



TO: Board of Estimates, Office of Comptroller
FROM: AGC1000 - City Council
DATE: 02/27/2024
Submission #: SB-24-10242
SUBJECT: Charitable Solicitation Waiver Application - Youth Summer Collaborative - Field Trips

ACTION REQUESTED OF BOARD OF ESTIMATES:

The Board is requested to approve a Governmental/Charitable Solicitation Application.

PERIOD OF CONTRACT/AGREEMENT: Based on Board Approval with a duration of 7 Months
02/21/2024 / to 09/20/2024

AMOUNT AND SOURCE OF FUNDS:

Transaction Amount: \$ 150,000.00

Project Fund	Amount
	\$ 150,000.00

The Board is requested to endorse a Governmental/Charitable Solicitation Application for submission to the Board of Ethics of Baltimore City to allow Councilmember Zeke Cohen and staff to solicit donations to support the planning and execution of summer programming in Baltimore City as part of the Summer Youth Collaborative. The period of the campaign, pending Board approval, will be effective upon Board approval to August 30, 2024.

BACKGROUND/EXPLANATION:

The Board is requested to endorse a Governmental/Charitable Solicitation Application for submission to the Board of Ethics of Baltimore City to allow Councilmember Zeke Cohen and staff to solicit donations to support the planning and execution of summer programming in Baltimore City through the Summer Youth Collaborative. The period of the campaign, pending Board approval, will be effective upon Board approval to August 30, 2024.

Donations will be solicited from Baltimore businesses, civic leaders, the foundation community, and the general population. A potential donor list will be composed of individuals, organizations, businesses, and foundations 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.

Baltimore City school children depend on schools being open in the summer for classes and extracurriculars that provide both enrichment and a sanctuary for students. This summer, however,

BCPSS is limiting programming to four days a week. Young people in Baltimore deserve to have safe spaces to go, especially in the summer when there is typically a rise in violence.

Funds raised will go toward providing programming on Fridays for BCPSS students. Councilmember Cohen and his staff intend to raise between \$30,000-\$150,000 in this campaign. These funds will support organizing, planning, and executing programming for Baltimore City school children throughout the summer.

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 / WBE Participation not required / Not applicable to charitable solicitation applications.

COUNCIL DISTRICT: Citywide

EMPLOY BALTIMORE:	LIVING WAGE:	LOCAL HIRING:	PREVAILING WAGE:
N/A	N/A	N/A	N/A

1% FOR PUBLIC ART: N/A.

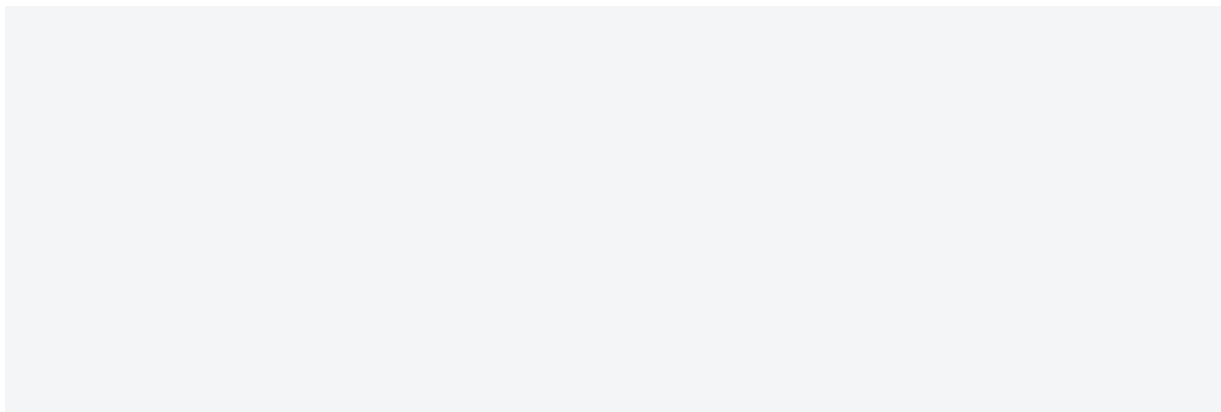
ENDORSEMENTS:

MWBOO has reviewed and approved



Clerk, Board of Estimates

02-21-2024





BALTIMORE CITY ETHICS BOARD
100 N. Holliday Street, Suite 635 / Baltimore, MD 21202
ethics@baltimorecity.gov / 410-396-7986

**GOVERNMENTAL/CHARITABLE GIFT SOLICITATION WAIVER –
APPLICATION FOR APPROVAL
DIRECTIONS AND GENERAL INFORMATION**

Note: *Bold-italicized terms* are defined at the end of these directions.

I. BACKGROUND

Section 6-26 {"Gifts: Solicitation prohibited"} of the Baltimore City Public Ethics Law, contained in Article 8 of the City Code, 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*.

Section 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. For this reason, City *public servants* should avoid broad solicitation efforts, such as fundraising, which could reach *controlled donors*.

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 06.26.1 to standardize and clarify the requirements and procedures for invoking this exception. (The full text of the Regulation is available on the Ethics Board's website: <https://ethics.baltimorecity.gov/gift-solicitation-waivers>.)

II. GENERAL STANDARDS FOR APPROVAL

Ethics Board Regulation 06.26.1(B) provides 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.

III. WHEN AND WHERE TO APPLY

An application for Ethics Board approval must be submitted to the Ethics Board at ethics@baltimorecity.gov at least 45 days before any *controlled donor* is solicited, directly or indirectly.

IV. ACTIVITY REPORTS AND RECORDS

The *sponsoring agency* must periodically report solicitation activities to the Ethics Board, in a form consistent with generally accepted standards in the practice of accounting¹, 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, Cumulative 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. Activity reports must be signed as accurate by the *sponsoring agency* and *fiscal sponsor*. (See Form 627.)

V. FORMS AND INFORMATION

Additional forms and instructions for the application and activity reports are available on the Board's website at <https://ethics.baltimorecity.gov/gift-solicitation-waivers>.

Any questions about the waiver application and/or reporting process should be directed to Ethics Board staff at ethics@baltimorecity.gov or 410-396-7986.

¹ You may review the Governmental Accounting Standards on the Governmental Accounting Standards Board's website, accessible here: <https://gars.gasb.org/>. For free access, choose "Basic View."

DEFINITION 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 Children and Youth Fund;
 - (2) Baltimore City Parking Authority;
 - (3) Baltimore Development Corporation;
 - (4) Baltimore Police Department;
 - (5) Enoch Pratt Free Library of Baltimore City;
 - (6) Housing Authority of Baltimore City;
 - (7) Local Development Council, South Baltimore Video Lottery Terminal;
 - (8) Pimlico Community Development Authority;
 - (9) South Baltimore Gateway Community Impact District Management Authority; and
 - (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).

“Fiscal Sponsor”

“Fiscal sponsor” means the person who is responsible for the custody, accounting, and distribution of donations. The fiscal sponsor may not be an individual employed by the sponsoring agency.

“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 receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind; and
- (3) a partnership, firm, association, corporation, or other entity of any kind;
- (4) except as used in the City Code, Article 8, Subtitle 9, 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 the City Code, Article 8, § 6-26(b) and R 06.26.1, 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
 635 City Hall, Baltimore, Maryland 21202
 Phone: 410-396-7986
 Email: ethics@baltimorecity.gov

Date Received: _____

GOVERNMENTAL/CHARITABLE GIFT SOLICITATION WAIVER – APPLICATION FOR APPROVAL

Name of Benefitted Program/Charity:

Youth Summer Collaborative: Summer Field Trips

PART A. SPONSORING AGENCY.

Agency Name: Office of Council Member Cohen

Contact Person/Coordinator: Maggie Master, Chief of Staff

Address: 100 N. Holliday Street, Baltimore MD 21205

Phone: 443 429 0417

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.

Fundraising to provide programs delivering youth summer camp opportunities that are part of the Youth Summer Collaborative with funds for field trips as well as access to local cultural institutions for field trips.

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

Baltimore City schoolchildren depend on schools being open in the summer for classes and extracurriculars that provide both enrichment and a sanctuary for students. This summer, however, BCPSS is limiting programming to four days a week. Young people in Baltimore deserve to have safe spaces to go, especially in the summer when there is typically a rise in violence. Funds raised will go toward providing programming on Fridays for BCPSS students as well as additional field trip experiences on other days throughout the summer.

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. WHEN AND HOW SOLICITATION TO BE CONDUCTED.

I. Proposed starting date of solicitation efforts: February 14, 2024

II. Proposed ending date of solicitation efforts: August 30, 2024

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

The campaign will target individuals, organizations, businesses, and foundations with a history of supporting the safety and enrichment of schoolchildren and Baltimore City residents. They will be contacted by Councilman Cohen and his staff through emails, calls, internet, and social media (Twitter, Facebook, Instagram, etc)

IV. Identify all *public servants* and other individuals at the request of the *sponsoring agency* who will solicit contributions.

Zeke Cohen (City Council - District 1) and his staff will be directly soliciting contributions.

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*.

The office of Zeke Cohen plans to announce the solicitation of donations via press releases to the public. Potential donors will be solicited based on their history of participating in initiatives supporting Baltimore's youth. 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 contacted, if at all, in the same manner as others.

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 programming in BCPSS for Summer Fridays. The focus of all solicitation requests and promotion of the programming will focus on the benefits to schoolchildren and the community. The purpose of those funds will be made clear to all those donating and donors will be informed they will not gain favors or special access with their contribution.

PART D. FISCAL SPONSOR (PERSON RESPONSIBLE FOR CUSTODY, ACCOUNTING, AND DISTRIBUTION OF DONATIONS)

NOTE: The *fiscal sponsor* may not be an individual employed by the *sponsoring agency*.

Entity Name: The Fund for Educational Excellence

Contact Person: Roger Schulman, President

Address: 800 N Charles St Suite 400, Baltimore, MD 21201

Phone: (410) 685-8300

Email: rogers@ffee.org

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

The Fund's Senior Program Director for Fiscal Sponsorship Services, Sharon Dondes, is responsible for overseeing and coordinating the Field Trip Fridays program and grant distribution. The Fund ' s CFO, Chuck Adkins, is responsible for all accounting. The Fund's President and CEO, Roger Schulman, is responsible for reviewing and approving all disbursements. Sharon Dondes can provide reports and other information about program account use.

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 Fund for Educational Excellence 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 Field Trip Fridays.

III. What measures will be taken by the distributing entity to ensure that the donations will actually be used for the intended purpose?

The 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 Fund staff upon confirmation of receipt of a grant agreement, which outlines the terms and conditions, 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 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 to ensure that *controlled donors* will not receive preferential treatment.

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

PART E. SIGNATURE AND AFFIRMATION .

Part E should be completed by the *sponsoring agency* upon completion of the application.

I, Maggie Master [Name], on behalf of the Office of Councilmember Zeke Cohen [Sponsoring Agency], affirm under the penalties of perjury that the contents of this application and all accompanying attachments are accurate to the best of my knowledge, information, and belief.


Signature

Feb. 5, 2024

Date

PART F. CITY ENDORSEMENT [ONLY TO BE COMPLETED BY BOE OR DESIGNEE].

Part F should only be completed by the Board of Estimates or its designee(s).

- Endorsed by the Board of Estimates
- Endorsed by the Designee of the Board of Estimates: _____

Clerk Signature

Date