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FROM	NAME & TITLE	Irene Agustin – Mayor’s Office of Homeless Services	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Mayor’s Office of Homeless Services 7 E Redwood St. 5 th Floor, Baltimore, MD 21202 Contact: Katie Yorick, 667-210-4406		
	SUBJECT	Governmental/Charitable Solicitation Application		

DATE: March 4, 2022

TO Honorable President and Members of the Board of Estimates

ACTION REQUESTED OF THE BOARD OF ESTIMATES:

The Board of Estimates is requested to endorse a Governmental/Charitable Solicitation Application for submission to the Board of Ethics of Baltimore City to benefit the Journey Home Baltimore fundraising campaign. It is estimated that donations will be received in the form of in-kind and monetary donations. Donations will be solicited by Irene Agustin, Executive Director of the Mayor’s Office of Homeless Services; William Wells, Deputy Director of the Mayor’s Office of Homeless Services; and Katie Yorick, Chief of Policy and Partnerships for the Mayor’s Office of Homeless Services.

AMOUNT AND SOURCE OF FUNDS:

No general funds are involved in this transaction.



By Jaime.Cramer at 3:34:50 PM, 3/4/2022

BACKGROUND/EXPLANATION:

The purpose of the Journey Home Baltimore fundraising campaign is to raise funding and in-kind support for individuals experiencing homelessness in Baltimore City. Funds solicited will help to support operating expenses for the Journey Home Baltimore and provide flexible fund assistance for individuals exiting homelessness into permanent housing by providing items like security deposits, furniture assistance, and utility deposits.

Corporate and individual donors will be solicited through a direct ask process. Donations are expected to be in-kind and monetary and all entities will make payment directly to an established and dedicated account at the Baltimore Civic Fund, Account 254. A potential donor list will be comprised of individuals and corporate entities that contribute to the economic, social and cultural vitality of Baltimore City. The majority of individual and corporate donors matching this description are not controlled donors and potential donors that are considered to be controlled donors with respect to the City Council or the Board of Estimates will not be targeted or singled out in any way and be will be solicited, if at all, in the same manner as all other potential donors.

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 or 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 benefitted and the proposed solicitation campaign must be endorsed by the Board of Estimates or its designee.

MBE/WBE PARTICIPATION: N/A

LOCAL HIRING: N/A

APPROVED BY THE BOARD OF ESTIMATES:

M. Amato

3/16/2022

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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100 N. Holliday Street
Baltimore, Maryland 21202
(410) 396-7986
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**GOVERNMENTAL/CHARITABLE SOLICITATIONS –
APPLICATION FOR APPROVAL**

NAME OF BENEFITTED PROGRAM / CHARITY: Journey Home Baltimore

PART A. SPONSORING AGENCY

Name Baltimore Civic Fund

Address 1 North Charles St. Ste. 1600 Baltimore, MD 21202

Contact Person / Coordinator Christina Gatto

Telephone 443.326.8176

Email christina@baltimorecivicfund.org

PART B. PURPOSE OF PROPOSED SOLICITATION:

I. Identify the specific governmental or charitable program, function, or activity for which solicitations will be made:

~~Solicitations will be made on behalf of the Journey Home Baltimore, a nonprofit board comprised of homeless services providers, advocates, and community leaders dedicating to raising funds to serve homeless individuals and families and promote community-wide policies to end homelessness in Baltimore.~~

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

~~All contributions will be for the benefit of individuals experiencing homelessness in Baltimore City. Unrestricted funding (i.e. not grant funding) will support stipends for individuals with lived experience of homelessness to participate in planning and decision-making meetings as well as community flex funds to support individuals exiting homelessness into permanent housing; allowing them to pay for security deposits, moving costs, household furniture etc.~~

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:** 3/1/2022
- II. Proposed ending date of solicitation efforts:** 2/28/2024

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

~~Private and corporate foundations will be solicited for philanthropic grant funding by members of the Journey Home/CoC Board. There will be no direct exchange of funds and all payments will be made payable directly to Baltimore Civic Fund on behalf of MOHS. Individual donors (members of the general public) will be solicited through the Text2Give campaign using the Qgiv platform, also managed by the Baltimore Civic Fund.~~

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

- ~~Irene Agustin - Executive Director, Mayor's Office of Homeless Services~~
- ~~William Wells - Deputy Director, Mayor's Office of Homeless Services~~
- ~~Katie Yorick - Chief of Policy and Partnership, Mayor's Office of Homeless Services~~

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*:

~~Solicitations will be directed only to private and corporate foundations that are not part of the controlled donors list. Solicitations for individual donors will be directed at all members of the general public through a public ad campaign and no~~

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 Mayor's Office of Homeless Service will ensure that messaging is made clear in ALL solicitation communications.~~

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 Chung, President - Baltimore Civic Fund

Address 1 North Charles St. Ste. 1600 Baltimore, MD 21202

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.

Cassandra Sullivan - Program Director

Christina Gatto - Program Manager

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.

~~Funds will be held in a dedicated account for the Journey Home Baltimore (Account 254).~~

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

~~All distributions of funds must be accompanied by a request form detailing the use of the funds, collecting supporting documentation, and providing contact information for all parties involved.~~

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.

~~Account reconciliations are conducted on a quarterly basis to review all incoming donations and expenditures. It is not anticipated that the donations will exceed the charitable need as homelessness is such a widespread issue in the community but should this occur, additional funds will be allocated to other operating expenses for the Journey Home Baltimore.~~

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.

~~The program will incorporate the following language into correspondence with potential donors: Donations to the Baltimore Civic Fund will not be considered as a condition for preferential treatment.~~

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: 3/4/2022

FOR: Irene Agustin - Executive Director
{Type/Print Name of Sponsoring Agency}

BY: _____
{Signature}

Mayor's Office of Homeless Services
{Type/Print Name of Sponsoring Agency}

7 E Redwood St, 5th floor Baltimore, MD 2
{Type/Print Office Address}

410-396-2822
{Type/Print Office Telephone Number}

irene.agustin@baltimorecity.gov
{Type/Print Email Address}

APPROVED BY THE BOARD OF ESTIMATES



3/16/2022

Clerk

Date