

MINUTES**REGULAR MEETING**

Honorable Bernard C. "Jack" Young, President
Honorable Stephanie Rawlings-Blake, Mayor
Honorable Joan M. Pratt, Comptroller and Secretary
George A. Nilson, City Solicitor
Rudolph R. Chow, Director of Public Works
David E. Ralph, Deputy City Solicitor
Kimberly Morton, Deputy Director of Public Works
Bernice H. Taylor, Deputy Comptroller and Clerk

The meeting was called to order by the President.

President: "I would direct the Board members attention to the memorandum from my office dated April 28, 2014, identifying matters to be considered as routine agenda items together with any corrections and additions that have been noted by the Deputy Comptroller. I will entertain a Motion to approve all of the items contained on the routine agenda."

City Solicitor: "MOVE approval of all items on the routine agenda."

Comptroller: "Second."

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President: "All those in favor say AYE. All opposed NAY. The Motion carries. The routine agenda has been adopted. In the interest of promoting the order and efficiency of these hearings, persons who are disruptive to the hearings will be asked to leave the hearing room immediately."

MINUTES**BOARDS AND COMMISSIONS**1. Prequalification of Contractors

In accordance with the Rules for Prequalification of Contractors, as amended by the Board on October 31, 1991, the following contractors are recommended:

Bel Air Underground Services, Inc.	\$ 1,500,000.00
Charles Tillman Paving, Inc.	\$ 4,923,000.00
Chesapeake Turf, LLC	\$ 2,502,000.00
Electric Masters Service, Inc.	\$ 1,233,000.00
Encasement Technologies, LLC	\$ 1,413,000.00
M&V Contractual Services, Inc.	\$ 1,500,000.00
Optimum Controls Corporation	\$ 8,000,000.00
Shrader Electric Co., Inc.	\$ 6,021,000.00
Thomas Moore Studios Inc.	\$ 189,000.00
Young & Watson, Inc.	\$ 135,000.00

2. Prequalification of Architects and Engineers

In accordance with the Resolution Relating to Architectural and Engineering Services, as amended by the Board on June 29, 1994, the Office of Boards and Commissions recommends the approval of the prequalification for the following firms:

CenKen Group, LLC	Engineer
Colimore Architects, Inc.	Architect
HSA, Inc. of DC	Engineer
Morabito Consultants, Inc.	Engineer
NMP Engineering Consultants, Inc.	Engineer

There being no objection, the Board, UPON MOTION duly made and seconded, approved the prequalification of Contractors and Architects and Engineers for the listed firms.

MINUTES

Parking Authority of Baltimore City (PABC) - Parking Facility
Rate Increase

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize the parking facility rate increase at the Redwood Garage.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

The PABC is charged with managing the City's parking assets. Proper stewardship of those assets requires that the PABC realize the best possible return on the City's parking investments.

The PABC performed a survey of parking rates in the areas surrounding the Redwood Garage. The rate survey confirmed that the fees charged to parkers at this facility are generally lower than fees charged at other parking facilities within the area. The last monthly rate increase was April 2012. To bring the rates charged at the Redwood Garage in line with its surrounding facilities, the PABC staff developed the proposed rate change. This rate change was unanimously approved by the PABC Board of Directors.

Location	Proposed Transient Rate Changes		Proposed Monthly Rate Changes	
	Current	Proposed	Current	Proposed
Redwood Garage	Regular Transient Rates			
	Up to 8 Hrs. \$13.00	\$14.00	No current recommendations	
	24 hours/max \$16.00	\$17.00		

UPON MOTION duly made and seconded, the Board approved the parking facility rate increase at the Redwood Garage.

MINUTES

Baltimore Development Corporation (BDC) - City Funding Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a City Funding Agreement with Hollander Ridge Distribution Center, LLC, developer.

AMOUNT OF MONEY AND SOURCE:

\$200,000.00

BACKGROUND/EXPLANATION:

Hollander Ridge Distribution Center, LLC is an entity of H & S Bakery, Inc., which owns and operates a distribution center at 601 South Eden Street in the Fells Point neighborhood. The developer has reached a point where the current Eden Street facility does not have adequate space for its product storage and distribution and its fleet maintenance operations. To alleviate these issues, the developer has purchased a 2.8-acre property located at 2001 62nd Street in the Hollander 95 Business Park and proposes to relocate the distribution center from 601 South Eden Street to 2001 62nd Street in the Hollander 95 Business Park. In addition, the relocation of the distribution center would allow for additional real estate and economic development opportunities in the Fells Point neighborhood.

The Hollander 95 site has a number of City utilities that must be relocated before the developer can build its new distribution center. The utility relocation will be done by the developer, pursuant to Developer's Agreement No. 1312 with the Department of Public Works, which was approved by the Board of Estimates on December 8, 2013.

As a matter of business development and assistance, the BDC has agreed to participate in the cost sharing of the utility relocation for a portion of the developer's architectural and engineering expenses up to \$200,000.00.

MINUTESBDC - cont'd

By executing this City Funding Agreement, the developer agrees to maintain, if not increase, the current distribution center employment level of 70 employees in the new facility. Should the developer not maintain the employment level for six months, between March 2015 and September 2015, the developer will owe the City a penalty of \$2,857.00, per employee less than 70 employees.

MBE/WBE PARTICIPATION:

The developer has signed the Commitment to Comply with the Minority and Women's Business Enterprise Program of the City of Baltimore.

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 22,317.00 22 nd EDF	9910-905575-9600 Constr. Res. E. Balto. Ind. & Coml. Dev.	9910-906575-9601 E. Balto. Ind. & Coml. Dev.
177,683.00 <u>23rd EDF</u>	9910-920994-9600 Constr. Res. Citywide Ind. Dev.	9910-906575-9601 E. Balto. Ind. & Coml. Dev.
\$200,000.00		

This transfer will provide funds to the Department of Public Works to relocate utilities at the Hollander 95 Business Park in East Baltimore. The utility relocation is necessary to retain the H&S Bakery distribution center with approximately 50 jobs in the City.

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BDC - cont'd

Once the new distribution center and an ancillary fleet maintenance facility are constructed, the bakery will move its current distribution center from Fleet Street in Fells Point to the Hollander 95 Business Park. Retaining the H&S facility in the City will allow for additional real estate and economic development in the burgeoning Inner Harbor East/Fells Point neighborhoods.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the City Funding Agreement with Hollander Ridge Distribution Center, LLC, developer. The Transfer of Funds was approved, SUBJECT to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, in accordance with the provisions of the City Charter. The Comptroller Voted **NO**.

MINUTES

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 11** favorable reports on Transfers of Funds approved by the Board of Estimates at its meetings on April 9 and April 16, 2014.

The Board **NOTED 11** favorable reports on Transfers of Funds approved by the Board of Estimates at its meetings on April 9 and April 16, 2014.

MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Dept. of Housing and Community Development (DHCD) - Condemnations</u>			
1. David Berman and Rosalie Berman, the Personal Representa- tives of the Estate of Louis Berman	1040 N. Stricker St.	G/R \$90.00	\$ 208.33
Funds are available in account 9910-905507-9588-900000-704040, AG Demolition Project.			
2. Unknown	960 N. Chester St.	G/R \$36.00	\$ 240.00
Funds are available in account 9910-906409-9588-900000-704040, EBDI Project.			
3. Stanley M. Lipsitz and Alvin F. Lipsitz	2037 E. Eager St.	G/R \$58.00	\$ 387.00
Funds are available in account 9910-906409-9588-900000-704040, EBDI Project.			
4. Reva M. Carliner	964 N. Chester St.	G/R \$36.00	\$ 240.00
Funds are available in account 9910-906409-9588-900000-704040, EBDI Project.			
5. Karen Katz	963 N. Washington St.	G/R \$42.00	\$ 280.00
Funds are available in account 9910-906409-9588-900000-704040, EBDI Project.			

MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>DHCD - Condemnations - cont'd</u>			
6. Abraham & Sadye Schechter	2004 Ashland Ave.	G/R \$84.00	\$ 560.00

Funds are available in account 9910-906409-9588-900000-704040,
EBDI Project.

7. Ellen Myles	2002 Ashland Ave.	G/R \$42.00	\$ 280.00
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Funds are available in account 9910-906409-9588-900000-704040,
EBDI Project.

For Item Nos. 2-7, the Board is requested to approve acquisition of the ground rent interest by condemnation, or in the alternative may, SUBJECT to the prior approval of the Board, make application to the Maryland Department of Assessments and Taxation to redeem or extinguish the ground rent interest for this property.

DHCD - Options

8. Shermar, LLC	512 Laurens St.	G/R \$50.00	\$ 459.00
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Funds are available in account 9910-905507-9588-900000-704040,
AG Demolition Project.

9. Shelly Nickelson and Morufu Alade	512 Laurens St.	L/H	\$24,583.00
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Funds are available in account 9910-905507-9588-900000-704040,
AG Demolition Project.

MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>DHCD - Options - cont'd</u>			
10. Rose P. Silberman	557 Laurens St.	G/R \$65.00	\$ 542.00

Funds are available in account 9910-905507-9588-900000-704040, AG Demolition Project.

In the event that the option agreement/s fail/s and settlement cannot be achieved, the Department requests the Board's approval to purchase the interest in the above property/ies by condemnation proceedings for an amount equal to or lesser than the option amounts.

Department of Law - Payment of Settlement

11. Lamont Fullard (previous owner)	904 N. Bradford St.	L/H	\$ 5,650.00
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On September 9, 2013, the Board approved the acquisition of the leasehold interest, by condemnation, in the real property located at 904 N. Bradford Street. The Board previously approved \$12,100.00, based upon an independent appraisal report, to acquire the subject property interest. The property owner argued that the City should pay the \$19,500.00 appraisal valuation that he obtained. The parties agreed to settle the action for \$17,750.00. Therefore, the Board is requested to approve an additional \$5,650.00 in settlement of this case.

Funds are available in State Funds, account no. 9910-910634-9588-900000-704040, Milton Montford Project.

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OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>DHCD - Payment of Settlement - cont'd</u>			
12. 2570, Inc.	830 N. Chester St.	L/H	\$ 4,633.00

Funds are available in account 9910-906409-9588-900000-704040, EBDI Project, Phase II.

On May 16, 2012, the Board approved the acquisition of the leasehold interest, by condemnation, in 830 N. Chester Street for \$5,867.00. The owner has agreed to a legal settlement that includes an increase of \$4,633.00. Therefore, the Board is requested to approve the acquisition of 830 N. Chester Street for the additional amount of \$4,633.00.

UPON MOTION duly made and seconded, the Board approved the options, condemnations, and the payments of settlement.

MINUTES

Bureau of Budget and - Appropriation Adjustment Order
Management Research

ACTION REQUESTED OF B/E:

The Board is requested to approve an appropriation adjustment order (AAO) to transfer State funds from the Baltimore City Fire Department, Service 611 (Fire Code Enforcement) to the Baltimore City Fire Department, Service 609 (Emergency Medical Services).

AMOUNT OF MONEY AND SOURCE:

\$25,000.00 - From: Fire Department, Service 611
Fire Code Enforcement

To: Fire Department, Service 609
Emergency Medical Services Grant

The source of funds is a grant from the Maryland Institute for Emergency Medical Services Systems that has been submitted to the Board for acceptance for the April 30, 2014 agenda.

BACKGROUND/EXPLANATION:

The Emergency Medical Services Grant has been submitted to the Board for acceptance for April 30, 2014. The grant will provide the Baltimore City Fire Department with resources to develop and institute a Manual of Procedures that fits into the Police initial response to an Active Shooter/Mass Casualty Incident, thus providing a coordinated response in an effort to mitigate any dangers and maximize lifesaving efforts. There are no match requirements associated with this grant.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

MINUTES

BEMR - cont'd

UPON MOTION duly made and seconded, the Board approved the appropriation adjustment order to transfer State funds from the Baltimore City Fire Department, Service 611 (Fire Code Enforcement) to the Baltimore City Fire Department, Service 609 (Emergency Medical Services).

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TRANSFERS OF FUNDS

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UPON MOTION duly made and seconded,

the Board approved

the Transfers of Funds

listed on the following pages:

1546 - 1549

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.

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TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Fire Department</u>		
1. \$ 31,000.00	9920-903006-9209	9920-918021-9208
General Funds	Fire Academy	Fire Academy Burn
	Modernization -	Building - Active
	Reserve	
26,541.13	" "	" "
3 rd Public		
<u>Building Loan</u>		
\$ 57,541.13		

This transfer will provide funds to the Department of General Services on behalf of the Fire Department, to replace deteriorated concrete, brick foundation walls, feeder conduits, and storm water drains at the Fire Academy Burn Building and all associated in-house costs. In addition, the electrical panel will be brought up to code requirements, footers will be modified, and backless benches will be installed. Once the work at the Burn Building is completed, live fire training can resume for the Baltimore City Fire Department at the Fire Training Academy.

2. \$ 29,353.68	9920-90801-9209	9920-918021-9208
3 rd Public	Constr. Reserve	Fire Academy Burn
Building Loan	Unallotted	Building - Active

This transfer will provide funds to DGS, on behalf of the Fire Department, to eliminate the deficit in the active project for the Fire Academy Burn Building. Once the work at the Burn Building is completed, live fire training can resume for the Baltimore City Fire Department at the Fire Training Academy.

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TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Transportation</u>		
3. \$400,134.40	9950-907074-9512	9950-911086-9512-3
Others	Traffic Mitigation Studies	Design & Study Traffic Mitigation South East Zone A

This transfer will put the appropriation in the account to receive money related to the Traffic Mitigation Fee for a planned unit development, as per the agreement between the Mayor and City Council of Baltimore acting through its Department of Transportation and Harbor Point Parcel 2 Holdings, LLC.

Baltimore Development Corporation (BDC)

4. \$ 29.90	9910-994001-9600	9910-902879-9601
20 th EDF	Constr. Reserve Unallocated Res.	Coml. Revit.
1,417.00	9910-994001-9600	9910-906575-9601
20 th EDF	Constr. Reserve Unallocated Res.	E. Baltimore Ind. & Coml. Dev.
3,649.50	9910-913990-9600	9910-902879-9601
<u>23rd EDF</u>	Constr. Reserve	Coml. Revit.
\$ 5,096.40	Coml. Revit.	

This transfer will provide funds to reimburse BDC for eligible capital expenses for the month ending March 31, 2014.

MINUTES**TRANSFERS OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Baltimore Development Corporation</u>		
5. \$120,000.00	9910-917020-9600	9910-903357-9601
24 th Economic Development Fund	Constr. Reserve Westside - Howard's Park	Westside Howard's Park

This transfer will provide funds to transform and convert the underutilized Howard's Park for use as a dog park. This project will be funded in partnership with the Department of Recreation and Parks and will include landscaping, lighting, and other improvements. Howard's Park is located at Centre and Howard Streets in the Seton Hill neighborhood and would provide an alternative to Mt. Vernon Place for dogs within the neighborhood.

Department of Recreation and Parks

6. \$ 5,000.00	9938-930013-9475	9938-928006-9474
27 th Recreation & Parks Series	Howard's Dog Park Reserve	Howard's Dog Park Active

This transfer will provide funds to cover the advertising costs associated with Howard's Dog Park.

7. \$ 30,000.00	9938-916022-9475	9938-901759-9474
General Fund	Community Center Master Plan Reserve	Park & Recreation Facilities Renovation FY 09

This transfer will provide funds to cover the costs associated with the furnishing and installing of the scoreboard, wall safety pads and kitchen equipment at Morrell Park Community Center.

MINUTES

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Housing and Community Development</u>		
8. \$ 71,921.20	9910-995001-9587	9910-909120-9588
26 th Comm.	Unallocated Reserve	Hoen Building
Devel. Bonds		
39,188.23	" "	" "
27 th Comm.		
Devel. Bonds		
152,358.09	" "	" "
28 th Comm.		
Devel. Bonds		
73,532.48	" "	" "
29 th Comm.		
Devel. Bonds		
<u>\$337,000.00</u>		

This transfer will provide appropriations to cover costs associated with 2101 East Biddle Street project site, also known as the Hoen Building, Phase II. Funds are being used to cover the costs of additional hazardous material removal.

MINUTES

Department of General Services - Minor Privilege Permit Applications

The Board is requested to approve the following applications for a Minor Privilege Permit. The applications are in order as to the Minor Privilege Regulations of the Board and the Building Regulations of Baltimore City.

	<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
1.	2238 Pennsylvania Avenue	Abduls @ Pennsylvania Avenue, LLC	Retain awning w/ signage 31' x 4', handicap ramp 20' x 3½', dumpster 6' x 3', four fluorescent tubes
	Annual charge: \$ 926.70		
2.	2733 Pennsylvania Avenue	Yong S. Hwang	Retain two single face electric signs 12' x 2½', one double face electric sign 7' x 1½'
	Annual charge: \$ 421.80		
3.	38 S. Paca Street	36 South Paca Street, LLC	Handicap ramp 27'6" x 5'4"
	Annual charge: \$ 70.30		
4.	5402 Harford Road	Max Properties, Inc.	Retain cornice sign 23' x 2', flat sign 26 x 2'
	Annual charge: \$143.10		

MINUTES

Dept. of General Services

	<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
5.	3553 Chestnut Avenue	Daniel D. Harvey	Three awnings, two @ 14' x 2', one @ 10½' x 2'
	Annual charge: \$316.50		
6.	300 W. Fayette Street	Blue Ocean 300, LLC	One single face electric sign 16' x 2'8"
	Annual charge: \$140.60		
7.	743 S. Linwood Ave.	D. Carry Development, LLC.	Garage Extension 15'8" x 4'
	Annual charge: \$219.24		
8.	1147 S. Hanover St.	Marmir Partnership	Retain two single face electric signs 9'6" x 2'
	Annual charge: \$281.20		
9.	908-12 W. 36 th Street	Kirpal K. Singh	Outdoor seating 27' x 3'
	Annual charge: \$351.50		

MINUTES

Dept. of General Services

<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
10. 1209 S. Charles St.	Ropewalk Properties, LLC	Retain double face electric sign 1' x 1', cornice sign 8' x 1', three gooseneck lights, four spot reflectors

Annual charge: \$299.00

Since no protests were received, there are no objections to approval.

There being no objection, the Board, UPON MOTION duly made and seconded, approved the foregoing minor privileges.

MINUTES

Department of Audits - Audit Report and Related Audit Digest

The Board is requested to **NOTE** receipt of the following Audit Report and Related Audit Digest:

1. Audit of the Enoch Pratt Free Library A Component Unit of the City of Baltimore, Maryland, Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2013.

President: "The first item on the non-routine agenda can be found on Page 18, Department of Audits, Audit Report and Related Audit Digest. Will the parties please come forward?"

Mr. Robert McCarty, Jr.: "Good morning Mr. President."

President: "Good morning."

Mr. McCarty: "-- and members of the Board. I'm Bob McCarty, the City Auditor. Uh, the Department of Audits has completed its annual audit of the Financial Statements of the Enoch Pratt Free Library for the Fiscal Year ending June 30, 2013. We have reviewed -- I'm sorry, we have issued an unqualified opinion which states that the Library's financial statements present fairly in all material respects, the financial position of the Library for the year ended June 30, 2013 in conformity with generally accepted accounting principles. In addition to our audit, we have prepared a separate report required by both generally accepted auditing standards and Government Auditing Standards, which addresses the Library's compliance with certain

MINUTES

Dept. of Audits - Audit Report and Related Audit Digest - cont'd

laws and regulations and the internal control over financial reporting relating to the financial statements. The Library had seven significant deficiencies in internal control over financial reporting for the Fiscal Year 2013, and all were unresolved from Fiscal Year 2011 and/or 2012. A deficiency in internal control exists when a design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, the opportunity to prevent or detect and correct misstatements on a timely basis. A material weakness is a deficiency or a combination of deficiencies in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements would not be prevented or detected and corrected in a timely basis. We consider the following six deficiencies in the Library's internal control to be material weaknesses. Number One: The Library's business office, due to various staffing factors, does not have a sufficient number of adequately trained accounting staff for the timely preparation of its annual financial report.

MINUTES

Dept. of Audits - Audit Report and Related Audit Digest - cont'd

The material weaknesses continued since Fiscal Year 2011 and throughout Fiscal Year 2013, when again the Library was unable to meet its December 31st deadline. We again recommended that the Library dedicate adequate staffing resources to financial statement preparation to insure that trained accounting staff has sufficient time to prepare its annual financial report for sufficient -- for submission to the Maryland State Department of Education by the December 31st due date each year. We also recommended that the Library document its financial statement preparation process with written procedures to facilitate the timely and accurate preparation of the Library's annual financial statements. The Library stated that giving, given its continuing staffing issues and need for additional accounting expertise, uh, the Library is currently recruiting for an additional senior level accountant to improve its timeliness to the Fiscal Year 2014 report can be issued by its due date of December 31st, 2014.

MINUTES

Dept. of Audits - Audit Report and Related Audit Digest - cont'd

Finding Number Two: In a test of journal entries, we found that the Library was unable to provide documentation for the cash management journal entries tested. This material weakness has continued since Fiscal Year 2011. We again recommend that all journal entries have adequate documentation to insure that the journal entries are authorized, proper and correct in amount, and that the proper account numbers are charged. We also recommend that the Library establish written policies and procedures to document its journal entries process. The Library stated in its response that the entries referred to were for cash management purposes and that the Library has documentation to support them. Um, however, the Library also stated that it did not include such report in the accounting records due to its size, but that it does exist in 'hard copy.' The Library also stated that they wrote and implemented new procedures in Fiscal Year, in March 2013, for the handling of journal entries that include review and approval, and going forward, the Library's stated that they will make sure the Department of Audits has access to all the cash management journal entry documentation.

MINUTES

Dept. of Audits - Audit Report and Related Audit Digest - cont'd

Um, with providing additional clarification to the Library's response and its necessary and it was included in their report, uh, the Department of Audits requested this supporting documentation for these cash management journal entries, from the Library's accounting staff during our testing and at numerous times throughout the audit, and no supporting documentation has been provided for these journal entries.

Finding Number Three: The bank reconciliation of the \$300,000.00 book imprest fund was not properly reconciled to the accounting records as of June 30, 2011, '12 and '13. As of June 30, 2013, the Library had not performed a proper analysis of the book imprest fund to resolve deposits not posted, unexplained differences, and prior year receivables and expense items. We again recommend that the Library develop written procedures to include investigating and resolving unexplained differences in a timely manner. All reconciling adjustments and corrections should be approved by the employee's supervisor and/or management.

MINUTES

Dept. of Audits - Audit Report and Related Audit Digest - cont'd

The Library stated that as of June 30, 2013, it has resolved most of the deposits not posted and voided and re-issued payments or returned funds to the City for stale-dated checks and suspense items for previous years. The Library agrees with the finding and expects that additional staffing will insure timely bank reconciliations by June 30, 2014. Finding Number Four: The Endowment Fund bank account balance was not properly reconciled to the Library's book balance as of June 30, 2012 and June 30, 2013. As of June 30, 2013, the Library's reconciling items still included approximately \$50,000.00 in items categorized as 'Unexplained Differences' by the Library. Additionally, there are outstanding checks and other debit items outstanding that were more than six months old in the amount of approximately \$68,000.00 and there were other \$7,000.00 in outstanding checks and reconciliations which were amounts automatically withdrawn by the bank. We again recommend that the Library develop reconciliation procedures that include investigating and resolving suspense items, which include unexplained differences in a timely manner.

MINUTES

Dept. of Audits - Audit Report and Related Audit Digest - cont'd

We also recommend that all reconciling adjustments and corrections be approved by the employee's supervisor and/or management. The Library stated that it has resolved a significant number of these issues and it expects to complete this process by June 30, 2014. The Library agrees with the finding and expects that additional staffing will help insure timely bank reconciliations to include investigating and resolving unexplained differences in a timely manner. Number Five: As of June 30, 2013, the Library had not submitted over \$3.7 million dollars of State grant funds due to the City relating to the State Library Resource Center, or the SLRC, for funds that the City expended on behalf of the Library in Fiscal Year 2013. The amount in Fiscal Year 2012 for the same finding, was \$3.2 million dollars. In accordance with procedures between the Library and the City, the Library remits to the City a portion of State grant funds to reimburse expenditures the City pays on the Library's behalf. We also determined as of February 28, 2014, approximately \$1.2 million in Fiscal Year 2014 SLRC grant funds were due to the City.

MINUTES

Dept. of Audits - Audit Report and Related Audit Digest - cont'd

We recommend that upon receipt of grant State funds, the Library review the City's accounting records, CityDynamics, to determine the portion that is due to the City and remit the City's share at that time. We further recommend that the Library remit to the City the \$3.2, \$3.7 million that was due at the close of Fiscal Year 2013, as well as any amounts due for Fiscal Year 2014 to date. The Library stated that it agrees with this recommendation, and in October 2013, remitted all monies due to the City for the SLRC grants for Fiscal Year 2013 expenditures. The Library further stated that, as was the case last year, the Library's late transmittal of funds were due to cash flow issues and have plans to submit all Fiscal Year 2014 SR -- SLRC revenues due to the City by June 30, 2014. Finding Number Six: We again found errors in the financial statements as originally prepared by the Library as we did in Fiscal Year 2012. The original statements showed approximately \$3.7 million dollars in deferred revenue; \$11.6 million dollars in accounts payable and \$4 million dollars in cash.

MINUTES

Dept. of Audits - Audit Report and Related Audit Digest - cont'd

All were excessive um, just by um, a quick review. After our inquiry of these balances, the Library investigated and made the necessary adjustments to correct them. The time required by the Library to research these accounts and obtain accurate account balances contributed to the delay in preparation of the financial statements. We again recommend that the Library institute policies and procedures for management to routinely review the work performed by subordinate staff at least on a monthly basis. Additionally, it would assist in the process of year-end financial statement preparation if quarterly reports were prepared and analyzed by management to assure that inadvertent errors or omissions were timely detected and corrected. We further recommend that State grant revenue be properly recorded and a liability be recognized upon receipt of the City's share of grant funds. Uh, the Library's response was that the Library has stated for the past 17 years the Department of Audits has provided data regarding the Library's financial activity to the City's accounting system and reviewed the financial statement work papers during preparation of the financial statements and corrections of any obvious errors that were made at that time.

MINUTES

Dept. of Audits - Audit Report and Related Audit Digest - cont'd

They stated that the new accounting, the new auditing standards did not permit this level of assistance any more, and that as a result, the Library was required to obtain special accounting reports from newly hired personnel in the City's Bureau of Accounting, or BAPS, who were unfamiliar with the process, causing significant delays. The Library stated that it is the Library's policy to review the monthly statements available through the City and the Library's financial information system for errors and other required actions needed. If that review reveals the need for corrections or other adjustments, they are made with management's approval. The Library stated that it expects, is expected that the additional accountant to be hired will enable the Library to complete this task on a timely basis. Uh, we accept the auditor's recommendation regarding the establishment of liability at the time of receipt of funds of the City's portion of State grant revenue and will record such liability as of June 30, 2014.

MINUTES

Dept. of Audits - Audit Report and Related Audit Digest - cont'd

Um, again, as additional clarification on the Library's responses, um, we have the following comments, and these are also included in our report. Um, in the past, the Department of Audits has obtained, directly from BAPS, various financial reports that were needed to complete its audit testing of the Library's financial statement. Audits agreed to obtain these reports directly from BAPS in the past, because the Library indicated it had trouble accessing the reports in the City's accounting system. These reports should, should have been obtained directly from the Library -- by the Library from BAPS, reviewed by the Library and then provided to the Department of Audits for testing. For Fiscal Year 2013, the Library agreed to obtain, and was able to access, the various reports for review prior to providing them to Audits for testing. Uh, the Department of Audits, does however, continue to provide the Library with the applicable notes and financial statements for the City's CAFR, the Comprehensive Annual Financial Report, and from the uh, City's Employees' Retirement System.

MINUTES

Dept. of Audits - Audit Report and Related Audit Digest - cont'd

Um, in addition, it is part of the Department of Audits procedures to verify the accuracy of the Library's financial statement work papers that support the financial statements. It is the responsibility of the Library however, to review the financial statement work papers for errors before they're provided to Audits for review. The last finding, Number Seven, is not material and is considered a significant deficiency. Uh, the Library did not adequately monitor its endowment fund assets for cash, temporary investments, and consolidated investments for both Fiscal Years 2012 and 2013. The assets in the endowment fund have over 200 sub accounts, which the Library referred to as "funds", and our tests revealed that a number of these asset accounts had negative balances in the individual sub accounts. The Library allocates investment gains and interests to the funds based on the percentage of individual funds participating in the overall investment balance. We again recommend that the Library perform an analysis of all sub accounts to determine if some can be closed out or consolidated with other sub accounts.

MINUTES

Dept. of Audits - Audit Report and Related Audit Digest - cont'd

We further recommend that the Library routinely monitor the individual sub accounts to insure that positive balances are maintained in all cash and investment sub accounts. We also recommend that written procedures be established to perform monthly reviews of the sub accounts and insure that all asset balances are accurate prior to completion, to completing the allocation. The Library stated that it has been, and is currently monitoring the endowment funds cash, temporary investments and consolidated investment accounts. The Library is in the process of making those cash management adjustments, which normally would have been made throughout the year by the Fiscal Technician. The Library's making adjustments to make sure that positive balances are maintained in all cash and investment sub accounts. An effective date of July 31, 2013 will be used so that all balances are correct for income and market apportionment processes. Uh, the Library stated that it expects to complete this task by June 30, 2014 and will continue to make adjustments on a monthly basis thereafter.

MINUTES

Dept. of Audits - Audit Report and Related Audit Digest - cont'd

Uh, we do not audit the Library's responses and accordingly, we don't express an opinion on them. As part of attaining reasonable assurances about whether the Library's financial statements are free of material misstatement, we perform tests of its completion with certain provisions of laws, regulations, contracts, and grant management. The result of that test shows no instances of non-compliance or other matters are required to be recorded under Government Auditing Standards.

President: "Um -- Mr. McCarty, um -- is this um -- a recurring problem with the same issues that it was last year?"

Mr. McCarty: "Yes, and some the prior year."

President: "Okay, 2009."

Comptroller: "Two thousand eleven."

President: "I mean eleven. Well, I would ask that the Library system come back within 90 days and let this Body know, um, what kind of progress you have made, because to come back every year with the same material defects, um, raises some red flags for me, and I'm a big supporter of the library system. Comptroller Pratt."

MINUTES

Dept. of Audits - Audit Report and Related Audit Digest - cont'd

Comptroller: "-- the report mentioned that you were going to hire Senior Accountants. When will they be hired?"

Mr. Gordon Krabbe: "Uh, we have advertised positions effective March 28th. We received not as many resumes as we had hoped, so, so we're optimistic that with some increased advertising and outreach, that we should be able to fill the position by June 30th I would hope."

President: "Madam Mayor? Okay, the audit has been **NOTED.**"

The Audit of the Enoch Pratt Free Library A Component Unit of the City of Baltimore, Maryland, Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2013 has been **NOTED** by the Board of Estimates, with the recommendation that Enoch Pratt Free Library come back to the Board within 90 days on the status of the implementation of Audit recommendations to: Implement written procedures to facilitate the timely and accurate preparation of the Library's annual financial statements, documentation of journal entries, develop reconciliation procedures to include investigating and resolving

MINUTES

Dept. of Audits - Audit Report and Related Audit Digest - cont'd
unexplained differences in a timely manner and reconciling adjustments and corrections to be approved by employee's supervisor or management. Institute policies and procedures for management to routinely review work performed by staff. Monitor individual sub accounts; perform monthly reviews of sub accounts for accuracy prior to completing the allocation.

MINUTES

Department of Audits - Expenditure of Funds

ACTION REQUESTED OF B/E:

The Board is requested to approve an expenditure of funds to pay the Association of Government Accountants (AGA). The expenditure is for training on May 14, 2014.

AMOUNT OF MONEY AND SOURCE:

\$4,940.00 - 1001-000000-1310-157800-603020

BACKGROUND/EXPLANATION:

These expenditures of funds will pay for the registration of 38 auditors, to attend a one-day Fraud Seminar sponsored by the AGA on May 14, 2014.

Government Audit Standards require that each auditor obtain 80 hours of Continuing Professional Education (CPE) every two years. The foregoing program is part of the Department's scheduled training for this year. Each attendee will receive eight CPE's. The average cost per staff training hour will be approximately \$20.00, which is below the industry average in relation to other training of this nature.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved the expenditure of funds to pay the Association of Government Accountants. The Comptroller **ABSTAINED**.

MINUTES

EXTRA WORK ORDERS

* * * * *

UPON MOTION duly made and seconded,

the Board approved the

Extra Work Orders

listed on the following page:

1571

All of the EWOs had been reviewed and approved

by the

Department of Audits, CORC,

and MWBOO, unless otherwise indicated.

MINUTES

EXTRA WORK ORDERS

<u>Contract</u>	<u>Prev. Apprvd.</u>	<u>Contractor</u>	<u>Time</u>	<u>%</u>
<u>Awd. Amt.</u>	<u>Extra Work</u>		<u>Ext. Compl.</u>	

Department of Transportation

1. EWO #001, \$316,000.14 - TR 10004, Repairs to Various Bridges and Safety Improvements Along I-83: Gay Street to 41st Street

\$4,986,355.65	-	Orfanos Contractors, Inc.	50	-
			days	

2. EWO #002, \$33,040.98 - TR 10004, Repairs to Various Bridges and Safety Improvements Along I-83: Gay Street to 41st Street

\$4,986,355.65	\$316,000.14	Orfanos Contractors, Inc.	30	-
			days	

3. EWO #002, (\$.50) - TR 20350 - Replacement of Frederick Avenue Bridge over Gwynns Falls & CSX Railroad

\$13,997,381.20	-	Joseph B. Fay Co.	-	-
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4. EWO #003, \$25,991.28 - TR 20350 - Replacement of Frederick Avenue Bridge over Gwynns Falls & CSX Railroad

\$13,997,381.20	(\$.50)	Joseph B. Fay Co.	-	-
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Bureau of Water & Wastewater

5. EWO #003, (\$0.00) - SC 870, Scum/Grease System Improvements at the Back River Wastewater Treatment Plant

\$10,699,000.00	\$14,617.64	Whiting-Turner Contracting Co., Inc.	75	-
			days	

MINUTES

Health Department - Agreements, Grant Agreement, and Agreement to Agreement

The Board is requested to approve and authorize execution of the various Agreements and Amendment to Agreement.

1. **ST. AMBROSE HOUSING AID CENTER, INC.** **\$ 8,500.00**

Account: 4000-433514-3024-268416-603051

The organization will assist elderly adults with housing needs through the Home-sharing program. The program is designed to be an alternative to the institutionalization of frail and elderly residents of Baltimore City. The program will identify and match elderly residents with senior homeowners living alone in single family dwellings in Baltimore City. The provider will promote program services, screen and interview applicants, complete home assessments, recruit appropriate housemates to refer to the applicants, and provide counseling as appropriate. The period of the agreement is October 1, 2013 through September 30, 2014.

2. **THE JOHNS HOPKINS UNIVERSITY** **\$250,000.00**
(JHU)

Account: 4000-499014-3023-513201-603051

The JHU will provide HIV counseling, testing and referral for clients presenting in the Eastern/Druid Sexually Transmitted Diseases Clinics of the Baltimore City Health Department, who are at risk for HIV infection or who are in various stages of HIV infection. Infected clients will be referred to the Health Department's Early Intervention Initiative. The period of the agreement is January 1, 2014 through December 31, 2014.

MWBOO GRANTED A WAIVER.

MINUTES

Health Dept. - cont'd

The Agreements are late because of delays in finalizing the budget and other approvals.

3. **THE JOHNS HOPKINS UNIVERSITY** **\$145,500.00**
(JHU)

Account: 4000-499014-3023-513201-603051

The JHU, Department of Emergency Medicine will complete at least 4,850 HIV tests during the project period. The JHU will actively link all patients newly diagnosed to medical care and confirm attendance at first appointment. It will comply with all HIV testing, reporting and documentation requirements as required by the Centers for Disease Control and Prevention, the Maryland Department of Health and Mental Hygiene, and the Health Department. The period of the agreement is January 1, 2014 through December 31, 2014.

MWBOO GRANTED A WAIVER.

The agreement is late because of delays in receiving an acceptable budget and scope of services.

4. **THE JOHNS HOPKINS UNIVERSITY** **\$ 14,006.00**
(JHU)

Account: 4000-425614-3023-599610-603051

The JHU will provide comprehensive health services to HIV infected women during pregnancy to minimize the risk of mother to child transmission of HIV. Services will include individualized counseling, counseling assessments, Center for Addiction in Pregnancy support groups and HIV women's health program support groups. The period of the agreement is July 1, 2013 through June 30, 2014.

MINUTES

Health Dept. - cont'd

5. **THE JOHNS HOPKINS UNIVERSITY** **\$ 80,959.00**
(JHU)

Account: 4000-425614-3023-599602-603051

The JHU will provide psychosocial support services to accommodate the increasing number of uninsured and underinsured HIV infected clients from childhood to age 24, access needed health and supportive services. The period of the agreement is July 1, 2013 through June 30, 2014.

MWBOO GRANTED A WAIVER.

6. **CHASE BREXTON HEALTH SERVICES, INC.** **\$ 17,392.00**

Account: 4000-424514-3023-599662-603051

The organization will continue to coordinate the care of HIV infected inmates and provide linkage and referral services to HIV medical care, case management, housing and drug treatment services. The period of the agreement is January 1, 2014 through June 30, 2014.

The Agreements (item nos. 4-6) are late because the Infectious Disease and Environmental Health Administration (IDEHA) programmatically manages Ryan White Part B and Part D services. The providers are asked to submit a budget, budget narrative, and scope of services. The Department thoroughly reviews the entire package before preparing a contract and submitting it to the Board. These budgets are many times revised because of inadequate information from the providers. This review process is required to confirm with the grant requirements.

MINUTES

Health Dept. - cont'd

7. **LIGHT HEALTH AND WELLNESS COMPREHENSIVE SERVICES, INC.** **\$ 65,000.00**

Account: 4000-499714-3023-294203-603051

The organization is the fiscal agent for the community organization, Older Women Embracing Life (OWEL). The organization will provide financial oversight of the "No Wrong Door Project," and assist OWEL with meeting logistics, supplies and grant reporting.

To fulfill the requirements of the grant, OWEL will hire a certified health educator, provide two support groups for persons age 50 and older who are living with HIV/AIDS, identify and recruit at least 43 high-risk heterosexual women age 50 and older, provide a modified Sister to Sister intervention and facilitate at least two HIV/STI/Hepatitis testing activities. The period of the agreement is July 1, 2013 through June 30, 2014.

The Agreement is late because funding was received late in the fiscal year.

MWBOO GRANTED A WAIVER.

8. **MARCH OF DIMES FOUNDATION** **\$ 20,000.00**

Account: 6000-618914-3080-294600-406001

Under the terms of this grant agreement, the funds will be used for the Healing Ourselves through Peer Empowerment (HOPE) Project 10-week group programs. The HOPE Project is an inter-conception health program for women who have experienced a fetal or infant death. The 10-week groups help them to work through grief, improve their health, and plan for future healthy pregnancies, if desired. The period of the grant agreement is March 1, 2014 through February 28, 2015.

MINUTESHealth Dept. - cont'd

The grant agreement is late because it was recently received from the grantor.

AUDITS REVIEWED THE SUBMITTED DOCUMENTATION AND FOUND THAT IT CONFIRMED THE GRANT AWARD.

AMENDMENT TO AGREEMENT

9. **LIGHT HEALTH AND WELLNESS COMPREHENSIVE SERVICES, INC.** **\$ 4,664.00**

Account: 4000-425614-3023-599608-603051

On December 18, 2013, the Board approved the original agreement to provide services in the area of Youth Services Initiative in the amount of \$43,917.00 for the period July 1, 2013 through June 30, 2014.

The Department received supplemental funding for a six-month period, January 1, 2014 through June 30, 2014. This amendment to agreement will allow the organization to cover expenses associated with assisting clients in need of emergency financial assistance, such as medication co-pays, utility, and rental assistance. The amendment amount makes the total amount \$48,581.00.

APPROVED FOR FUNDS BY FINANCE**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing Agreements and the Amendment to Agreement. The President **ABSTAINED** on item nos. 2, 3, 4, and 5.

MINUTES

Health Department - Notification of Award

ACTION REQUESTED OF B/E:

The Board is requested to approve acceptance of the Notification of Award (NoA) from the Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for HIV, Viral Hepatitis, STDS and TB Prevention. The period of the NoA is January 1, 2014 through December 31, 2014.

AMOUNT OF MONEY AND SOURCE:

\$664,633.00 - 4000-422514-3030-271500-404001

BACKGROUND/EXPLANATION:

This grant will facilitate the building of a collaborate system to provide funding to address STDs in the context of health disparities and the opportunity to include the expanded population newly insured under the Affordable Care Act. The program's mission is to develop a stronger system to promote screening and treatment, improve partner services, and collaborate with other organizations to implement STD health promotion and prevention education activities.

This NoA is late because it was recently received from the grantor.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED THE SUBMITTED DOCUMENTATION AND FOUND THAT IT CONFIRMED THE GRANT AWARD.

UPON MOTION duly made and seconded, the Board approved acceptance of the Notification of Award from the Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for HIV, Viral Hepatitis, STDS and TB Prevention.

MINUTES

Health Department - Grant Award

ACTION REQUESTED OF B/E:

The Board is requested to approve acceptance of a Grant Award from the Maryland Department of Health and Mental Hygiene (DHMH) for Pregnancy and Tobacco Cessation Help (PATCH). The period of the Grant Award is March 1, 2014 through June 30, 2014.

AMOUNT OF MONEY AND SOURCE:

\$18,000.00 - 5000-570114-3041-605800-405001

BACKGROUND/EXPLANATION:

The Center for Tobacco Prevention and Control along with partners from the Centers for Chronic Disease and Maternal and Child Health launched an initiative to address high smoking rates among pregnant women and women of child-bearing age.

The initial phase of the project included Caroline, Cecil, Kent, and Washington counties, which are among the four highest risk jurisdictions for smoking among pregnant women in Maryland. The second phase includes Allegany, Calvert, Dorchester, Garrett, Somerset and Worcester counties, which are among the ten highest risk jurisdictions for smoking among pregnant women in Maryland. The third phase will include Baltimore City, Carroll, Frederick, Harford, St. Mary's, and Wicomico counties.

The Health Department will host a PATCH meeting during the month of April or May 2014 to mobilize partnerships and existing resources at the local level to better address tobacco use screening, education, prevention and smoking cessation services.

MINUTES

Health Department - cont'd

The Grant Award is late because it was received on March 28, 2014.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED THE SUBMITTED DOCUMENTATION AND FOUND THAT IT CONFIRMED THE GRANT AWARD.

UPON MOTION duly made and seconded, the Board approved acceptance of a Grant Award from the Maryland Department of Health and Mental Hygiene for Pregnancy and Tobacco Cessation Help.

MINUTES

Health Department - Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an Agreement with Ms. Hillary J. Michaud. The period of the Agreement is July 1, 2014 through June 30, 2015.

AMOUNT OF MONEY AND SOURCE:

\$10,000.00 - 1001-000000-3021-268400-603018
(\$75.00 per hour)

BACKGROUND/EXPLANATION:

Ms. Michaud will function as a Hearing Officer to provide for the resolution of disputes arising as a result of licensing, regulation, and enforcement of certain activities administered by the Health Section, in accordance with the Baltimore City Code and/or Rules and Regulations promulgated thereunder by the City.

APPROVED FOR FUNDS BY FINANCE**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Agreement with Ms. Hillary J. Michaud.

MINUTES

Health Department - Employee Expense Statement

ACTION REQUESTED OF B/E:

The Board is requested to approve the expense statement for Mr. Kompan Ngamsnga for the month of January 2014.

AMOUNT OF MONEY AND SOURCE:

\$95.00 - 1000-000000-3150-307700-603020

BACKGROUND/EXPLANATION:

Mr. Ngamsnga submitted his expense statement after completion of on-line training. The course fee was paid on January 21, 2014, with class meetings occurring once per week for six weeks. It was necessary for him to present his certification upon completion of the training on February 28, 2014. There was a delay in the arrival of a hard copy of the certificate after the course was completed.

The Administrative Manual, in Section 240-11, states that Employee Expense Reports that are submitted more than 40 work days after the last calendar day of the month in which the expenses were incurred require Board of Estimates approval.

MWE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved the expense statement for Mr. Kompan Ngamsnga for the month of January 2014.

MINUTES

Fire Department - Grant Subaward

ACTION REQUESTED OF B/E:

The Board is requested to approve acceptance of the FY 2013 Emergency Medical Services Grant Subaward from the Maryland Institute for Emergency Services Systems. The period of the grant award is effective upon Board approval through December 31, 2014.

AMOUNT OF MONEY AND SOURCE:

\$25,000.00 - 5000-580914-3191-308700-405001

BACKGROUND/EXPLANATION:

This grant will provide the Baltimore City Fire Department to develop and institute a Manual of Procedures that fits into the Police initial response to an Active Shooter/Mass Casualty Incident, thus providing a coordinated response in an effort to mitigate any dangers and maximize lifesaving efforts.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED THE SUBMITTED DOCUMENTATION AND FOUND THAT IT CONFIRMED THE GRANT AWARD.

UPON MOTION duly made and seconded, the Board approved acceptance of the FY 2013 Emergency Medical Services Grant Subaward from the Maryland Institute for Emergency Services Systems.

MINUTESSpace Utilization Committee - Lease Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Lease Agreement with Ms. Michelle Feeney, lessee, for the rental of property located at 1427 Light Street, known as School 33, Studio #107, first floor. The period of the Lease Agreement is January 1, 2014 through December 31, 2014, with one 1-year renewal option.

AMOUNT OF MONEY AND SOURCE:

<u>Annual Rent</u>	<u>Monthly Rent</u>
\$4,560.00	\$ 380.00

BACKGROUND/EXPLANATION:

The lessee will use the leased premises as an artist's studio.

The lessee will be responsible for content insurance, janitorial, trash receptacles, and security. The lessor will be responsible for heat, electricity, and water.

The Space Utilization Committee approved this lease on April 22, 2014.

The Lease Agreement is late because of a delay in obtaining the lessee's signature and notary.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Lease Agreement with Ms. Michelle Feeney, lessee, for the rental of property located at 1427 Light Street, known as School 33, Studio #107, first floor.

MINUTES

Space Utilization Committee - Lease Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Lease Agreement with the Baltimore City Board of School Commissioners, tenant, for the rental of a portion of the property located at 1510 W. Lafayette Avenue, being on the first and second floors, consisting of approximately 7,200 square feet. The period of the Lease Agreement is July 1, 2013 through June 30, 2014.

AMOUNT OF MONEY AND SOURCE:

Annual Rent

\$1.00

BACKGROUND/EXPLANATION:

The tenant will use the leased premises as an Alternative School for selected Baltimore City Public School students.

The landlord will be responsible for maintenance and repair of the property, burglar and fire alarm systems, and utilities.

The tenant will be responsible for providing custodial services, liability insurance, telephone service, and security of the leased premises.

The Lease Agreement is late because of extensive and ongoing negotiations of a related Contractor Agreement between the Baltimore City School Commissioners and the Mayor's Office of Employment Development, which was recently resolved.

The Space Utilization Committee approved this lease on April 22, 2014.

MINUTESSpace Utilization Committee - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Lease Agreement with the Baltimore City Board of School Commissioners, tenant, for the rental of a portion of the property located at 1510 W. Lafayette Avenue, being on the first and second floors, consisting of approximately 7,200 square feet.

MINUTES

Police Department - Acceptance of Notice of Intent
to Award a Grant

ACTION REQUESTED OF B/E:

The Board is requested to approve acceptance of the Notice of Intent for a grant award from the Governor's Office of Crime Control and Prevention (GOCCP). The period of the grant is April 1, 2014 through April 30, 2014.

AMOUNT OF MONEY AND SOURCE:

\$4,875.00 - 4000-474914-2041-198500-600000

BACKGROUND/EXPLANATION:

On April 3, 2014, the GOCCP released a Letter of Intent to the Police Department for the "Police-Involved Shooting and Crime Scene Investigation Training-LETS" grant. This award will fund the training fees for 25 officers to attend training on the necessary skills that are applicable to effectively investigate officer-involved shootings and in-custody deaths.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED THE SUBMITTED DOCUMENTATION AND FOUND THAT IT CONFIRMED THE GRANT AWARD.

A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.

The Board of Estimates received and reviewed Ms. Trueheart's protest. As Ms. Trueheart does not have a specific interest that is different from that of the general public, the Board will not hear her protest. Her correspondence has been sent to the appropriate agency and/or committee which will respond directly to Ms. Trueheart.

UPON MOTION duly made and seconded, the Board approved acceptance of the Notice of Intent for a grant award from the Governor's Office of Crime Control and Prevention.

Kim A. Trueheart

April 29, 2014

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

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of poor fiscal administration and management by the Mayor of Baltimore City and the various Departments and Agencies under our mayor's leadership and direction.

The following details are provided to initiate this action as required by the Board of Estimates:

1. Whom you represent: Self
2. What the issues are:
 - a. Page 34, Police Department – Acceptance of Notice of Intent to Award a Grant Agreement, if approved:
 - i. This action provides funding for “Police-Involved Shooting and Crime Scene Investigation Training-LETS” grant;
 1. This item fails to disclose whether this training will be offered in house or will outside vendors.
 2. Please provide access to details concerning the provider of training and their past outcome performance metrics.
3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I am significantly impacted by poor fiscal administration and management within my home town government. This training should be offered however the training should be from outside sources. This opportunity is a welcome addition to the usual wasteful spending contained in the weekly BOE agenda.
4. The remedy I seek and respectfully request is that provider of this training be disclosed before it is approved by this board.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on April 30, 2014.

If you have any questions regarding this request, please telephone me at (410) 205-5114.

Sincerely,
Kim Trueheart, Citizen & Resident

Email: ktrueheart@whatfits.net
5519 Belleville Ave
Baltimore, MD 21207

MINUTES

Department of Recreation - Grant Agreement
and Parks

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Grant Agreement with Parks and People Foundation, Inc. The period of the grant is January 1, 2014 through December 31, 2014.

AMOUNT OF MONEY AND SOURCE:

\$18,000.00 - 5000-577714-4781-363900-607001

BACKGROUND/EXPLANATION:

The funds will compensate the Parks and People Foundation, Inc. for costs affiliated with the Urban Resources Initiative (URI) Program.

The URI program has been a collaboration between the Department of Recreation and Parks, the Parks and People Foundation, Inc. and several universities since 1989. The Department's contribution will cover part of the cost of program staff to undertake internship development, recruitment, screening of interns, placement assistance, and ongoing management of the program, including support of the URI Advisory Committee. The program identifies well-qualified graduate and undergraduate college interns to perform internships in natural resource management and other academic fields that can positively affect the Department and Baltimore City.

This request is late because of the delays in the administration review process.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

MINUTES

Department of Recreation and Parks - cont'd

A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.

The Board of Estimates received and reviewed Ms. Trueheart's protest. As Ms. Trueheart does not have a specific interest that is different from that of the general public, the Board will not hear her protest. Her correspondence has been sent to the appropriate agency and/or committee which will respond directly to Ms. Trueheart.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Grant Agreement with Parks and People Foundation, Inc. The Mayor **ABSTAINED**.

Kim A. Trueheart

April 29, 2014

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

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of questionable management and administration within the Department of Recreation and Parks.

The following details are provided to initiate this action as required by the Board of Estimates:

1. Whom you represent: Self
2. What the issues are:
 - a. Page 35, Department of Recreation and Parks - Grant Agreement, if approved:
 - i. Funds Urban Resources Initiative (URI) Program;
 - ii. Fails to disclose measureable performance outcomes for this program which has been in existence since 1989.
 - iii. Fails to justify the continuation of support for a program of questionable value using scarce municipal funds;
 - b. Please provide access to inspect the performance outcomes for this program for FY 2012 and 2013.
3. The remedy that I seek is the requested action should NOT be approved until measures of effectiveness and performance outcomes for the program's past performance are presented to the Board and the public.
4. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I have witnessed the continued disinvestment in municipal recreation facilities, programs and services. This action services to highlight what I perceive to be another lost opportunity to invest in meaningful programs that serve our children and which continues to diminish the quality and availability of quality recreational programs and services to me and more importantly for our children!

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on April 30, 2014.

If you have any questions regarding this request, please telephone me at (410) 205-5114.

Sincerely,
Kim Trueheart, Citizen & Resident

Email: ktrueheart@whatfits.net
5519 Belleville Ave
Baltimore, MD 21207

MINUTES

Mayor's Office of Minority and Women-Owned Business Development - Governmental/Charitable Solicitation Application

ACTION REQUESTED OF B/E:

The Board is requested to endorse a governmental/charitable solicitation application for submission to the Baltimore City Ethics Board to benefit the Baltimore City Foundation, Inc. (BCF) for the Supplier Diversity and Inclusion/MED Week. The period of the solicitation effort is effective upon Board approval through calendar year ending December 31, 2014.

AMOUNT OF MONEY AND SOURCE:

No general funds are involved in this transaction.

The collected funds will be deposited and expenditures paid through the BCF's 190-00 Mayor's Office of Minority and Women-Owned Business Development account.

BACKGROUND/EXPLANATION:

The Supplier Diversity and Inclusion/MED Week was designed to show that the City of Baltimore is open for business for Minority and Women-Owned Business Enterprises. The Supplier Diversity and Inclusion/MED Week will be held the week of October 13 - 17, 2014.

The Baltimore City Ethics Board requires that the submitted application be reviewed and approved by the Board of Estimates.

The Campaign must be conducted in accordance with the standards, terms and conditions set forth in Board Regulation 06.26 and the submitted application.

Periodic Reports (once every 2 months) and a Final Report (within 30 days after all solicitations and anticipated donations have been made) must be filed with the Baltimore City Board of Ethics Form 627.

MINUTES

Mayor's Office of Minority and - cont'd
Women-Owned Business Development

This approval is limited to the calendar year ending December 31, 2014. After that date, a new application will be required for any additional solicitation efforts.

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.

UPON MOTION duly made and seconded, the Board endorsed the governmental/charitable solicitation application for submission to the Baltimore City Ethics Board to benefit the Baltimore City Foundation, Inc. for the Supplier Diversity and inclusion/MED Week.

MINUTES

Department of Housing and - Lien Release
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve the Lien Release, plus all accrued interest and/or penalties on the vacant property located at 1501 E. Lanvale Street, for the transferee, Zion Baptist Church, Inc.

AMOUNT OF MONEY AND SOURCE:

\$20,545.96, plus all accrued interest and/or penalties

BACKGROUND/EXPLANATION:

Pursuant to the Annotated Code of Maryland, Tax Property 14-806, the Board has the authority to release liens against real property under certain circumstances. In this case, the property in question complies with all requirements under the Lien Release law:

- the property is a vacant lot,
- the liens exceed the assessed value of the property, and
- the transferee will redevelop the property and return it to productive use within a reasonable time and eliminate blighting conditions.

The building on the subject property was recently demolished by the City and only the land value of SDAT's assessed value was used in the calculations for this transaction.

The property will be conveyed to the transferee, Zion Baptist Church, Inc., for \$0.00 consideration by the owner/seller, Ms. Delores E. Stokes. The transferee will convert the vacant lot into a paved, landscaped parking lot for use by the church and its members. The release of liens on the property will make it financially feasible for redevelopment to move forward and prevent tax abandonment.

MINUTES

DHCD - cont'd

Prior to settlement, the transferee will pay the City the sum of \$7,377.15, which represents the combined flat tax and water charges on 1501 E. Lanvale Street.

Any additional property tax assessments, water charges, and liens that accrue from the date of this lien release will be the responsibility of the transferee to pay prior to settlement. Failure to record the deed and pay the assessed value of \$7,377.15, within 120 days from the date of approval by the Board, will void this release.

UPON MOTION duly made and seconded, the Board approved the Lien Release, plus all accrued interest and/or penalties on the vacant property located at 1501 E. Lanvale Street, for the transferee, Zion Baptist Church, Inc.

MINUTES

Department of Housing and Community Development - Resolution Authorizing the Filing of the Annual Action Plan for Four Federal Formula Grant Programs

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize the filing of the Annual Action Plan for the following four Federal formula grant programs: Community Development Block Grant (CDBG), Emergency Solution Grant (ESG), HOME Investment Partnership Program (HOME) and the Housing Opportunities for Persons With AIDS (HOPWA).

AMOUNT OF MONEY AND SOURCE:

\$19,560,431.00 - Community Development Block Grant Entitlement of \$18,840,431.00 and projected program income of \$720,000.00

3,570,530.00 - HOME Entitlement of \$3,396,682.00 and projected program income of \$173,848.00

1,527,915.00 - Emergency Solutions Grant

7,841,738.00 - Housing Opportunities for Persons with AIDS

\$32,500,614.00 - CFY 2015 Federal Formula Grant Programs Funding

BACKGROUND/EXPLANATION:

The Annual Action Plan serves as the required annual application to the U.S. Department of Housing and Urban Development (HUD) for the following four Federal formula grant programs: CDBG, HOME, HOPWA and ESG. The Plan was developed by the Department of Housing and Community Development (DHCD), which administers the CDBG and HOME programs, and the Mayor's Office of Human Services/Homeless Service Program, which administers the ESG and HOPWA programs.

The approved funding would be used to support a wide range of community development and housing activities including neighborhood planning initiatives, youth recreation and education programs, creation of affordable housing units, service provision to the elderly, the homeless, and persons with HIV/AIDS.-

MINUTES

DHCD - cont'd

The Annual Action Plan identifies specific activities that will be undertaken during the City fiscal year beginning July 1, 2014.

The submitted Resolution would authorize the Commissioner of the DHCD, and the Director of the Mayor's Office of Human Services, acting on behalf of the Mayor and City Council of Baltimore, to submit the Annual Action Plan for the CDBG, HOME, ESG and HOPWA programs. The Resolution also designates the Commissioner and the Director, as authorized official representatives of the Mayor and City Council of Baltimore, to act in connection with the Annual Action Plan and to provide any information as may be required by HUD. This will include assurances and certifications to ensure that the City will comply with various regulations, policies and other federal laws as prescribed in the Title I Housing and Community Development Act of 1974, as amended.

A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.

The Board of Estimates received and reviewed Ms. Trueheart's protest. As Ms. Trueheart does not have a specific interest that is different from that of the general public, the Board will not hear her protest. Her correspondence has been sent to the appropriate agency and/or committee which will respond directly to Ms. Trueheart.

UPON MOTION duly made and seconded, the Board approved and authorized the filing of the Annual Action Plan for the following four Federal formula grant programs: Community Development Block Grant, Emergency Solution Grant, HOME Investment Partnership Program, and the Housing Opportunities for Persons With AIDS.

Kim A. Trueheart

April 29, 2014

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

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of questionable management and administration by the Department of Housing and Community Development (DHCD).

The following details are provided to initiate this action as required by the Board of Estimates:

1. Whom you represent: Self.
2. What the issues are:
 - a. Page 40, Department of Housing and Community Development (DHCD) – Resolution Authorizing the Filing of the Annual Action Plan for Four Federal Formula Grant Programs, if approved:
 1. Please provide access to the Annual Action Plan for inspection;
 - a. DHCD failed to make this plan widely available to the public for input and comments.
3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I have witnessed questionable management and stewardship of municipal funds by this Mayoral administration and DCHD/HABC specifically. I seek the dissolution of DHCD and HABC in their current form and the establishment of a new single entity under the direct auspicious of the municipal government of Baltimore City, thus allowing for appropriate levels of oversight and scrutiny by the citizens of Baltimore City and our duly elected representatives.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on April 30, 2014.

If you have any questions regarding this request, please telephone me at (410) 205-5114.

Sincerely,
Kim Trueheart, Citizen & Resident

Email: ktrueheart@whatfits.net
5519 Belleville Ave
Baltimore, MD 21207

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Purchases

- | | | |
|--|--------------|---------------|
| 1. APPLIED RESEARCH ASSOCIATES, INC. | \$43,310.00 | Low Bid |
| Solicitation No. B50003453 - Provide SWAT-Point Man Robot - Police Department - Req. No. R657759 | | |
| 2. PLAYGROUND SPECIALISTS, INC. | \$32,978.55 | Select Source |
| Solicitation No. 06000 - Repair of Yale Heights Playground Surface - Recreation and Parks - Req. No. R650207 | | |
| 3. PLAYGROUND SPECIALISTS, INC. | \$49,976.00 | Low Bid |
| Solicitation No. B50003362 - Engineered Woodfiber for Various Playgrounds - Recreation and Parks - Req. No. R650628 | | |
| The period of the award is April 30, 2014 through April 29, 2015, with two 1-year renewal options. | | |
| 4. SAFETY LEAGUE INC.
d/b/a ATLANTIC TACTICAL | \$32,549.44 | Low Bid |
| Solicitation No. B50003490 - SWAT-Protech Shields & Active Shooter Kit - Police Department - Req. No. R660321 | | |
| 5. LORENZ LAWN AND LANDSCAPE, INC. d/b/a LORENZ, INC. | \$183,000.00 | Renewal |
| Contract No. B50002273 - Mowing, Maintenance and Landscaping - Department of Recreation and Parks - P.O. No. P520135 | | |

On May 9, 2012, the Board approved the initial award in the amount of \$156,800.00. The award contained two 2-year renewal options. On January 22, 2013, the City Purchasing Agent approved an increase in the amount of \$22,500.00. This renewal in the amount of \$183,000.00 is for the period May 9, 2014 through May 8, 2016, with one 2-year renewal option remaining.

MWBOO SET GOALS OF 15% MBE AND 5% WBE.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Purchases

MBE: 4 Evergreen Lawn Care	\$29,600.00	18%
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WBE: Fouts Lawn Care Corp., Inc.	\$10,500.00	6%
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MWBOO FOUND VENDOR IN COMPLIANCE.

- | | | |
|-----------------------|--------------|---------|
| 6. PITNEY-BOWES, INC. | \$ 46,105.00 | Renewal |
|-----------------------|--------------|---------|
- Contract No. 06000 - Pitney Bowes Sorter Maintenance and Licensing - Department of Communication Services, Municipal Post Office - Req. No. R663173

On May 13, 2009, the Board approved the purchase of a Sorter for the Municipal Post Office. The award contained four 1-year renewal options. Subsequent actions have been approved. Authority is requested to process the Sorter maintenance and the Sorter renewal license. This renewal in the amount of \$46,105.00 is for the period May 1, 2014 through April 30, 2015.

MWBOO GRANTED A WAIVER.

- | | | |
|-----------------------|--------------|---------|
| 7. PITNEY-BOWES, INC. | \$ 15,144.00 | Renewal |
|-----------------------|--------------|---------|
- Contract No. 06000 - Pitney Bowes Inserter Maintenance - Department of Communication Services, Municipal Post Office - Req. No. R663173

On May 13, 2009, the Board approved the purchase of an Inserter and Peripherals for the Municipal Post Office. The award contained four 1-year renewal options. Subsequent actions have been approved. Authority is requested to approve the renewal of the Maintenance Service contract for the Inserter in the mailroom. This renewal in the amount of \$15,144.00 is for the period May 1, 2014 through April 30, 2015.

MWBOO GRANTED A WAIVER.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Purchases

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| 8. THC ENTERPRISES, INC.
t/a MID-ATLANTIC WASTE SYSTEMS | \$ 0.00 | Renewal |
|--|---------|---------|
- Contract No. B50002308 - Recycle Containers - Department of Public Works, Bureau of Solid Waste - P.O. No. P520975

On June 27, 2012, the Board approved the initial award in the amount of \$90,000.00. The award contained one 2-year renewal option. This renewal in the amount of \$0.00 is for the period July 1, 2014 through June 30, 2016. The above amount is the City's estimated requirement.

MWBOO GRANTED A WAIVER.

- | | | |
|-----------------------------------|----------------|---------------------------|
| 9. FULL CIRCLE SOLUTIONS,
INC. | \$1,467,543.84 | Sole Source/
Agreement |
|-----------------------------------|----------------|---------------------------|
- Contract No. 08000 - Integrated Collection Systems, Upgrades Licenses and Support Services - Department of Finance - Req. No. R661044

The Board is requested to approve and authorize execution of an amendment to agreement with Full Circle Solutions, Inc. The period of the agreement is April 1, 2014 through March 31, 2016, with three 1-year renewal options.

The Bureau of Revenue Collections desires to engage Full Circle Solutions, Inc. for upgrades, licenses, and support for various collection and tax systems. The vendor is the sole provider of the proprietary software, has provided the services since January 2008, and is the only authorized vendor providing the continued upgrades, licenses, and support.

The City posted a Notice of Intent to Waive Competition B50003474 on CitiBuy with no vendors responding. The pricing has been reviewed and deemed fair and reasonable. The above amount is the City's estimated requirement.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

It is hereby certified, that the above procurement is of such a nature that no advantage will result in seeking nor would it be practical to obtain competitive bids. Therefore, pursuant to Article VI, Section 11 (e)(i) of the City Charter, the procurement of the equipment and/or service is recommended.

MWBOO GRANTED A WAIVER.

10. MCLEAN CONTRACTING

COMPANY	\$300,000.00	Renewal
Contract No. B50001438 - Requirements for Structural Maintenance and Dredging of Inner Harbor - Department of Transportation - P.O. No. P513113		

On May 12, 2010, the Board approved the initial award in the amount of \$400,000.00. The award contained two 1-year renewal options. Subsequent actions have been approved. This final renewal in the amount of \$300,000.00 is for the period May 12, 2014 through May 11, 2015.

MWBOO SET GOALS OF 25% MBE AND 10% WBE AND FOUND VENDOR IN COMPLIANCE BASED UPON A GOOD FAITH EFFORT AT 8.97% MBE AND 4.48% WBE PARTICIPATION.

MBE: G.E. Frisco Co., Inc.	\$58,399.70	10.43%
Manjoe Insurance Agency, Inc.	2,400.00	0.43%
	\$60,799.70	10.86%
WBE: A2Z Environmental Group, LLC	\$ 3,502.72	0.62%
Hopkins Fuel Oil Company	2,723.24	0.49%
	\$ 6,225.96	1.11%

Vendor was found non-compliance on WBE participation on April 10, 2014. MWBOO recommends that the vendor be given 60 days to come into compliance with WBE participation commitment.

MWBOO FOUND VENDOR IN NON-COMPLIANCE.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Purchases

President: "The second item on the non-routine agenda can be found on Page 45-46, Informal Awards, Renewals, Increases to Contracts and Extensions, Item 10, Contract B50001438, Requirements for Structural Maintenance and Dredging of Inner Harbor. Will the parties please come forward?"

Mr. Tim Krus: "Tim Krus, City Purchasing Agent. This is a renewal of a requirements contract for \$300,000.00 to McLean Contracting Company for structural maintenance and dredging of the Inner Harbor."

President: "Madam Comptroller."

Comptroller: "Yes, I had a couple questions and you responded, but it appears that, um, these contracts are not monitored until they are up for renewal or -- that they're not being monitored for compliance, and my question for the Board, um, for you, is to explain why that they're not monitored and they're uh, being extended, increased or uh, coming up for renewal."

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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<u>Mclean Contracting Company - B50001438</u>	-	cont'd
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Mr. Krus: "Typically, there are certain events that kick off the monitoring cycle and uh, those events are an increase in the contract, or a renewal of the contract. Uh, certainly when we go out to bid, um we are not in a position where all contracts are monitored at all times. The other difficulty with that is if we monitor too often we might not "hit" the work at the proper point in its cycle. Uh, just because a vendor, uh, has goals doesn't mean those goals happen evenly over the course of the contract. In some cases they happen at the beginning, the middle or even toward the end of the contract."

Comptroller: "Just let me state that the MWBOO Ordinance in Section 28-12(b)(8) states that, 'the duties of MWBOO include monitoring contracts throughout the duration of the contracts to insure that all efforts are made to comply with the sub-title,' and it also states in 28-86, that MWBOO is to monitor compliance during the term of the contracts subject to the sub-title. The office must monitor continued compliance with the sub-title."

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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<u>McLean Contracting Company - B50001438</u>		- cont'd
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Mr. Thomas Corey: "Good morning, Mr. President, members of the Board, uh -- Thomas Corey, Chief of the uh -- Minority and Women's Business Opportunity Office. Um -- that much of the law, it is true. Um -- the um -- the difficulty we have is that there are so many contracts that we have to look at over the course of a year. We can't get to all of them on any kind of recurring basis and so when there is a request for extension, or uh, some other activity comes up, that gives us an opportunity and we have to um, go ahead and monitor it. In this particular one, this contract, we did look at it, uh, in 2013 and found that McLean uh -- was not uh -- compliant because they were not achieving the MBE goal and there were certain things they should have done and so we reached out to McLean and the MBE 'sub' to make sure they did what they were supposed to do, and they did come into compliance with the MBE goal.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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<u>McLean Contracting Company - B50001438</u>	-	cont'd
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Now coming forward, we look again with this extension, we find that McLean is not achieving the WBE goal, so what we're going to do is go back to them again and in addition to that, uh, we're looking at the contract as a whole and seeing whether or not the WBE goal is actually realistic because the goals started out at 25 and 10. We looked at it in 2010 and found that the goals were not realistic as originally set due to the nature of the work. We need to look again to make sure that the WBE goal that we have set at this point -- is actually realistic; we need to talk to the MBE 'subs,' we need to talk to the 'prime' contractor and we need to talk again with the agency to see whether or not if this goal is realistic and make adjustments accordingly, if it's warranted."

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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McLean Contracting Company - B50001438 - cont'd

City Solicitor: "Could you explain what it is about the nature of the work that is making the goals difficult to achieve?"

Mr. Corey: "Well one of the things is that um, McLean is called to do work of an emergency nature and so that makes it difficult to involve the MBE and WBE 'subs,' and two, that there was, when we first looked at this contract, it was thought that there was going to be a lot of material that's going to be dredged up and placed on shore that somebody could cart away. We don't see that that's happening and we need to look to -- to confirm that that's what's happened because some of the things that were originally envisioned that would happen particularly with this contract on the WBE side may not be happening and we need to take a look at that."

Comptroller: "So, what action will be taken if the vendor doesn't come into compliance within 60 days?"

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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<u>Mclean Contracting Company - B50001438</u>	-	cont'd
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Mr. Corey: "That's a very good question, um, and looking at this contract, uh, personally I know that there's only one contractor that does this work -- with the City, so we're in a difficult position with this and I would hesitate to say what to do, or what we can do at this point."

City Solicitor: "Can you move and maybe use the other mic?"

President: "Yes."

Mr. Corey: "Yes."

President: "The little piece came off."

City Solicitor: "Right. It's been missing for a couple weeks actually."

Mr. Corey: "Okay, thanks, because I can't see without these. But anyway, that's, that's it and I would hesitate to make a statement as to exactly what we would do. We would have to do as the law requires the agency, and um, and see what can be done that will uh -- address the best interest of the City."

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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<u>Mclean Contracting Company - B50001438 - cont'd</u>		
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President: "I'll entertain a Motion."

City Solicitor: "Uh, MOVE approval of the renewal as requested by the Bureau of Purchases."

Director Public Works: "Second."

President: "All those in favor say AYE. All opposed NAY."

Comptroller: "**NAY.**"

President: "Please note that Council President Young votes **NAY** and the Comptroller Pratt votes 'NAY.' The Motion carries."

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Purchases

AARON'S TOWING, LLC

MBE: N/A

WBE: N/A

MWBOO FOUND VENDOR IN COMPLIANCE.

The vendor has performed \$25,000.00. MBE/WBE goals not applicable at this time.

MCDEL ENTERPRISES, INC.

MBE: Diamond Ironwork, Inc. \$ 505.00 0.11%

WBE: Cherry Hill Fabrication & \$1,350.26 0.29%
Machine Shop, Inc.

MWBOO FOUND VENDOR IN NON-COMPLIANCE.

Vendor will be given 60 days to come into compliance.

A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.

The Board of Estimates received and reviewed Ms. Trueheart's protest. As Ms. Trueheart does not have a specific interest that is different from that of the general public, the Board will not hear her protest. Her correspondence has been sent to the appropriate agency and/or committee which will respond directly to Ms. Trueheart.

Kim A. Trueheart

April 22, 2014

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

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of a lack of vision, poor fiscal planning and management and failure to capitalize on strategic investment opportunities in our youth by the Mayor of Baltimore City and the MWBOO staff.

The following details are provided to initiate this action as required by the Board of Estimates:

1. Whom you represent: Self
2. What the issues are:
 - a. Page 27, Item 8, Bureau of Purchases, RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS - B50002397 – Citywide Violation Towing Services, if approved:
 - i. Before Board consideration, this item should be moved to the non-routine agenda;
 1. This action clearly depicts the arbitrary and capricious decision making of the chief of the MWBOO who has, since 2013, mis-applied participation goals for similar purchases;
 - a. Participation goals for this award are:
 - i. MWBOO SET GOALS OF 10% MBE AND 3% WBE.
 - b. Participation goals for a similar award B50003073 to The Auto Barn, Inc. and Frankford Towing, Inc. 09/25/2013 were:
 - i. MWBOO SET GOALS OF 5% MBE AND 5% WBE.
 - c. Participation goals for a similar award B50001009 to The Auto Barn, Inc. and TED'S TOWING SERVICE, 04/24/2013 were:
 - i. MWBOO SET GOALS OF 5% MBE AND 0% WBE.
2. The MWBOO lacks standard policy and procedures in writing;
 - a. The MINORITY AND WOMEN'S BUSINESS ENTERPRISES LAW, ART. 5, clearly states that the

Email: ktrueheart@whatfits.net

5519 Belleville Ave
Baltimore, MD 21207

office will produce written policy and procedures which shall be filed with the Legislative Reference Office, which HAS NOT BEEN ACCOMPLISHED!!!

3. This MWBOO participation decision fails to uphold the MINORITY AND WOMEN’S BUSINESS ENTERPRISES LAW;
 4. This action clearly puts the entire MWBOO in jeopardy of NOT meeting the judicial test of constitutional strict scrutiny;
- b. How the protestant will be harmed by the proposed Board of Estimates’ action:
As a citizen I am experiencing a significant financial burden with annual tax increases, sewer and water service increases, user fee increases, parking meter rate increases and significantly reduce services as a resident. This action fails to aid in the elimination of business discrimination against M/WBEs in the private sector of the City of Baltimore’s market area. This already onerous burden will be exacerbated by this arbitrary practice which has failed to facilitate contract disbursements to all segments of the minority and women’s business market place.
3. The remedy I seek and respectfully request is that this action be moved to the non-routine agenda, and the MWBOO provide a detailed overview of their procedures for setting participation goals in a public presentation before the board and attending public.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on April 23, 2014.

If you have any questions regarding this request, please telephone me at (410) 205-5114.

Sincerely,
Kim Trueheart, Citizen & Resident

5519 Belleville Ave
Baltimore, MD 21207

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Purchases

President: "The third item on the non-routine agenda can be found on Page 46-47, Informal Awards, Renewals, Increases to Contracts and Extensions, Item Number 11, Contract B50002397, Citywide Violation Towing Services. Will the parties please come forward?"

Mr. Tim Krus: "Tim Krus, City Purchasing Agent. This is an increase to, this is an increase to three towers on this contract so that they can have sufficient funds to go forward with the towing work they're doing with the City."

President: "Madam Comptroller."

Comptroller: "Um, yes, what, what type of additional assistance does the Bureau recommend that the City offer to assist the vendors um, in coming into compliance?"

Mr. Thomas Corey: "Good morning, Mr. President, members of the Board, uh -- Thomas Corey, Chief of the uh -- Minority and Women's Business Opportunity Office. Um -- what we're doing,

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Purchases

and we've already started with uh -- this one tower, McDel, to find out exactly, um -- why it's not coming into compliance. We worked with this, this particular vendor prior to bid submission to insure that um -- she was able to get certified, and then also worked with her in terms of how to submit a bid that will be responsive and responsible, and as you may have read, that when the bid was originally submitted by this company it was not compliant. We gave them 10 days of which to come into compliance um -- with the uh -- MBE requirement, uh -- that happened we moved forward to this last monitoring session, we find now that McDel is not uh -- achieving the MBE and WBE goals. We've already, as I said, "touched bases" with her to see whether or not the MBE that uh -- was named on their submission is, in fact, a good MBE due to the nature of the work, and whether or not there is enough work in this contract um, with, let's say the iron work um -- situation in order for this company to achieve the goals.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Purchases

But, we need to work with her and find out exactly what it is that's going on with her to cause her not to make these goals, uh -- and we intend to do that. We have already started that process."

Comptroller: "Right, but my concern is that on one contract, McDel is a "prime", doesn't meet the goal but then on the other contract, McDel is a "sub" and is making sure that they are meeting, that they are getting the work that is due them."

Mr. Corey: "The "prime" is making sure that McDel is being used to achieve their goals on, on, on its contract."

Comptroller: "Right. But McDel --"

Mr. Corey: "Right. But McDel, on its contract is not achieving its goals --"

Comptroller: "Right."

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Contract No. B50002397, Citywide Violation Towing - cont'd

Mr. Corey: "-- so we have to work with McDel as the 'prime' to try to see um -- to keep them "in the game" and uh -- bring them along, because as you know, this is a new contractor, a small contractor, and uh, so not all of the ramifications of City government work and procedures are, and we will do what we can to try to make sure that they uh, stay in the -- process."

Comptroller: "What, what action will we take if the um -- if they don't come into compliance within 60 days?"

Mr. Corey: "Well, -- the Bureau of Purchases and uh -- and they will go, either recommend termination of the contract --"

Comptroller: "Okay."

Mr. Corey: "-- and uh -- I'm not sure what they would do because this -- these two towers are integral in the City's towing scheme."

Comptroller: "Um hmm."

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Contract No. B50002397, Citywide Violation Towing - cont'd

Mr. Krus: "Madam Comptroller, needless to say we have had a number of towers who no longer tow for the City for various reasons that this Board has considered, so we are trying to do our very best to work with the towers that we still have and they do appear to be doing good work for the City, to keep them onboard; uh -- if it came to that, we would have to look at who else might be able to pick up the sectors that are involved. Or if DoT would be able to pick up some of that work."

City Solicitor: "Mr. Corey, um, this item, I think was deferred a week, out of, in deference to Councilman Curran to brief him and make sure he um -- was familiar with the situation. Has that been done?"

Mr. Corey: "Yes it has, and it's my understanding that Councilman Curran is, uh -- he feels satisfied with what we're doing and what's taking place at this time."

City Solicitor: "Thanks."

President: "I entertain a Motion."

City Solicitor: "MOVE uh -- move approval of the recommendation of the Bureau of Purchases uh -- for increase to these particular contracts."

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
---------------	------------------------	--------------------

Contract No. B50002397, Citywide Violation Towing - cont'd

Director Public Works: "Second."

President: "All those in favor say AYE. All opposed NAY."

Comptroller: "NAY."

President: "Please note that Council President votes **NO** and the Comptroller votes '**NO**'. The Motion carries."

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
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Bureau of Purchases

12. a. GREENWOOD TOWING, INC.	\$ 400,000.00	
b. UNIVERSAL TOWING, LLC	500,000.00	
c. MCDEL ENTERPRISES, INC.	400,000.00	
	<u>\$1,300,000.00</u>	Increase

Contract No. B50002251 - Citywide Police Requested Towing Services - Department of Transportation, Police Department - P.O. Nos. Various

On August 15, 2012, the Board approved the initial award in the amount of \$1,800,000.00. The contract expires on August 31, 2015 with two 1-year renewal options remaining. On April 10, 2013, the Board approved termination and substitution of vendors in the amount of \$1,200,000.00. Subsequent actions have been approved. Due to increased usage, an increase in the amount of \$1,300,000.00 is necessary. This amount is the City's estimated requirement. This increase in the amount of \$1,300,000.00 will make the total award amount \$7,000,000.00.

MWBOO SET GOALS OF 10% MBE AND 3% WBE.

GREENWOOD TOWING, INC.

MBE: Hopkins Fuel Oil Company	\$18,486.26	10%
WBE: Maryland Reprographics, Inc.	\$ 3,329.86	
Viking Chemicals, Inc.	<u>1,376.29</u>	
	\$ 4,706.15	3%

MWBOO FOUND VENDOR IN COMPLIANCE.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of PurchasesUNIVERSAL TOWING, LLC

MBE: JJ Adams Fuel Oil Co.	\$ 8,400.00	2.48%
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WBE: Tote-It, Inc.	\$ 3,048.00	0.90%
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MWBOO FOUND VENDOR IN NON-COMPLIANCE.

Vendor will be given 60 days to come into compliance.

MCDEL ENTERPRISES, INC.

MBE: Diamond Ironwork, Inc.	\$ 505.00	0.28%
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WBE: Anne Tisdale & Associates, Inc.	0	0%
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MWBOO FOUND VENDOR IN NON-COMPLIANCE.

Vendor will be given 60 days to come into compliance.

President: "The fourth item on the non-routine agenda can be found on Page 48-49, Informal Awards, Renewals, Increases to Contracts and Extensions, Item 12, Contract B50002251, Citywide Police Requested Towing Services."

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
---------------	------------------------	--------------------

<u>Bureau of Purchases</u>	- <u>Contract B50002251, Citywide Police Towing</u>	
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Mr. Tim Krus: "Tim Krus, City Purchasing Agent. Another contract for towing in which we have increases to three of the vendors to keep them doing work. Uh, there is some additional non-compliance on this as well, and uh, I think some of the things that we just said about Citywide Police Requested Towing would apply here also."

President: "I entertain a Motion."

City Solicitor: "MOVE approval of the recommendation of the Bureau of Purchases on these particular contracts, Item 12, Page 48 and 49."

Director Public Works: "Second."

President: "All those in favor say AYE. All opposed NAY."

Comptroller: "NAY."

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
---------------	------------------------	--------------------

<u>Bureau of Purchases - Contract B50002251, Citywide Police Towing</u>		
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President: "Please note that Council President Young votes "NO" and the Comptroller votes "NO." The Motion carries."

Deputy Comptroller: "Your NO vote is on 12 b and 12 c."

Comptroller: "Okay, you want to clarify that?"

Deputy Comptroller: "I'm pleased to announce that Madam Comptroller is voting for Pages 48 and 49; Items 12 b and 12 c, a "NO" vote. Thank you."

13. GANS, GANS AND

<u>ASSOCIATES, INC.</u>	<u>\$ 72,000.00</u>	<u>Selected Source</u>
Contract No. 06000 - Executive Search and Consulting Services - Human Resources Department - Req. No. R653702		

On February 29, 2012, the Board approved the competitively solicited professional service Contract B50002248 for Executive Search and Consulting Services in the amount of \$14,000.00 that expired on February 28, 2014, with no renewal options remaining. However, the vendor has agreed to continue to provide the services. It is requested that a short term contract be approved at the same pricing, specifications, terms, and conditions as in Contract B50002248, to allow for up to four searches and related travel expenses in the amount of \$72,000.00 in order to provide the necessary time to re-solicit the requirements. The period of the new Contract is April 16, 2014 through December 31, 2014 with no renewal options. The above amount is the City's estimated requirement.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Purchases

It is hereby certified, that the above procurement is of such a nature that no advantage will result in seeking nor would it be practical to obtain competitive bids. Therefore, pursuant to Article VI, Section 11 (e)(i) of the City Charter, the procurement of the equipment and/or service is recommended.

MWBOO GRANTED A WAIVER.

UPON MOTION duly made and seconded, the Board approved the informal awards, renewals, increases to contracts and extensions. The Board approved and authorized execution of the agreement with Full Circle Solutions, Inc. The President Voted **NO** on item nos. 10, 11, and 12. The Comptroller Voted **NO** on item nos. 10, 11, 12b, and 12c.

MINUTES

Department of Finance - Renewal of FY 2014 Flood Coverage
Office of Risk Management

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the renewal of flood coverage for the Baltimore City Police Headquarter and Annex Buildings. This policy is written through National Flood Services and renews April 22, 2014.

AMOUNT OF MONEY AND SOURCE:

\$41,858.00 - 2043-000000-1450-162900-036014

BACKGROUND/EXPLANATION:

On September 13, 2003, storm surge and heavy rain from Hurricane Isabel flooded the basement of the Baltimore City Police Headquarter Building to a depth of 22". A claim was made with the Federal Emergency Management Agency (FEMA). Public assistance reimbursement was obtained. Since the facility is located in a 100 year floodplain, distribution of FEMA Public Assistance is contingent upon securing and maintaining flood coverage.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized the renewal of flood coverage for the Baltimore City Police Headquarter and Annex Buildings.

MINUTES

Law Department - General Release Claim

ACTION REQUESTED OF B/E:

The Board is requested to approve a proposed settlement claim with Nicole Mollenkoph, Claimant.

AMOUNT OF MONEY AND SOURCE:

The City will pay no money for this settlement. The City will abate the balance of invoice No. 7044845 totaling \$16,336.28.

BACKGROUND/EXPLANATION:

The settlement would involve the City abating invoice No. 7044845, which presently has a balance of \$16,336.28 in total charges (\$15,005.72 plus interest and penalties) related to emergency wall and foundation work performed by HABCo at 243 S. Madeira Street in February 2013. In exchange, the Claimant will sign a release for the remainder of her claims for damage to her property (approximately \$15,000.00) caused by a water leak from the City's system and a resulting sinkhole abutting her property.

The Claimant uses the property as a rental home. On September 25, 2012, her tenant at 243 S. Madeira reported a water leak to the City. The sump pumps at 243 and 241 S. Madeira Street had been running constantly. On November 17, 2012, the internal foundation at 243 S. Madeira Street partially collapsed. On November 20, 2012, the properties 241 and 243 S. Madeira Street were condemned.

Subsequently, a large sinkhole developed in the sidewalk and street areas in front of both homes. This required emergency external foundation stabilization work. Ultimately, the City determined that the sinkhole and related problem were caused by a leak in a water valve for the property directly across the street (240 S. Madeira Street). The Claimant reluctantly agreed to allow HABCo to make these repairs, but disputed that she should be responsible for their costs.

MINUTESLaw Department - cont'd

This proposal has been reviewed by the Deputy Commissioner for Permits and Code Enforcement at HCD and the Large Settlement Committee of the Law Department and found to be a responsible and fair settlement.

UPON MOTION duly made and seconded, the Board approved the proposed settlement claim with Nicole Mollenkoph, Claimant.

MINUTES

Mayor's Office of Information - Expenditure of Funds
Technology (MOIT)

The Board is requested to approve the payment to the various service providers.

1. **CONNECTED BITS** **\$ 1,250.00**

Account: 1001-000000-1512-167700-603098

The original Purchase Order for \$7,500.00 covered 12 months of services at \$625.00 per month. This is incorrect since it should have been prepared to cover 14 months of services. As a result, Connected Bits is due an additional \$1,250.00.

2. **EASTBANC TECHNOLOGIES** **\$19,200.00**

Account: 6000-600614-1474-167700-603051

In cooperation with the Baltimore City Police, MOIT received a grant from the Abel Foundation to create a web application that allows Baltimore business owners and residents to register their privately owned security cameras with the City of Baltimore. The vendor provided an additional 160 hours of services in order to complete the project. As a result EastBanc Technologies is due \$19,200.00.

3. **IRON MOUNTAIN** **\$ 3,668.32**

Account: 1001-000000-1472-165800-603080

Iron Mountain was the vendor that provided data storage service to the MOIT Data Entry area. MOIT now uses a new vendor since it has a new mainframe in place and no longer needs this service through Iron Mountain. The previous invoices were submitted to the incorrect agency and overlooked. All other payments were made to the vendor with the exception of those itemized on the submitted invoice.

MINUTESMOIT - cont'd**4. PORT NETWORKS****\$ 1,604.70**

Account: 1001-000000-1474-165700-603080

Port Networks installed point-to-point connection from the Ravens Stadium to BARCS in order to obtain MOIT Network connectively. Connection was needed for the Grand Prix event. Initially, a Change Order was submitted to Purchases to cover these additional costs of \$1,604.70 for the grounding project which in turn closed out the Purchase Order No. P524435. However, MOIT has been made aware that this was overlooked.

APPROVED FOR FUNDS BY FINANCE**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved the expenditure of funds to pay the foregoing service providers. Item no. 2, the request to pay Eastbanc Technologies was **WITHDRAWN.**

MINUTES

Mayor's Office of Information - Consultant Agreement
Technology

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Consultant Agreement with LifeCycle Corporation. The period of the Consultant Agreement is effective upon Board approval through June 30, 2014.

AMOUNT OF MONEY AND SOURCE:

\$44,200.00 - 1001-000000-1512-167800-603018

BACKGROUND/EXPLANATION:

LifeCycle Corporation, Consultant, will serve under the direction of a Human Resources Business Partner to provide Family Medical Leave quality control compliance services. These services will include, but will not be limited to quality control compliance and activity checks of the Family Medical Leave personnel, administrative documentation of quality control compliance findings of the Family Medical Leave Abuse, and video/photographic documentation of quality control compliance of the Family Medical Leave.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

A PROTEST WAS RECEIVED FROM O'CONNOR AND VERDERAIME ON BEHALF OF CUB.

UPON MOTION duly made and seconded, the Board **DEFERRED** this Consultant Agreement with LifeCycle Corporation for one week.

A Professional Corporation
O'CONNOR & VERDERAIME

Attorneys at Law

2117 North Howard Street

Baltimore, Maryland 21218

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Fax 410-962 1495

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Of Counsel:

Robert C. Verderaime

April 29, 2014

Board of Estimates
Attn: Clerk, Room 204 City Hall
100 N. Holliday Street
Baltimore, MD 21202

VIA: HAND DELIVERY

**RE: PROTEST TO PROPOSED ACTION BY THE BOARD OF ESTIMATES
Consultant Agreement with LifeCycle Corporation. \$44,200**

Honorable Members of the Board:

On behalf of the City Union of Baltimore, Local 800, AFT, AFL-CIO, it's President, Yvonne Rice, and all Members thereof, please accept this letter as notice of protest to the above captioned, proposed action. The issue presented is whether the requested funds should be appropriated for the stated purpose, or whether the same funds would be better utilized to purchase Family and Medical Leave Act *Training* for the Managers of the Requesting Agency. It is clear from their conduct that the Management of MOIT are clearly unaware of the provision of, and protections provided to Employees by the Family Medical Leave Act.

The Family and Medical Leave Act was a major part of President Bill Clinton's first term agenda and was signed into law on February 5, 1993 taking effect six months later. The State of Maryland published a Family and Medical Leave Act (FMLA) Guide through the Department of Budget and Management, Office of Personnel Services and Benefits in November, 1999, revised under Governor Martin O'Malley's Administration in August, 2013. (a copy is attached for the Record).

"The Act is intended to balance the demands of the workplace with the needs of families by allowing leave for certain medical reasons, promoting the stability and economic security of families, and promoting national interests in preserving family integrity."¹ Since the creation of what has been titled a "Human Resource Business Partner" within the Requesting Agency,² managers within MOIT have taken aggressive steps to interfere with the exercise or attempt to exercise the rights provided to employees by the FMLA through unlawful harassment, intimidation, and discipline. The conduct and behavior of the Management within MOIT has been sufficiently egregious to warrant a Complaint to be filed on April 4, 2014 with the United States Department of

¹ State of Maryland Family and Medical Leave Act (FMLA) Guide, p.1.

² Shiria Anderson, current incumbent.

Labor on behalf of 24 different employees of MOIT. (A copy of the Letter, without attachments, is attached for the record.)

At it's meeting scheduled for April 30, 2014, the Board will have before it the issue of whether to approve the a request by MOIT for an appropriation of \$44,000 +/- to hire an FMLA Investigator. Should the Board elect to hire such an Investigator rather that provide FMLA training for MOIT managers, the City Union of Baltimore would request that the Investigation be directed at the unlawful conduct of Management.

Respectfully submitted,

Law Offices of O'Connor & Verderaime, P.C.

By:

A handwritten signature in black ink, appearing to read "Daniel S. O'Connor", written over a horizontal line.

Daniel S. O'Connor, Esquire

cc. Yvonne Rice, President,
City Union of Baltimore, Local 800, AFT, AFL-CIO

BOARD OF ESTIMATES

AGENDA

[REDACTED]

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Consultant Agreement with LifeCycle Corporation. The period of the Consultant Agreement is effective upon Board approval through June 30, 2014.

AMOUNT OF MONEY AND SOURCE:

\$44,200 [REDACTED]

BACKGROUND/EXPLANATION:

LifeCycle Corporation, Consultant, will serve under the direction of a Human Resources Business Partner to provide Family Medical Leave quality control compliance services. These services will include, but will not be limited to quality control compliance and activity checks of the Family Medical Leave personnel, administrative documentation of quality control compliance findings of the Family Medical Leave Abuse, and video/photographic documentation of quality control compliance of the Family Medical Leave.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

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



City Union of Baltimore

Local 800, AFT, AFL-CIO

April 4, 2014

United States Department of Labor
Wage and Hour Division
103 South Gay St.
Room 207
Baltimore, MD 21202

RE: Request for investigation for FMLA interference

President
Yvonne C. Rice
Executive Vice President
Allen D. Robinson
Treasurer
Antoinette Ryan Johnson
Secretary
Tiffany G. Walker

Executive Board
Geneva Ayers
Jacquelyn Brown
Gaye Burrell
William Corbin
LaVerne Foster
Betty Lee
Joyce Penny
Donna Price
Herman Stevenson

To Whom It May Concern:

This letter is to request an investigation into what the City Union of Baltimore, Local 800, AFT, AFL-CIO believes to be a concerted effort in the Baltimore City Mayor's Office of Information and Technology (MOIT) to discourage employees and interfere with their FMLA rights. Specifically, Shiria Anderson, HR Business Partner, is interfering with employees' rights concerning FMLA. MOIT is led by Acting Director, Scott Brillman. FMLA applications are routinely denied, delayed, unnecessarily sent back for information, etc.

Enclosed are numerous letters from employees who had the courage to come forward; while many more complain verbally, but are unwilling to come forward formally for fear of retaliation by Brillman and Anderson. It is clear that many applications are routinely questioned, delayed, and unreasonably denied. Members have reported back to this Union of the disdain that physicians have expressed for the numerous inquiries sometimes requiring employees to return to their physicians two and three times to obtain needless information. Inquiries have even been made for types of medications employees are currently taking. Employees are now being routinely identified as medical abusers because they have taken time off before or after their days off. This is being done without the proper step of inquiring from the physician if this pattern may exist due to the patient's illness. An employee was recently told after complaining that her FMLA has not been approved after 26 days that her FMLA was approved but when she calls in she must tell her immediate supervisor which FMLA she is calling in for. This patient has numerous conditions and also as FMLA for a child.

The number of complaints is becoming overwhelming and this Union believes that these activities are possibly being done to interfere with, and intimidate employees for the purpose of discouraging and preventing an employee from exercising their FMLA Rights. There has been one occurrence where the employee, in front of their union representative was told by Ms. Shiria Anderson that "this [911 Call Center] is a business and we need people to come to work". That particular employee was then stigmatized as

"Strength in Unity"

2117 North Howard Street * Baltimore, Maryland 21218-5063 * 410.962.1492 * www.cub-aft.org

a "medical abuser". It got to the point that due to the continuous harassment, the employee's condition worsened and she eventually applied for a disability.

Another employee has been terminated from employment when her FMLA Leave expired.

The City Union of Baltimore is therefore making an official request for the Department of Labor to investigate the conduct of Scott Brillman and Shiria Anderson of MOIT, and enforce the employees' federal FMLA rights.

Sincerely,



Yvonne Rice

President

City Union of Baltimore

STATE OF MARYLAND

MARTIN O'MALLEY
GOVERNOR

ANTHONY G. BROWN
LIEUTENANT GOVERNOR

FAMILY AND MEDICAL LEAVE ACT (FMLA) GUIDE

DEPARTMENT OF BUDGET AND MANAGEMENT

T. ELOISE FOSTER
SECRETARY

-OFFICE OF PERSONNEL SERVICES AND BENEFITS-

CYNTHIA KOLLNER
EXECUTIVE DIRECTOR

OPSB L11.99
REV. 8/13

This Guide addresses some of the basic questions relating to the Family and Medical Leave Act (FMLA) and supersedes the 2008 version. It is not a contract. It does not cover all situations nor is it the final authority on FMLA questions. It is not considered a substitute for Federal or State laws, rules, and regulations concerning FMLA. Any and all provisions of this Guide are subject to change at any time without prior notice.

The Guide was prepared by the Office of Personnel Services and Benefits, Department of Budget and Management. Questions regarding this Guide, its application, or provisions of the FMLA generally, should be directed to the Personnel Services Division at 410-767-4976.

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	Notice to Employees of Rights Under FMLA	WH Publication 1420

STATE OF MARYLAND FAMILY AND MEDICAL LEAVE ACT (FMLA) GUIDE

I. INTRODUCTION

The federal Family and Medical Leave Act (FMLA or the Act)¹ took effect on August 5, 1993.² The most recent changes to the FMLA became effective January 16, 2009 and October 28, 2009. The Act is intended to balance the demands of the workplace with the needs of families by allowing leave for certain medical reasons, promoting the stability and economic security of families, and promoting national interests in preserving family integrity. It was intended that the Act accomplish these purposes in a manner that accommodates the legitimate interests of employers and employees. Congress expected the FMLA to benefit employers as well as their employees. Congress found that a direct correlation exists between stability in the family and productivity in the workplace. FMLA will encourage the development of high-performance organizations; when workers can count on durable links to their workplaces, they are able to make their own full commitments to their jobs.

The Department of Budget and Management (DBM) strongly encourages managers and supervisors to use the provisions of this FMLA Guide to acquaint themselves with the basic provisions and requirements of the FMLA and related State law.

II. WHAT IS THE FAMILY AND MEDICAL LEAVE ACT (FMLA)?

A. REASONS FOR A FMLA ABSENCE

1. The **Family and Medical Leave Act (FMLA)** is a federal law which requires certain employers, including the State of Maryland, to grant job-protected leave to employees who meet FMLA's eligibility requirements. The law entitles eligible employees *to an absence of up to a total of 12 workweeks*

¹ 26 USC §§ 2601 et seq., as amended by the National Defense Authorization Act for Fiscal Year 2008.

²Final regulations implementing the FMLA were issued by the U.S. Department of Labor effective April 6, 1995 (29 C.F.R. Part 825); Revisions were made final by the DOL in November 2008, effective January 16, 2009; Amendments were also effective October 28, 2009.

of unpaid leave (a covered employer may allow for paid or unpaid leave) in any 12-month period for any of the following reasons:

- (a) the birth of a child, and to care for the newborn child;
- (b) the placement with the employee of a child for adoption or foster care;
- (c) necessary care for the employee's spouse, child, or parent with a serious health condition, or an adult child who cannot care for himself or herself;
- (d) a serious health condition that makes an employee unable to perform the functions of the employee's job; or
- (e) any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on (or has been notified of an impending call to) "covered active duty" in the Armed Forces. This provision was effective January 16, 2009 and was amended on October 28, 2009.

A "**Qualifying Exigency**" is defined as one or more of the following: 1) short-notice deployment; 2) military events and related activities; 3) childcare and school activities; 4) financial and legal arrangements; 5) counseling; 6) rest and recuperation; 7) post-deployment activities; 8) additional activities to address other events which arise out of the covered military member's active duty or call to active duty (CFR § 825.126). "**Covered Active Duty**" for members of a **regular** component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country. "**Covered active duty**" for members of the **reserve** components of the Armed Forces (members of the U.S. National Guard and Reserves) means duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation as defined in section 101(a)(13)(B) of title 10, United States Code.

2. **Servicemember Family Leave or Military Caregiver Leave**, effective January 28, 2008, entitles an eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member *to an absence of up to a total of 26 workweeks of unpaid leave* (a covered employer may allow for paid or unpaid leave) in a single 12-month period for the following reason:

- (a) To care for a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, or is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or

illness; or is a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness if the veteran was a member of the Armed Forces at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

- (b) An employee may be entitled to a combined total of 26 work weeks in a single 12-month period when using leave under 1 and 2 of this section.

A "serious injury or illness" under this section includes the following: for a current member of the Armed Forces, a serious injury or illness that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; for a veteran, a serious injury or illness is defined as a qualifying injury or illness that was incurred by the member in the line of duty on active duty or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty and that manifested itself before or after the member became a veteran.

B. EMPLOYEE ELIGIBILITY

To qualify under FMLA, an employee must have actually worked at least a total of 12 months for the State and at least 1,250-work hours during the preceding 12 months. The employee may be employed in any capacity, including that of a contractual. The required 12 months of employment need not be consecutive months, as long as any break in service is less than 7 years. Previous service prior to a break in service of 7 years or more is only counted toward the 12 months if it relates to Military Service. When calculating the 1,250-hour requirement, overtime hours worked are included; however, any unpaid leave is not included.

The determination of whether an employee has worked the required number of hours must be calculated from the date that the leave is scheduled to begin. For example, if an employee requests a FMLA absence before becoming eligible but will have worked the required number of hours by the time the leave is scheduled to begin, the employee shall be deemed to have satisfied the required number of hours. An employee may be on "non-FMLA leave" at the time he or she meets the eligibility requirements, and in that event, any portion of the leave taken for an FMLA-qualifying reason after the employee meets the eligibility requirement would be "FMLA leave". Managers and supervisors responding to requests for time off must have the employee's personnel records checked to determine whether these requirements have been met. An appointing authority may not deny the leave unless its records clearly demonstrate that the employee has not worked the

minimum total of 12 months and/or that the employee did not work at least 1,250 hours during the preceding 12 months. The burden is on the appointing authority to demonstrate that the employee does not meet the requirements. If there is no documentation to support these conclusions, the employee is entitled to a FMLA absence.

If both spouses work for the State, they are limited to a combined total of 12 workweeks (or 26 workweeks for Servicemember Family Leave) for a FMLA absence for: the birth of their child; the placement of a child with them for adoption or foster care; the serious health condition of a child of theirs under age 18; or, an adult child who cannot care for himself or herself.

A FMLA absence taken for the birth of a child or the placement of a child for adoption or foster care must be taken within the 12 months following the date of birth or placement of the child.

State Personnel and Pensions Article, Section 9-505, allows an employee to use up to 30 days of accrued sick leave, without certification of illness or disability, to care for and nurture a child immediately after birth or placement for adoption. If two State employees are responsible for the care and nurturing of a child, immediately following birth or placement for adoption, both employees in aggregate may use, without certification of illness or disability, up to 40 days, not to exceed 30 days for one employee, of accrued sick leave to care for the child. This State allowance for use of leave runs concurrently with FMLA leave.

C. METHOD OF CALCULATING THE LEAVE YEAR

The FMLA allows an employee to take up to 12 weeks of leave in a 12-month period. Instead of using the calendar year, the State has determined that a different 12-month period shall be used to calculate an employee's FMLA absence entitlement. Under this method, an employee is entitled to 12 weeks of FMLA leave during the 12-month period beginning on the first date FMLA leave is taken. The employee is entitled to an additional 12 weeks of FMLA once the initial 12 months have expired, provided the employee still qualifies for FMLA. The next 12 month period would begin the first time FMLA leave is taken after that point.

The Servicemember Family Leave allows an employee to take up to 26 weeks in a 12-month period. The State applies the same method described above for calculating the 12-month period for Servicemember Family Leave.

D. DEFINITION OF A SERIOUS HEALTH CONDITION

The FMLA permits an employee to use FMLA leave for a serious health condition of the employee, the employee's parent, spouse, or child. A serious health condition is defined as an illness, injury, impairment or physical or mental condition that requires inpatient care (an overnight stay) in a hospital, hospice, or residential medical care facility or continuing treatment by a health care provider. An episode of inpatient hospitalization is covered regardless of duration. Otherwise, a period of incapacity must be for more than three consecutive, full calendar days and must also involve one or more of the following:

1. treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist (CFR § 825.115(a)(5)) by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services under orders of or on referral by a health care provider; or
2. treatment by a health care provider at least once which results in a regimen of continuing treatment under the health care provider's supervision.

Note: The requirement in (1) and (2) above for "treatment by a health care provider" means an in-person visit to a health care provider. The first (or only) in-person treatment visit must take place within seven days of the first day of incapacity

A serious health condition also includes any period of absence or incapacity due to any of the following:

- (a) pregnancy or prenatal care;
- (b) period of incapacity or treatment for a chronic serious health condition (*i.e.*, asthma, diabetes; see definition CFR §825.115 (c));
- (c) a permanent or long-term illness requiring supervision by a health care provider, where treatment may not be effective (*e.g.*, Alzheimer's, a severe stroke, or the terminal stages of a disease); or
- (d) multiple treatments of an illness, or restorative surgery after an injury, or for a condition that would likely result in a period of incapacity of

more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer, chemotherapy, severe arthritis (physical therapy), kidney disease (dialysis).

The appropriate FMLA Certification of Health Care Provider (Form 380E or 380F) should be provided to the employee and completed by the health care provider for an absence that may qualify as a FMLA absence. When properly completed by a health care provider, this form should enable the employer to determine whether the health condition satisfies the definition of a serious health condition. "Health care provider" includes the persons listed in the State Personnel and Pensions Article, § 9-504 or defined as such by the FMLA.

E. INTERMITTENT LEAVE

1. Full-time Employees

A FMLA absence taken to care for a covered relative with a serious health condition or for the employee's own serious health condition may be taken intermittently or on a reduced work schedule only when acceptable medical documentation, which supports the medical necessity, is submitted. An employee shall be required to submit proof that intermittent leave is medically necessary. When planning medical treatment, an employee seeking to use intermittent leave *must* make a reasonable effort to schedule the leave so as not to unduly disrupt the employer's operations. This is subject to the approval of the health care provider based upon the medical necessity for a particular treatment time, but not if it is just a matter of scheduling convenience for the employee.

If an employee takes leave on an intermittent or reduced leave schedule, only the amount of leave actually taken counts towards the 12 weeks of leave to which an employee is entitled. For example, if a full-time employee who normally works 8-hour days works 4-hour days under a reduced leave schedule, the employee would use 1/2 week of FMLA leave.

2. Part-time Employees and Employees with Variable Schedules

If an employee works part-time or has variable hours, the amount of leave to which the employee is entitled is determined on a pro-rata basis by comparing the new schedule with the employee's normal schedule. For example, if an employee who normally works 30 hours per week works only 20 hours a week under a reduced leave schedule, the employee's ten hours of leave would constitute one-third of a week of FMLA leave for each week the employee works the reduced leave schedule.

NOTE: *1. A FMLA absence for the birth or placement of a child for adoption or foster care may be taken intermittently only if agreed to by the appointing authority.*

2. A Servicemember Family Leave absence may be taken intermittently or on a reduced schedule if medically necessary.

3. A FMLA absence for a Qualifying Exigency may be taken intermittently or reduced leave schedule basis.

4. Absences may be taken in increments no less than 1/10 of an hour.

F. PAID OR UNPAID LEAVE

Generally, FMLA leave is unpaid. The State requires each agency to run available paid leave concurrent with FMLA leave relating to birth, placement of a child for adoption or foster care, care for a spouse, child, or parent who has a serious health condition, the serious health condition that makes an employee unable to perform their job, employee who has a qualifying exigency as a covered military member, or employee caring for a servicemember.³ This includes paid accrued annual, personal, compensatory, or sick leave. Paid sick leave may be used to the extent the circumstances meet the employer's usual requirements for the use of sick leave.

An injury that occurs on the job may meet the FMLA criteria for a serious health condition. In such a situation, the employer will designate the leave as FMLA leave and the employee's 12-week leave entitlement will run

³State Personnel and Pensions Article, 9-1001.

concurrently with a workers' compensation absence or accident leave. If a health care provider treating the employee for an on-the-job injury certifies the employee is able to return to a light duty job but is unable to return to the same or equivalent job, the employee may decline the employer's offer of a light duty job. Consequently, the employee may lose the right to workers' compensation payments or accident leave, but is entitled to remain on unpaid FMLA leave until the 12-week entitlement is exhausted. As of the date workers' compensation benefits or accident leave ceases, the substitution provision applies and the employer shall require the use of accrued paid leave concurrently with the FMLA leave.

If an employee uses paid leave under circumstances which do not qualify as FMLA leave, the leave will not count against the 12 weeks of FMLA leave to which the employee is entitled. Light Duty work does not count against an employee's FMLA leave entitlement.

G. NO LOSS OF ACCRUED BENEFITS DURING LEAVE

An employee on a FMLA absence does not lose any "employment benefits" accrued prior to the FMLA absence. The term "employment benefits" is broadly defined to include all retirement, health, disability, and life insurance benefits as well as sick leave, annual leave, and personal leave benefits. *During an unpaid FMLA absence, the employee shall continue to receive group health coverage on the same terms and conditions as employees not on FMLA leave, unless the employee elects not to continue coverage.*

Group health plans include medical, dental, and other plans covered by the Comprehensive Omnibus Budget Reconciliation Act (COBRA).⁴ A FMLA absence, in itself, is not a "qualifying event" under COBRA. State agencies and employees shall continue to bear their share of health plan costs during a FMLA absence, but the State is entitled to recover costs incurred during the absence if the employee fails to return to work from a FMLA absence for a reason other than as a result of a serious health condition or other circumstances beyond the employee's control. *An employee who returns to work for at least 30 calendar days is considered to have returned to work and is therefore not liable for any health plan costs the employer may have paid during the employee's FMLA absence. Also, an employee who retires directly from a FMLA absence or retires during the first 30 days after the employee returns to work is deemed to have returned to work and is not liable for any*

⁴COMAR 31.11.01 through 31.11.04.

health plan costs the employer may have paid during the employee's FMLA absence.

An employee using paid leave concurrently with a FMLA absence is entitled to the accrual of any seniority or employment benefits that the employee who remained continuously at work would have received (*e.g.*, earning of annual and sick leave, payment of holiday leave when it occurs, earning of seniority credit, etc.).

If the FMLA absence is unpaid, the employee is NOT entitled to the accrual of leave benefits that an employee who remained continuously at work would have received. An employee who is on unpaid FMLA leave does not receive payment for a holiday.

An employee on paid or unpaid leave during a FMLA absence is not entitled to any greater rights than an employee who remained continuously at work (*e.g.*, personal leave accrued during a calendar year will be lost if not used in accordance with Section 9-403 of the State Personnel and Pensions Article; annual leave in excess of the 75-day maximum accrual will be lost if not used in accordance with Section 9-304 of the State Personnel and Pensions Article, etc.).

When an employer is making determinations regarding commendations, bonuses, and awards for perfect attendance, FMLA absences may be taken into consideration if other non-FMLA qualifying employee absences are considered as disqualifying. A FMLA absence may not be counted against an employee as a leave occurrence for attendance control purposes.

H. JOB RESTORATION UPON RETURN FROM A FMLA ABSENCE

An employee who is returning from an approved FMLA absence must be restored to the same or an equivalent position. An "equivalent" position is one with equivalent benefits, pay, and other terms and conditions of employment. An equivalent position must ordinarily be on the same shift or work schedule as the position held by the employee prior to the FMLA absence and must be located in a geographically proximate work site.

The appointing authority is obligated to place the employee in the same or equivalent position even if the appointing authority has hired a replacement worker during the FMLA absence. An appointing authority who eliminates the

position of an employee who takes a FMLA absence (e.g., by redistributing the work to other employees or by eliminating a shift) must be able to show that an employee would not otherwise have been employed at the time reinstatement is requested in order to deny restoration to employment.

It is the State policy that following a FMLA absence for the employee's own serious health condition, prior to returning to work, the employee is required to provide medical certification from a health care provider indicating that the employee is fit to resume work. This policy must be uniformly applied to all similarly situated employees, and the certification may be required only with regard to the particular medical condition that caused the need for the FMLA absence. The appointing authority may also require that the certification specifically address the employee's ability to perform the essential functions of the employee's job, subject to the requirements of 29 CFR 825.312(b). The employee must be notified of these certification requirements in the FMLA designation notice (Form MS 382) at the time the leave is designated as FMLA qualifying. The "Return to Work Medical Certification Form" MS 413 should be given to each employee who requests leave for the employee's own serious health condition. Any appointing authority requirement for a fitness for work certification must be job-related, consistent with business necessity. An appointing authority is not permitted to require second or third fitness for duty certifications.

I. KEY EMPLOYEES

The FMLA provides that key employees (those compensated within the top ten percent) do not have to be returned to their jobs after using FMLA leave if their absence would cause substantial and grievous economic injury to the employer's operations. *The State does not distinguish between regular and key employees. It grants all employees the right to be returned to the same or an equivalent position.*

J. UNLAWFUL ACTS BY EMPLOYERS

The FMLA provides protections primarily to those who request leave or assert FMLA rights. The law prohibits interference with an employee's rights under the law, and with legal proceedings or inquiries relating to an employee's rights. The law contains the following protections:

1. An employer is prohibited from interfering with, restraining, or denying the exercise of (or attempts to exercise) any rights provided by the FMLA.
2. An employer may not discharge or in any other way discriminate against a person (including non-employees) for opposing or complaining about any unlawful practice under the Act.
3. All persons (whether or not an employer) are prohibited from discharging or in any other way discriminating against any person (including non-employees) because that person: has filed a charge of a violation of the FMLA; has given or is about to give any information in connection with an inquiry or proceeding relating to a right under the FMLA; or has testified, or is about to testify, in a proceeding relating to a right under the FMLA.

Violations of the FMLA include denying the exercise of rights provided by the Act, as well as interfering with the exercise of an employee's rights under the FMLA. **Discouraging an employee from using FMLA leave, or manipulating circumstances relating to eligibility under the Act are forms of interference and are prohibited.**

III. EMPLOYEE RESPONSIBILITIES

A. NOTICE REQUIREMENTS

Whenever the necessity for a FMLA absence is foreseeable, the FMLA requires that the employee provide not less than 30 days notice before the absence is to begin. As a general rule, 30 days notice shall be required in cases involving the birth, foster care, or adoption of a child or planned medical treatment for an employee or an employee's family member's serious health condition, or the planned medical treatment for a serious injury or illness of a covered servicemember. In those cases where 30 days notice is not practicable, or the foreseeable leave is due to a qualifying exigency, an employee, or (in situations where the employee cannot reasonably be expected to request the leave personally) a representative of the employee, is required to give notice as soon as both possible and practical, which should normally be either the same day or the next business day. Absent unusual circumstances, employees must also follow the usual and customary call-in procedure for

reporting an absence, including any requirement to contact a specific individual.

When the need for leave is not foreseeable, an employee must provide notice as soon as practicable under the facts and circumstances of the particular case. It generally should be practicable for the employee to provide notice within the time prescribed by the usual and customary notice requirements applicable to such leave.

B. FOSTER CARE REQUESTS

If an employee requests leave to provide foster care for a child, the employee shall demonstrate that he or she is doing so under an official agreement with the State or pursuant to a judicial determination. However, an individual who stands in "loco parentis" (is acting as a parent) may provide care to a child who has a serious health condition, regardless of formal adoptive or biological ties.

C. DEFINITION OF SPOUSE AND FAMILY MEMBERS

An employee, who seeks to use FMLA leave in connection with a serious health condition of the employee's spouse, must be married within the meaning of that term in the jurisdiction in which the employee resides. If the employee is a resident of Maryland, common-law marriages are not recognized.

For purposes of confirming the existence of a qualifying family relationship, an employee shall provide reasonable documentation (*i.e.*, child's birth certificate, court document and/or a statement of a qualifying family relationship) within one pay period following the employee's request for leave. The appointing authority must request this documentation.

Notwithstanding Servicemember Leave, the FMLA does not authorize leave to care for any family member other than the employee's child, spouse, or parent. The Servicemember Family Leave does not authorize leave to care for any family member other than the employee's child, spouse, parent, or next of kin.

D. MEDICAL CERTIFICATION REQUIRED

When requested by the appointing authority, the employee is responsible for providing the appointing authority with complete and sufficient medical certification of a serious health condition by having the health care provider complete the appropriate sections of the applicable FMLA Form (Form 380E, 380F or 385). An employee may provide a medical certification from any of the health care providers enumerated in State Personnel and Pensions Article, Section 9-504. The employee must provide the requested FMLA Health Care Provider information within 15 calendar days after the request, unless it is not practicable. Additional information regarding requirements for a complete Certification of Health Care Provider is contained in Section IV.C.1. An employee may be required to report periodically to the appointing authority on his or her status and intention to return to work. In situations where an employee is covered by a collective bargaining agreement and has an identified chronic or permanent disabling condition, an appointing authority may not require certification and follow-up reports from a health care provider more than once every six months.

Regardless of the FMLA leave designation, medical documentation for the use of paid sick leave is required after the employee is absent for a period that enters into the 5th consecutive workday, in accordance with State Personnel and Pensions Art., § 9-504.

E. NOTICE OF CHANGED CIRCUMSTANCES

If the employee needs to extend the length of the requested FMLA absence, or if the absence as originally requested is no longer necessary, an employee shall, if the changed circumstances are foreseeable, provide notice within two business days of the changed circumstances.

IV. MANAGEMENT RESPONSIBILITIES

A. RESPONSIBILITIES OF MANAGERS AND SUPERVISORS

The appointing authority is responsible for obtaining and evaluating information to determine whether a FMLA absence can be used. **In all circumstances, it is the employer's responsibility to designate leave as "FMLA qualifying," and to give prompt notice of the designation to the employee.** Managers and supervisors are the persons who must secure the information from employees necessary to render a determination that the leave is or is not "FMLA qualifying." With certain exceptions, the appointing authority's determination must be rendered within five business days of learning the reasons for the request. Although employees are required to provide enough information to establish their FMLA absence eligibility, their requests for time off do not have to specifically request FMLA leave. Each agency must obtain the required information and decide whether a FMLA absence is appropriate.

As the persons with daily contact with employees, managers and supervisors will be the individuals most often approached by employees seeking to take time off. To ensure compliance, managers and supervisors must act quickly to inquire further and gather required information to respond appropriately to these requests. This FMLA Guide has been developed to ensure that when an employee makes a request for time off, a manager or supervisor will:

1. ask appropriate questions about the reasons for the employee's time off;
2. recognize that the requested time off, whether paid or unpaid, can be counted as a FMLA absence;
3. comply with applicable agency policies regarding forwarding information about the absence to the agency Human Resources Office ;
4. promptly inform the employee regarding whether the requested time off, whether paid or unpaid, can be counted as an FMLA absence;
5. inform the employee of his/her rights and obligations while the employee is on a FMLA absence; and
6. preserve management's right to provide only as much leave as is required by law.

B. NOTICE REQUIREMENTS

1. POSTING OF NOTICES

Agencies are required to post and keep posted a notice, approved by the Secretary of the U.S. Department of Labor, explaining rights and responsibilities under the FMLA. The notice must be posted in a conspicuous place where it can be readily seen by employees and applicants for employment. A copy of the Notice to Employees of Rights Under FMLA (WH Publication 1420) is attached and may be duplicated for posting, or copies of the required notice may be obtained from local offices of the Wage and Hour Division, U.S. Department of Labor. The poster and text must be large enough to be easily read and contain fully legible text. General notice must also be provided to each employee by including the notice in employee handbooks or other written guidance to employees concerning employee benefits or leave rights, if these materials exist, or by distributing a copy of the general notice to each new employee upon hiring. This distribution may be accomplished electronically by the agency, only if all employees have access to a computer.

Violation of the posting requirement may result in a civil monetary penalty. Furthermore, an employer who fails to post the required notice cannot take any adverse action against an employee, including denying FMLA leave, for failing to furnish the employer with advance notice of a need to take FMLA leave.

2. ELIGIBILITY AND RIGHTS & RESPONSIBILITIES NOTICE

Within five (5) business days of an employee request for FMLA leave, or when management acquires knowledge that an employee's leave may be for an FMLA-qualifying reason, the employee must be given the *Notice of Eligibility and Rights & Responsibilities* (Form MS 381), absent extenuating circumstances. The notice must state whether the employee is eligible for FMLA leave, and, if not, state at least one reason why (*see* 29 CFR 825.300(b) for specific requirements). The notice must also detail the specific expectations and obligations of the employee and explain any consequences of a failure to meet those obligations (*cf.*: Form MS 381 and 29 CFR 825.300(c)). These include:

- (a) notification that all eligible leave shall be counted against the employee's 12 or 26 workweek entitlement;
- (b) the requirements for medical certification to document a serious health condition, serious injury or illness, or qualifying exigency arising out

of active duty or a call to active duty status, and any consequences for failing to do so;

- (c) any requirement for the employee to pay health insurance premiums, including how to make payments and the consequences of failing to make payments;
- (d) any requirement that the employee present a fitness for duty certificate upon returning to work, and if the certification is to specifically address the essential duties, must include a list of the essential functions; and where reasonable job safety concerns exist, may require certification before the return from intermittent FMLA leave;
- (e) the employee's right to receive the same or an equivalent position after returning from the FMLA absence;
- (f) the employee's potential obligation to pay health insurance premiums that the employer paid during an unpaid FMLA absence if the employee fails to return to work after such absence;
- (g) the requirement to run FMLA leave concurrent with the employee's available and appropriate paid leave⁵ ; and
- (h) the employee's status as a "key employee" and the potential consequence that restoration may be denied, explaining the conditions required for such a denial.

3. Designation Notice

The appointing authority is responsible in all circumstances for designating leave as FMLA-qualifying. Within five (5) business days of obtaining enough information to determine whether leave is being taken for a FMLA-qualifying reason, the appointing authority or designee must notify the employee of the determination regarding designation. The *Designation Notice* (Form 382) should be used for this purpose. The designation need only be made once for each FMLA-qualifying reason per applicable 12-month period, regardless of whether the leave will be taken in a continuous block or intermittently. If the leave is not designated as FMLA-qualifying because it

⁵State Personnel and Pensions Article, 9-1001(b).

does not meet the legal requirements, the form need not be used, and may be in the form of a simple written statement; which must include notice:

- (a) that paid leave will be substituted for unpaid FMLA leave;
- (b) that the employee will be required to present a fitness-for-duty certification, which must include the employee's ability to perform the essential functions of the position; and
- (c) of the amount of leave counted against the employee's FMLA leave entitlement. If it is not possible to provide the amount of time (such as in the case of unforeseeable intermittent leave), the agency must provide notice of the amount of leave counted, upon the request of the employee, but no more frequently than once in 30 days, and only if FMLA leave was taken during that time.

C. MEDICAL CERTIFICATION

1. CERTIFICATION OF HEALTH CARE PROVIDER

An employee requesting a FMLA absence for the serious health condition of a family member or the employee's own serious health condition shall be provided a Certification of Health Care Provider Form (380E or 380F) as soon as a request for leave is submitted or within five business days. The employee must return the completed certification to the Employer within 15 calendar days after the employee's request, unless it is not practicable. The certification shall include:

- (a) medical facts supporting certification (a diagnosis is not required by the FMLA);
- (b) date of commencement and duration of absence;
- (c) additional treatments required or need for intermittent absence (a diagnosis is not required by the FMLA); and
- (d) ability of employee to perform essential functions of the job.

The FMLA Form (380E or 380F), if properly completed by a health care provider, should contain the required information. *If the*

form is not properly completed, the form will be returned to the employee or health care provider and may delay the approval of the FMLA absence.

2. **USE OF SECOND AND THIRD OPINIONS OF HEALTH CARE PROVIDERS**

If an appointing authority has reason to doubt the validity of a medical certification supporting a request for FMLA leave, the appointing authority may require that the employee obtain additional information or see another physician for a second opinion. The appointing authority shall pay the cost for the second (and third, if needed) medical opinion. Pending receipt of the second opinion, the employee is provisionally entitled to the FMLA absence. If it is determined that the employee is not entitled to the requested FMLA leave, the employee's absence shall be treated as paid or unpaid leave.

If there is a conflict between the first and the second opinions, the appointing authority may require a third opinion. The third health care provider must be designated or jointly approved by the employee and the appointing authority. The third opinion is binding. Agencies must reimburse an employee or family member for any reasonable travel expenses incurred to obtain a second and third medical opinion.

The health care provider used to resolve differences may not be employed on a regular basis by the State. Therefore, the State Medical Director may not provide the second or third opinion.

3. **CONTACTING AN EMPLOYEE'S HEALTH CARE PROVIDER**

If an employee provides a certification that is incomplete (one or more entries have not been completed) or insufficient (the information is vague, ambiguous, or unresponsive), s/he shall be advised in writing what additional information is necessary to make the certification complete and sufficient. The employee must be given seven (7) days to cure any such deficiency.

If an employee submits a complete and sufficient certification signed by the health care provider, the appointing authority may ***NOT*** request additional information from the employee's health care provider. However, *the appointing authority may, through a health care provider, human resources professional, leave administrator, or management official contact the health care provider for purposes of*

clarification and authentication of the medical certification, after the employee has been given the opportunity to cure any deficiencies, as outlined above. Under no circumstances may the employee's direct supervisor contact the health care provider.

Pending receipt of the additional information, the employee is provisionally entitled to FMLA leave. If it is determined that the employee is not entitled to FMLA leave, the employee's absence shall be treated as paid or unpaid leave.

D. RECERTIFICATION OF MEDICAL CONDITIONS

For conditions under the continuing supervision of a health care provider, including pregnancy, of **employees not subject to a collective bargaining agreement**, recertification may be requested no more than once every 30 days and only in connection with an absence by the employee, unless circumstances described by the previous certification have changed significantly (*e.g.*, the severity of the condition, complications, etc.). However, **for those employees who are covered by a collective bargaining agreement** who have identified chronic or permanent disabling conditions, recertification may not be requested more than once every six months.

In situations **not** governed by collective bargaining agreements, if the minimum duration of the period of incapacity specified on a certification furnished by the health care provider is more than 30 days, recertification may not be requested until the minimum duration has passed unless:

1. the employee requests an extension of leave;
2. circumstances described by the previous certification have changed significantly (*e.g.*, the severity of the condition, complications, etc.); or
3. reasonable and serious doubt has been cast upon the continuing validity of the certification. (Mere comment by a co-worker is not sufficient to justify a request for recertification.)

For intermittent and reduced schedule leave requests in excess of six months, the appointing authority may request certification every six months in connection with an absence.

In any situations in which recertification is allowed and requested, the employee must provide the requested recertification within the time frame requested, which must not be sooner than 15 calendar days after the employer's request, unless it is not practicable under the circumstances despite the employee's diligent, good faith efforts.

E. RECORD, MAINTENANCE AND INSPECTION REQUIREMENTS

1. Appointing authorities must keep the following records for at least three years:
 - (a) basic payroll and identifying employee data, including name, address and occupation; rate or basis of pay and terms of compensation; daily and weekly hours worked per pay period; additions to or deductions from wages, and total compensation paid;
 - (b) dates of any FMLA absence taken by employees (leave must be designated in the records as a FMLA absence);
 - (c) if the FMLA absence is in increments of less than one full day, the hours of the leave;
 - (d) copies of notices and requests for absence furnished by the employee to the appointing authority, if in writing, and copies of all general and specific notices given to employees as required under FMLA and its regulations;
 - (e) any documents describing employee benefits or the State of Maryland's policies and practices regarding the taking of paid and unpaid leave;
 - (f) premium payments of employee benefits; and
 - (g) records of any dispute between the appointing authority and an employee regarding designation of leave as a FMLA absence.

2. *Records and documents relating to medical certifications, recertifications, or medical histories of employees or employee family members, **must** be maintained in separate files and be treated as confidential medical records.*

3. The only persons who can obtain access to these confidential records are:

- (a) supervisors and managers who need to be informed of restrictions on the work or duties of an employee and necessary accommodations;
- (b) first aid and safety personnel, if an employee's physical or medical condition might require emergency treatment; and
- (c) government officials investigating compliance with FMLA.

... health condition that makes the employee unable to perform his or her job.

Family Leave Entitlements

Employees whose spouse, son, daughter or parent is on covered active duty status may use their 12-week entitlement to address certain qualifying exigencies. Qualifying events may include attending certain military events, arranging for child care, addressing certain financial and legal arrangements, attending counseling sessions, and attending post-deployment briefings.

There is also a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: a member of the Armed Forces, including a member of the Regular Army or Reserves, who is undergoing medical treatment, surgery, or therapy, is otherwise in outpatient status, or is otherwise on the Department of Veterans Affairs disability retired list, for a serious injury or illness*; an individual who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the date the eligible employee takes FMLA leave to care for the covered servicemember who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness.*

A definitions of "serious injury or illness" for covered servicemembers and veterans are distinct from the definition of "serious health condition".

Job Protections

When an employee takes FMLA leave, the employer must maintain the employee's health benefits under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with the same pay, benefits, and other employment terms.

FMLA leave cannot result in the loss of any employment benefit or seniority prior to the start of an employee's leave.

Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months*, and 50 employees are employed by the employer within 75 miles.

12-month and 1,250 hours of service eligibility requirements apply to all employees.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical condition that involves either an overnight stay in a medical facility or continuing treatment by a health care provider for a

... leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave, employees must comply with the employer's normal policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need for FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable. Employees generally must comply with an employer's normal call-in policies.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated start and duration of the leave. Sufficient information may include the employee's inability to perform job functions, the family member's need to perform daily activities, the need for hospitalization or treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave if they are eligible under FMLA. If they are, the employer must provide additional information required as well as the employee's responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be counted against their FMLA-protected leave entitlement and the amount of leave counted against their FMLA-protected leave. If the employer determines that the employee is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided by FMLA; and
- discharge or discriminate against any person for opposing an employer's action made unlawful by FMLA or for involvement in any proceeding or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

MINUTES

Mayor's Office of Employment Development (MOED) - Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an agreement with the Baltimore City Board of School Commissioners (BCPSS). The period of the agreement is July 1, 2013 through June 30, 2014.

AMOUNT OF MONEY AND SOURCE:

\$174,230.00 - 5000-501214-6391-483200-405001

BACKGROUND/EXPLANATION:

The BCPSS operates an alternative school for high-school students in a portion of the Youth Opportunity Westside Center located at 1500 W. Lafayette Avenue in Baltimore City. The MOED will complement the contractor's academic programs by providing wrap-around services, such as Youth Development Services, cultural enrichment and job readiness training. These efforts are designed to help increase school attendance and decrease the drop-out rate of students who attend alternative high schools.

The Agreement is late because additional time was needed to reach a comprehensive understanding between the parties.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement with the Baltimore City Board of School Commissioners.

MINUTES

Mayor's Office of Employment - Renewal of Intergovernmental
Development (MOED) Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve the exercising of a renewal option for an Intergovernmental Agreement with the Maryland State Department of Human Resources/Baltimore City Department of Social Services (DHR/BCDSS). The period of the renewal is October 1, 2013 through September 30, 2014, with no additional renewal options remaining.

AMOUNT OF MONEY AND SOURCE:

\$337,560.00 - 5000-508814-6392-483200-405001

BACKGROUND/EXPLANATION:

On May 1, 2013, the Board approved the acceptance of the award to MOED in the amount of \$662,136.00, for the term October 1, 2012 through September 30, 2013. On July 3, 2013, the Board approved an amendment to the initial award to revise the payment to \$324,576.00 for the first year and \$337,560.00 for the option year. Authority is now requested to accept funding for the option year renewal of the program. The funding level payable to MOED under this option is not-to-exceed amount of \$337,560.00 of Federal funds.

This renewal option is late because additional time was necessary to reach a comprehensive understanding between the State and City.

APPROVED FOR FUNDS BY FINANCE

MINUTES

MOED - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the exercising of the renewal option for an Intergovernmental Agreement with the Maryland State Department of Human Resources/Baltimore City Department of Social Services.

MINUTES

Mayor's Office of Human Services (MOHS) - Two-Month Advance
of Funds

ACTION REQUESTED OF B/E:

The Board is requested to approve a Two-Month Advance of Funds for the Boys & Girls Clubs of Metropolitan Baltimore, Bon Secours of Maryland Foundation, New Vision Youth Services, and the Park Heights Community Health Alliance, Inc. (PHCHA).

AMOUNT OF MONEY AND SOURCE:

\$ 8,688.89	-	2025-000000-3571-727724-603051	-	Boys & Girls Clubs of Metropolitan Baltimore (Video Lottery Terminal Revenue)
9,555.33	-	2025-000000-3571-727722-603051	-	Bon Secours of Maryland Foundation (Video Lottery Terminal Revenue)
7,626.67	-	2025-000000-3571-727717-603051	-	New Vision Youth Services (Video Lottery Terminal Revenue)
3,919.08	-	2023-000000-3571-727725-603051	-	PHCHA (Race Track Revenue)
9,975.85	-	2025-000000-3571-727725-603051	-	PHCHA (Video Lottery Terminal Revenue)
<u>2,493.96</u>	-	1001-000000-3571-327200-603051	-	PHCHA (General Funds)
\$42,259.78	-	Total Two-Month Advance		

BACKGROUND/EXPLANATION:

The MOHS has selected the listed service organizations to provide youth-focused programs in the Park Heights neighborhood of Baltimore City. The projects will focus on providing support services to engage youth in productive youth development programs that promote healthy lifestyles, responsible choices, and build the skills to live productive lives in their communities.

These are new 18-month long projects that require a Two-Month Advance of Funds that will cover salary costs to start the programs.

MINUTES

MOHS - cont'd

At the end of the two-months, when the projects are staffed, a contract for each service organization will be issued and will take into account the two-month advance given to the organizations.

The request for the two-month advance of funds is late because of delays in obtaining budget account numbers for the funding sources and delays in the administrative process.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved the Two-Month Advance of Funds for the Boys & Girls Clubs of Metropolitan Baltimore, Bon Secours of Maryland Foundation, New Vision Youth Services, and the Park Heights Community Health Alliance, Inc.

MINUTES

Bureau of Water & Wastewater - On-Call Task Assignments

	<u>Consultant</u>	<u>Task Number</u>	<u>Amount</u>
1.	ARCADIS-US, INC.	009	\$ 646,896.03

The Board is requested to approve and authorize the assignment of Task No. 009 to Arcadis-US, Inc. under Project 1303, On-Call Project and Construction Management Assistance Inspection Services. The duration of this task is approximately 20 months.

The Bureau of Water & Wastewater, Construction Management is requesting Arcadis-US, Inc. to provide inspection services for SC 932, Improvements to Lower Gwynns Run Interceptor Phase 2.

Account: 9956-905620-9551-900020-705032

2.	ARCADIS-US, INC.	012	\$1,041,615.68
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The Board is requested to approve and authorize the assignment of Task No. 012 to Arcadis-US, Inc. under Project 1303, On-Call Project and Construction Management Assistance Inspection Services. The duration of this task is approximately 16 months.

The Bureau of Water & Wastewater, Construction Management is requesting Arcadis-US, Inc. to provide inspection services for SC 912, Improvements of the Eastern Portion of the Low Level Sewershed.

Account: 9956-918616-9551-900020-705032

MINUTES

Bureau of Water & Wastewater - cont'd

	<u>Consultant</u>	<u>Task Number</u>	<u>Amount</u>
3.	ARCADIS-US, INC.	013	\$ 516,699.80

The Board is requested to approve and authorize the assignment of Task No. 013 to Arcadis-US, Inc. under Project 1303, On-Call Project and Construction Management Assistance Inspection Services. The duration of this task is approximately 17 months.

The Bureau of Water & Wastewater, Construction Management is requesting Arcadis-US, Inc. to provide inspection services for SC 913, Improvements of the Western Portion of the Low Level Sewershed.

Account: 9956-918616-9551-900020-705032

4.	RUMMEL, KLEPPER & KAHL, LLP	033	\$ 364,989.33
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The Board is requested to approve and authorize the assignment of Task No. 033 to Rummel, Klepper & Kahl, LLP under Project 1301, On-Call Project and Construction Management Assistance Inspection Services. The duration of this task is approximately 12 months.

The Bureau of Water & Wastewater, Construction Management is requesting Rummel, Klepper & Kahl, LLP to provide inspection services for SC 905, Improvements to Sanitary Sewer in Upper Gwynn's Run Region of the High Level Sewershed.

Account: 9956-905620-9551-900020-705032

MINUTES

Bureau of Water & Wastewater - cont'd

	<u>Consultant</u>	<u>Task Number</u>	<u>Amount</u>
5.	EMA, INC.	002	\$ 183,325.71

The Board is requested to approve and authorize the assignment of Task No. 002 to EMA, Inc. under Project 1176, On-Call Process Control and Supervisory Control And Data Acquisition (SCADA) Engineering Services. The duration of this task is approximately six months.

The Bureau of Water & Wastewater, Construction Management is requesting EMA, Inc. to provide assistance with the Customer Information System for the Water Billing Replacement Project. This would include assistance selecting a new software system that can integrate with the new AMI/R metering system, identifying system improvements and data clean up in preparation for the data conversion, staffing support, system pre-testing, and identification of new reports.

Account: 9960-904640-9557-900020-703032

The consultants will comply with Article 5, Subtitle 28 of the Baltimore City Code and MBE and WBE goals established in the original agreement.

APPROVED FOR FUNDS BY FINANCE**AUDITS REVIEWED AND FOUND THE BASIS FOR COMPENSATION CONSISTENT WITH CITY POLICY.**

UPON MOTION duly made and seconded, the Board approved and authorized the assignment of the foregoing Tasks.

MINUTESDepartment of Transportation - Task Assignments

The Board is requested to approve the task assignments under Project 1161, On-Call Construction Management Services to the consultant.

<u>Consultant</u>	<u>Task No.</u>	<u>Amount</u>
1. A. MORTON THOMAS AND ASSOCIATES, INC.	19	\$112,170.10
Accounts: 9950-902412-9506-900020-703032		\$ 56,085.05
9950-901363-9508-900020-703032		\$ 56,085.05

This authorization provides for project construction engineering services with the Transportation Engineering and Construction Engineering Division. The scope of work includes services for the repairs to various bridges and safety improvements along I-83 and other various projects as required.

2. **TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$110,316.29	9950-902363 9509	9950-901363-9508-3
MVR	Construction Res. Sinclair Lane over CSX	Design & Study Sinclair Lane Bridge over CSX Railroad

This transfer will provide funds to cover the deficit and partially fund the costs associated with Project 1161, Task No. 19, On-Call Construction Management Services with A. Morton Thomas & Associates, Inc.

MINUTES

Department of Transportation - cont'd

<u>Consultant</u>	<u>Task No.</u>	<u>Amount</u>
3. LOUIS BERGER WATER SERVICES, INC.	21	\$54,412.83
Accounts: 9950-903077-9512-900010-705032		\$27,206.42
9950-904076-9512-900010-705032		\$27,206.41

This authorization provides for construction inspector services for projects TR 09032R, TR 08316R, TR 083188, and TR 13311.

4. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$58,357.29 Federal	9952-909019-9511 Constr. Reserve Fiber Optic Design	
14,589.32 MVR	" "	
<u>\$72,946.61</u>	-----	9950-904076-9512-3 Design & Study Traffic Signals Citywide

This transfer will cover the deficit and fund the costs associated with Task No. 21, Project No. 1161, On-Call Construction Management Services.

MINUTES

Department of Transportation - cont'd

<u>Consultant</u>	<u>Task No.</u>	<u>Amount</u>
5. RUMMEL, KLEPPER & KAHL, LLC.	17	\$120,475.92

9950-904208-9514-900010-705032

This authorization provides for civil engineering services in accordance with TR 10301, Charles Street Reconstruction from 25th Street to University Parkway. The services include, but are not limited to addressing requests for information, attending meetings, maintaining and updating the project websites, review shop drawings, and conducting site visits.

APPROVED FOR FUNDS BY FINANCE

The Consultants will continue to comply with Article 5, Subtitle 28 of the Baltimore City Code and MBE and WBE goals established in the original agreement.

AUDITS REVIEWED AND FOUND THE BASIS FOR COMPENSATION CONSISTENT WITH CITY POLICY.

UPON MOTION duly made and seconded, the Board approved the foregoing task assignments under Project 1161, On-Call Construction Management Services to the consultants. The Transfers of Funds were approved, SUBJECT to the receipt of favorable reports from the Planning Commission, the Director of Finance having reported favorably thereon, in accordance with the provisions of the City Charter.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTION

* * * * *

On the recommendations of the City agency
hereinafter named, the Board,
UPON MOTION duly made and seconded,
awarded the formally advertised contracts
listed on the following page:

1637

to the low bidders meeting the specifications,
and rejected the bid as indicated
for the reasons stated.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases

- | | | | |
|----|--|--------------------------------|----------------|
| 1. | B50003414, Automotive Starters and Alternators | The Best Battery Company, Inc. | \$1,600,000.00 |
|----|--|--------------------------------|----------------|

(Department of General Services, Fleet Management)

MWBOO GRANTED A WAIVER.

- | | | | |
|----|-------------------------------------|----------------------------------|--------------|
| 2. | B50003256, Various Medical Supplies | Midwest Medical Supply, Co., LLC | \$ 63,018.00 |
|----|-------------------------------------|----------------------------------|--------------|

(Health Department)

MWBOO GRANTED A WAIVER.

- | | | | |
|----|--|--|---------------|
| 3. | B50003473, Recycling of Milled Asphalt | Key Recycling, LLC
Patuxent Materials, Inc. | \$ 100,000.00 |
|----|--|--|---------------|

(Department of Transportation)

MWBOO GRANTED A WAIVER.

MINUTES

Department of Transportation - Rescission of Award,
and Rejection of Bids

ACTION REQUESTED OF B/E:

The Board is requested to approve the rescission of the award of TR-11320, Greyhound Intermodal Terminal to Roy Kirby and Sons, Inc., and the rejection of all bids.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On June 26, 2013, the Board opened four bids for TR-11320, Greyhound Intermodal Terminal. The bid prices ranged from a low of \$6,605,012.00 to a high of \$7,398,000.00.

On April 02, 2014, the Board awarded contract TR-11320 to Roy Kirby & Sons, Inc. in the amount of \$6,605,012.00.

Post award, the Maryland Department of Transportation (MDOT), Office of MBE determined that the Disadvantaged Business Enterprises (DBE) requirements had not been met by Roy Kirby & Sons, Inc. MDOT based its determination on the fact that the DBEs identified by a bidder must be certified, based on the applicable North American Industry Classification System (NAICS) Codes, to perform all of the services enumerated in the engineering analysis of the bidder's clarified scope of work for their DBE participants. There are hundreds of different NAICS Codes with various components of work that overlap, but DBE firms need to be certified in the most specific NAICS Code(s) applicable to the products and services they provide.

Post award, MDOT advised the Baltimore City Department of Transportation that the DBE participants submitted by Roy Kirby

MINUTES

DOT - cont'd

& Sons, Inc. were not certified to perform the services required by the project. In accordance with MDOT's determination, the Baltimore City Department of Transportation recommends the Board to rescind the award to Roy Kirby & Sons, Inc. reject all bids, and re-advertising the contract for bids. With the Board's approval, the Baltimore City Department of Transportation will initiate the process within the next seven calendar days.

UPON MOTION duly made and seconded, the Board approved the rescission of the award of TR-11320, Greyhound Intermodal Terminal to Roy Kirby and Sons, Inc., and the rejection of all bids.

MINUTES**TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Department of Recreation & Parks</u>			
1. Kenn L. King	108 th Annual Conf. of the Government Finance Officers Assoc. Minneapolis, MN May 18 - 21, 2014 (Reg. Fee \$425.00)	General Funds	\$1,535.00

The airfare for the amount of \$474.00 was purchased using a City-issued credit card assigned to Ms. Carolyn Mark, and the registration was paid using EA000138466. Therefore, the disbursement amount to Mr. King will be \$636.00.

Police Department

2. Randy Pope	ATF Homemade Explosives (Identification, Process, Disposal) Course Huntsville, AL July 14 - 18, 2014		\$ 0.00
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No costs are incurred by the Police Department as the Bureau of Alcohol, Tobacco and Firearms provides transportation, housing, meals, and training.

3. Stephane Robinson	2014 Force Science Certification Course Alexandria, VA April 28 - May 2, 2014 (Reg. Fee \$1,500.00)		\$1,500.00
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The representative will use his personal vehicle for travel related expenses.

MINUTES

TRAVEL REQUESTS

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Police Dept. - cont'd</u>			
4. Arnold L. Pittman	Network Intrusion Response Program Hoover, AL Aug. 10 - 29, 2014		\$ 0.00

The training is at no cost to the Police Department. The United States Secret Service will cover all expenses involved including travel and lodging.

5. Jeronimo Rodriguez Martin A. Bartness	Operation Ceasefire and Comstat Chicago, IL May 6 - 8, 2014	Asset Forfeit- ture Fund	\$1,628.00
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Enoch Pratt Free Library

6. Ellen Riordan	American Library Assoc. Annual Conf. Las Vegas, NV June 25 - July 2, 2014		\$ 0.00
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The funding for the trip will be paid by training funds from the Enoch Pratt Free Library Trustee's budget.

Baltimore City Health Department

7. Lewis Smith Orin Howard Byron Pugh	Confronting Family & Community Violence Washington, DC May 01 - 03, 2014 (Reg. Fee \$300.00 ea.)	General Funds	\$2,304.24
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MINUTES

TRAVEL REQUESTS

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Baltimore City Health Department</u> - cont'd			
<p>The registration fee for each representative was paid using a City-issued credit card assigned to Ms. Jacquelyn Duval-Harvey. Therefore, the disbursement amount to Mr. Smith and Mr. Howard will be \$321.12 each. The disbursement to Mr. Pugh will be \$762.00.</p>			
8. Jennifer Boekeloo	2014 MD Emergency Management Assoc. Emergency Management & Homeland Security Conf. Ocean City, MD May 27 - 30, 2014 (Reg. Fee \$180.00)	Federal	\$ 858.83

The registration fee and a conference dinner were under EA0000139047. However, the cost of the conference dinner was defrayed from Ms. Boekeloo's subsistence allowance. Therefore, the disbursement amount to Ms. Boekeloo will be \$678.83.

9. Carolyn Nganga-Good	UCHAPS Membership Meeting May 4 - 7, 2014 Atlanta, GA	\$	0.00
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All travel expenses are incurred by the Urban Coalition for HIV/AIDS Prevention Services (UCHAPS).

MINUTES

TRAVEL APPROVALS & REIMBURSEMENTS

Health Department - cont'd

10. Georgina Baez \$2,617.73

11. Cecelia Salazar \$2,609.98

On February 24, 2014 through February 28, 2014, Ms. Baez and Ms. Salazar traveled to Oklahoma City, OK to attend the Power Through Choices Training of Facilitators.

When the agency began to plan for this travel, the Board of Estimates was going to be in recess on February 19, 2014. It was determined that there was not enough time to request the required prior administrative approval needed to submit the request to the Board.

Since this is a mandatory training for grantees, it was decided that Ms. Baez and Ms. Salazar would attend at their own expense and request reimbursement when they returned. These travel approvals and reimbursements are late because the Department was waiting for all applicable documentation/receipts and administrative approval to submit the request to the Board.

The registration fees for Ms. Baez and Ms. Salazar, in the amount of \$1,500.00 each, were paid on Expenditure Authorization No. EA000134920.

Ms. Baez incurred the expenses for the airfare, the taxi, hotel/hotel taxes, and meal expenses personally and therefore is seeking reimbursement for these expenses. Therefore, the total reimbursement amount to Ms. Baez will be \$1,117.73.

The reimbursement for Ms. Baez is as follows:

Airfare	\$ 374.00
Taxi	60.00
Hotel	556.00
Hotel Tax	77.16
Meals	50.57
Total	<u>\$1,117.73</u>

MINUTES

TRAVEL APPROVALS & REIMBURSEMENTSHealth Department - cont'd

The airfare for Ms. Salazar, in the amount of \$374.00, was prepaid on a City issued credit card assigned to Ms. Jacquelyn Duvall Harvey. Ms. Salazar incurred the expenses for the taxi, hotel/hotel taxes, and meal expenses personally and therefore is seeking reimbursement for these expenses. Therefore, the total reimbursement amount to Ms. Salazar will be \$735.98.

The reimbursement for Ms. Salazar is as follows:

Taxi	\$ 30.00
Hotel	556.00
Hotel Tax	77.16
Meals	72.82
Total	\$ 735.98

UPON MOTION duly made and seconded the Board approved the foregoing travel requests and the travel approvals and reimbursements.

MINUTES

PROPOSAL AND SPECIFICATIONS

1. Department of Transportation - TR 11320R, Greyhound
Intermodal Terminal, 2110
Haines Street
BIDS TO BE RECV'D: 06/04/2014
BIDS TO BE OPENED: 06/04/2014

There being no objections, the Board, UPON MOTION duly made and seconded, approved the above-listed Proposal and Specifications to be advertised for receipt and opening of bids on the date indicated.

MINUTES

President: "There being no more business before this Board, the meeting will recess until bid openings at 12 Noon. Thank you."

* * * * *

Clerk: "The Board is now in session for the receiving and opening of bids."

BIDS, PROPOSALS AND CONTRACT AWARDS

Prior to the reading of bids received today and the opening of bids scheduled for today, the Clerk announced that the following agencies had issued addenda extending the dates for receipt and opening of bids on the following contracts. There were no objections.

Department of Recreation and Parks - RP 12813, CC Jackson Recreation Center
BIDS TO BE RECV'D: 05/14/2014
BIDS TO BE OPENED: 05/14/2014

Bureau of Purchases - B50003431, Diesel Fuel
BIDS TO BE RECV'D: 05/07/2014
BIDS TO BE OPENED: 05/07/2014

MINUTES

Thereafter, UPON MOTION duly made and seconded, the Board received, opened and referred the following bids to the respective departments for tabulation and report:

Bureau of Water and Wastewater - WC 1219, New Laboratory
Facilities at Montebello
Filtration Plant

Shaney Construction Co., Inc.
James W. Ancel, Inc.
Wm. Schlosser Co., Inc.

Bureau of Purchases - B50003389, Building Glazing
Glass Installation Repairs
and Other Related Services
for Various City Agencies

JLN Construction Services, LLC

Bureau of Purchases - B50003470, Hook Lift Trucks

Baltimore Mack Trucks, Inc.
Waste Equipment Sales & Service L.L.C.
THC Enterprises, Inc. t/a Mid-Atlantic Waste Systems

Bureau of Purchases - B50003485, Automotive Paint
and Supplies

NO BIDS WERE RECEIVED

MINUTES

Bureau of Purchases

- B50003458, t-Shirts, Caps &
Other Active Wear

Nightmare Graphics, Inc.
KDF Printing
Chesapeake Uniform

MINUTES

There being no objections, the Board, UPON MOTION duly made and seconded, adjourned until its next regularly scheduled meeting on Wednesday, May 7, 2014.

JOAN M. PRATT
Secretary