

RESOLUTION NO. 3247

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALISBURY
AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT TO ESTABLISH A
HOUSING AND HOMELESSNESS NON-ENDOWED FUND.**

WHEREAS, there is a need to secure additional funds to support the City of Salisbury's Housing & Homeless Services Division. In particular, additional funding is needed for the operation of Anne Street Village and associated homelessness services;

WHEREAS, the Community Foundation of the Eastern Shore, Inc. (the "Foundation") has agreed to establish and maintain a non-endowed fund in which charitable donations will be accepted for use by the Housing and Community Development Department in addressing homelessness;

WHEREAS, the funds so donated will be used to support the City of Salisbury Housing & Homeless Services Division;

WHEREAS, specific provisions regarding the administration of the fund are included in the funding agreement attached hereto as **Exhibit 1**. Among other things, the funding agreement confirms the Foundation's policies on distribution and management of the fund; and

WHEREAS, by this Resolution, the Council hereby approves the funding agreement attached hereto as **Exhibit 1**.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 1. That a donation fund be established and maintained through the Community Foundation of the Eastern Shore, Inc. for the financial support of the City of Salisbury Housing & Homeless Services Division.

Section 2. The Mayor of the City of Salisbury is hereby authorized to execute the funding agreement attached hereto and incorporated herein as **Exhibit 1**.

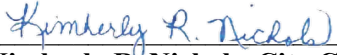
Section 3. It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Resolution shall be deemed independent of all other provisions herein.

Section 4. It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Resolution shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Resolution shall remain and shall be deemed valid and enforceable.


Section 5. The recitals set forth hereinabove and **Exhibit 1** attached hereto, are incorporated into this section of the Resolution as if such recitals and **Exhibit 1** were specifically set forth at length in this Section 5.

THE ABOVE RESOLUTION was introduced and read and passed at the regular meeting of the Council of the City of Salisbury held on this 27th day of March, 2023 and is to become effective immediately upon adoption.

ATTEST:

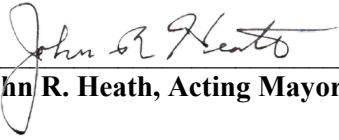


Kimberly R. Nichols, City Clerk



Muir W. Boda, City Council President

Approved by me, this 29th day of March, 2023.



John R. Heath, Acting Mayor



City of Salisbury Homelessness Fund

1. Establishment

On _____, 20__ the City of Salisbury Homelessness Fund (the “Fund”), a non-endowed designated fund, was established at the Community Foundation of the Eastern Shore, Inc. (the “Foundation”), a charitable organization described in sections 501(c)(3) and 509(a)(1) of the Internal Revenue Code. The Fund Representatives understand that gifts to the fund are irrevocable and will be used to maintain a charitable fund of the Foundation, subject to the Foundation’s governing documents and bylaws.

2. Administration

The Fund will be effective upon the acceptance of this agreement by the Foundation. The Fund will be administered in accordance with the normal and customary policies for funds of the Foundation (available upon request). The Foundation may receive additional contributions from donors or other individuals or businesses as well as distributions from trusts, wills, private foundations, or donor advised funds to either initially fund or add to this Fund.

3. Distributions

This Fund will be a non-endowed fund to support:

City of Salisbury for use by the Housing and Community Development Department in addressing homelessness

Distributions from the Fund shall be limited to the fund’s distributable amount determined in accordance with the Foundation’s spending policy. Distributions may be made upon request, or scheduled on an annual, semi-annual, or quarterly basis, as requested in writing by a Representative listed below. The Representatives reserve the right to convert the fund to an endowed fund if the required minimum balances are met.

4. Representatives

The following positions in the City of Salisbury government may serve as representatives to the Fund with respect to amount and timing of distributions of the Fund:

- Mayor, City of Salisbury
- City Administrator, City of Salisbury

Representative privileges do not include the ability to change the Designee stated in section three, above.

5. Variance Power

This Fund is a component fund of the Foundation, and its assets are assets of the Foundation. The Fund is subject to the Foundation’s governing instruments including the Foundation’s power to modify any

restriction or condition on the distribution of funds for any specified charitable purposes or to specified charitable purposes or to specified organizations if in the sole judgment of the Board of Directors, such restriction or condition becomes, in effect, unnecessary, incapable of fulfillment, or inconsistent with the charitable needs of the community or area served.

6. Fees

The Foundation will assess administrative and investment management fees against the Fund in accordance with the Foundation’s published fee schedule, as amended from time to time. The Foundation may also assess the fund to cover any unusual expenses incurred in connection with the contributed assets, including the cost of disposing of them, and in the administration of the Fund.

7. Investments

The assets of the Fund shall be invested according to the Foundation’s investment policy, as it may be amended from time to time by the Foundation’s Board of Directors. The undersigned acknowledges that investments are subject to market fluctuations and investment results will be allocated to the Fund.

8. Anonymity/Publicity

To recognize and honor our donors, the Foundation’s policy is to include our donors’ names in publicity about the Foundation unless they wish to remain anonymous.

The undersigned are the founders of the Fund and agree to the terms of this Agreement. This Agreement shall be governed in all respects by the laws of the State of Maryland. Foundation is authorized to amend this agreement to conform to the provisions of any applicable law or government regulation.

By:

_____ Date
Fund Representative

_____ Date
Fund Representative

Accepted:

_____ Date
Community Foundation of the Eastern Shore, Inc.



City of
Salisbury
John "Jack" R. Heath, Mayor

MEMORANDUM

To: Andy Kitzrow, City Administrator
From: Ronald L. Strickler, Jr, Director of Housing and Community Development
Date: March 10, 2023
Re: Resolution - Establishing Endowment Fund for the Housing and Homelessness Non-Endowed Fund

The Director of Housing and Community Development requests the opportunity to introduce a Resolution for consideration by the Mayor and City Council to accept the agreement to establish an endowment fund for the Housing and Homelessness Non-Endowed Fund. The purpose of this endowment fund is to support site operations, and emergency needs of Anne St Village and the Homelessness Division.

Please forward this information to the City Council for review and discussion on the March 20, 2023 work session agenda. Thank you for your assistance and consideration of the proposed resolution.

Ronald L. Strickler, Jr

Ronald Strickler, Jr
Director, Housing and Community Development