


F R O M	Name & Title	Councilman Eric Costello <i>E. V. Costello</i>	CITY OF BALTIMORE MEMO 52-53	
	Agency Name & Address	City Council, 11 th District 100 N. Holliday Street Room 527 City Hall		
	Subject	Governmental/Charitable Solicitation Request for Board of Estimates Approval		

To: Honorable Chairman and Members of the Board of Estimates **Date:** 4/17/2020

ACTION REQUESTED OF THE BOARD OF ESTIMATES:

The Board of Estimates is requested to endorse a Governmental/Charitable Solicitation Application for submission to the Board of Ethics of Baltimore City to provide meals to nurses at hospitals in the 11th Council District, specifically Mercy Hospital and University of Maryland Medical Center (UMMC) Downtown and Midtown campuses during the COVID-19 pandemic. Donations will be solicited by Councilman Eric Costello. The period of the campaign will be effective upon Board approval through June 15, 2020.

AMOUNT AND SOURCE OF FUNDS:

No general Funds are involved in this transaction.

BACKGROUND/EXPLANATION:

Councilman Costello's Office plans to solicit funds to purchase meals for nurses working at Mercy Hospital and UMMC's Downtown and Midtown campuses, and to cover the cost of transporting the meals from local restaurants to the hospitals.

On March 19, 2020, Mayor Bernard C. "Jack" Young declared a State of Emergency in Baltimore City due to the public health threat posed by the novel corona virus, also known as COVID-19. Since then, nurses and other health care professionals have worked, often for extended hours and under challenging conditions, to treat City residents and other patients for COVID and to provide other essential medical services.

Councilman Costello seeks to recognize the daily sacrifices made by hospital staff in the 11th District and simply to thank these dedicated workers for their service to the community during an unprecedented public health emergency. Donations will be solicited through social media (Facebook, Twitter, Instagram, LinkedIn, and Nextdoor), through an email distribution list of community and business leaders, and through postings on the Councilman's website. Potential donors will consist of businesses and residents located in the 11th Council District. Most of the individual and corporate entities fitting this description who will be solicited are not controlled donors. However, those potential donors who are controlled donors with respect to the City Council and 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 perspective donors.

Baltimore City Code, Article 8, §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 benefit from the proposed solicitation must be endorsed by the Board of Estimates or its designee.

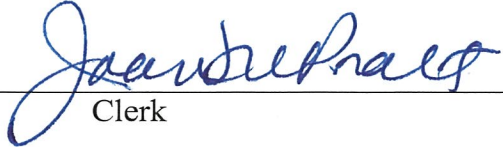
MBE/WBE PARTICIPATION:

N/A

BALTIMORE CITY RESIDENTS FIRST (BCRF):

N/A

APPROVED BY THE BOARD OF ESTIMATES:


Clerk

APR 22 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: Nurses at Mercy Hospital, UMMC Downtown, and UMMC Midtown

PART A. SPONSORING AGENCY

Name Councilman Eric T. Costello

Address 100 N Holliday St, Suite 527, Baltimore, MD 21202

Contact Person / Coordinator Eric T. Costello

Telephone (443) 813-1457 Email eric.costello@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:

To provide meals to nurses at hospitals in the 11th District, specifically Mercy Hospital, University of Maryland Medical Center (Downtown and Midtown Campuses).

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

To purchase meals and cover costs of transportation of meals from restaurants to the hospitals.

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: April 10, 2020

II. Proposed ending date of solicitation efforts: June 15, 2020

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

Residents and businesses in the 11th Council District.

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

City Councilman Eric T. Costello

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*:

Promotion through social media (Facebook, Twitter, Instagram, LinkedIn, and NextDoor).

Email distribution list to community and business leaders.

Posting on website.

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:

A disclaimer to this effect will be included in the solicitation materials.

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

Name Eric T. Costello

Address See above.

Telephone () See above.

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: April 09, 2020

FOR: City Council, 11th District, Councilman Eric T. Costello
{Type/Print Name of Sponsoring Agency}

BY: Eric T. Costello
{Signature}

Councilman Eric T. Costello
{Type/Print Name and Title}

See above.
{Type/Print Office Address}

See above.
{Type/Print Office Telephone Number}

See above.
{Type/Print Email Address}

APPROVED BY THE BOARD OF ESTIMATES

Jouan...
Clerk Date

APR 22 2020