant Affairs (MIMA) wishes to promote and encourage financial support to Baltimore's Immigrant Community Fund through the Baltimore Civic Foundation. The fund seeks to address the urgent needs of immigrant families in the City of Baltimore excluded by the CARES Act.

The vision of the fund is to build cohesive, safe, and welcoming communities where New Americans feel valued and treated with dignity. In light of COVID-19, the initiative will serve as a catalyst for funding to respond to the urgent needs of immigrant families who cannot work, access unemployment benefits, and/or federal stimulus assistance. Public servants soliciting contributions include: Mayor Bernard C. "Jack" Young, Catalina Rodriguez Lima, and Katie Miller.

If approved, MIMA will promote the fund with individuals and foundations in the Baltimore region and not targeted donors.

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 approved by the Ethics Board. Ethics Regulations 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/WBE PARTICIPATION:

Not applicable

BALTIMORE CITY RESIDENTS FIRST (BCRF):

APPROVED BY THE BOARD OF ESTIMATES:

Joan Dr. Pratt
Clerk

MAY 06 2020
Date

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

NAME OF BENEFITTED PROGRAM / CHARITY: Baltimore'S Immigrant Community Fund

PART A. SPONSORING AGENCY

Name Mayor's Office of Immigrant Affairs (MIMA)

Address 100 N. Holliday Street - Baltimore, MD 21202

Contact Person / Coordinator Catalina Rodriguez Lima, Director

Telephone (410-) 818-6193 Email catalina.rodriguez-lima@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:

MIMA and its staff wishes to promote and encourage financial support to the Baltimore's Immigrant Community Fund
The fund seeks to support Baltimore City immigrant families impacted by COVID-19

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

Contributions will be used to assist low income immigrant families experiencing economic instability due to 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: Immediate upon approval

II. Proposed ending date of solicitation efforts: May 10, 2021

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

Foundations, individual donors, organizations and the general public.

There will be no direct exchange of funds, all donations will be made directly to Baltimore Civic Fund

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

Mayor Young, Catalina Rodriguez Lima, Katie Miller.

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*:

Solicitations will be made broadly during speeches, announcements, and presentations. Those interested in supporting the fund will be able to do so via BCF's donate page.

There will be no direct solicitations of individuals or businesses.

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:

MIMA and its staff will ensure that messaging is made clear in all solicitation communication by including the following language "Donations will in no specific way benefit the donors in terms of city services and or any other favored treatment"

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

Name Hyesook Chung, Baltimore Civic Fund

Address 7 E. Redwood Street 9th floor
Baltimore, MD 21202

Telephone () _____

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: 4-27-2020

FOR: Mayor's Office of Immigrant Affairs
{Type/Print Name of Sponsoring Agency}

BY: Catalina Rodriguez Lima
{Signature}

Catalina Rodriguez Lima, Director
{Type/Print Name and Title}

100 N. Holliday Street - Baltimore, MD 21202
{Type/Print Office Address}

410-818-6193
{Type/Print Office Telephone Number}

catalina.rodriguez-lima@baltimorecity.gov
{Type/Print Email Address}

APPROVED BY THE BOARD OF ESTIMATES
Juan M. P. [Signature]

Clerk _____ Date MAY 06 2020

