



TO: Board of Estimates, Office of Comptroller  
 FROM: AGC4301 - Mayoralty  
 DATE: 04/20/2023  
 SUBJECT: Mayor Scott's Happy Thanksgiving Dinner Distribution

**ACTION REQUESTED OF BOARD OF ESTIMATES:**

The Board is requested to approve a Application .

**PERIOD OF CONTRACT/AGREEMENT:** 05/01/2023 to 11/30/2023

**AMOUNT AND SOURCE OF FUNDS:**

**Transaction Amount:** \$ 0.00

<b>Project Fund</b>	<b>Amount</b>
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**BACKGROUND/EXPLANATION:**


Mayor Scott's Happy Thanksgiving Dinner Distribution will provide nutritious meals with fruits, vegetables and turkeys for families living in Baltimore City who are facing challenges. The recipients will be families referred by counselors and principals in Baltimore City Public Schools and the Community Action Partnership Centers. The distribution will occur on Saturday, November 18, 2023. Funds will support the purchasing of food and reusable grocery bags.

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.

**COUNCIL DISTRICT:** Citywide

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

**ENDORSEMENTS:**

\_\_\_\_\_   
4/19/2023



## 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.



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

**NAME OF BENEFITTED PROGRAM / CHARITY:** Mayor Scott's Happy Thanksgiving Dinner Distribution

**PART A. SPONSORING AGENCY**

Name Mayor's Office

Address \_\_\_\_\_

Contact Person / Coordinator Marva Williams

Telephone 443-615-3363 Email marvad.williams@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:**

Mayor Scott's Happy Thanksgiving Dinner Distribution

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

To cover the expenses associated with the event: food and reusable grocery bags

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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:**  April 1, 2023

**II. Proposed ending date of solicitation efforts:**  November 30, 2023

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

Business community and Non-profit organizations via emails, letters, phone calls, meetings and events.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Marva 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*:**

Marva Williams will solicit businesses and non-profits to raise funds specifically for this event.

**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 function and the operation of the office does not provide the opportunity to make decisions for favored treatment from public events or agencies. No favoritism or special treatment will be given to any donors or businesses solicited.

**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 HyeSook Sung, President

Address Baltimore Civic Fund One North Charles St Ste 1600 Baltimore 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.**

Baltimore Civic Fund's Accounting Manager, Tammy Grinnan, is responsible for fund distribution and accounting. HyeSook Chung, the Baltimore Civic Fund's President is responsible for reviewing and approving all disbursements.

**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 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 a payment request form completed by the program and signed by the



program's authorized signatory (Agency Director or designated staff). All payments must align to the stated scope of the program account.

**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 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 a payment request form completed by the program and signed by the program's authorized signatory (Agency Director or designated staff). All payments must align to the stated scope of the program account. All payments must align to the stated purpose.

**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 Baltimore Civic Fund sends donors gift acknowledgement letters. The funds remain in the program's account to be used in accordance with 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.**

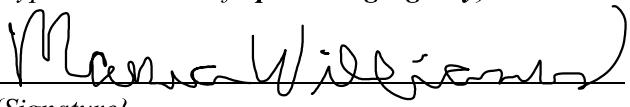
All disbursements need authorization by the Civic Fund program's authorized signatory, sufficient supporting documentation and are made in accordance with the IRS guidelines for nonprofits.

**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:  12/15/2022

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


BY:   
{Signature}

Marva Williams  
{Type/Print Name of **Sponsoring Agency**}

City Hall, 100 N. Holliday St. Rm 250  
{Type/Print Office Address}

443-615-3363  
{Type/Print Office Telephone Number}

marvad.williams@baltimorecity.gov  
{Type/Print Email Address}

 ) OF ESTIMATES  
Clerk **4/19/2023** Date