



TO: Board of Estimates, Office of Comptroller

FROM: AGC4383 - M-R Environmental Control Board

DATE: 01/29/2024

Submission #: SB-24-10086

SUBJECT: Governmental/Charitable Solicitation for Establishing a link on the Baltimore Civic Fund's website to accept donations on behalf of the BMORE Beautiful program.

ACTION REQUESTED OF BOARD OF ESTIMATES:

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

PERIOD OF CONTRACT/AGREEMENT: 01/01/2024 to 01/01/2025

AMOUNT AND SOURCE OF FUNDS:

Transaction Amount: \$ 0.00

Project Fund	Amount
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BACKGROUND/EXPLANATION:

The Environmental Control Board is attempting to establish a link on the Baltimore Civic Fund's website to accept donations from the public for the BMORE Beautiful program. The Environmental Control Board has submitted an application for approval to the Baltimore City Ethics Board for a waiver to accept donations. BMORE Beautiful is a grassroots peer-to-peer beautification program. The program offers seasonal grant opportunities to support community cleaning and beautification efforts around Baltimore City. BMORE Beautiful differs from other programs because it allows communities to drive the vision behind their beautification efforts while the City merely provides funding and access to supportive City services. All participating organizations must be non-profits (or partnered with a non-profit). Specifically, all contributions would go to BMORE Beautiful's Care-A-Lot sub-programming. Care-A-Lot focuses on the maintenance of vacant lots by community organizations. Funding for Care-A-Lot covers payments for each lot visit (\$23 per lot, per visit), a small coordinator's fee (\$2 per lot, per visit), and an opportunity for an equipment grant to allow organizations to purchase any necessary equipment, such as mowers, shovels, safety gloves, etc. No one will be directly solicited.

A link for donations will be placed on the Baltimore Civic Fund (BCF) website and a QR Code will be placed on BMORE Beautiful pamphlets/flyers. Specific to the link, any/all persons that frequent the BCF website could view the link and choose whether to donate. Specific to the pamphlets/flyers, those are typically distributed to every City Council member. Further, the BMORE Beautiful liaisons must attend events in every Baltimore City district, which means that they would provide the pamphlets/flyers at every event, in every district. The wide-spread distribution would ensure that no specific category of person is being targeted. Further, the flyers/pamphlets are created to provide

information about programming, tips on cleaning/greening, contact information for City services, etc. Though they will include the QR code for donation, their objective will not be to solicit donations. The solicitation will be in the form of a donation link on the BCF website and on BMORE Beautiful pamphlets/flyers. The link will be on a public website that can be accessed by anyone with Internet access. Any resident from any district would potentially have access to the donative QR Code. BMORE Beautiful will continue to award grants based on a scoring rubric that is reviewed by a panel. The application does not, and will not, ask whether a donation was received.

If an applicant notes that a donation has been made in their application, BMORE Beautiful will immediately inform them that their decision to donate will not be considered in the scoring. 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 other information about program account use.

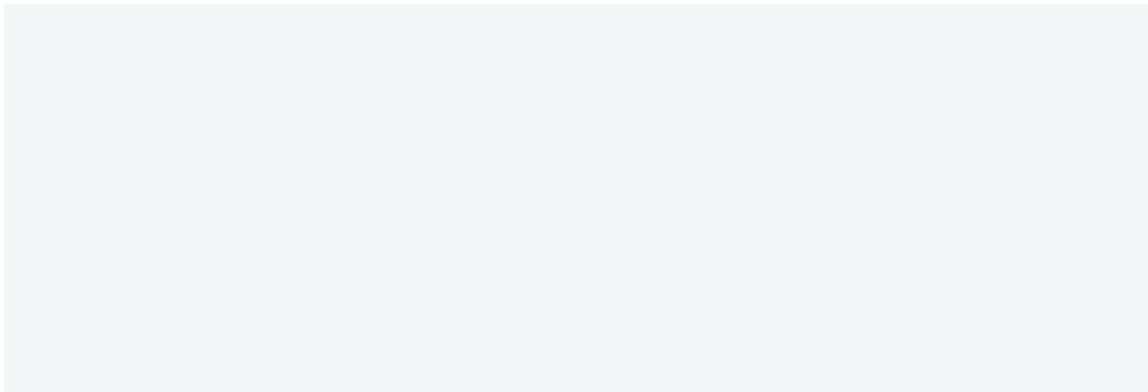
COUNCIL DISTRICT:	Citywide		
EMPLOY BALTIMORE:	LIVING WAGE:	LOCAL HIRING:	PREVAILING WAGE:
N/A	N/A	N/A	N/A
1% FOR PUBLIC ART:	N/A.		

ENDORSEMENTS:



Clerk, Board of Estimates

01-24-2024





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: BMORE Beautiful

PART A. SPONSORING AGENCY

Name Environmental Control Board

Address 1 N. Charles St., STE 1600, Baltimore, MD 21201

Contact Person / Coordinator Brittany Vendryes

Telephone 410.396.6909 Email brittany.vendryes@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:

BMORE Beautiful is a grassroots peer-to-peer beautification program. The program offers seasonal grant opportunities to support community cleaning and beautification efforts around Baltimore City. BMORE Beautiful differs from other programs because it allows communities to drive the vision behind their beautification efforts while the City merely provides funding and access to supportive City services.

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

Specifically, all contributions would go to BMORE Beautiful's Care-A-Lot subprogramming. Care-A-Lot focuses on the maintenance of vacant lots by community organizations.

Funding for Care-A-Lot covers payments for each lot visit (\$23 per lot, per visit), a small coordinator's fee (\$2 per lot, per visit), and an opportunity for an equipment grant to allow organizations to purchase any necessary equipment such as mowers, shovels,

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: ____ 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:** 1/1/2024
- II. Proposed ending date of solicitation efforts:** 1/1/2025

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

~~No one will be directly solicited. A link for donations will be placed on the Baltimore Civic Fund (BCF) website and a QR Code will be placed on BMORE Beautiful pamphlets/flyers.~~

~~Specific to the link, any/all persons that frequent the BCF website could view the link and choose whether to donate.~~

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

~~None.~~

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 solicitation will be in the form of a donation link on the BCF website and on BMORE Beautiful pamphlets/flyers. The link will be on a public website that can be accessed by anyone with Internet access. Any resident from any district would potentially have access to the donative QR Code.~~

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:

~~BMORE Beautiful will continue to award grants based on a scoring rubric that is reviewed by a panel. The application does not, and will not, ask whether a donation was received. If an applicant notes that a donation has been made in their application, BMORE Beautiful will immediately inform them that their decision to donate will not be considered in the scoring.~~

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 Baltimore Civic Fund

Address 1 N. Charles St., STE 1600, Baltimore, MD 21201

Telephone _____

Email _____

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.~~

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~~

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: 12/15/23

FOR: Environmental Control Board

{Type/Print Name of Sponsoring Agency}

BY: Vendryes, Brittany (ECB)

Digitally signed by Vendryes, Brittany (ECB)
DN: cn=Vendryes, Brittany (ECB)
Reason: I am approving this document
Location:
Date: 2023-12-15 17:04:05.00

{Signature}

Baltimore Civic Fund

{Type/Print Name of Sponsoring Agency}

One N. Charles St., STE 1300, Baltimore,

{Type/Print Office Address}

410.396.6909

{Type/Print Office Telephone Number}

brittany.vendryes@baltimorecity.gov

{Type/Print Email Address}

APPROVED BY THE BOARD OF ESTIMATES 01-24-2024



Clerk

Date