

FROM	NAME & TITLE	Jason Perkins-Cohen, Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Mayor's Office of Employment Development 417 E. Fayette Street, Suite 468		
	SUBJECT	Governmental/Charitable Solicitation Application for 2023 YouthWorks, Youth Opportunity (YO) Academy, Financial Empowerment Center and the Train-Up Initiative		

DATE:

TO Honorable President and Members of the Board of Estimates

January 26, 2023

ACTION REQUEST OF BOARD OF ESTIMATES:

The Board is requested to endorse a governmental/charitable solicitation application for submission to the Board of Ethics of Baltimore City for the Mayor's Office of Employment Development's 2023 YouthWorks, Youth Opportunity (YO) Academy, the Financial Empowerment Center and the Train-Up Initiative. The period of the campaign will be effective upon Board of Ethics approval through December 31, 2023.

AMOUNT OF MONEY AND SOURCE OF FUNDS:

There is no general fund money associated with this request. However, it will involve the solicitation of funds throughout the period of the campaign.

BACKGROUND/EXPLANATION:

Persons to be solicited include private and non-profit employers, philanthropic organizations, citizens as well as city and state employees. Solicitation strategies to these groups will include: media outreach as well as direct mail from the Mayor, the Mayor's personnel, staff of the Mayor's Office of Employment Development and the MOED Leadership Team. Solicitation will occur through presentations and support of special fundraising activities with proceeds going to support the YouthWorks.

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 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.

Once the approval of the Endorsement of the various programs are received by the Board of Estimates, a formal application will be submitted to the Board of Ethics of Baltimore City, which will note the Mayor's Office of Employment Development will be soliciting donations.

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 government program or activity, or a City-endorsed charitable function or activity that has been approved by the Ethics Board. Ethic 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 designees.

APPROVED BY THE BOARD OF ESTIMATES:



 Clerk



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

NAME OF BENEFITTED PROGRAM / CHARITY: YouthWorks, Youth Opportunity (YO), the Financial Empowerment Center

PART A. SPONSORING AGENCY

Name Mayor's Office of Employment Development

Address 1 N. Charles Street, Suite 1600, Baltimore, MD 21201

Contact Person / Coordinator Jason Perkins-Cohen

Telephone 410-396-1910

Email jason.perkins-cohen@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:

YouthWorks provides a summer job to thousands of youth aged 14-21. YO provides year-round assistance to young adults aged 18-26. The Financial Empowerment Center provides virtual assistance with budgeted, credit recovery and saving to city residents 18 and up. Train Up provides job training support services for adults 18 and up.

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

Donations for YouthWorks will be used to pay wages to youth and for other support services. Donations for YO will support efforts to further engage youth in the design and operations of the service. Support for the FEC will provide additional staffing and training in financial counseling. Donations for Train Up will help to increase access to services by providing digital devices to residents who need them and other supports for community engagement.

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: X 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:** January 1, 2023
- II. Proposed ending date of solicitation efforts:** December 31, 2023

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

~~People to be solicited include representatives of philanthropic organizations as well as private and non-profit employers. Strategies include media outreach as well as programatic presentations with proceeds going to support the programs listed above to be held in seperate accounts at the Baltimore Civic Fund~~

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

Jason Perkins-Cohen, Donnice Brown, Mackenzie Garvin, Deidre Webb, Yvette Clark. The Mayor and/or his representatives may also be involved to encourage support of YouthWorks.

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*:

~~MOED deploys a broad range of strategies that has successfully attracted various donors in the past including local and national philanthropy and private and nonprofit 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:

~~As noted, MOED deploys a broad strategy and offers a specific proposal and budget for all solicited donations.~~

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 The Baltimore Civic Fund

Address 1 N. Charles Street, Suite 1600, Baltimore, MD 21201

Telephone (443) 540-6113 Email hyesook@baltimorecivicfund.org

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

~~The Baltimore Civic Fund's Chief Operations Officer is responsible for fund distribution and accounting, supported by the Civic Fund finance team and an outside CPA firm. The Civic Fund maintains a web-based accounting system which is accessible by the President, the COO, the finance team, and the CPA firm. The Partnership Managers are able to view the information, but not make edits. The Civic Fund's Partnership Managers are responsible for reviewing and approving all disbursements and providing reports and~~

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.

~~The Baltimore Civic Fund monitors incoming deposits daily and assigns individual funding codes to each source upon receipt. All funding is held in a general operating account but differentiated by funding code. A master list of funding codes matched to program accounts is held and updated by the COO and the Director of Partnerships.~~

~~Funding codes apply to all funding types: donations, grants, public funds, philanthropic funds.~~

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 related to a program's scope of work and funding sources. All disbursements are initiated by a payment request form completed by City agency staff and signed by the agency's authorized signatory (Agency Director or designated staff). Partnership Managers review payment requests to ensure the request fits within the scope of work for the program as well as within any fiduciary restrictions. Requests are denied if they do not align with the program purpose or if relevant restrictions exist on the funding source. Agencies have an~~

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 collected (1) by a web-based donation site and directly deposited into the general account; (2) by check received by mail and deposited into the general account; or (3) by ACH in the general account. All supporting documentation is uploaded into the web-based accounting system and saved with program files. Donors who use the web-based donation site receive an automated acknowledgement email. Donations by other means may be acknowledged by a gift letter from Civic Fund. Donations receive a~~

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.

~~All disbursements require approval by the City agency's authorized signatory, as well as the Civic Fund's Partnership Managers, financial team, COO, and outside accounting firm. Sufficient supporting documentation and alignment with the program's scope of work and donation's restrictions are required. All disbursements are made in accordance with the IRS guidelines for nonprofits.~~

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: 01/20/2023

FOR: Mayor's Office of Employment Development
{Type/Print Name of Sponsoring Agency}

BY: Jason Perkins-Cohen
{Signature}

Jason Perkins-Cohen, Director
{Type/Print Name of Sponsoring Agency}

{Type/Print Office Address}

{Type/Print Office Telephone Number}

{Type/Print Email Address}

APPROVED BY THE BOARD OF ESTIMATES

M. Amato 3/1/2023
Clerk Date