

NOTICES :

1. On January 22, 2014, the Board of Estimates approved the Resolution on the Regulation of Board of Estimates Meetings and Protests, effective February 05, 2014. Pursuant to the Resolution:

a. Anyone wishing to speak before the Board, whether individually or as the spokesperson of an entity must notify the Clerk of the Board in writing no later than by noon on the Tuesday preceding any Board meeting, or by an alternative date and time specified in the agenda for the next scheduled meeting. The written protest must state (1) whom you represent and the entity that authorized the representation (2) what the issues are and the facts supporting your position and (3) how the protestant will be harmed by the proposed Board action.

b. Matters may be protested by a person or any entity directly and specifically affected by a pending matter or decision of the Board. In order for a protest to be considered, the protestant must be present at the Board of Estimates meeting at 9:00 A.M., Room 215 City Hall.

c. A Procurement Lobbyist, as defined by Part II, Sec. 8-8 (c) of The City Ethics Code must register with the Board of Ethics as a Procurement Lobbyist in accordance with Section 8-12 of The City Ethics Code.

The full text of the Resolution is posted in the Department of Legislative Reference, the President of the Board's web site, (http://www.baltimorecitycouncil.com/boe_agenda.htm) and the Secretary to the Board's web site (<http://www.comptroller.baltimorecity.gov/BOE.html>).

Submit Protests to:
Attn: Clerk,
Board of Estimates
Room 204, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

BOARD OF ESTIMATES' AGENDA - FEBRUARY 24, 2016

Department of Real Estate - Tax Sale Certificate

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of the Tax Sale Certificate to For God We Live Ministries, Inc. for an amount that is less than the lien amount for the property located at 1711 Gorsuch Avenue.

AMOUNT OF MONEY AND SOURCE:

<u>Property Address</u>	<u>Assessed Value</u>	<u>Flat Taxes & Water</u>	<u>Total Liens</u>	<u>Assignment Amount</u>
1711 Gorsuch Ave.	\$1,000.00	\$245.89	\$5,655.92	\$1,000.00

BACKGROUND/EXPLANATION:

The City acquired the Tax Sale Certificate for the property located at 1711 Gorsuch Avenue on May 18, 2015 in the total amount of \$5,655.92.

For God We Live Ministries, Inc. has offered to purchase the Tax Sale Certificate for the property located at 1711 Gorsuch Avenue for the total amount of \$1,000.00, file a petition to foreclose, acquire title to the property, and return it to productive use. The total assignment amount of \$1,000.00 for the property for the Tax Sale Certificate will cover the total assessed value of the property of \$1,000.00. The assignment amount will cover the flat taxes and the water bills.

AGENDA

BOARD OF ESTIMATES

02/24/2016

Department of Planning - Report on Previously
Approved Transfers of Funds

At previous meetings, the Board of Estimates approved Transfers of Funds subject to receipt of favorable reports from the Planning Commission, the Director of Finance having reported favorably thereon, as required by the provisions of the City Charter. Today, the Board is requested to **NOTE 7** favorable reports by the Planning Commission on February 11, 2016 on Transfers of Funds approved by the Board of Estimates at its meetings on January 27 and February 10, 2016.

AGENDA

BOARD OF ESTIMATES

02/24/2016

Sheriff's Office - Cooperative Reimbursement Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize acceptance of the Cooperative Reimbursement Agreement with the State of Maryland Department of Human Resources' Child Support Enforcement Administration. The period of the agreement is October 1, 2015 through September 30, 2016.

AMOUNT OF MONEY AND SOURCE:

\$1,169,059.00 - Federal Operating Cost
602,242.00 - Local Share Operating Cost
\$1,771,301.00

Account: 1001-000000-1180-502800-401660

BACKGROUND/EXPLANATION:

The Child Support Enforcement Administration Cooperative Reimbursement Agreement is a federally funded program that affords the State of Maryland to enter into an agreement with the Sheriff's Office to provide child support enforcement services. This program operates in accordance with the Federal Department of Health and Human Services under Title IV-D of the Social Security Act. Services provided under this agreement are services of process, execution of writs, warrants and body attachments, participation in departmental initiatives, location services, transportation of prisoners and courthouse security.

The agreement is late because it was recently received on January 29, 2016, from the State of Maryland Department of Human Resources.

(The Cooperative Reimbursement Agreement terms and conditions have been approved by the Law Department as to form and legal sufficiency.)

AGENDA

BOARD OF ESTIMATES

02/24/2016

Fire & Police Employees' Retirement System - Subscription Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Subscription Agreement with MKP Opportunity Offshore, Ltd. managed by MKP Capital Management, LLC.

AMOUNT OF MONEY AND SOURCE:

\$36,000,000.00 - F & P Funds

No General Fund monies are involved in this transaction.

BACKGROUND/EXPLANATION:

The F&P Board of Trustees conducted a search for a tactical trading hedge fund manager and, as a result of that search, selected MKP Capital Management, LLC to initially receive and invest \$36,000,000.00 of F&P funds in its MKP Opportunity Offshore, Ltd. The search and selection process was conducted with the assistance and advice of the F&P System's investment advisor, Summit Strategies Group.

MWBOO GRANTED A WAIVER.

(The Subscription Agreement has been approved by the Law Department as to form and legal sufficiency.)

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BOARD OF ESTIMATES

02/24/2016

Baltimore Police Department - Memoranda of Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Memorandum of Agreement and approve and authorize execution of a Maryland Network Live System Agency Agreement with the Maryland Department of Public Safety, Information Technology and Communications Division. The period of the Memoranda of Agreement are effective upon Board approval and will remain in effect until either party terminates the agreements.

AMOUNT OF MONEY AND SOURCE:

\$58,525.00 - 4000-481316-2041-212700-600000

BACKGROUND/EXPLANATION:

The Memorandum of Agreement reimburses the Baltimore Police Department for certain sex offender registration costs and equipment. The Maryland Network Live System Agency Agreement permits for installation of a Network Livescan that will be utilized for sex offender registration.

These agreements support the Baltimore Police Department's goal to increase their capacity to better acquire, manage, transfer, and store sex offender data by procuring certain necessary equipment in order to move towards more timely, accurate, and 100% electronic records.

The Memorandum of Agreement and the Maryland Network Live System Agency Agreement are late because of late receipt of award.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION

(The Memoranda of Agreement and Maryland Network Live System Agency Agreement have been approved by the Law Department as to form and legal sufficiency.)

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BOARD OF ESTIMATES

02/24/2016

Law Department - Consent Agreement and Final Order

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Consent Agreement and Final Order (CAFO) with the U.S. Environmental Protection Agency (EPA), Region III.

AMOUNT OF MONEY AND SOURCE:

\$95,000.00 - 2044-000000-1450-703800-603070

BACKGROUND/EXPLANATION:

The City's alleged failure to comply with the Toxic Substances Control Act (TSCA) when an act of vandalism caused the presence of Polychlorinated Biphenyls (hereinafter "PCBs"), 40 C.F.R. Part 761, at the A. Hoen Building, 2101 E. Biddle Street, which was owned by the City.

The EPA reviewed the PCB clean-up process at a City-owned building after vandals damaged a transformer causing the release of PCBs. The EPA alleged that the environmental remediation contractor hired by the City to perform the clean-up had not complied with TSCA PCB regulations. The EPA proposed a civil penalty of \$176,360.00 in a "Notice of Non-Compliance" dated March 5, 2013, and an "Opportunity to Confer and Discuss Potential Administrative Settlement," dated May 5, 2015. These penalties were proposed pursuant to TSCA PCB Regulations at 15 U.S.C. 2601 et seq. and 40 C.F.R. Part 761. The applicable regulations require the transporter, disposer, or owner of PCB waste to use transporters and disposal facilities that have EPA identification numbers authorizing them to handle such waste and there must be a properly signed manifest prior to their removal from the building. The City's arguments that: (1) the PCB spill was caused by an act of

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BOARD OF ESTIMATES

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Law Department - cont'd

vandalism, (2) the contractor held itself out to be an experienced environmental remediation expert, (3) the lack of earlier communication by the EPA to the City that there were concerns with the contractor's clean-up efforts, and others resulted in a reduction in the proposed penalty amount to \$95,000.00 (i.e., a savings of \$81,360.00).

The Department of Housing and Community Development has agreed to the Consent Agreement and Final Order.

The Settlement Committee of the Law Department recommends approval of the settlement of this matter to the Board of Estimates as outlined herein.

APPROVED FOR FUNDS BY FINANCE

(The Consent Agreement and Final Order have been approved by the Law Department as to form and legal sufficiency.)

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BOARD OF ESTIMATES

02/24/2016

Department of Law - Settlement Agreement and Release

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Settlement Agreement and Release to resolve a 2000 statement of charges filed against the Baltimore City Department of Recreation and Parks ("BCDRP") by the State Commission on Civil Rights (the "Commission") on behalf of Robert Reuter claiming discrimination on the basis of a failure to provide accessibility to the services and attractions at the Cylburn Arboretum ("Cylburn") to those who use wheelchairs for mobility.

AMOUNT OF MONEY AND SOURCE:

\$50,000.00 - 5000-577716-4781-363900-603026

BACKGROUND/EXPLANATION:

In order to reach a resolution in this matter, the parties to this dispute retained the services of an independent trail builder to assess the feasibility of constructing an ADA trail loop. On the basis of the trail builder's recommendations and the most recent estimates, we anticipate that the required trail modifications will cost the City approximately \$50,000.00. The funds will come from the budget of the BCDRP. The BCDRP anticipate the cost of the ADA-related trail signage to be \$25,000.00 or less, which amount may come from BCDRP's existing budget for signage. The Settlement provides that the cost for the trail construction and signage may not exceed \$75,000.00 without further BOE action.

In exchange for a dismissal with prejudice of the statement of charges and a release of the City from any further claims arising from the subject matter of the complaint, the City would provide an ADA-accessible trail loop (the "ADA trail loop") of 3/4 mile in length by modifying a part of the existing woodland trails of Cylburn.

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BOARD OF ESTIMATES

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Law Dept. - cont'd

In addition, the City would be responsible to install signage consistent with ADA guidelines so as to provide users with relevant information such as trail grade, cross-slope, difficulty level, and weather-related conditions. In order to preserve the natural environment of the park, the ADA trail loop to be constructed will not be a paved trail. Instead, it will be a natural surface trail and the modifications are designed to avoid the use of heavy equipment as well as the removal of trees.

Cylburn is a historic site dating to the 1860's when the mansion at Cylburn was constructed just after the Civil War. The City purchased the property for use as a park in 1942. In 1954, the Arboretum Association (the "Association"), a non-profit organization made up of conscientious volunteers dedicated to the upkeep of the park, first began designing and caring for the numerous flower gardens and what is now approximately 3.5 miles of woodland natural trails. Most recently, between 2008 and 2010, the City was able to construct the new Vollmer and Visitor Education Center (the "Vollmer Center"), a fully ADA-accessible 250-seat meeting hall, and theatre designed with green building techniques, and a new greenhouse classroom for education and workshops.

Mr. Reuter, an individual who uses a wheelchair for mobility, initially filed a complaint with the Commission in 1997, alleging that BCDRP was denying accessible accommodations to an annual flower show held at the park. After the Commission's investigation, it filed a statement of charges under state law with the State Office of Administrative Hearings ("OAH") in May of 2000, claiming that Cylburn was required to make accessible multiple aspects of the park, including the Mansion, the parking, the gardens, and the woodland trails. The case was litigated for years, during which time the City made various improvements making the facility accessible. However, the parties continued to litigate the issue of making changes to the woodland trails.

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Law Dept. - cont'd

Due to the volunteer mediation efforts of the Honorable Carol E. Smith, the parties more recently agreed to retain a neutral trail consultant, Trails Conservancy, Inc., which has performed trail maintenance at Cylburn for years, to evaluate the feasibility of making the woodland trails accessible without destroying the natural character of them. The consultant prepared a detailed plan to create a 3/4 mile ADA-accessible natural surface trail and has provided bid-accurate costs to build the new trail of slightly less than \$50,000.00.

The settlement would fully resolve this litigation and authorize the City to expend the monies for the construction of the new ADA-accessible trail and ancillary ADA signage. The consultant's detailed report and plan is made a part of the Settlement Agreement. The City will have 14 months from the execution of a contract with a trail builder to build the new trail. Assuming this Settlement is approved, the Law Department will thereafter present the approval of the contract with a trail builder to the BOE. After completion of the new trail, the City will then have 6 months to install the necessary signage. BCDRP will be responsible for ongoing maintenance which will be made part of the maintenance of the entire trail system and park.

This proposal has already been brought to the attention of both the Association as well as the City's Commission for Historic and Architectural Preservation ("CHAP"). CHAP has reviewed the new ADA trail plan and is supportive of it. The Association, while concerned about the preservation of the natural setting of the trails, is not opposed. Mr. Reuter has signed the Settlement Agreement and Release, as has the Director of BCDRP.

The Law Department's Settlement Committee has reviewed and recommends approval of the Settlement. The Law Department, therefore, respectfully requests the Board's approval of the Settlement.

APPROVED FOR FUNDS BY FINANCE

(The Settlement Agreement and Release has been approved by the Law Department as to form and legal sufficiency.)