



TO: Board of Estimates, Office of Comptroller

FROM: AGC6300 - Recreation and Parks

DATE: 05/15/2024

Submission #: SB-24-11676

SUBJECT: Governmental/Charitable Solicitation Application - Birds, Bourbon, and Bacon

ACTION REQUESTED OF BOARD OF ESTIMATES:

The Board is requested to approve a Governmental/Charitable Solicitation Application for Birds, Bourbon, and Bacon.

PERIOD OF CONTRACT/AGREEMENT: 02/01/2024 to 07/01/2027

AMOUNT AND SOURCE OF FUNDS:

Transaction Amount: \$ 0.00

Project Fund	Amount
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BACKGROUND/EXPLANATION:

Birds, Bourbon, and Bacon - Birds, Bourbon, and Bacon is a unique event that looks to bring people into Baltimore City’s green spaces in an unconventional way. The event will first see attendees go bird watching with experienced birders from the Baltimore area, then they will tour our beautiful conservatory, followed by brunch and a high-end whiskey tasting.

To support the costs for services, equipment rentals, talent booking, and other expenses related to hosting the aforementioned events, the Department is requesting permission to solicit sponsorship funds. The Department is also requesting permission to allow sponsorship funds solicited for the calendar of events listed to be deposited directly into the Baltimore Civic Fund for draw down as needed. The goal is to raise up to \$2,500,000 over the three-year period to subsidize the overall cost to host these, and other BCRP special events.

COUNCIL DISTRICT: Citywide

EMPLOY BALTIMORE:	LIVING WAGE:	LOCAL HIRING:	PREVAILING WAGE:
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N/A	N/A	N/A	N/A
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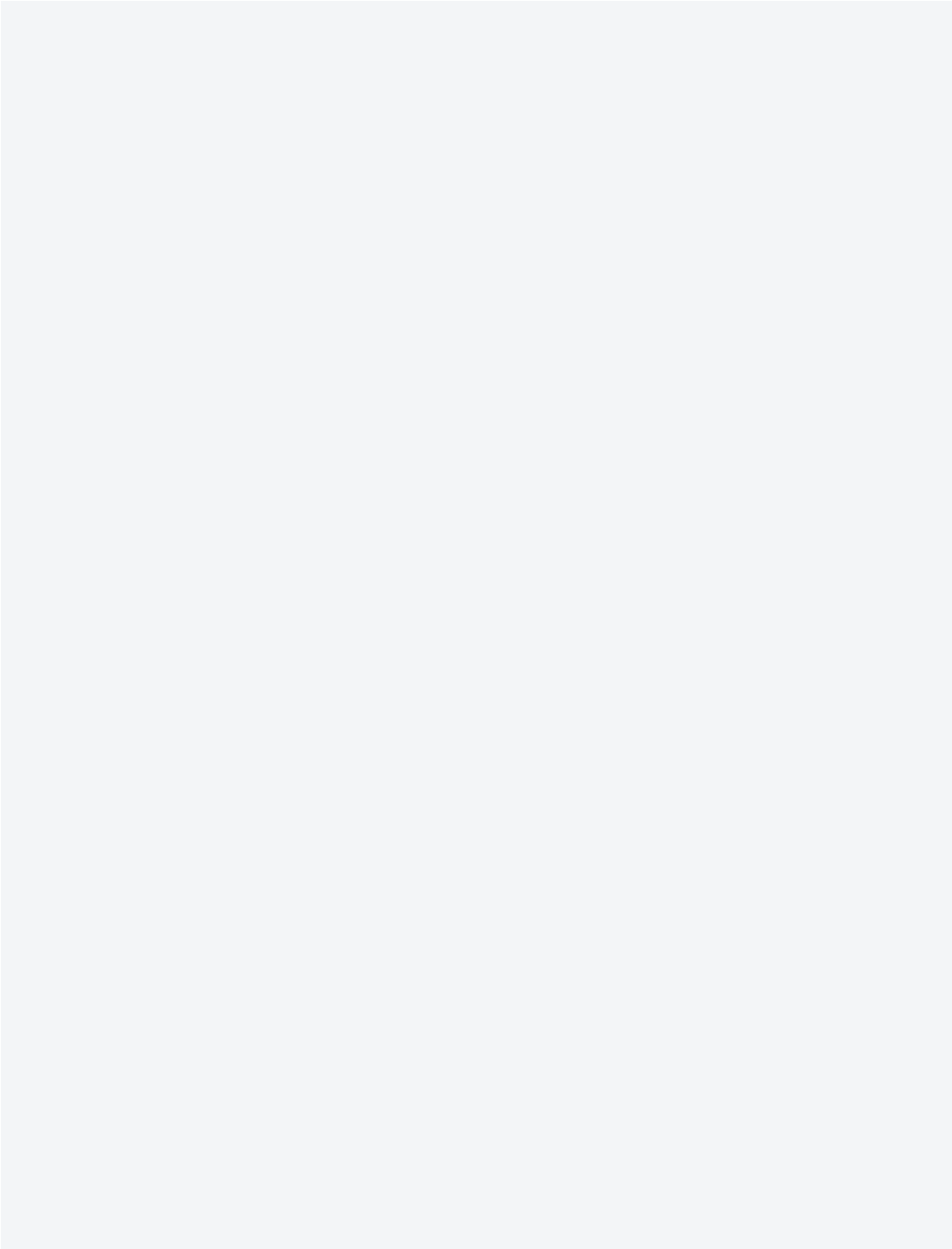
1% FOR PUBLIC ART: N/A.

ENDORSEMENTS:



Clerk, Board of Estimates

05-15-2024





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:

Baltimore City Recreation and Parks' Special Events and Permits

PART A. SPONSORING AGENCY.

Agency Name: Recreation and Parks

Contact Person/Coordinator: Ashley Bush, Chief of Special Events and Permits

Address: 3201 Boston Street Baltimore, MD 21224

Phone: 410-396-7070

Email: ashley.bush@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.

BCRP's Birds, Bourbon, and Bacon special event to be held annually.

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

Received contributions will be used to purchase supplies, decor, equipment, giveaways, food, and entertainment for this year's Birds, Bourbon, and Bacon event.

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 1, 2024

II. Proposed ending date of solicitation efforts: July 1, 2027

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

Corporations, national and local businesses will be solicited for this event.

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

Ashley Bush

Amanda Vaughn

DaShawn Green-Williams

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 Special Events and Permits Office will manage the solicitation process. Request for donations will be sent to a broad list of potential donors as to not specially target controlled donors. There will be no special treatment or favoritism shown to any potential donors.

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.

The agency will inform all those solicited that they will not receive any special treatment or favor.

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: Baltimore Civic Fund (BCF)

Contact Person: Christina Gatto

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

Phone: 443.326.8176

Email: christina@baltimorecivicfund.org

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

In addition to the person above, Baltimore Civic Funds COO is responsible for fund distribution and accounting, with support from others on their finance team.

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.

All funds will be held in BCRP's Baltimore Civic Fund program account number is #337 (BCRP - Special Events).

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

BCRP and the Baltimore Civic Fund will take measures pursuant to their standard policy and procedures in order to ensure that the donations will be used for the intended purposes. All invoices, payments, etc. will be submitted and processed through the proper channels in order to account for all funds.

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.

All donations will be submitted and processed through the proper channels in order to account for all incoming funds. BCF will track all donations and disbursements and any funds exceeding this year's needs will be held and utilized in the following year.

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.

Controlled donors will be referred to the City's donation policy and procedures to ensure compliance with applicable rules.

PART E. SIGNATURE AND AFFIRMATION .

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

I, Ashley Bush [Name], on behalf of Baltimore City Recreation and Parks [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.

Bush, Ashley (Mayor's Office)

Digitally signed by Bush, Ashley (Mayor's Office)
DN: cn=Ashley, o=Mayor's Office, ou=Case Accounts
Reason: I am the author of this document
Location:
Date: 2024.02.20 16:23:05-05

2/20/2024

Signature

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:

05-15-2024



Clerk Signature

Date