

ITEM #42₍₂₎

ADDITIONAL MATERIAL

Public Hearing

MAY 5, 2020

SUBMITTED AT THE REQUEST OF

OFFICE OF THE COUNTY ATTORNEY

MEMORANDUM

TO: Board of County Commissioners

FROM: Rocio Blanco Garcia, Assistant County Attorney /s/ *Rocio Blanco Garcia*

DATE: May 1, 2020

RE: **Substitute Exhibit 4; Item 42 for the May 5, 2020, Meeting.**

Senator Geller has asked that we distribute this substitute Exhibit 4 on his behalf. The only change is that the word "charitable" has been removed from the fourth line on page two to clarify that the language applies to fundraising conducted while serving on a board or fundraising committee of any Section 501(c) organization, including fundraising for certain fraternal organizations or lodges that fit under a subsection of 501(c) other than 501(c)(3).

RBG/jl

c: Andrew J. Meyers, County Attorney
Bertha Henry, County Administrator
Bob Melton, County Auditor

The italicized, strike through text in subsection 5.c below represents language deleted from what was previously distributed as Exhibit 4.

PROPOSED

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

has been approved or is endorsed by the Elected Official's governmental entity;

b. An Elected Official may not use any staff or resources of the governmental entity when engaging in Official Charitable Solicitation if the Elected Official is specifically soliciting from identifiable, private individuals or for-profit entities, unless the Elected Official has first obtained a written statement from the governmental entity's legal counsel that the charitable solicitation comports to applicable law, which statement must include a determination that the charitable solicitation serves a public purpose; and

c. To promote full and complete transparency, the Elected Official must disclose, on a form created by the Office of the County Attorney, the name of the intended direct recipient(s) of the proceeds of the Private or Official Charitable Solicitation, the cause or event for which the funds or donations were solicited, if any, the staff and resources used in the Official Charitable Solicitation, as applicable, and the name of any individual or entity that requested that the Elected Official engage in the Private or Official Charitable Solicitation. The form must be filed for public inspection within fifteen (15) days after the Elected Official (or his

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1 or her staff, as applicable) engages in Private or Official
2 Charitable Solicitation. Where the Elected Official
3 serves on a fundraising committee of or on the board
4 of directors of a 501(c) ~~charitable~~ organization, and
5 periodically or regularly solicits funds, goods, or
6 services on behalf of such organization, the Elected
7 Official need not file a disclosure each time he or she
8 solicits on behalf of such organization. Instead, the
9 Elected Official's initial disclosure will remain in effect
10 for two (2) years from the date of filing such disclosure
11 and the information contained thereon is not required
12 to be updated during such two (2) year period.

- 13 6. Salary received by an Elected Official from a nonprofit
14 charitable organization employing the Elected Official is not
15 considered a quid pro quo or other special consideration for
16 purposes of paragraph 2 above. Additionally, the disclosure
17 requirement contained in paragraph 5 above does not apply
18 to Elected Officials who are employed by a nonprofit
19 charitable organization when soliciting charitable
20 contributions on behalf of that organization.
21
22
23
24