

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 S. Chow, Director of Public Works
David E. Ralph, Deputy City Solicitor
S. Dale Thompson, Deputy Director of Public Works
Bernice H. Taylor, Deputy Comptroller and Clerk

President: "Good Morning, the September 23, 2015, meeting of the Board of Estimates is now called to order. 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. I will direct the Board members attention to the memorandum from my office dated September 21, 2015, 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 those opposed, NAY.

The Motion carries, the routine agenda has been adopted."

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

In accordance with the Rules for Prequalification of Contractors, as amended by the Board on October 30, 1991, the following contractors are recommended:

Advanced Fire Protection Systems, LLC	\$ 8,000,000.00
Allied Contractors, Inc.	\$ 32,796,000.00
Artisan Concrete Services, Inc.	\$ 891,000.00
CitiRoof Corporation	\$ 8,000,000.00
Dixie Construction Company, Inc.	\$ 8,000,000.00
HomeRite of Baltimore, LLC	\$ 1,026,000.00
J&R Roofing Company, Inc.	\$ 8,000,000.00
John E. Kelly & Sons Electrical Construction, Inc.	\$ 8,000,000.00
L/B Water Service, Inc. (Work Capacity Rating Underwritten by Blanket Guarantee of \$200,000.00 from the Parent Company Stormwater Solution Source, LLC)	\$ 200,000,000.00
Merrell Bros, Inc.	\$ 8,000,000.00
Michels Corporation	\$2,571,912,000.00
Moretrench American Corporation	\$ 526,455,000.00
Phoenix Experiential Designs, LLC	\$ 765,000.00
R&R Contracting Utilities, Inc.	\$ 1,500,000.00
Schnabel Foundation Company	\$ 179,442,000.00
SEH Excavating, Inc.	\$ 8,000,000.00
Synagro Central, LLC	\$ 611,451,000.00
Tissa Enterprises, Inc.	\$ 28,548,000.00

MINUTES**BOARDS AND COMMISSIONS** - cont'd2. 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:

Edwards Utility Mapping Corporation Land Survey

There being no objections the Board, UPON MOTION duly made and seconded, approved the prequalification of contractors and architects and engineers for the listed firms.

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TRANSFERS OF FUNDS

* * * * *

UPON MOTION duly made and seconded,

the Board approved

the Transfers of Funds

listed on the following page:

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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.

MINUTES**TRANSFERS OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Recreation and Parks</u>		
1. \$212,000.00	9938-907049-9475	9938-908049-9474
State (Program Open Space)	(Reserve) Cahill Community Center	(Active) Cahill Comm. Center
This transfer will provide funds to cover the costs associated with design services under On-Call Contract No. 1164, Task #32 to GWWO, Inc.		
2. \$ 25,000.00	9938-908046-9475	9938-910046-9474
Rec. & Parks 27 th Series	(Reserve) FY15 Pool and Bath House Renovation	(Active) FY15 Pool and Bath House Renovation
This transfer will provide funds to cover the costs associated with design services under On-Call Contract No. 1164, Task #33 to GWWO, Inc.		

MINUTES

Department of Law - Settlement Agreement and Release

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Settlement Agreement and Release for a claim brought by Dennis Talbot against the Baltimore City Department of Public Works for alleged violations of the Americans with Disability Act.

AMOUNT OF MONEY AND SOURCE:

\$28,000.00 - 2036-000000-1752-175200-603070

BACKGROUND/EXPLANATION:

The Plaintiff started employment with the DPW as a Seasonal Maintenance Worker (Driver) in May 2014. Due to a medical condition that prevented him from engaging in heavy lifting, he was transferred from his initial work location to another work site. There the Plaintiff was also required to perform heavy lifting though he requested driving functions only. The Plaintiff subsequently suffered a work-related injury while lifting a heavy item. The Plaintiff was examined at Mercy and was determined to be unfit to perform laboring functions. The Plaintiff was thereafter notified that his employment would terminate. The Plaintiff filed a charge of discrimination with the EEOC seeking back-pay and reinstatement. To avoid the costly expense of litigating an ADA claim and the uncertainty of trial, the parties have agreed to settle this matter for a modest sum of \$28,000.00, without reinstatement.

MINUTES

Law Department - cont'd

Based on a review by the Settlement Committee of the Law Department of the legal and factual issues specific to this particular claim, a recommendation is made to the Board to approve the settlement of this case as set forth above to avoid the uncertainty and expense of further litigation and potential appeals.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Settlement Agreement and Release for a claim brought by Dennis Talbot against the Baltimore City Department of Public Works for alleged violations of the Americans with Disability Act.

MINUTES

Mayor's Office Human - Agreements and Grant Agreement
Services (MOHS)

The Board is requested to approve and authorize execution of the following Agreements and Grant Agreement:

AGREEMENTS

1. **ST. VINCENT DE PAUL OF BALTIMORE** **\$1,078,944.00**

Account: 1001-000000-3572-327200-603051

The organization will provide services and shelter for 75 homeless women and children in Baltimore City. The period of the Agreement is July 1, 2015 through June 30, 2016.

The Agreement is late because of the delay at the Administrative level.

MWBOO GRANTED A WAIVER

2. **PROJECT PLASE, INC.** **\$151,037.50**

Account: 4000-407016-3572-756100-603051

The organization will provide permanent housing and supportive services to 12 individuals. The period of the Agreement is October 1, 2015 through September 30, 2016.

MWBOO GRANTED A WAIVER

MINUTES

MOHS - cont'd

GRANT AGREEMENT

3. **HEALTH CARE FOR THE HOMELESS, INC.** **\$196,550.00**

Account: 4000-407116-5940-760200-603051

The organization will use the funds to provide medical and mental health assessments, nursing services, case management, food, and transportation to medically compromised persons experiencing homelessness. The organization will also serve approximately 250 individual clients. The period of the Grant Agreement is July 1, 2015 through June 30, 2016.

The Grant Agreement is late because of the delay at the Administrative level.

MWBOO GRANTED A WAIVER

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 Grant Agreement.

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OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Law Department - Payment of Settlement</u>			
1. Denise Clark Keyes (Prior owner)	1904 Herbert St.	L/H	\$ 9,800.00

Funds are available in account 9910-910634-9588-900000-704040, Whole Block Demolition Area.

On January 28, 2015, the Board approved the acquisition, by condemnation, of the leasehold interest in the real property located at 1904 Herbert Street. The Board previously approved a fair market value of \$19,700.00, based upon an independent appraisal report. As the property was a rental property, the owner obtained a report using the income approach, indicating that the value of the property was \$59,875.00. After mediation, the parties settled the case for \$29,500.00. Therefore, the Board is requested to approve an additional \$9,800.00.

UPON MOTION duly made and seconded, the Board approved the Payment of Settlement.

MINUTES

Department of Real Estate - Tax Sale Certificate

ACTION REQUESTED OF B/E:

The Board is requested to approve the assignment of a Tax Sale Certificate to Adel Ahmed for an amount that is less than the lien amount for the property located at 1357 W. North Avenue.

AMOUNT OF MONEY AND SOURCE:

<u>Property Address</u>	<u>Appraised Value</u>	<u>Flat Taxes & Water</u>	<u>Total Liens</u>	<u>Assignment Amount</u>
1357 W. North Avenue	\$5,000.00	\$8,725.15	\$25,874.37	\$8,725.15

BACKGROUND/EXPLANATION:

The City acquired the Tax Sale Certificate for 1357 W. North Avenue on May 19, 2014 for \$25,874.37. Adel Ahmed has offered to purchase the Tax Sale Certificate for \$8,725.15 cash, file the petition to foreclose, acquire title to the property, and return it to productive use.

The assignment amount of \$8,725.15 for the Tax Sale Certificate will cover the flat taxes and water bills on that property.

UPON MOTION duly made and seconded, the Board is requested to approve the assignment of a Tax Sale Certificate to Adel Ahmed for an amount that is less than the lien amount for the property located at 1357 W. North Avenue.

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

The Board is requested to approve and authorize execution of a Sublease Agreement with the Community Media of Baltimore City, Inc., Sublessee, for the rental of a portion of the property known as 34 Market Place, being on the 2nd floor, consisting of 117 square feet. The period of the Sublease Agreement is September 1, 2015 through August 31, 2016, with the option to renew for one additional 1-year term.

AMOUNT OF MONEY AND SOURCE:

<u>Year</u>	<u>Annual Rent</u>	<u>Monthly Installment</u>
1	\$1,855.85	\$154.65

The option to renew for one additional year will be at the rate of 3% above the previous year.

BACKGROUND/EXPLANATION:

The Leased Premises will be used for offices by Community Media of Baltimore City, Inc. The Sublessee accepts the sublet space in its current condition. The Sublessee will be responsible for the maintenance of the sublet space at its own expense and cost. The Sublessor will be responsible for maintaining the premises in good, clean, and safe repair and condition.

The Space Utilization Committee approved this Sublease Agreement on September 15, 2015.

MINUTES

Space Utilization Committee - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Sublease Agreement with the Community Media of Baltimore City, Inc., Sublessee, for the rental of a portion of the property known as 34 Market Place, being on the 2nd floor, consisting of 117 square feet.

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

The Board is requested to approve and authorize execution of a Lease Agreement with the Horticultural Society of Maryland, Inc., Tenant, for the rental of 85 square feet of office space at the Vollmer Center (Building), 4915 Greenspring Avenue. The period of the Lease Agreement is June 1, 2015 through May 31, 2020.

AMOUNT OF MONEY AND SOURCE:

\$1.00 - Annual Rent

BACKGROUND/EXPLANATION:

The leased premises will be used as office space for the Horticultural Society of Maryland, Inc. The annual rent for \$1.00 takes into consideration the \$500,000.00 donation made by Pauline Vollmer towards the construction of the building on behalf of the Horticultural Society of Maryland, Inc., as well as an additional \$100,000.00 donated by the Horticultural Society of Maryland, Inc. towards construction of the new Vollmer Center.

Provided that the Tenant is not in default of any terms of the Lease Agreement at the time of exercise, the Tenant has the option to renew the lease for two additional five year terms. The Tenant will pay on the commencement date of this lease the sum of \$2,400.00 annually and June 1st of each renewal year into a "Building Operation Fund" that will be established by the City to defray utility, security, janitorial, and other expenses incurred in connection with such uses from the tenant.

The Space Utilization Committee approved this lease on September 15, 2015.

MINUTES

Space Utilization Committee - cont'd

This lease is late because of administrative issues.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Lease Agreement with the Horticultural Society of Maryland, Inc., Tenant, for the rental of 85 square feet of office space at the Vollmer Center (Building), 4915 Greenspring Avenue.

MINUTES

Space Utilization Committee - Lease Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Lease Agreement between the Mayor's Office of Human Services, Landlord, and Dayspring Programs, Inc./Head Start Program, Tenant, for the rental of the property known as 5427 Belair Road, consisting of approximately 7,472 square feet. The period of the Lease Agreement is July 1, 2015 through June 30, 2017.

AMOUNT OF MONEY AND SOURCE:

\$1.00 - Annual Rent, if demanded

BACKGROUND/EXPLANATION:

The leased premises will be used for Dayspring Head Start operations, providing education, health, social services, and parent-community involvement opportunities to low-income children (ages 3 to 5) and their families.

The Landlord will be responsible for fire insurance. The Tenant accepts the leased premises in its current existing condition and will be responsible for maintenance, utilities, repairs, minor improvements, janitorial, security, and pest control. The tenant will maintain necessary licenses for business operation.

The Landlord and Tenant will meet to discuss proposed capital improvements and determine the party responsible to pay costs associated with such improvements.

MINUTESSpace Utilization Committee - cont'd

The Space Utilization Committee approved this Lease Agreement on September 15, 2015.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Lease Agreement between the Mayor's Office of Human Services, Landlord, and Dayspring Programs, Inc./Head Start Program, Tenant, for the rental of the property known as 5427 Belair Road, consisting of approximately 7,472 square feet.

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

The Board is requested to approve and authorize execution of a Lease Agreement between Futurecare Homewood Properties, LLC, Landlord, and the Department of Housing and Community Development Weatherization Program, Tenant, for a portion of the property known as 2700 N. Charles St., on the 2nd floor, consisting of approximately 8,472 sq. ft. also known as Suite 201 along with 10 parking spaces at 2614-2628 N. Charles St. The period of the Lease Agreement is July 1, 2015 through June 30, 2017.

AMOUNT OF MONEY AND SOURCE:

	<u>Annual Rent</u>	<u>Monthly Installments</u>
Year 1 and 2	\$121,573.20	\$10,131.10

Account: 5000-594415-5971-439503-603013

BACKGROUND/EXPLANATION:

The Leased Premises will be used for the DHCD Weatherization Program. The Landlord will be responsible for structural maintenance, maintenance and repairs, utilities, security, fire insurance, real estate taxes and snow removal. The Tenant will provide to the leased premises, janitorial services, and liability insurance under the City's self-insured program, and contribute \$333.33 per month towards security costs.

The agreement is late because of delays in the administrative review process, which is required before submission to the Board.

MINUTESSpace Utilization Committee - cont'd

The Space Utilization Committee approved this Lease Agreement on September 15, 2015.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Lease Agreement between Futurecare Homewood Properties, LLC, Landlord, and the Department of Housing and Community Development Weatherization Program, Tenant, for a portion of the property known as 2700 N. Charles St., on the 2nd floor, consisting of approximately 8,472 sq. ft. also known as Suite 201 along with 10 parking spaces at 2614-2628 N. Charles St.

MINUTES

Space Utilization Committee - Lease Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Lease Agreement between Futurecare Homewood Properties, LLC, landlord, and Mayor's Office of Human Services, tenant, for a portion of the property known at 2700 N. Charles St., on the 2nd floor, consisting of approximately 12,291 sq. ft. also known as Suite 202 along with 10 parking spaces at 2614-2628 N. Charles St. The period of the Lease Agreement is July 1, 2015 through June 30, 2017.

AMOUNT OF MONEY AND SOURCE:

	<u>Annual Rent</u>	<u>Monthly Installments</u>
Year 1 and 2	\$125,000.00	\$10,416.67

Account: 5000-585915-1191-719000-603013

BACKGROUND/EXPLANATION:

The Leased Premises will be used for the Mayor's Office of Human Services, Energy Assistance Program. The Landlord will be responsible for structural maintenance, maintenance and repairs, utilities, security, fire insurance, real estate taxes and snow removal. The Tenant will provide to the leased premises, janitorial services, and liability insurance under the City's self-insured program, and contribute \$666.67 per month towards security costs.

The agreement is late because of delays in the administrative review process, which is required before submission to the Board.

MINUTES

Space Utilization Committee - cont'd

The Space Utilization Committee approved this Lease Agreement on September 15, 2015.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Lease Agreement between Futurecare Homewood Properties, LLC, landlord, and Mayor's Office of Human Services, tenant, for a portion of the property known at 2700 N. Charles St., on the 2nd floor, consisting of approximately 12,291 sq. ft. also known as Suite 202 along with 10 parking spaces at 2614-2628 N. Charles St.

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

The Board is requested to approve and authorize execution of the Lease Agreement with the Maryland Aviation Administration of Maryland, Department of Transportation, Landlord, for a portion of the property known as Martins Airport-Hanger 499, consisting of approximately 61,315 sq. ft. of land and 24,400 sq. ft. of aircraft hangar and floor space. The period of the Lease Agreement is September 5, 2015 through September 4, 2025.

AMOUNT OF MONEY AND SOURCE:

<u>Annual Rent</u>	<u>Monthly Installments</u>
\$303,089.00	\$25,257.42

Account: 1001-000000-6400-634100-603013

BACKGROUND/EXPLANATION:

The Tenant will use the leased premises to store, maintain, and administer the helicopter fleet of the Baltimore City Police Department Aviation Unit. The Landlord responsibilities include maintaining the common facilities in good condition, providing cleaning and snow removal services, and to permit the use of the common facilities at the Airport to include the airfield ramps, cargo discharging areas, and taking off facilities. The Tenant responsibilities include maintaining the interior and exterior of the Hangar leased premises, keeping the leased premises in clean, safe, and sanitary condition, paying all utility services and fees for use of the Leased Premises, and to pay for a Liability Insurance policy.

MINUTESSpace Utilization Committee - cont'd

The Space Utilization Committee approved this Lease Agreement on September 15, 2015.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Lease Agreement with the Maryland Aviation Administration of Maryland, Department of Transportation, Landlord, for a portion of the property known as Martins Airport-Hanger 499, consisting of approximately 61,315 sq. ft. of land and 24,400 sq. ft. of aircraft hangar and floor space.

MINUTES

Department of Real Estate - Lease Renewal Option

ACTION REQUESTED OF B/E:

The Board is requested to approve exercising the renewal option of the Lease Agreement with Cloverland Real Estate II Limited Partnership, Landlord, for the rental of a portion of the property known as 2524 Kirk Avenue, on the 1st floor, consisting of approximately 25,000 sq. ft. The period of the renewal is October 1, 2015 through September 30, 2020.

AMOUNT OF MONEY AND SOURCE:

	<u>Annual Rent</u>	<u>Monthly Rent</u>
Year 1	\$244,240.32	\$20,353.36
Year 2	\$254,009.93	\$21,167.49
Year 3	\$264,170.33	\$22,014.19
Year 4	\$274,737.14	\$22,894.76
Year 5	\$285,726.63	\$23,810.55

Account: 1001-000000-2002-195600-603013

BACKGROUND/EXPLANATION:

The Board approved the original lease agreement on August 3, 2005. The leased premises will be used by the Baltimore Police Department, Internal Investigation Division as office space and headquarters of the Internal Investigation Division. The agreement was for 10 years commencing October 1, 2005 through September 30, 2015, with the option to renew for two five-year periods. This request is for the first renewal option. The Landlord will be responsible for utilities, structural defects, maintenance and repairs, real estate taxes, fire insurance and janitorial services. The Tenant will be responsible for liability insurance under the City's self-insured program.

MINUTES

Department of Real Estate - cont'd

All other rentals, conditions, and provisions of the Lease Agreement dated August 3, 2005 will remain in full force and effect.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved exercising the renewal option of the Lease Agreement with Cloverland Real Estate II Limited Partnership, Landlord, for the rental of a portion of the property known as 2524 Kirk Avenue, on the 1st floor, consisting of approximately 25,000 sq. ft.

MINUTES

Department of Real Estate - Renewal of License Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve the exercising of the renewal option of a License Agreement with The Towers of Harbor Court Condominium, licensor, for the rental of a portion of the premises located at 10 E. Lee St., being the roof of the East Tower building consisting of approximately 841 sq. ft. The period of the lease renewal is October 1, 2015 through September 30, 2016.

AMOUNT OF MONEY AND SOURCE:

<u>Annual Rent</u>	<u>Monthly Installment</u>
\$76,384.56	\$6,365.38

Account: 2042-000000-1474-165700-603013

BACKGROUND/EXPLANATION:

The demised premises are used for the operation and maintenance of antennas, in conjunction with the 800 Megahertz system for the Fire and Police Departments of Baltimore City. The Board approved the original License Agreement on September 30, 1997, with an option to renew for 9 terms of one-year. A new License Agreement was approved by the Board on November 21, 2007 for an initial term of one year beginning on October 1, 2007 with an option to renew for 9 one-year terms. This renewal is for the eighth term. The Licensor will be responsible for maintenance and repairs, roof and all common areas of the building and utilities.

MINUTES

Department of Real Estate - cont'd

The Licensee will be responsible for liability insurance, maintenance, and repairs to equipment.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved the exercising of the renewal option of a License Agreement with The Towers of Harbor Court Condominium, licensor, for the rental of a portion of the premises located at 10 E. Lee St., being the roof of the East Tower building consisting of approximately 841 sq. ft.

MINUTES

Department of Real Estate - Lease Renewal Option

ACTION REQUESTED OF B/E:

The Board is requested to approve the renewal of the Lease Agreement with Joseph S. McNeal, tenant, for the rental property known as 4601 Bucks Schoolhouse Road, Baltimore County, consisting of approximately 65 acres of farmland along with a one story dwelling, and other buildings. The period of the renewal is August 1, 2015 through July 31, 2016.

AMOUNT OF MONEY AND SOURCE:

<u>Annual Rent</u>	<u>Monthly Rent</u>
\$10,818.00	\$901.50

BACKGROUND/EXPLANATION:

The leased premises are used primarily for agricultural use. The original term of the lease agreement was for one year, commencing on August 1, 2013 through June 31, 2014. The lease was approved on July 31, 2013. The first renewal option was approved for August 1, 2014 through July 31, 2015. This request is for the second renewal. The Landlord will carry adequate fire insurance on the leased premises under the Landlord's self-insurance program. The Tenant will be responsible for maintenance and repairs, payment of utilities, trash and snow removal, real estate taxes, and the liability insurance on the leased premises.

The renewal is late because the tenant had to resolve back rent payments before the renewal could be offered.

MINUTES

Department of Real Estate - cont'd

UPON MOTION duly made and seconded, the Board approved the renewal of the Lease Agreement with Joseph S. McNeal, tenant, for the rental property known as 4601 Bucks Schoolhouse Road, Baltimore County, consisting of approximately 65 acres of farmland along with a one story dwelling, and other buildings.

MINUTES

Space Utilization Committee - Third Amendment to Lease Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Third Amendment to Lease Agreement with RWN-200 East Lexington Street, LLC, Landlord, for the rental of a part of the property located at 200 E. Lexington Street, consisting of approximately 3,000 square feet, and known as Suites 100 and 101 for use by the Environmental Control Board (ECB), Tenant. The Third Amendment to Lease Agreement extends the period of the agreement through October 31, 2017.

AMOUNT OF MONEY AND SOURCE:

	<u>Annual Rent</u>	<u>Monthly Rent</u>
Year 1	\$45,000.00	\$3,750.00
Year 2	\$48,000.00	\$4,000.00

Account: 1001-000000-1170-138600-603013

BACKGROUND/EXPLANATION:

The Leased Premises will be used for offices by the Baltimore City Environmental Control Board.

On August 10, 2011, the Board approved the original lease agreement for three years commencing November 1, 2011 through October 31, 2014. On November 9, 2011, the Board approved the first amendment. This Third Amendment to Lease Agreement extends the period through October 31, 2017. All other conditions, provisions, and terms of the original agreement remain in full force and effect.

The Space Utilization Committee approved this Third Amendment to Lease Agreement on September 15, 2015.

MINUTES

Space Utilization Committee - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Third Amendment to Lease Agreement with RWN-200 East Lexington Street, LLC, Landlord, for the rental of a part of the property located at 200 E. Lexington Street, consisting of approximately 3,000 square feet, and known as Suites 100 and 101 for use by the Environmental Control Board (ECB), Tenant.

MINUTESDepartment of Transportation - 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. 120 W. North Avenue	North Avenue Arts, LLC	(1) Marquee 80 sq. ft., (1) double face electric sign 25 sq. ft.
Annual Charge:	\$ 468.50	
2. 1414 Key Highway	1414 Key Highway Holdings, LLC	Canopy 50' 6"x5'4" wood veneer 4"
Annual Charge:	\$ 636.37	

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

There being no objections the Board, UPON MOTION duly made and seconded, approved the minor privilege permits.

MINUTES

Department of Transportation - Conduit Lease Rate Adjustment

ACTION REQUESTED OF B/E:

The Board is requested to approve the City conduit lease fees to be set at \$3.33 per occupied or reserved linear foot annually. The proposed fees will apply to all users and occupants of the system. The fees shall be effective upon Board approval, or September 9, 2015, whichever occurs later and will remain in effect until revised or adjusted as defined herein. Beginning on July 1, 2016, and annually thereafter effective on July 1 of each year, these rates will be adjusted based on the increase in the Consumer Price Index. The Department also requests authority to impose a monthly late fee of 1.5% of the outstanding balance upon users of the system who fail to remit the full amount invoiced within 60 calendar days of the invoice date.

AMOUNT OF MONEY AND SOURCE:

This action does not involve the expenditure of any City funds.

BACKGROUND/EXPLANATION:

In 2008, the Board approved a rate agreement between the City and Baltimore Gas and Electric, the largest user of the conduit system that established rates to be paid over a five year period, which expired in October 2014. The Board extended the agreement on two occasions and the Agreement has now expired. The current rate of 0.9785 per linear foot, remains below the City's costs to own, operate, and maintain the system as determined in 2000, and falls short of the cost to operate and maintain the system today. The requested rate represents the cost to operate and proactively maintain the system today.

PROTESTS WERE RECEIVED FROM COMCAST, LEVEL 3 COMMUNICATIONS, INC., ZAYO GROUP, LLC, BGE/MILES & STOCKBRIDGE P.C., AND UNIVERSITY OF MARYLAND THE FOUNDING CAMPUS. CENTURY LINK, FILED A LATE PROTEST. IT WILL BE PART OF THE RECORD FOR THE BOARD'S REVIEW.



September 22, 2015

Board of Estimates c/o
Bernice Taylor
Clerk to the Board of Estimates
Room 204, City Hall
100 N. Holiday Street
Baltimore, MD 21202

**Re: Protest Against Baltimore City Department of Transportation Requested
Conduit Lease Rate Adjustment**

Dear Ms. Taylor:

I am writing on behalf of Comcast of Baltimore City, L.P. (“Comcast”) to protest the conduit lease rate adjustment requested by the City of Baltimore Department of Transportation (“Department”) in its September 3, 2015 Memo to the Board of Estimates (“Request”). The Department’s Request, which would increase the City’s conduit lease fees for certain occupants, including Comcast, by over 200 percent to \$3.33 per linear foot per year (further adjusted annually using CPI), is scheduled for hearing before the Board on Wednesday, September 23, 2015. Comcast, which occupies nearly 1 million total duct feet within the City’s conduit system, and its customers in the City, would be significantly and detrimentally impacted by the requested rate increase. Comcast also intends to send representatives – Mr. John Conwell, Vice President, Government & Regulatory Affairs, Comcast Cable, and Mr. Antoine Banks, Senior Manager, Government & Regulatory Affairs, Comcast Cable – to attend and speak at the September 23 hearing.

Comcast has the following serious concerns about the Department’s requested conduit fee increase:

- Use of the City’s conduit system is essential to the nearly 50 occupants of the Baltimore City conduit system, including Comcast.¹
- While the Department’s Request would increase annual fees for its conduit occupants, the increase would not apply to one of the City’s largest right of way users, Verizon, thereby creating a non-level playing field among the City’s public right-of-way users.
- The requested overnight increase in conduit rates by more than 200 percent threatens to negatively impact broadband investment and adoption in the City.
- The exorbitant amount and discriminatory application of the requested fee increase may be a violation of Section 253 of the Communications Act, which prohibits local right of way fees that are not fair, reasonable and non-discriminatory.

¹ Attached hereto as Exhibit A is a list of Baltimore City conduit occupants provided by the City.

- Unless proven to be cost based and non-discriminatory, the conduit charge may violate the Federal Cable Act cap on cable franchise fees.
- At a minimum, the Board must engage in additional procedures to ensure that the rate is properly noticed and that impacted conduit occupants are afforded a fair and meaningful opportunity to examine the cost justification for the rate and to ensure that it is being applied uniformly to all conduit occupants, including Verizon and the City occupants.

1. Use of the City’s Baltimore City Conduit System is Essential to the Business Operations of the System’s Nearly 50 Conduit Occupants.

The City’s conduit system accommodates nearly 18 million linear feet of facilities providing vital communications and utility services to City’s residents and businesses. Zoning, environmental, and other constraints make it impractical for these conduit occupants to install redundant conduit facilities (or aerial plant) within the City’s public rights of way. Indeed, in the context of telecommunications and broadband, it is well established that service providers are heavily dependent on the ability to obtain access to utility poles, conduits, and rights of way – considered to be “essential facilities” and thus, bottle necks to facilities-based competition. Federal and state regulation began in the late 1970s to ensure access to poles, conduits and rights of way at reasonable rates and on competitively neutral terms and conditions, culminating with the federal Pole Attachment Act.² While municipalities are not subject to the federal law, fifteen states have adopted legislation governing access to municipal poles and conduit facilities in recognition of the essential nature of these facilities.³

2. Requested Conduit Fee Increase Would Create a Non-Level Playing Field for the City’s Broadband Service Providers.

When Congress passed the 1996 Telecommunications Act it sought to establish “a pro-competitive, deregulatory national policy framework” for the telecommunications industry, and “to accelerate deployment of advanced telecommunications services to all Americans by opening all telecommunications markets to competition.” S. Conf. Rep. No. 104-230 at 1 (1996). Under the Act, local jurisdictions were strongly encouraged to promote facilities based competition. Baltimore embraced this challenge. Today, several of the City’s conduit occupants, including Comcast, provide broadband services in competition with the City’s incumbent provider, Verizon. It is our understanding that Verizon, by virtue of some historic arrangement with the City, is excluded from the application of the conduit fee increase. Raising costs of all other users

²47 U.S.C. §224; *see, also* 123 Cong. Rec. H5097 (daily ed. May 25, 1977) (statement of Rep. Wirth) (“Cable television operators are generally prohibited by local governments from constructing their own poles to bring cable service to consumers. This means they must rely on the excess space on poles owned by the power and telephone utilities.”); S. REP. NO. 580, 95th Cong., 1st Sess. 13 (1977); H.R. REP. NO. 721, 95th Cong., 1st Sess. 2 (1977) (“Use is made of existing poles rather than newly placed poles due to the reluctance of most communities, based on environmental considerations, to allow an additional duplicate set of poles to be placed”).

³ These states are Alaska, California, Colorado, Delaware, Indiana, Maine, Massachusetts, Missouri, New York, North Carolina, Oregon, Texas, Vermont, Washington and Wisconsin.

of the public right of way is contrary to this well-reasoned public policy of non-discriminatory, robust facilities based competition in the provision of broadband services.

3. The Requested Conduit Fee Increase Threatens to Negatively Impact Broadband Investment and Adoption in the City.

The City is proposing a more than 200 percent rate increase in conduit rents overnight. For many of the City's conduit occupants this translates to millions of dollars in cost increases over the next several years. Yet the Request fails to mention let alone analyze the impact of the proposed conduit increase on the conduit occupants or their customers. Comcast is particularly concerned about the possible ramifications of such a sudden and significant increase on those conduit occupants, such as Comcast, that have invested heavily in the City's fiber optic broadband infrastructure. The Department's Request would set the City's conduit rates at levels that far exceed the cost justified conduit rates charged by other conduit owners across the country.⁴ As such, the increase threatens to discourage broadband investment and adoption of broadband in Baltimore.

4. The Magnitude of the Requested Conduit Fee Increase and its Discriminatory Application Violates Section 253 of the Communications Act.

Section 253(a) of the Communications Act, Removal of Barriers to Entry, states that:

No State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.

47 U.S.C. § 253(a). Moreover, while state and local governments may, to the extent authorized by state law, “*manage* the public rights-of-way . . . [and] require *fair and reasonable* compensation from telecommunications providers,” they may only do so “on a *competitively neutral and nondiscriminatory basis*” and provided that any required compensation “is *publicly disclosed* by such government.”⁵

Courts enforcing Section 253 have held a city may not enforce a right of way occupancy fee against a competitive provider while imposing no such obligation on the incumbent provider

⁴ Other conduit owners, whose costs have been examined in regulatory proceedings, have been directed to set rates at less than \$1 per foot. See, e.g., *Proceeding On Motion of the Commission to Examine New York Telephone Company's Rates for Unbundled Network Elements*, Supplemental Recommended Decision On Pricing Of Ducts And Conduits, Case 98- C-1357, N.Y. Pub. Serv. Comm'n (June 18, 2001), *aff'd by Proceeding On Motion of the Commission to Examine New York Telephone Company's Rates for Unbundled Network Elements, Order on Unbundled Network Element Rates*, Case 98-C-1357 (Jan. 28, 2002); *Greater Media, Inc. v. New England Telephone and Telegraph*, Mass. D.P.U. 91-218 (Apr. 17, 1992).

⁵ See 47 U.S.C. § 253(c) (emphasis added).

because such “disparate treatment is plainly not ‘competitively neutral and nondiscriminatory.’”⁶ Indeed, the United States Bankruptcy Court rejected Montgomery County, Maryland’s attempt to enforce franchise fees against MFN (now Zayo) while exempting Verizon from such fees.⁷ In this case, the Department’s request to increase Comcast’s cost to the be in the public right of way and not Verizon’s violates the law’s requirement of non-discriminatory application.

Even in the absence of discriminatory application, courts have struck down exorbitant right of way occupancy fee increases similar to those being sought by the Department. For example, the Court of Appeals for the Tenth Circuit struck down a fee charged to Qwest for its occupancy of the right of way by the City of Santa Fe New Mexico because the “resulting cost increase would nearly quadruple Qwest’s cost of doing business under the franchise agreement.”⁸ Similarly, the Court of the Appeals for the First Circuit struck down a municipal right of way fee imposed on Puerto Rico Telephone Company because the fee increase would “negatively affect” the company’s profitability.⁹

Moreover, the Department’s Request does not provide any evidence that its increase is necessary to cover the cost of maintaining the conduit or Comcast’s use of the conduit, as required by law. “[A]ny fee that is not based on [the provider’s] use of City rights-of-way violates § 253(a) of the [Federal Telecommunications Act] as an economic barrier to entry.”¹⁰ Telecommunications right of way fees must be based on right of way usage, not “on pure compensation for use of the rights-of-way.”¹¹ The most recent Maryland case follows the same reasoning. In *Bell Atlantic-Maryland, Inc. v. Prince George’s County*, the district court capped right of way fees at “a level that is reasonably calculated to compensate [the county] for the costs of administering their franchise programs and of maintaining and improving their public rights-of-way.”¹² The Prince George’s County court held that “any franchise fees that local governments impose on telecommunications companies must be directly related to the companies’ use of the local rights-of-way, otherwise the fees constitute an unlawful economic barrier to entry under Section 253(a).”¹³ At a minimum, as set forth more fully below, the Department should be required to prove the cost-basis for the requested increase.

⁶ See *TCG New York, Inc. v. City of White Plains*, 305 F.3d 67, 79-80 (2d Cir. 2002), cert. denied, 538 U.S. 923 (2003).

⁷ The decision was not vacated on the merits; it was vacated pursuant to a joint motion.

⁸ See *Qwest Corp. v. City of Santa Fe, New Mexico*, 380 F.3d 1258, 1271 (10th Cir. 2004) (holding that substantial increases in compensation violated 47 U.S.C. § 253).

⁹ *Puerto Rico Tel. Co. v. Municipality Of Guayanilla*, 450 F.3d 9, 23 (1st Cir. 2006) (holding that considerable fee increases placed a “significant burden” on the provider and therefore were prohibitive).

¹⁰ *AT&T Communications of the Southwest, Inc. v. City of Dallas*, 8 F. Supp. 2d 582, 593 (N.D. Tex. 1998).

¹¹ *Peco Energy Co. v. Township of Haverford*, 1999 U.S. Dist. LEXIS 19409 *24 (E.D. Pa. Dec. 20, 1999), the court held that

¹² *Bell Atl.-Maryland, Inc. v. Prince George’s Cnty., Md.*, 49 F. Supp. 2d 805, 817 (D. Md. 1999), vacated sub nom. *Bell Atl. Maryland, Inc. v. Prince George’s Cnty., Maryland*, 212 F.3d 863 (4th Cir. 2000). While this case was vacated on procedural grounds, its substantive conclusions are nevertheless persuasive.

¹³ *Id.* at 817.

5. The Requested Conduit Fee Increase Exceeds What Comcast May Be Lawfully Charged in Franchise Fees.

Under § 542(b) of the Communications Act, for any 12-month period, a cable operator's franchising authority – in this case, the City of Baltimore – may impose franchise fees on the cable system of *no more than* 5% of the operator's gross revenues from operation of the system to provide cable service. 47 U.S.C. § 542(b). "Franchise fee" is broadly defined as "any tax, fee, or assessment of any kind" that a franchising authority, or "other governmental entity," imposes "on a cable operator ... solely because of [its] status as such." *Id.* § 542(g)(1). While the definition excludes *generally applicable* taxes, fees or assessments, including those imposed on both utilities and cable operators – the exclusion does not encompass any "tax, fee or assessment [that] is unduly discriminatory against cable operators." *Id.* § 542(g)(2)(A). Thus, a fee, such as that requested by the Department, that applies to Comcast and not Verizon constitutes a franchise fee under federal law.

Comcast already pays the maximum 5% franchise fee annually pursuant its franchise agreement with the City, Council Bill 04-1504, Baltimore City Cable Television Franchise Agreement by and between the Mayor and City Council of Baltimore and Comcast of Baltimore City, L.P. § 10.1(a). Again, because of some historic agreement with Verizon that allows Verizon to be exempt from the conduit rental fee and the proposed increased, the conduit rate increase is discriminatory and must count toward the 5% franchise fee limit.

6. The Board of Estimates Should Not Adopt the Requested Increase Without Additional Procedures To Examine Whether the Requested Increase is Cost-Based and Non-Discriminatory.

The single paragraph "Background/Explanation" provided by the Department is inadequate to justify a rate increase of this magnitude. Indeed, the Department has failed to provide evidence to support its assertion that the current rate of \$.9785 per foot "remains below the City's cost to own, operate and maintain the system." Nor has the Department offered any analysis of the need for the increase or the impact that the requested increase would have on the City's nearly 50 conduit occupants which, as explained above, have no practical cost-efficient alternative to using the City's conduit. The memo is silent with regard to the impact the proposed rate would have upon broadband investment and adoption. At a minimum, the City must not simply approve this rate without engaging in a process to ensure that the requested increase is cost justified, non-discriminatory and will not harm the City's occupants.

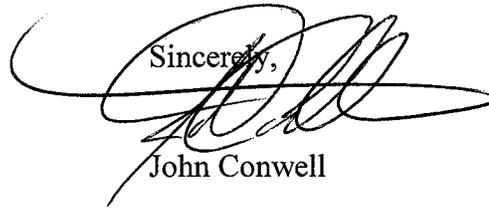
Such process must include provision by the City of information that is necessary to evaluate whether the requested increase comports with governing law. To that end, Comcast believes it is essential for the City to provide the conduit occupants with all of the information the Department and the Board have considered in connection with requested the increase including: (1) any analysis of the cost justification for the increase, which would include book cost, depreciation, maintenance and administrative costs; (2) copies of any agreements the City has with the conduit occupants, including the terms and conditions governing the City occupants; (3) justification for the City's differential treatment of Verizon; (4) any studies conducted

concerning the physical condition of the conduit; and (5) any consideration of the impact of the rate increase on the financial operations of the conduit occupants and on the investment and adoption of broadband.

In addition, to protect against similar situations going forward, the City should specify objective criteria for calculating the charges (costs actually incurred in issuing permits, making inspections, administering permit and inspection program, etc.) as well as any proposed increases to such charges, and provide for advance notice and public comment on such charges. Comcast suggests that the City consider using the conduit rate formula promulgated by the FCC and adopted by many states that regulate poles, conduit and rights-of-way, as a measure of establishing just and reasonable cost based rates for City conduit. *See* 47 C.F.R. § 1.1409(e)(3).

In sum, Comcast urges the Board of Estimates to deny the requested increase. At a minimum, the City should require the Department to work up the appropriate cost justification and meet with the various conduit occupants to hold discussions recognizing due process.

Please contact the undersigned with any questions you may have concerning this protest.

Sincerely,

John Conwell

CONDUIT TOTALS BILLED AS OF 01/30/15**TOTAL DUCT FEET**

ABOVENET, INC. (formerly METROMEDIA FIBER)	126,645.18
ACCELACOM (now airband baltimore, llc)	359.04
AGORA	7,947.22
AT&T	58,214.97
BANK OF AMERICA (NATIONS BANK)	2,269.50
BCCC	20,576.85
BGE	12,406,602.81
BLUE STAR TECHNOLOGY	17,974.44
BRAVO HEALTH INC.	548.76
BROADWING (formerly IXC)	2,639.76
CSC (COMPUTER SERVICES CORP.) / STATE OF MD	2,064.48
CSX	542.43
COMCAST (formerly TCI)	910,819.48
DEUTSCHE BANK (ALEX BROWN)	5,604.86
FIBERLIGHT, LLC	117,906.90
FIRST TELECOM SERVICES, LLC (formerly GPU)	54,422.10
JOHNS HOPKINS HOSPITAL	94,876.66
JHU HOMEWOOD FACILITIES DEPT.	58,110.42
JOHNS HOPKINS REAL ESTATE OFF.	107,889.48
JOHNS HOPKINS UNIV. SCHOOL OF MED.	6,783.41
JOHNS HOPKINS UNIV. INFORMATION TECHNOLOGY	20,079.72
LEVEL 3 COMMUNICATIONS	92,584.38
LITECAST (NOW ZAYO GROUP, LLC)	125,648.70
LOYOLA COLLEGE	4,682.82
M & T BANK (formerly Allfirst Bank)	15,269.05
MARYLAND INSTITUTE COLLEGE OF ART	10,467.24
MERCY HOSPITAL	801.58
MCI	195,049.59
MCI-METRO	98,058.36
MONUMENTAL LIFE INS. CO.	1,057.32
MTA	10,418.52
NATIONAL AQUARIUM	1,079.40
NATIONAL R.R. PASSENGER CORP.	23,028.92
NORTHWESTERN LOAN COMPANY	1,075.67
PEABODY	135.66
PROVIDENT SAVINGS BANK	774.14
QUANTUM TELECOMMUNICATIONS, INC	7,900.92
QWEST (LCI)	87,242.23
STATE OF MARYLAND	38,922.08
TELCOVE OPERATION INC. (formerly HYPERION)	245,115.18
T. ROWE PRICE/ENTERPRISE ELEC.	1,519.79
24/7 CABLE COMPANY, L.L.C. (arbros total added)	333,679.68
UNIVERSITY OF BALTIMORE	2,583.76
UNIVERSITY OF MARYLAND HOSPITAL	40,319.72
WACHOVIA BANK NA (formerly FUNB)	2,217.59
WILLIAMS COMMUNICATIONS	62,107.80
WORLD COM	197,641.19
TW TELECOM INC/ (formerly Time Warner, Xspedius, ACSI)	102,169.86
subtotal (non-city)	15,724,429.62
BITS	10,669.88
ENOCH PRATT LIBRARY	115,388.52
FIRE ALARM	928,126.98
HCD	1,109.43
MAYOR'S OFFICE OF CABLE & COMM.	170,059.47
MECH ELEC - LIGHTING	84,747.93
MUNICIPAL TELEPHONE EXCHANGE	1,260.59
RECREATION & PARKS	995.14
TRANSIT & TRAFFIC (CITY TRAFFIC SIGNAL & INTELLIGENT	929,644.93
WATER	1,642.61
TRANSIT & TRAFFIC in with FIRE	(63,334.12)
subtotal (city)	2,180,311.36
TOTAL	17,904,740.98



September 22, 2015

Board of Estimates c/o
Bernice Taylor
Clerk to the Board of Estimates
Room 204, City Hall
100 N. Holiday Street
Baltimore, MD 21202

Re: Request Conduit Lease Fee Increase

Dear Ms. Taylor:

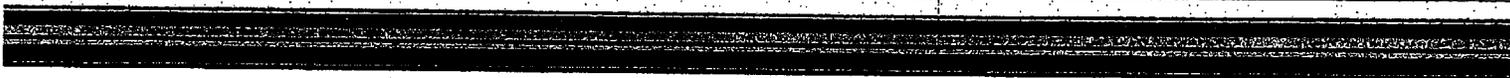
I am writing on behalf of Level 3 Communications, Inc. ("Level 3") to protest the requested increase in conduit lease fees proposed by the City of Baltimore Department of Transportation ("Department") in its memorandum dated September 3, 2015, scheduled for consideration by the Board of Estimates tomorrow.

Level 3 operates a robust fiber optic network in the United States and internationally, used to carry both public Internet traffic and traditional telecommunications traffic. Level 3 faces intense competition in all of its markets, including Baltimore, frequently competing against firms that are much larger than Level 3. In this competitive environment, Level 3 is necessarily extremely sensitive to any increases in its costs, for the simple reason that cost increases have to be passed on to customers. The public interest in the City of Baltimore is not served by increasing the cost of communications services and facilities, but that is exactly what the proposed rate increase would do.

In Baltimore, Level 3 occupies approximately 504,000 feet of conduit. This means that the proposed rate increase would add more than \$1,000,000 per year to Level 3's costs, with no corresponding increase in any benefits Level 3 receives.

The Department's request does not provide any evidentiary support for its assertion that the conduit fee increase is necessary to cover its costs associated with operating and maintaining the conduit system. Nor does the request suggest that there is any practical alternative to using the City's conduit, and, as far as Level 3 is aware, there is none. It is also my understanding that the proposal, which would effectuate a more than a 200 percent, immediate fee increase on conduit occupants would not apply to Verizon, the incumbent telecommunications service provider and one of the largest users of the City's public rights of way. Level 3 is particularly troubled by the lack of analysis of the impact on competitive broadband services. Implementing such an exorbitant and discriminatory increase without any process to examine the cost justification or the impact on the operations of the conduit occupants and their customers, is not only bad policy, it is most certainly a violation of governing law.

I urge the Board to simply reject the requested increase as unsupported and unjustified. At an absolute minimum, if the Board sees any merit in the request, it may open a proceeding to examine the facts to determine whether any increase is actually warranted and if so, how much. A proceeding would allow affected entities such as Level 3 the notice and opportunity required to ensure that any increase that might ultimately be approved is consistent with sound public policy and complies with governing law.



Please contact the undersigned with any questions you may have.

Sincerely,

/s/ Kristie Ince

Vice President, State Public Policy



September 22, 2015

Board of Estimates
Attn: Bernice H. Taylor, Clerk
Room 204, City Hall
100 N. Holiday Street
Baltimore, MD 21202

*****URGENT*****

Re: Department of Transportation Conduit Lease Rate Adjustment Proposal

Dear Ms. Taylor,

I am Associate General Counsel for Zayo Group, LLC, a global provider of bandwidth infrastructure. I am writing in regards to the City of Baltimore's ("City") Board of Estimate's ("BOE") hearing on September 23, 2015 to determine whether to raise conduit lease rental rates, pursuant to a request from the Baltimore Department of Transportation ("DOT") dated September 3, 2015 ("Proposed Rate Increase").

Zayo Group, LLC, as successor-in-interest to both Litecast and Abovenet Communications, Inc. (collectively "Zayo"), occupies approximately 307,000 linear feet of duct space within the City's conduit system, and pays the City's current rate of \$0.97 per linear foot, for an annual cost of approximately \$297,790 a year.

The DOT has requested that the conduit lease fee be increased by an astounding **243%**; from \$0.97 per linear foot to \$3.33 per linear foot. Zayo objects to the Proposed Rate Increase for several reasons.

First, the steep increase in fees harms the public interest in obtaining affordably priced access to advanced telecommunications services. The result of implementing the DOT's Proposed Rate Increase will be a destructive deterioration of investment in new infrastructure in Baltimore. This loss of investment will reduce competition, hinder innovation and ultimately lead to higher prices for business and individual consumers of telecommunications services in the City. The BOE should deny the DOT's Proposed Rate Increase in order to preserve the public interest in attracting and maintaining a robust market for these services.

Second, Zayo (and presumably other industry stakeholders) was not afforded proper notice of the hearing. Without proper notice, Zayo is not afforded the due process to present a complete and detailed response to the DOT's proposal. In fact, Zayo has not received any

ZAYO GROUP, LLC
1805 29th Street | Boulder, CO | 80301
e. dylan.devito@zayo.com | www.zayo.com

information at all from the City in support of this crippling increase. Zayo requests that the BOE table this matter until such a time that all of the conduit system occupants, including Zayo, have been properly notified of the hearing date, and afforded time to research and adequately respond to the Proposed Rate Increase. The BOE should also ensure that there is an adequate process for industry stakeholders to respond.

Third, the Proposed Rate Increase does not appear to be cost-based. While the DOT concludes that the Proposed Rate Increase "... represents the cost to operate and proactively maintain the system," the DOT provides no substantive figures, information or documents to support this statement. Baltimore is permitted to collect only "**reasonable** fees and charges" related to its exercise of governmental or proprietary functions. (*Emphasis Added*) Md. Code, LG § 5-205. Proposing a rate that is nearly 2.5 of the current rate, without any supporting data, is patently unreasonable. Therefore, Zayo requests empirical, substantive data supporting the notion that the DOT's Proposed Rate Increase is reasonable under a cost-based approach.

Finally, the Proposed Rate Increase is prohibitively expensive and will act as a barrier to Zayo's (and other industry stakeholders) ability to continue and expand provision of telecommunications services in Baltimore. Such a barrier is a direct violation of the Federal Telecommunications Act of 1996 ("Act"). The Act states that "[n]o...State or local legal requirements may prohibit **or have the effect of prohibiting** the ability of any entity to provide any interstate or intrastate telecommunication service." (*Emphasis Added*) 47 U.S.C. § 253(a)¹. The Proposed Rate Increase would raise Zayo's annual conduit rental rates from approximately \$297,790 a year to over a million dollars a year (\$1,022,310). This dramatic increase would create a prohibitively expensive atmosphere driving down the incentive for Zayo, and other providers, to make new investments in bandwidth infrastructure in Baltimore, and will even eliminate the financial viability for many providers to continue operations in the City.

Zayo also believes that the DOT's rules around conduit leasing and access to the public right-of-way may have other significant legal issues. We therefore request a proper process to investigate these potential issues.

For the reasons stated above, Zayo respectfully requests that the BOE deny the DOT's Proposed Rate Increase, or, in the alternative, afford Zayo and other industry stakeholders additional time to prepare a detailed response to the proposal for further review. Please feel free to contact me with any questions.

Sincerely,



Dylan DeVito

Associate General Counsel

¹ Zayo also notes that §253(c) requires that the City's imposition of compensation requirements on telecommunications providers for use of public rights-of-way must be applied on a competitively neutral and nondiscriminatory basis to all telecommunications providers.

KIRSTEN M. ERIKSSON
410.385.3583
keriksson@milesstockbridge.com

September 22, 2015

VIA HAND DELIVERY

Board of Estimates
c/o Clerk to the Board of Estimates
Room 204, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: Protest of Department of Transportation Revised Schedule of Rates for the City's Conduit System; Item for Consideration at Board of Estimates' September 23, 2015 Meeting

Summary List of Key Protest Points

- BGE supports additional investment in the conduit system to increase focus on reliability, security and safety, including compliance with MOSH/OSHA requirements.
- BGE is willing to pay its proportional share of the actual cost of maintaining and improving the conduit system, which is well below the proposed rate of \$3.33 per linear foot.
- The current conduit system lease rate is \$0.9785 per linear foot, and audited financial records for Baltimore City indicate that the City has failed to spend all of the annual revenues received from conduit system users in recent years.
- Conduit revenues and expenses are accounted for in a separate enterprise fund, which ensures that revenues are dedicated for use in maintaining and improving the system.
- Contrary to law and over 100 years of history, DOT requests a rate that is almost 350% higher than today coupled with a perpetual automatic annual increase, neither of which is based on actual costs.
- City officials have stated their intention to use conduit revenues for whatever purpose the City deems appropriate, including purposes unrelated to maintaining and improving the reliability of the conduit system such as a comprehensive road reconstruction program.
- BGE is concerned about the financial impact of this substantial new **tax** proposed by DOT on customers and the residents and businesses of Baltimore City.

- If the Maryland Public Service Commission decides to assess this tax on Baltimore City customers only, the monthly financial impact for City residents would be in the range of ~\$7.00 to ~\$8.00 and for City businesses in the range of ~\$15.00 to ~\$3,350.00.
- To the extent that the Board finds that any increase is justified, the Board should also impose appropriate safeguards to ensure transparency and protect City residents by requiring that the rate remains cost-based and all revenues are used for the exclusive benefit of the conduit system. Such safeguards should include continued maintenance of the enterprise accounting fund and an annual review process that compares revenues and expenditures.

Dear Honorable Members of the Board of Estimates:

I am writing on behalf of Baltimore Gas and Electric Company (“BGE”) to protest the action requested of the Board of Estimates (the “Board”) by the Department of Transportation (“DOT”) to raise the regulatory fees for parties occupying City-owned underground conduit to a level that is more than 1000% higher than the fee charged only ten years ago and that is almost 350% higher than today’s rate. BGE occupies approximately 12 million linear feet of the City-owned conduit system, which is approximately 80% of the current total occupancy by all non-City users. Costs such as the conduit fee are recovered by BGE from its customers. Consequently, if the Board approves the DOT’s request to raise the amount of the fee, the effect will be to place an additional financial burden on Baltimore City residents and businesses. Moreover, if the underlying goal of the City is to improve the conduit system infrastructure for the benefit of its users – the biggest by far of which is BGE – a more modest increase to the current conduit fee coupled with certain proposals recently advanced by BGE to DOT will similarly accomplish that goal with far less of a financial impact on Baltimore City residents and businesses.

As a public utility company, BGE is subject to the regulation and oversight of the Maryland Public Service Commission (the “Commission”). If the Board approves the conduit fee increase requested by DOT, BGE will apply to the Commission to recoup the fee increase, and the Commission will need to determine whether the fee should be recovered solely from Baltimore City residential and commercial customers. Because the fee relates only to BGE’s underground facilities within the City, the Commission may determine that City ratepayers should exclusively bear the burden associated with the fee.

City officials have publicly and privately reported that the City intends to utilize revenues from the conduit fee for other City services, making it a tax rather than an appropriate regulatory fee. The Commission’s historical precedent has been to impose a local surcharge to recover such local taxes.¹ For example, DOT presented information to BGE of an ~\$250 million

¹ In a series of annual rulings dating back to 1971, the Commission has authorized BGE to place a surcharge on Montgomery County customers’ bills to recover the cost of a local energy tax imposed on BGE. See Commission Case No. 6458, Order No. 59392 (July 9, 1971)(Commission authorized BGE to impose a surcharge on the bills of Montgomery County customers to fully offset the effect of the Montgomery County Fuel-Energy Tax).

comprehensive Baltimore City boundary-to-boundary road reconstruction plan that would be funded using conduit system revenues. An additional ~\$214 million would be spent by the City on rebuilding the conduit infrastructure underneath these roads. After receiving a list of the road corridors targeted by the City for this program, BGE conducted its own statistically significant field inspection and analysis of related conduit system infrastructure to assess whether there were any reliability concerns. BGE's analysis revealed no reliability concerns that would warrant a total rebuild of these spans of the conduit system.

In the event that the Commission determines that a surcharge on City ratepayers is the appropriate cost-recovery mechanism, the impact on the bills of Baltimore City residential and commercial customers would be substantial. A rate of \$3.33 per linear foot translates into an annual charge to BGE of approximately \$41 million. The bill impact for Baltimore City residential electric customers would be in the range of ~\$7.00 to ~\$8.00 per month, and the bill impact for Baltimore City commercial electric customers would be in the range of ~\$15.00 to ~\$3,350.00 per month.²

BGE employees have observed a number of unsafe conditions in the City-owned conduit system, which jeopardize the safety of company personnel, other individuals working in and about the conduit system, and the public generally. BGE recognizes that there is a need to improve the conduit system infrastructure and for the City to institute a robust safety compliance program. In fact, for almost two years, BGE has been attempting to partner with the City to develop a long-term infrastructure improvement plan and capital budget for the conduit system that prioritizes work based upon inspection results, maintenance and repair history reports, and other appropriate risk factors. Additionally, in August 2014, BGE invited a group of City personnel to its White Marsh training facility where it provided attendees safety instruction and physical demonstration on working in underground systems around high voltage electric equipment. BGE has also encouraged DOT on several occasions to contact Maryland Occupational Safety and Health ("MOSH") in order to take advantage of MOSH guidance and consulting services because it appears that the City's current safety compliance program for the conduit system is seriously deficient.

The fact of the matter is that, even now, the City does not spend the full amount of the revenues that it currently receives from users of the conduit system. As it stands, all conduit system capital and operations and maintenance expenditures and revenues from user fees are accounted for by the City in a separate "enterprise fund." Under the enterprise fund umbrella, all conduit system revenues are used exclusively for the benefit of the conduit system, and such revenues are not transferred to the general fund to support other City services and programs. According to the City's FY 2013 Comprehensive Annual Financial Report (the most recent data available from the City), the conduit system enterprise fund recorded \$17.211 million in conduit fees and \$11.701 million in cash-related expenditures; thus, revenues exceeded expenditures by

² The actual bill impacts will vary depending upon how the Commission decides to allocate the revenue requirement for the conduit system charge among customer classes.

\$5.510 million for FY 2013.³ This inability of the DOT to utilize all existing sources of revenue to maintain the conduit system brings into question whether any rate increase is necessary. At a minimum, though, the DOT should be required to produce a detailed project execution plan and budget, prepared with input from users of the conduit system, before the Board authorizes a rate increase as dramatic as the one now being considered.

As a part of recent discussions with DOT about the future of the conduit system, BGE proposed a framework for a new master lease agreement between the parties that addresses both ongoing reactive maintenance and long-term conduit system revitalization.⁴ BGE's lease proposal contained the following key elements:

1. An initial conduit lease and maintenance rate of \$1.22 per linear foot, which represents a 25% increase over the existing rate of \$0.9785 per linear foot.
2. An annual inspection program conducted by BGE to identify sections of conduit that would benefit from proactive replacement or repair to address anticipated performance concerns.
3. The development of a joint City-BGE capital conduit reconstruction plan and budget that would be based upon the results of the annual inspection program and constructed by BGE.

Under the above-proposal, the City would continue to administer the users of the conduit system and perform reactive maintenance work. BGE and the City would partner on the proactive revitalization of the conduit system. Notably, in performing system inspections and developing a long-term capital conduit revitalization plan and budget, BGE would be able to gain insights from its sister utility, Commonwealth Edison Company, which is currently undertaking a comprehensive underground conduit improvement program in the City of Chicago. The age, materials, and scope of the Baltimore City and Chicago underground conduit systems are very similar. BGE's longstanding experience and its ability to leverage expertise in its affiliated utilities (including PECO Energy Company in Philadelphia) enable the company to perform this work in a more cost-effective manner than the City's conduit division.

³ Cash-related expenditures of \$11.701 million = total operating expenses of \$8.145 million, less non-cash depreciation expense of \$0.887 million, plus capital expenditures of \$4.443 million. Non-cash depreciation expense is deducted from this equation to avoid double-counting of capital expenditure dollars spent.

⁴ As an alternative to a new master lease agreement, BGE preliminarily discussed with DOT and the Mayor's Office the option to purchase the City-owned conduit system. A purchase would provide substantial benefits to both the City and BGE customers. The City would receive an immediate infusion of cash, eliminate the burden of managing, maintaining, and revitalizing the conduit system, and be able to reduce or re-deploy a significant number of employee and contractor personnel. BGE's customers would benefit from an increased focus on safety, reliability, and prudent management of expenses. Unfortunately, however, it appears that the City is not interested in pursuing a purchase option with BGE.

If the Board grants DOT's request to increase the conduit fee, the Board would be authorizing the City to breach BGE's established rights under law and contract. A decision of the Board to establish a non-cost-based conduit fee would be improper. Moreover, the proposed \$3.33 per linear foot rate – which is almost 350% higher than today's rate – is not an appropriate annual increase under any stretch of the imagination.

Importantly, the parties have operated with an important safeguard in the form of a “true-up” mechanism that ensures the rate remains cost-based and all revenues are used for the exclusive benefit of the conduit system.⁵ Under the true-up, BGE customers receive proper value, as the City is required to provide a line-item report of City conduit system expenditures and reimburse BGE for any fees that the City fails to spend on the conduit system. The City's accounting standards provide an additional safeguard by requiring that all conduit revenues and expenditures be separately accounted for in an enterprise fund. To the extent that the Board determines any increase in the existing conduit fee is justified, the Board should also impose similar safeguards to ensure full transparency and protection for City residents.

Finally, the new conduit system rate requested by DOT is unlawful, as it does not bear a reasonable relationship to the actual costs required to maintain an underground conduit system in Baltimore City. City officials have already admitted as such by stating the City's intention to utilize revenues from conduit system users to support other City services and programs. Under current law, the City possesses the power to regulate the use of its streets and the exercise of street franchises in Baltimore City. See Mayor & City Council of Baltimore v. Canton Co. of Baltimore, 186 Md. 618, 632 (1945). The City properly exercised such power at the end of the 19th Century when it started the construction of a general system of underground conduits and directed all utilities owning or operating overhead lines within Baltimore City to place their wires underground, as ordered to do so by the Electric Commission (now the Department of Public Works). See Ordinance Nos. 106 and 107 (1898). Such police power, however, “cannot be used for unauthorized revenue purposes.” Canton Co., 186 Md. at 632. Rather, any fees associated with the act of regulating under the police power must bear a “reasonable relation to the expense of regulation.” Id. at 633. See also Purnell v. McLane, 98 Md. 589, 832-833 (1904)(“the rental charged [for use of the conduit system] is imposed solely to reimburse the city for its outlay in construction and to provide a fund for the future maintenance of its conduits.”).

⁵ See Agreement in Principle on Issues Related to BGE Rental Rates and Master Lease Agreement in the City Conduit System approved by the Baltimore City Board of Estimates on April 9, 2008 (emphasis added).

Board of Estimates
c/o Clerk to the Board of Estimates
September 22, 2015
Page 6



For all of the reasons stated above, BGE respectfully requests that the Board deny the DOT's request to raise the regulatory fees for parties occupying City-owned conduit.

Thank you very much for your attention to this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'K. Eriksson', is written over a faint, illegible typed name.

Kirsten M. Eriksson

cc: David J. Collins, Executive Secretary, Maryland Public Service Commission
Stephanie Rawlings-Blake, Baltimore City Mayor
Bernard C. "Jack" Young, President, Baltimore City Council
Joan M. Pratt, Baltimore City Comptroller
George Nilson, Baltimore City Solicitor
Rudolph S. Chow, Director, Baltimore City Department of Public Works
William M. Johnson, Director, Baltimore City Department of Transportation
Khalil Zaied, Deputy Mayor of Operations
Kaliopé Parthemos, Chief of Staff, Baltimore City Mayor



UNIVERSITY of MARYLAND
THE FOUNDING CAMPUS

Facilities and Operations

220 Arch Street, Suite 02-105
Baltimore, MD 21201-1608

410 706 8200 | 410 706 0675 FAX
www.umaryland.edu

September 21, 2015

Honorable President and
Members of the Board of Estimates
C/O Clerk to the Board of Estimates
Room 204, City Hall
100 N. Holliday Street
Baltimore, MD 21202

Re: Proposed Increase to Baltimore City Conduit Fees

Members of the Board of Estimates:

The University of Maryland, Baltimore would like to voice its strong objections to the Baltimore City Department of Transportation's proposed increase in city conduit lease fees. The tripling of the rate and the speed with which it has been imposed will have a negative impact on the University as it attempts to budget for the upcoming year. The proposed rate increase will produce an additional cost of more than \$100,000 to the University per year.

UMB is already facing serious future concerns related to our own campus electrical infrastructure. While the campus electrical system is nearing capacity and the equipment has surpassed its life expectancy, this problem is compounded by the fact that the city duct banks that allow us to provide phone, data, and electricity to our buildings are often completely filled, blocked, or collapsed. This situation has led the campus to request \$82 million in State funding through 2025 for the overhaul, approximately 50% of which is for duct work replacement.

Finally, since UMB is a significant customer of the City's conduit system, it would have been appropriate for the Department of Transportation to engage with UMB and other customers earlier in this process in order for us to have a clearer understanding of both the fiscal and operational impact this will have on our campus.

For the above reasons, I reiterate our strong objections to such a significant increase.

Sincerely,

Robert M. Rowan
Associate Vice President
Facilities and Operations

John T. Howard
Corporate Counsel
CenturyLink
100 CenturyLink Drive
Monroe, Louisiana 71203
john.howard1@centurylink.com
(o) 318.330.6227



September 22, 2015

Sent via Email

Attn: Clerk
Board of Estimates
Room 204, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202
harriette.taylor@baltimorecity.gov
(410) 685-4416

Re: Refusal by City of Baltimore to Accept CenturyLink Protest Letter

Dear Ms. Taylor:

Please accept this letter as CenturyLink's objection to and protest of your refusal to accept the enclosed letter submitted via email to your attention at 12:09 pm EDT on September 22, 2015. To the undersigned's knowledge, the City of Baltimore failed to provide formal notice to CenturyLink or its operating affiliates of the (i) proposed conduit fee increase; and (ii) the September 23, 2015 Board of Estimates hearing and protocol for submission of protest letters. As a conduit lessee, CenturyLink was entitled to such notice pursuant to the terms of the June 7, 2006 Conduit Lease Agreement between a CenturyLink affiliate and the City of Baltimore. Naturally, such lack of notice greatly inhibited CenturyLink's ability to comply with letter submission requirements. Furthermore, submission of CenturyLink's protest letter nine (9) minutes after a noon deadline in no way prejudices the Board of Estimates or its consideration of the matter at hand.

With the above in mind, CenturyLink uses this letter to resubmit the enclosed letter under protest of your (and by extension the City of Baltimore's) refusal to accept the letter, while reserving of all rights, including the right to protest and/or challenge in contract, law or equity any increased conduit fees resulting from the Board of Estimates meeting. CenturyLink requests this letter and the enclosure be made part of the Board of Estimates record and minutes.

Do not hesitate to contact me should you wish to discuss these issues further, as well. I attempted to contact you via telephone, but was informed that you were not available to speak.

Sincerely,

A handwritten signature in black ink that reads "John T. Howard".

John T. Howard
Corporate Counsel
CenturyLink

Enclosure

Cc: Gary Pace, CenturyLink Manager, National Contract Administration

MINUTES

President: "The first item on the non-routine agenda can be found on page 21, Department of Transportation, Conduit Lease Rate Increase. Will the parties please come forward? And as the parties come forward, I'm going to ask you to speak brief um -- as possible, and if anyone is going to come and speak, if um -- you're going to speak to the same issue and it's already been raised, please don't try to repeat it, because we're not going to entertain it. Thank you. Mr. Johnson."

Mr. William Johnson: "Mr. President, members of the Board, uh - - my name is William Johnson. I'm the Director of the Department of Transportation for Baltimore City and we would like to present information to you regarding our proposed rate adjustment for the conduit system. Uh -- Due to a -- to the expiration of a prior agreement between the City and BG&E in November 2014, the City Department of Transportation began discussions with BD -- BG&E about the conduit system, the appropriate lease rates and safety service concerns regarding the current state of repairs of the system. During these prolonged discussions, the City and BG&E raised concerns over safety issues associated with the aging system, training of

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employees, service availability, security, maintenance practices, inventory accuracy, defaults, and failures of the system and other related issues. The conduit system has been in existence for 115 years. The majority of the system was constructed between 1900 and 1922. Most -- mostly constructed out of materials that have exceeded their useful life. The design life of 80% of the system materials has expired. The City has historically operated as a reactive -- in a reactive as opposed to proactive maintenance program, that the -- where the City -- in which the City performs patchwork repairs on random sections of the failing system and reroutes users as opposed to repairing failed sections of the -- of -- and repairing the problems. Current staffing, contracts, financial resources, etc., are derived from this historic reactive maintenance structure and only allows the City to perform random repairs on about 3% of the system on an annual basis. The Department of Audits has evaluated the data and plans for the conduit system and evaluated - and -- and evaluated the annual rate required to operate and maintain the system. The Department's final determination was a rate of \$3.33 per linear foot, uh -- based on its review. The proposed rate increase is necessary because

MINUTES

it will allow -- will allow the City to -- to -- target a maintenance level of between 9 and 15% of the system annually. It will provide locking and security for the system which doesn't exist today. Uh -- It will allow the City to perform inspections and inventory of all users. Uh -- We'll be able to repair failing duct banks, equipment vaults and manholes. We'll be able to rack and organize dysfunctional cabling inside of manholes and to clear -- clear out manholes that have been cluttered and -- and -- and clogged with mud. Um -- It will allow us to systemically eliminate massive street light outages throughout our neighborhoods due to cable -- due to BG&E's cable faults, to correct safety hazards and provide adequate training to -- and equipment to our employees. It will allow us to increase staffing and provide uh -- service 24 hours a day and 7 days a week, which we don't do now and effect capital maintenance repairs and replacements based on an annual capital impr -- improvement plan. As well as allow us to establish an emergency reserve. The current lease rate of 98 cents is 51% lower than the national average rate per linear foot was in 1996 according to a study conducted by GBC back in 2000. The current lease rate of 98 cents is still 15.5% lower than the recommended rate of \$1.16 that was recommended to this Board by the Department of Finance in the Year 2000.

MINUTES

The Department of Transportation respectfully requests the Board's favorable vote on a new rate, an updated rate that will allow us to uh -- more appropriately maintain and address the safety issues asso -- associated with the system."

Ms. Kirsten Eriksson: "Good morning Mr. President, Honorable members of the Board, my name is Kirsten Eriksson, I'm with the Law Firm of Miles & Stockbridge. I'm speaking this morning on behalf of BGE and its protest of the rate increase proposed by the Department of Transportation to be imposed on all mandated users of the City's conduit system. For the past 15 years or so, the City has looked at its conduit system as an untapped source of revenue and it has made clear through studies and reports its intent to figure out a way to tap that resource to raise revenue for the City of Baltimore. This fee is the Department of Transportation's attempt to raise revenue through the conduit system and its attempt to do so on the backs of City residents. Let me be clear, BGE has no objection and in fact fully supports improvements to the conduit system that will increase and improve reliability, security and safety. And it has no objection to paying its fair share of the actual costs to perform that work. But the proposed rate of \$3.33 far exceeds any reasonable relationship to the costs that it would take to perform these improvements to the system. Three years ago in

MINUTES

2012, the current -- the then current Director of Transportation stood before the Board of Estimates and requested a rate increase for very much the same reasons that the Director is requesting today. Cost had increased and the Department was interested in and planned to embark on an aggressive capital campaign to improve, repair, and replace the aging conduit system. The rate increase that was requested at that time was 16 cents per linear foot and that was the approval from the Board of Estimates that brought the current rate for all users -- the rate for all users up to the current rate of 98 cents. So, if 16 cents per linear foot was good enough three years ago, how do we get to \$3.33 today? The answer is it's got to be an attempt to raise revenue. The City collects 15 million dollars from all users of the conduit system. The City's audited financial statements, or at least the most recent ones that are published for Fiscal Year 2013, show that the Department of Transportation collected 5.5 million dollars more than it spent on the conduit system in that fiscal year.

MINUTES

And from the information that we've seen through past years, those types of overcharges have happened in many of the past years. So, after years of overcharges to all users of the system, it is inconceivable that the City now needs to triple the current rate and increase it by more than \$2.00 a linear foot for every user of the system in order to meet cost. The only reasonable interpretation of that cost increase is that it's an attempt to raise revenue to provide funds for other City services. In fact, the Director has indicated in conversations to BGE that he believes he has the right to do that. Raising revenue from a regulatory fee is a disguised tax. It's unlawful and it's unfair to the citizens of Baltimore who will be asked to bear the burden of that tax. BGE is fully committed to working with the City and has offered numerous proposals to solve the problems related to the age and condition of the conduit system. BGE has offered to perform much of the work itself, which it can be done in a much more cost effective manner, we believe, than the City itself could do. We can get to the right result. We can do it at reasonable cost and we can do it in a way that will be fairly implemented if this Board will reject the fee request from the Department. Thank you."

President: "I have a question."

Ms. Eriksson: "Yes."

MINUTES

President: "Um -- in the last um -- 4 years BG&E asked for four rate increases. How much money did that generate for BG&E? Four rate increases and the citizens of Baltimore have to pay that too, so you're saying that we're taxing the citizens, so is BG&E. They asked -- they had four rate increases, tell me how much did that equal to?"

Ms. Eriksson: "Uh -- I don't have those--"

President: "Well somebody need to tell me, somebody need to tell me, they had four rate increases on -- not only the citizens of Baltimore but every one of their customers, four rate increases, tell me how much that cost?"

Ms. Eriksson: "Those increases were all approved by the Public Service Commission and found to be reasonable and were -- and were fairly --"

President: "Ok well, this Board is going to find um -- we're -- we're going to decide whether our increase is reasonable. Um -- anybody else have anything to say?"

Mr. John Conwell: "Thank you. Good morning, Mr. President, members of the Board of Estimates, I'm John Conwell, Vice President of Government and Regulatory Affairs for Comcast, the second largest user of conduit in the City of Baltimore's conduit system."

MINUTES

I won't repeat the arguments that BGE has just made but I do have a couple of additional uh -- points to -- to make. You should have a letter that we filed yesterday and it goes into much more detail about a number of these things. But of course, the first thing that's very concerning and you just heard a little bit about it is the rate shock. This is a shock to us as a company. It is an unbudgeted amount that we could be asked to pay tomorrow. This is a 240% increase for our -- for us as a company to absorb which is completely unplanned and unexpected. There are almost 50 other users of the City's conduit system that face the exact same rate shock. Many of which are much smaller entities, none of which had any uh -- notice of this is going into effect and I'll talk about that a little more in a second. But this is a -- a large increase of this magnitude in one fell swoop and it's very difficult for us to find a way to absorb that in a meaningful manner or fair manner. Second, there was no notice, I mentioned that just a second ago. Comcast learned about this informally about two weeks ago or so, maybe a week and a half ago. Official notice only came because this esteemed Board placed it upon its agenda. Other occupants who we reached out to had zero notice until we called them. Several of them are here and have filed letters of protest which is uh -- you know, and they also mentioned the same concern.

MINUTES

We really believe that a rate, especially when it's increased at this amount, should receive additional notice for the users. If you're a tenant in a building, you'd receive more notice for a rate increase for your rent. If you're a user of a utility, you're required -- we're required to give more notice in this community and we think that some more notice should have been provided. And why is that? It's very simple, it's in the last part of our letter but let me just uh -- raise a few of the reasons why. If we had opportunity to review or examine the City's justifications, which the secretary raise many of, news to me and new information to me, we might have had a chance to understand better what this rate increase is for and what makes sense. Rates should be cost justified and we have not been provided any supporting documentation. We've heard that it is, but we've seen no evidence to support that. The Department of Transportation has not provided any evidence that the current rate remains below the City's cost to own, operate, and maintain the system. Comparisons to others cities really isn't fair. Let's be honest about this with ourselves. In the other cities in which Comcast does business that are listed on the list, that I believe you all are provided, of the ones I was able to find out about, we're not required to be in those conduit systems.

MINUTES

It's a very different cost structure, and in many of those -- in some of those cities, we actually provide our own conduit and we do not use those cities infrastructure. So there's a differ-- there's some differences here that should be explored before you go down that road too far. Other information that need -- that's needed to be examined are the analysis of the cost justification for the increase. These would include book costs, appreciation, maintenance and administrative costs, things that we often look at in - uh -- matters concerning rates. Copies of any agreements the City has with conduit occupants including the terms and conditions governing the City occupants, to make sure that this is being done fairly and equitably. Justification for the City's differential treatment of other private uh -- of the other public right-of-way users who are not in the City conduit. Studies conducted concerning the physical condition of the conduit and any consideration of the impact of the rate increase on the financial operations of the conduit occupants and on the investment and adoption of other services for the City such as Broadband. I mentioned a moment ago that there are other occupants of the public rights-of-way that are not in the City conduit system. One stood out glaringly when we looked over the list of occupants and that was Verizon. Verizon is the incumbent local exchange company -- telephone company.

MINUTES

We're in competition with them, they're in competition with us, but they apparently are not impacted by this and that raises several important legal concerns. There outlined in a great deal of detail in the letter but let me just highlight them. It's problematic from a discrimination perper -- perspective, it's well established law that communication occupants of the rights of way should be treated equally. If not, it may be considered by the courts to be a barrier to entry. It must be fair and reasonable compensation on a competitively neutral and non-discriminatory basis and publicly disclosed. None of that seems to be happening here, at least on the record evidence that we have seen. And fees that apply to Comcast but not to other occupants of the public rights of way may constitute a franchise fee which we currently pay at the maximum rate to the City and could be seen as an offset to that amount. What we request the Board of Estimates consider one of three things. Either reject the rate, because it doesn't appear to be cost justified, it would be an undue burden on almost 50 users of the City's conduit system. Or two, defer the implementation. Create a process whereby impacted users can have an opportunity to understand the City's cost justification and participate in the fair and equitable open process with the City. Or three, at a minimum, phase it in, avoid the rate shock.

MINUTES

We ask the City - the -- the City to consider that this increase has not been budgeted by any conduit operator -- or uh -- occupant. That it is going to impact the almost 50 other users and should be phased in over several years, as has been the practice of this Board in the past. With that, thank you for hearing our concerns."

President: "Mr. Johnson, do you want to respond?"

Mr. Johnson: "Uh -- yes in response to the uh -- concern about um -- Verizon and their 1889 franchise agreement, that's really not the topic of this discussion today. Uh -- They have a separate franchise agreement, rights were granted to them in 1889. That agreement has been in place and the impacts and effects of that agreement have been in place for every rate adjustment that has occ -- occurred in this City since 1889. So, um -- while I, you know, I hear the concern, if Verizon wants to use our system, rates that are being applied, applied equally to every user of our system. I hear the concern but that's a separate franchise agreement, a separate discussion. Um -- But the impact has been the same since 1889."

Mr. Glen Middleton: "Good morning President, Jack Young. Good Morning Mayor."

Mayor: "Good Morning."

MINUTES

Mr. Middleton: "Stephanie Rawlings-Blake. Good morning Comptroller, Joan Pratt."

Comptroller: "Good Morning."

Mr. Middleton: "To the other members of this esteemed Board, of the Board of Estimates, um -- I'm Glen Middleton, I am a resident of this City, I live in the Coldspring area. But I also happen to be here today as also a representative of a group of workers in the City. The numbers over 4,000 and I'm here today to speak on their behalf, with some of their representatives that are here, Dorothy Bryant, Gary English and also Mr. Ronald Ross. I'm here to speak in support of this adjustment rate increase. I think it's about time in this City of Baltimore that -- that we make -- that we, as you the leaders and we as the citizens of this City and the workers in this City, start making sure that these corporations and companies play -- pay, not play, but their playing with our -- our intelligence, of course, but pay the fair share that they should've been paying all the time. I think it's important that, that this conduit system, stop allowing and the Transportation Department stop allowing them and others in this City to rip us off like these corporations have been doing. It's time that they also adjust their rates, it's an adjustment to the rates that they've been paying, that they should have been paying a long time ago."

MINUTES

We the citizens of Baltimore have been paying our fair share. We as workers in the organization that we belong to called AFSCME, The American Federation of State County Municipal Employees, we don't mind paying taxes and fees. As long as we get our fair share from it and it's about time for corporations to do the same thing. The citizens have been sick and tired and sick and tired of these corporations getting by with paying a lot less than we're paying, the citizens, and residents. This is our City, we love this City, it's a great City. So I just want to say to you again, it's the right thing to do, it's the right time and it's about time and we support the rate increase for BGE, thank you."

City Solicitor: "Mr. President, I have questions for two -- the two protestants brief."

President: "Mr. Ge -- Mr. Nilson."

City Solicitor: "Ms. Eriksson, you said in the course of your remarks that um -- this was an attempt to raise revenue for other uses and you said that, I gather in the course of the discussions between your client BG&E and Director Johnson, Direct -- that Director Johnson has -- said as much, admitted as much, that this rate increase was to raise revenue for other uses. Could you tell us what other uses he referred to and when he made those alleged statements?"

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Ms. Eriksson: "I don't have that information on hand. My understanding is that -- I don't know whether any specific City service has ever been tied to the rate increase in any particular conversation. My understanding is that the Director has made clear that he has the right and the ability to do that. I also would note that when the plan was presented, uh -- such as it was to BGE, it included -- it -- it also came with a two page um -- sheet of roads to be reconstructed in accordance with the conduit revamping system that included virtually every major thoroughfare in the City including Route 40 from county line -- from city line to city line."

City Solicitor: "Those -- those would have been all roads that, you would agree, that have conduits in them?"

Ms. Eriksson: "I would agree they have conduits underneath them I'm -- to the best of my knowledge but BGE believes that the priority for reconstruction of the system ought to be based on safety and reliability --"

City Solicitor: "Ok."

Ms. Eriksson: "not on the desire to repave--"

City Solicitor: "So -- so there are no other -- there are no other uses aside from streets under which the conduits lie that Director Johnson ever suggested would be um -- involved in the expenditure of conduit monies?"

MINUTES

Ms. Eriksson: "Director Johnson also indicated his desire to capitalize the conduit system in connection with the public -- public private partnership and to be able to uh -- receive an increase of fun -- an influx of funds of several hundred million dollars to be funded by these increases that could be used for all types of City services."

City Solicitor: "Respectfully, the concept of the public private partnership which was discussed, in fact, between Director Johnson and the head of BG&E does not support your statement, that he was diverting or he had a plan to divert these revenues to other -- other uses -- other public uses. So if you -- if you have any specific reference beyond what you've just said today, if you would -- share that with us?"

Ms. Eriksson: "I do not."

City Solicitor: "That would be very helpful."

Ms. Eriksson: "I do not, I do not."

City Solicitor: "Ok, and then I have a question for Mr. Conwell from Comcast. So you said that none of the other conduit users received notice of the proposed or contemplated action of a -- of the City today. Are you aware that the Department of Transportation communicated with all conduit users um -- that -- that such a rate increase was in the works and coming to the Board of Estimates?"

MINUTES

Mr. Conwell: "No, we scoured our own internal operations to find out if anybody received such notice. The answer came back negative and to the several occupants that we were able to speak with, they had no information or no indication they received notice either."

City Solicitor: "Director Johnson, can you speak to the notice issue please?"

Mr. Johnson: "Yes, we have a list of all conduit users and contact information through their -- through the agreements that -- that they have. We sent them a copy of the Board memo, in advance of the Board memo even being finalized, to notify them that we would be presenting this to the Board. So -- uh that information went out to all conduit users, uh -- a number of them immediately responded after receiving it. Some we didn't get a response to, so."

Mr. Conwell: "We did not and we have -- we have monthly meetings at your office is that right?"

Mr. Johnson: "I don't know."

Mr. Conwell: "Ok."

Mayor: "You have any other questions?"

City Solicitor: "No more questions?"

President: "Any more questions, anybody else? Madam Mayor, Madam Mayor, you have any remarks?"

MINUTES

Mayor: "No."

President: "Anymore remarks from anybody? I entertain a Motion."

City Solicitor: "I would Move that with one proviso from um - the original proposal, that we approve the recommendation of the Department of Transportation. That proviso is that the new rates to be approved today by the Board go into effect on November 1, 2015."

Comptroller: "Second."

President: "All those in favor say AYE. All those opposed, NAY. The Motion carries."

* * * * *

MINUTES

Employees' Retirement System (ERS) - Subscription Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a Subscription Agreement with Summit Partners Growth Equity Fund IX, L.P. managed by Summit Partners, L.P.

AMOUNT OF MONEY AND SOURCE:

\$5,000,000.00 - approximately of ERS funds

No General Fund monies are involved in this transaction.

BACKGROUND/EXPLANATION:

All investment management fees and expenses (an average of 1.7%, plus an additional 20% profits share) will be expended from the ERS. Summit Partners, L.P. will be managing approximately \$5,000,000.00 of ERS assets in Summit Partners Growth Equity Fund IX, L.P.

The ERS Board of Trustees is currently an investor in one other private equity fund managed by Summit Partners. With the recommendation of the ERS investment consultant, Marquette Associates, the ERS Board voted to invest in Summit Partners Growth Equity Fund IX, L.P.

MWBOO GRANTED A WAIVER.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Subscription Agreement with Summit Partners Growth Equity Fund IX, L.P. managed by Summit Partners, L.P. The Comptroller **ABSTAINED**.

MINUTES

Fire and Police Employees' - Third Amendment to Securities
Retirement System (F&P) Lending Authorization Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Third Amendment to Securities Lending Authorization Agreement with The Bank of New York Mellon (BNYM).

AMOUNT OF MONEY AND SOURCE:

No General Fund monies are involved in this transaction.

BACKGROUND/EXPLANATION:

Pursuant to this Third Amendment to Securities Lending Authorization Agreement, cash collateral generated by the loan of F&P's securities would be invested by the BNYM, the F&P's lending agent, and will generate securities lending revenues which will be split between the F&P and the BNYM.

Mellon Bank, the predecessor to the BNYM, first entered into a February 17, 1999 Master Custody Agreement with the Mayor and City Council of Baltimore pursuant to which Mellon Bank was appointed custodian of the F&P's assets and which authorized Mellon Bank to lend the F&P's securities of the System pursuant to a separate Securities Lending Authorization Agreement approved by the Board on June 2, 1999.

The parties now desire to amend the original Agreement to (1) change the securities lending revenue sharing ratio in favor of the F&P from a 75%/25% sharing ratio to a 75%/25% sharing ratio for up to \$800,000.00 of lending revenues and a 80%/20% for over \$800,000.00 of lending revenues, (2) establish new investment guidelines for cash collateral, and (3) authorize the acceptance of non-cash collateral by the BNYM at an increased collateralization.

MWBOO GRANTED A WAIVER.

MINUTES

F&P - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Third Amendment to Securities Lending Authorization Agreement with The Bank of New York Mellon. The Comptroller **ABSTAINED**.

MINUTES

Fire and Police Employees' - Benefits Disbursements
Retirement System (F&P) Services Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Benefits Disbursements Services Agreement with The Bank of New York Mellon (BNYM).

AMOUNT OF MONEY AND SOURCE:

No General Fund monies are involved in this transaction.

\$80,000.00 - annually approximately for monthly F&P payroll

BACKGROUND/EXPLANATION:

Pursuant to this Benefits Disbursement Services Agreement, the F&P will annually pay approximately \$80,000.00 in processing fees (not including postage) to the BNYM to process a monthly F&P payroll, consisting of approximately 6,300 retirees and beneficiaries.

Effective January 2016, Ordinance 15-381 mandates that the F&P retirees and beneficiaries be paid monthly, rather than bi-weekly. This change enables the F&P to retain the BNYM, its custodian bank, to provide payroll processing services at a substantially reduced cost. It is estimated that the F&P will save approximately \$150,000.00 on a payroll of about 6,300 retirees and beneficiaries by switching to the BNYM from its current paymaster, ADP.

MWBOO GRANTED A WAIVER.

MINUTES

F&P - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Benefits Disbursements Services Agreement with The Bank of New York Mellon. The Comptroller

ABSTAINED.

MINUTES

Circuit Court for Baltimore City - Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Agreement with the Family Recovery Program, Inc. (FRP). The period of the Agreement is July 1, 2015 through June 30, 2016.

AMOUNT OF MONEY AND SOURCE:

\$115,025.00 - 5000-539210-1100-668100-405001

BACKGROUND/EXPLANATION:

The Circuit Court received a grant award from the Administrative Office of the Courts - Office of Problem - Solving Courts to pay for the salary and benefits of two staff positions, Transportation Services and Drug Screen Collection Tests.

The Circuit Court will enter into an agreement with the Family Recovery Program, Inc. for salary and benefits of two staff positions. The positions that will be funded are the FRP Court Coordinator at \$64,790.00 and the FRP Reengagement Peer Recovery Advocate at \$31,907.00 during the term of this Agreement, as well as \$1,800.00 for Transportation Services, and \$16,528.00 for Drug Screen Collection Tests. The parties agree that these staff positions will be managed and supervised by the FRP.

The Agreement is late due to delays finalizing the contract.

AUDITS REVIEWED AND HAD NO OBJECTION.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Agreement with the Family Recovery Program, Inc.

MINUTES

Fire Department - Employee Expense Statement

ACTION REQUESTED OF B/E:

The Board is requested to approve the expense statement for Mr. Calvin J. Bowman for the month of March 2015 for mileage.

AMOUNT OF MONEY AND SOURCE:

\$294.40 - 1001-000000-2131-228200-603001

BACKGROUND/EXPLANATION:

Mr. Bowman submitted his March expense documentation late and it was returned by Disbursements for submission to the Board.

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.

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. Calvin J. Bowman for the month of March 2015 for mileage.

MINUTES

Health Department - Agreements

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

1. **THE UNIVERSITY OF MARYLAND, BALTIMORE (UMB)** **\$ 81,217.00**

Account: 4000-423116-3150-295905-603051

UMB's Center for Health and Homeland Security will assist with further developing the Health Department's public health emergency plans for Strategic National Stockpile (SNS) and Emergency Medical Countermeasure (eMCM) dispensing as well as other preparedness and response initiatives under the guidance of the Health Department's Office of Public Preparedness and Response Director and Deputy Director. The period of the agreement is July 1, 2015 through June 30, 2016.

The Agreement is late because of the Department's administrative review process.

MWBOO GRANTED A WAIVER.

2. **FAMILY LEAGUE OF BALTIMORE CITY, (FLBC) INC.** **\$1,090,794.00**

Account: 4000-469016-3080-294601-603051

The FLBC will provide services to reduce the number of infant deaths due to low birth weight, preterm births, and unsafe sleep conditions. The goals of the program are to reach full capacity for the expanded Health Families America (HFA) areas, continue to improve data quality, and to implement the interconception home visiting program. The period of the agreement is July 1, 2015 through June 30, 2016.

The Agreement is late because the Department was waiting for additional information.

MWBOO GRANTED A WAIVER.

MINUTES

Health Department - cont'd

3. **HEALTHCARE ACCESS MARYLAND, INC.** **\$ 60,000.00**

Account: 5000-569516-3080-294200-603051

The overall strategy of the Safe Sleep Project is to prepare pregnant women for the arrival of their newborn and the postpartum period by providing safe sleep education, newborn, and post-partum education. Services will include family planning and well-woman exams, and the provision of a portable crib, when needed. HealthCare Access Maryland, Inc. will provide the services of a Safe Sleep/Family Planning Coordinator to screen all requests for program eligibility, provide Safe Sleep education and training, and link women to available support services. The period of the agreement is July 1, 2015 through June 30, 2016.

The agreement is late because the Department was waiting for signatures.

MWBOO GRANTED A WAIVER.

4. **BALTIMORE MEDICAL SYSTEM, INC.** **\$ 49,929.00**

Account: 5000-520116-3080-388900-603051

Baltimore Medical Systems, Inc. will work with the Department to provide Comprehensive Family Planning Services to include clinical reproductive health care services which allows the client to choose from a broad range of contraception options, screening, and referral of reproductive-related cancers, and education and screening of sexually transmitted infections. The period of the agreement is July 1, 2015 through June 30, 2016.

The agreement is late because it was just completed.

MINUTES

Health Department - cont'd

MBE/WBE PARTICIPATION:

N/A

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 various Agreements.

MINUTES

Health Department - Notification of Grant Award

ACTION REQUESTED OF B/E:

The Board is requested to approve acceptance of the Notification of Grant Award (NGA) from the Maryland Department of Aging (MDoA). The period of the NGA is July 1, 2015 through June 30, 2016.

AMOUNT OF MONEY AND SOURCE:

\$217,777.00 - 5000-534016-3044-273300-405001

BACKGROUND/EXPLANATION:

The approval of this NGA will allow the Department to accept and utilize funds received from the MDoA for State funded programs. These funds will provide a variety of services for older adults residing in Baltimore City.

The NGA is late because it was recently received from the MDoA.

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 Grant Award from the Maryland Department of Aging.

MINUTES

Health Department - Notification of Grant Award

ACTION REQUESTED OF B/E:

The Board is requested to approve acceptance of the Notification of Grant Award (NGA) from the Maryland Department of Aging (MDoA). The period of the NGA is July 1, 2015 through June 30, 2016.

AMOUNT OF MONEY AND SOURCE:

\$	73,079.00	-	4000-433516-3023-273300-404001
	<u>17,160.00</u>	-	4000-432916-3252-514300-404001
\$	90,239.00		

BACKGROUND/EXPLANATION:

This NGA will provide funds for coordinated and accessible services for seniors in Baltimore City. By acceptance of this grant, the Department agrees to abide by the Older Americans Act, as amended, and all applicable Federal and State policies, rules and procedures.

The NGA is late because it was recently received from the MDoA.

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 Grant Award from the Maryland Department of Aging.

MINUTES

Health Department - Revised Notification of Grant Award

ACTION REQUESTED OF B/E:

The Board is requested to approve acceptance of a Revised Notice of Grant Award (NGA) from the Maryland Department of Aging (MDoA). The period of the revised NGA is October 1, 2014 through September 30, 2015.

AMOUNT OF MONEY AND SOURCE:

\$ 64,372.00 - 6000-633515-3254-316200-406001

BACKGROUND/EXPLANATION:

On April 1, 2015, the Board approved the original NGA in the amount of \$219,732.00. The NGA is being revised in the amount of \$64,372.00 for the Nutrition Service Incentive Program (NSIP). The new total amount of the NGA is \$284,104.00.

Approval of this NGA will allow the Department to provide funds for senior nutrition programs at the designated meal sites or home-delivered meals.

The revised NGA is late because it was recently received from the MDoA.

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

UPON MOTION duly made and seconded, the Board approved acceptance of the Revised Notice of Grant Award from the Maryland Department of Aging.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

- | | | | |
|---|---------------|-------------|---------|
| 1. | J. F. FISCHER | \$32,635.00 | Low Bid |
| Solicitation No. B50004233 - Repair to Condensate Pans in AHUs at Baltimore Convention Center - MOCON/Convention Complex - Req. No. R702694 | | | |

The requirement was posted on CitiBuy and two bids were received. The award is recommended to the lowest bid received.

- | | | | |
|---|--------------------------------|-------------|---------|
| 2. | AM CONSERVATION GROUP,
INC. | \$45,866.25 | Low Bid |
| Solicitation No. B50004262 - Weatherization Install Supplies - Department of Housing & Community Development - Req. No. R704658 | | | |

The requirement was posted on CitiBuy and two bids were received. The award is recommended to the lowest bid received. The period of the award is September 23, 2015 through September 22, 2016 with two, 1-year renewal options.

- | | | | |
|---|-------------------------------|-------------|---------|
| 3. | SMITH MICRO SOFTWARE,
INC. | \$16,650.00 | Renewal |
| Contract No. 08000 - Annual Support & Maintenance Quick Link Mobility - Baltimore City Police Department - Req. No. R675975- Purchase Order No. P528880 | | | |

On September 29, 2014, the City Purchasing Agent approved the initial award in the amount of \$16,650.00. The award contained one 1-year renewal option. This renewal in the amount of \$16,650.00 is for the period September 23, 2015 through September 22, 2016.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

- | | | | |
|---|---|---------|---------|
| 4. | SAFEWARE, INC. f/k/a
F.L. ANDERSON COMPANY | \$ 0.00 | Renewal |
| Contract No. B50002461 - Turnout Gear - Baltimore City Fire Department - P.O. No. P521574 | | | |

On September 26, 2012, the Board approved the initial award in the amount of \$3,600,000.00. The award contained six 1-year renewal options. Subsequent renewals have been exercised. This renewal in the amount of \$0.00 is for the period September 26, 2015 through September 25, 2016, with three 1-year renewal options remaining. The above amount is the City's estimated requirement.

MWBOO GRANTED A WAIVER.

- | | | | |
|--|-----------------------|--------------|---------|
| 5. | LION TOTAL CARE, INC. | \$250,000.00 | Renewal |
| Baltimore County Solicitation No. B-545-Firefighter Turnout Gear Repair and Cleaning - Baltimore City Fire Department - P.O. No. P522636 | | | |

On February 13, 2013, the Board approved the initial award in the amount of \$500,000.00. The award contained four 1-year renewal options. Subsequent renewals have been exercised. This renewal in the amount of \$250,000.00 is for the period October 1, 2015 through September 30, 2016, with one 1-year renewal option remaining. The above amount is the City's estimated requirement.

MWBOO GRANTED A WAIVER.

- | | | | |
|---|-----------------------------|--------------|---------|
| 6. | MOSAIC GLOBAL SALES,
LLC | \$700,000.00 | Renewal |
| Contract B50003722 - Hydrofluorosilicic Acid for Water Treatment Plants - Department of Public Works, Water and Wastewater - P.O. No. P530639 | | | |

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

On October 15, 2014, the Board approved the initial award in the amount of \$662,000.00. The award contained four 1-year renewal options. On February 25, 2015, the Board approved the Assignment of the contract. This renewal in the amount of \$700,000.00 is for the period November 15, 2015 through November 14, 2016, with three 1-year renewal options remaining. The above amount is the City's estimated requirement.

MWBOO GRANTED A WAIVER.

- | | | |
|--|----------------|----------|
| 7. HD SUPPLY WATERWORKS,
LIMITED PARTNERSHIP | \$2,500,000.00 | Increase |
| Contract No. B50002341 - Multi Sizes Fire Hydrants & Replacement Parts - Department of Public Works, Bureau of Water and Wastewater - P.O. No. P520646 | | |

On May 23, 2012, the Board approved the initial award in the amount of \$740,000.00. The award contained three 1-year renewal options. An increase was approved on December 18, 2013 and the second renewal was approved on April 29, 2015 in the amount of \$900,000.00. This increase is necessary to purchase parts for fire hydrants. It is important that the agency keep these parts in stock so that repairs and replacements can be done quickly and no fire hydrant has to be removed from service because of a lack of parts. This increase will make the award amount \$5,190,000.00. The contract expires on May 22, 2016, with one 1-year renewal option remaining. The above amount is the City's estimated requirement.

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 - cont'd

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.

UPON MOTION duly made and seconded, the Board approved the foregoing Informal Awards, Renewals, and Increases to Contracts and extensions. UPON FURTHER MOTION duly made and seconded, the Board approved and authorized execution of the Amendment to Agreement with Oracle America, Inc. (Item No. 13). The Comptroller **ABSTAINED** on Item No. 9.

MINUTES

Department of Public Works/ - Grant Award
Bureau of Solid Waste

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize acceptance of a Grant Award from the State of Maryland, Department of the Environment.

AMOUNT OF MONEY AND SOURCE:

\$38,000.00 - 5000-579516-5154-338100-405001

BACKGROUND/EXPLANATION:

The Maryland Department of the Environment offered a one-time grant to jurisdictions within the State that fund an electronics collection and recycling program and document their efforts and expenses for the recycling program. Participating jurisdictions can qualify to be reimbursed up to \$40,000.00 for costs associated with the Electronic Recycling Program. The City was approved for a \$38,000.00 grant under this program.

This submission is late because when the grant check was received there was a considerable delay in identifying and routing the funds to the proper grantee agency, the Bureau of Solid Waste, Recycling Office. As soon as the Recycling Office identified the funds as a grant for the Electronic Recycling Program, the processing of the check was expedited.

There was no prior approval on the original acceptance of the grant by the Board. This is the first time the Recycling Office has received a cash grant. The employee who sought the grant was unaware that, prior to the acceptance of the grant, the Board's approval must be obtained. As a result, this process and procedure for the seeking of and approval of grants has been communicated throughout the agency.

MINUTES

Bureau of Solid Waste - cont'd

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

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of the Grant Award from the State of Maryland, Department of the Environment.

MINUTES

Department of Housing and - Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Agreement with Live Baltimore Home Center, Inc. (LBHC). The period of the Agreement is July 1, 2015 through June 30, 2016.

AMOUNT OF MONEY AND SOURCE:

\$575,842.00 - 1001-000000-8151-700300-603051

BACKGROUND/EXPLANATION:

The LBHC will accelerate Baltimore's growth by promoting the City as a great place to live and accentuating its thriving neighborhoods. The LBHC will continue to support the Mayor's Growth Strategy of 10,000 new households by engaging a highly successful model of prospective and existing City residents through website, e-news, phone, email, one-on-one engagement and event based outreach tactics. The LBHC will continue with an enhanced and targeted employer outreach campaign, including marketing of the Resident Retention Tax Credit.

The Agreement is late because of processing delays.

FOR FY 2016, MBE AND WBE PARTICIPATION GOALS FOR THE ORGANIZATION WERE SET ON THE AMOUNT OF \$23,575.00, AS FOLLOWS:

MBE: \$6,365.25

WBE: \$2,357.50

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

MINUTES

DHCD - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Agreement with Live Baltimore Home Center, Inc. The Mayor **ABSTAINED**. The President voted **NO**.

MINUTES

Department of Housing and Community Development - Ratification Agreement to the Community Development Block Grant Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Ratification Agreement to the Community Development Block Grant Agreement with Rebuilding Together Baltimore, Inc. (RTB). The period of the agreement is September 1, 2014 through September 30, 2015.

AMOUNT OF MONEY AND SOURCE:

\$0.00

BACKGROUND/EXPLANATION:

On July 22, 2015, RTB'S Board of Director's voted to change the organization's fiscal year from beginning September 1 to beginning October 1. The purpose of this ratification is to implement a no-cost time extension to coincide with RTB's new fiscal year by extending the contract end date from August 31, 2015 through September 30, 2015.

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 Ratification Agreement to the Community Development Block Grant Agreement with Rebuilding Together Baltimore, Inc.

MINUTES

Department of Housing and - Community Development Block
Community Development Grant Deferred Loan

ACTION REQUESTED OF B/E:

The Board is requested to approve a Community Development Block Grant (CDBG) Deferred Loan to People's Homesteading Group, Inc. (PHG). The Board is further requested to authorize the Commissioner of the Department of Housing and Community Development to execute any and all documents to effectuate this transaction SUBJECT to review and approval for form and legal sufficiency by the Department of Law.

AMOUNT OF MONEY AND SOURCE:

<u>Sources</u>		<u>Uses</u>	
Capital Bank, NA	\$380,720.00	Construction	\$433,043.00
CDBG	100,000.00	Constr. Fees	92,000.00
PHG/Equity	100,000.00	Soft Costs	55,677.00
	<u>\$580,720.00</u>		<u>\$580,720.00</u>

Account: 9982-908250-9593

BACKGROUND/EXPLANATION:

The CDBG Loan will be used to assist with a portion of the hard construction costs for the rehabilitation and resale of two vacant properties located at 440 East 22nd Street and 446 East 22nd Street, respectively.

People's Homesteading Group, Inc. is a Maryland 501(c)(3) non-profit building contractor and affordable housing developer representing the Central Baltimore neighborhoods of Barclay and East Baltimore Midway. The PHG specializes in full-gut renovation of vacant homes and lead-safe deconstruction and razing that combines demolition, recycling, and reuse of deconstructed materials.

MINUTES

DHCD - cont'd

Since 2005, the PHG has focused its efforts on creating housing opportunities on the 400 block of East 22nd Street by renovating vacant homes and selling them to first-time homebuyers.

On December 21, 2005, the Board approved the loan of HOME Investment Partnership Program (HOME) funds in the amount of \$320,000.00 to the PHG to help finance in part the historic renovation of the "Anchors of Hope III, Phase I Homeownership Project." According to this approval, Anchors of Hope III was to contain units located at 406, 408, 410, 414, 418, 421, 422, and 443 East 22nd Street.

On October 15, 2008, the Board approved the expenditure of an additional \$150,000.00 in HOME funds to Anchors of Hope III for a total loan amount of \$470,000.00. The funds were used to cover unanticipated cost overruns associated with the historic renovation of the units. In addition, the Board approved the revision of the Anchors of Hope III to exclude 421 East 22nd Street and include 417 East 22nd Street instead.

On June 23, 2010, the Board approved the expenditure of an additional \$90,000.00 in HOME funds to Anchors of Hope III for a total amount of \$560,000.00. The funds were used to write down an additional portion of the sales prices of the three residential units (406, 410, and 422 East 22nd Street).

Throughout all of these approvals, it has been anticipated that the remaining two units of Anchors of Hope III located at 443 and 417 East 22nd Street would be completed using private funds.

To date, the PHG has completed and sold six of the eight homeownership units in Anchors of Hope III (406, 408, 410, 414, 418, and 422). The PHG has also rehabilitated and sold two additional units on East 22nd Street: 429 East 22nd Street (which was funded in part by HOME funds) and 431 East 22nd Street (which was funded in part by CDBG-R funds).

MINUTES

DHCD - cont'd

The PHG is attempting to continue this redevelopment of the 400 block of East 22nd Street by renovating and selling two additional units located at 440 and 446 East 22nd Street (the Project). Both of these units are three-story townhouses of approximately 2,300 square feet and contain four bedrooms, two-and-a-half baths, and an unfinished basement. Because the units are historic in nature, the PHG is required to comply with all architectural and historic standards.

The Department is requesting approval of a deferred construction loan from amounts available under the Community Development Block Grant (CDBG) program in the principal amount of \$100,000.00 (the CDBG Loan) to finance in part the hard renovation costs of the Project. The terms of the financing are further described below. Upon completion, the Buyers (defined herein) of the homeownership units may not have incomes above 80% of the Area Median Income. The CDBG funds will be restricted to a portion of the rehabilitation costs associated with the project. The PHG has indicated that the projected sales price for each of the units will be approximately \$180,000.00.

The Department is also seeking Board approval for a reduction in the Anchors of Hope III units by deleting the units at 443 and 417 East 22nd Street from the scope of the project. If approved, Anchors of Hope III will consist of the six publicly funded units at 406, 408, 410, 414, 418, and 422 East 22nd Street. Releasing the two privately-funded units will assist the developer in completing the private financing and will allow the units to be more quickly rehabilitated and sold for private ownership, which in turn will help further the PHG's mission with respect to East 22nd Street.

PARTICIPATING PARTIES:

- A. Developer - People's Homesteading Group, Inc. will be the developer of record.

MINUTES

DHCD - cont'd

- B. General Contractor - People's Homesteading Group, Inc. will be the general contractor of record and will utilize the services of an in-house licensed Maryland Home Improvement Contractor as a construction manager.
- C. Architect - Julia D. Tice, AIA, will be the architect of Record
- D. Participating Lenders:

Capital Bank, NA - 1st Lien Construction

Capital Bank, NA of Rockville, Maryland will be the first construction lender, the PHG has obtained a revolving line of credit with the Bank for up to \$750,000.00 with a term of 24 months from the date of closing with a maturity date of 24 months. Interest will accrue upon the unpaid principal balance at the applicable LIBOR Rate and will be adjusted on a monthly basis but in no event will the interest rate be less than six and one-half percent per annum.

Baltimore City - CDBG Deferred Loan - 2nd Lien Construction

The CDBG Loan will be used to finance a portion of the rehabilitation costs. During the rehabilitation and sales phase of the project, interests will be at the rate of zero percent per annum on sums advanced. During the permanent loan period, the interest rate charged will be at the rate of zero percent per annum. The rehabilitation and sales phase of the project will be for a period not to exceed 12 months from the date of closing. Upon the sale of the two units, the payment of the outstanding principal balance will be forgiven.

The PHG will execute a Deed of Trust Security Agreement securing the Loan (the Deed of Trust), which will constitute a second lien on the project. The Department's total subsidy amount for each of the two units will be \$50,000.00 per unit, of which \$30,000.00 will be a buyer subsidy (the Buyer Subsidy) and \$20,000.00 will be a permanent loan write down to the project and will be forgiven upon the sale of each individual unit.

MINUTES

DHCD - cont'd

Upon the sale of a unit to an eligible buyer (each, a Buyer), the Buyer Subsidy will be evidenced by a Note and other security instruments and structured as a forgivable loan that will be reduced over a period of five years commencing on the date of the purchase of the unit (the Buyer's Affordability Period). If the Buyer complies with all terms and covenants of the documents evidencing the Buyer Subsidy during the Buyer's Affordability Period, the payment of any outstanding principal will be forgiven.

PHG Equity

In February 2012, the PHG was approved for a grant from the Maryland Community Legacy program within the State of Maryland's Department of Housing and Community Development. The grant funds of \$80,000.00 allowed the PHG to stabilize the units, remove debris from the properties, and install joists, sub-floors, and roof structures. The PHG has also expended or will expend an additional \$20,000.00 for pre-development requirements for a total equity contribution of \$100,000.00.

MBE/WBE PARTICIPATION:

Article 5, Subtitle 28 of the Baltimore City Code of Maryland for Minority and Women's Business Opportunity is fully applicable and no request for waiver or exception has been made.

THE DEPARTMENT OF FINANCE REVIEWED AND RECOMMENDED APPROVAL.

MINUTESDHCD - cont'd**TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$100,000.00	9991-945002-9587	9982-908250-9593
CDBG 27 th	Unallocated Reserve	PHG East 22 nd Street
Grant		Homeownership

This transfer will provide Community Development Block Grant funds to the People's Homesteading Group, Inc. for the construction costs to rehabilitate and resale of two vacant properties.

UPON MOTION duly made and seconded, the Board approved the Community Development Block Grant Deferred Loan to People's Homesteading Group, Inc. The Board further authorized the Commissioner of the Department of Housing and Community Development to execute any and all documents to effectuate this transaction SUBJECT to review and approval for form and legal sufficiency by the Department of Law. 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.

MINUTES

Department of Housing and - Amendment No. 2 to Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve Amendment No. 2 to Agreement with Kenneth Gelula and Associates LLC. The Amendment No. 2 will extend the agreement through November 30, 2015.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On October 22, 2014, the Board approved the original agreement in the amount of \$42,000.00. On June 17, 2015, the Board approved Amendment No. 1 which increased the amount by \$19,500.00 and extended the contract until August 26, 2015. Amendment No. 2 is necessary for the completion of 145 remaining contractual hours. The scope of services includes coordination within the Division of Green Healthy and Sustainable Homes non-profits partners, studying and recommending service coordination within the Division and among its non-profit partners, program development to improve housing services to older adults and people with disabilities, case management, and data system recommendations, researching new funding opportunities for the Division. These services are consistent with the Customer Investment Fund awarded to the Division for the three year period FY2014/2016.

The consulting services to be provided by Kenneth Gelula and Associates LLC are designed to meet a number of the objectives of the Customer Investment Fund, including leveraging resources to prevent tax sale foreclosure.

MBE/WBE PARTICIPATION:

N/A

UPON MOTION duly made and seconded, the Board approved Amendment No. 2 to Agreement with Kenneth Gelula and Associates LLC.

MINUTES

MOED - cont'd

The Grant Awards are late because of the late notification of approval from the grantor.

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of the Notice of Grant Awards.

MINUTES

Mayor's Office of Employment - Notice of Grant Award
Development (MOED)

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize acceptance of the Notice of Grant Award from the Maryland Department of Labor, Licensing and Regulation. The period of the award is July 1, 2015 through June 30, 2016.

AMOUNT OF MONEY AND SOURCE:

\$1,000,000.00
1,130,000.00
\$2,130,000.00 - 5000-506316-6397-483200-405001

BACKGROUND/EXPLANATION:

YouthWorks is Baltimore City's summer jobs program, operated by the MOED, which annually places young people in summer jobs. The funds will provide approximately 1,637 Baltimore City youth with summer work experiences throughout Baltimore City. YouthWorks exposes young people, many for the first time, to the world of work and enables them to explore a variety of career fields available in and around the City.

The Grant Award is late because of the late notification of approval from 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 and authorized acceptance of the Notice of Grant Award from the Maryland Department of Labor, Licensing and Regulation.

MINUTES

PERSONNEL MATTERS

* * * * *

UPON MOTION duly made and seconded,

the Board approved

all of the Personnel matters

listed on the following pages:

3356 - 3489

All of the Personnel matters have been approved

by the EXPENDITURE CONTROL COMMITTEE.

All of the contracts have been approved

by the Law Department

as to form and legal sufficiency.

The Mayor **ABSTAINED** on item no. 48.

The Comptroller **ABSTAINED** on item no. 17.

MINUTES**PERSONNEL**

	<u>Hourly Rate</u>	<u>Amount</u>
<u>Department of General Services (DGS)</u>		
1. HUSAM ALBATRAWI	\$42.11	\$ 80,009.00

Account: 1001-000000-7340-721700-601009

Mr. Albatrawi will continue work as a Contract Services Specialist II (Design Planner). His duties will include, but are not limited to managing and overseeing design and construction contracts for municipal buildings and facilities, providing direction in master planning, architectural and financial aspects, and representing the Department with City and State agencies to provide architectural project management services on complex construction projects. These projects include project scoping, project design, and project engineering through the construction phase to ensure design compliance with applicable codes and standards. Mr. Albatrawi will coordinate with City and State agencies to process payment for the design services rendered, report the bi-weekly progress of all projects on which he is working, and act as a planning consultant to agencies in the development of master plans on behalf of agencies. This is the same hourly rate as in the previous contract period. The period of the Agreement is effective upon Board approval for one year.

2. Reclassify the following position:

Position No. - 48942

From: Classification: Administrative Analyst II
 Job Code: 31312
 Grade: 923 (\$57,200.00 - \$91,700.00)

To: Classification: Database Specialist
 Job Code: 33102
 Grade: 927 (\$60,800.00 - \$97,300.00)

Costs: \$4,671.00 - 1001-000000-1981-718100-601001

MINUTES

PERSONNEL

Hourly Rate Amount

DGS - cont'd

- 3. a. Create the following new classification:

Classification: Automotive Service Writer
 Job Code: 52117
 Grade: 089 (\$43,026.00 - \$52,239.00)

- b. Reclassify the following three positions:

Position Nos.: 1890-59763, 50764, 50765

From: Classification: New Position
 Job Code: 9000
 Grade: 900 (\$1.00 - \$204,000.00)

To: Classification: Automotive Service Writer
 Job Code: 52117
 Grade: 089 (\$43,026.00 - \$52,239.00)

Costs: \$201,495.00 - 2030-000000-1890-189400-601001

Department of Public Works (DPW)

4.	ALEX JULIUS	\$22.98	\$ 47,798.40
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Account: 1001-000000-1901-190700-601009

Mr. Julius will continue to work as a Contract Service Specialist II (PC Support Technician II). His duties will include, but are not limited to installing testing and replacing memory, disk storage, network, video adapters, circuit boards and other internal components and peripheral devices in personal computers and laptops. In addition, Mr. Julius will install and configure software on computers, including new and previously unused software, install PC's and perform quality control and quality assurance on new installs as well as answer questions by computer users in the use of common software. He may also be responsible for the operation of a Help Desk. This is the same hourly rate as in the previous contract period. The period of the Agreement is effective upon Board approval for one year.

MINUTES**PERSONNEL**

	<u>Hourly Rate</u>	<u>Amount</u>
<u>Department of Public Works - cont'd</u>		
5. JAMES R. HOFFMANN	\$100.00/hr. per conference session	\$ 26,000.00 plus parking and/or public transportation

Account: 2071-000000-5471-400504-603021

Mr. Hoffmann will work as a Contract Service Specialist II (Conference Chairman) to hear water revenue billing disputes. He will be responsible for conducting informal conferences and rendering written recommendations for the DPW, Bureau of Water and Wastewater, Customer Care Division. Mr. Hoffmann will also conduct the formal hearings, and take testimony from complainants, witnesses, and DPW personnel. The period of the Agreement is effective upon Board approval for one year.

6. CYNTHIA SPENCE	\$31.25	\$ 65,000.00
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Account: 2071-000000-5471-400504-601009

Ms. Spence will work as a Contract Service Specialist II (Program Analyst). Her duties will include, but are not limited to collaborating with project management, establishing and communicating metering and billing project goals, objectives, strategies, and priorities. In addition, Ms. Spence will conduct an assessment of meter installations, meter infrastructure, and water billing system, and project needs. She will also analyze the availability and coordinate the utilization of City resources to address project needs and protect City metering equipment. The period of the Agreement is effective upon Board approval for one year.

MINUTES

PERSONNEL

	<u>Hourly Rate</u>	<u>Amount</u>
<u>Department of Public Works - cont'd</u>		
7. CYNTHIA STEVENSON	\$30.97	\$ 37,163.12

Account: 1001-000000-1901-190300-601009

Ms. Stevenson, retiree, will continue to work as a Contract Services Specialist I (Secretary). She will be responsible for assisting in the organization of departmental divisions and programs, preparing technical and complex reports, maintaining personal and confidential files, overseeing the maintenance of other or sensitive record systems, composing correspondence, signing routine correspondence for supervisor, and taking dictation and shorthand at meetings, program coordinating activities with other agencies and organizations, and assisting with the evaluation of agency programs. This is a 15% increase in the hourly rate from the previous contract period. The period of the Agreement is effective upon Board approval for one year.

This contract is in compliance with A.M. 212-1, Part I.

8. Reclassify the following nine positions:

Position Nos. - 5601-50009; 50022, 49946; 50010; 50021;
49945; 50011; 50019; 50020

From: Classification: New Position

Job Code: 90000

Grade: 900 (\$1.00 - \$204,000.00)

To: Classification: Public Works Inspector I

Job Code: 42211

Grade: 084 (\$35,564.00 - \$42,446.00)

Costs: \$163,053.00 - 2070-000000-5601-399200-601001

163,053.00 - 2071-000000-5601-398500-601001

163,053.00 - 2071-000000-5601-400200-601001

\$489,159.00 - Total Costs

These positions are to be considered Positions of Trust in accordance with the policy outlined in the Administrative Manual, Section 237-1.

MINUTES**PERSONNEL**

Department of Public Works - cont'd

9. a. Abolish the following vacant positions:

Position No.: 5601-23755

Classification: Engineering Associate I

Job Code: 72711

Grade: 087 (\$39,701.00 - \$47,990.00)

Position No.: 5601-47007

Classification: Engineering Associate Supervisor

Job Code: 72715

Grade: 095 (\$55,503.00 - \$67,694.00)

Position No.: 5601-47325; 47331

Classification: Public Works Inspector II

Job Code: 42212

Grade: 087 (\$39,701.00 - \$47,990.00)

Position No.: 5601-23917; 33699

Classification: Public Works Inspector III

Job Code: 42213

Grade: 092 (\$48,812.00 - \$59,437.00)

b. Create the following six positions:

Classification: Public Works Inspector I

Job Code: 42211

Grade: 084 (\$35,564.00 - \$42,446.00)

Position Nos.: To be assigned by BBMR

Costs (\$37,682.50) - 2071-000000-5601-399200-601001

(37,682.50) - 2071-000000-5601-400200-601001

(\$75,365.00) - Total Savings

These positions are to be considered Positions of Trust in accordance with the policy outlined in the Administrative Manual, Section 237-1.

MINUTES

PERSONNELDepartment of Public Works - cont'd10. Reclassify the following position:Position No. 1901-34770

From: Classification: Secretary II
Job Code: 33232
Grade: 078 (\$29,672.00 - \$34,218.00)

To: Classification: Secretary III
Job Code: 33233
Grade: 084 (\$35,564.00 - \$42,446.00)

Costs: \$7,547.00 - 1001-000000-1901-190300-601001

This position is to be considered a Position of Trust in accordance with the policy outlined in the Administrative Manual, Section 237-1.

11. Reclassify the following positions:a. Position Nos.: 5601-49956; 50016

From: Classification: New Position
Job Code: 90000

To: Classification: Construction Project Supervisor II
Job Code: 42222
Grade: 927 (\$60,800.00 - \$97,300.00)

b. Position No.: 5601-49961

From: Classification: New Position
Job Code: 90000
Grade: 900 (\$1.00 - \$204,000.00)

To: Classification: Operations Engineer
Job Code: 72193
Grade: 929 (\$64,600.00 - \$103,200.00)

MINUTES**PERSONNEL**Department of Public Works - cont'dc. Position No.: 5601-49957

From: Classification: New Position

Job Code: 90000

Grade: 900 (\$1.00 - \$204,000.00)

To: Classification: Engineer II

Job Code: 72113

Grade: 929 (\$64,600.00 - \$103,200.00)

Costs: \$85,897.00 - 2071-000000-5601-613800-601001

\$85,897.00 - 2070-000000-5601-730000-601001

\$90,683.00 - 2071-000000-5521-393704-601001

\$90,683.00 - 2071-000000-5601-613800-601001

12. a. Reclassify the following positions:Position Nos.: 5152-36134; 36073

From: Classification: Motor Vehicle Driver I

Job Code: 54111

Grade: 487 (\$31,221.00 - \$32,635.00)

To: Classification: Heavy Equipment Operator II

Job Code: 54432

Grade: 433 (\$36,128.00 - \$40,603.00)

b. Classify the following position:Position No.: 5154-50392

From: Classification: New Position

Job Code: 90000

Grade: 900 (\$1.00 - \$204,000.00)

To: Classification: Solid Waste Superintendent

Job Code: 53816

Grade: 923 (\$57,200.00 - \$91,700.00)

Costs: \$12,425.00 - 1001-000000-5154-659000-601001

\$81,369.00 - 1001-000000-5154-388000-601001

MINUTES**PERSONNEL**Hourly RateAmountDepartment of Public Works - cont'd

These positions are to be considered Positions of Trust in accordance with the policy outlined in the Administrative Manual, Section 237-1.

Health Department

13.	MATTIE SHIVERS	\$8.58	\$ 8,477.04
14.	PAULETTE WILLIS	\$8.76	\$ 8,654.88

Account: 4000-432916-3024-268400-601009

Mses. Shivers and Willis will each continue to work as a Contract Services Specialist II (Food Service Manager) at the Zeta Senior and the Waxter Senior Center, respectively. Their duties will include but are not limited to ensuring the receipt and storage of food products, ensuring that meals are served, and ensuring that the serving area and equipment are kept clean and sanitary. Mses. Shivers and Willis will also be responsible for preparing and maintaining paperwork, meal counts, collecting funds, ordering supplies, preparing daily reports via the Touch Screen System, and supervising Food Service Aides. The salary is a 5% increase for Ms. Shivers and a 7% increase for Ms. Willis in the hourly rate from the previous contract period. The period of the Agreement is October 1, 2015 through September 30, 2016.

15.	ELIZABETH MICKLO	\$8.32	\$ 8,220.16
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Account: 4000-432916-3024-295900-601009

Ms. Micklo will continue to work as a Contract Services Specialist II (Nutrition Aide) at the Hatton Senior Center. She will be responsible for reviewing mail, screening telephone calls and visitors, and providing information. In addition, Ms. Micklo will set and serve Eating Together Program meals, handle inventory supplies, assist seniors, and maintain resource files. This is the same salary as in the previous contract period. The period of the Agreement is October 1, 2015 through September 30, 2016.

MINUTES**PERSONNEL**

	<u>Hourly Rate</u>	<u>Amount</u>
<u>Health Department - cont'd</u>		
16. THEODORA BUTLER	\$9.45	\$ 9,336.60

Account: 4000-433516-3024-268400-601009

Ms. Butler will continue to work as a Contract Services Specialist II (Receptionist). She will be responsible for answering telephones, directing calls to appropriate staff, providing information and assistance to clients on the phone and in person, and maintaining records of trips and events. This is the same salary as in the previous contract period. The period of the Agreement is October 1, 2015 through September 30, 2016.

17. PATRICIA VAN STORY, D.D.S.	\$66.00	\$ 63,360.00
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Account: 1001-000000-3030-271900-601009

Ms. Van Story will work as a Contract Services Specialist II (Dentist). Her duties will include, but are not limited to performing general dentistry procedures, supervising outreach care services and clinical staff, and providing counsel and assistance to the Director of Oral Health Services in the development and implementation of collaborative care programs. The period of the Agreement is effective upon Board approval through June 30, 2016.

18. JANICE WILLIAMS	\$18.23	\$ 37,919.00
19. ANISHA THOMAS	\$18.23	\$ 37,919.00

Account: 1001-000000-3001-599000-601009

Mses. Williams and Thomas will each work as a Contract Services Specialist II (Special Assistant). Their duties will include, but will not be limited to assisting the Deputy Commissioner of Youth Wellness, Substance Use and Youth Violence Prevention with program strategy development and implementation in the areas of

MINUTES**PERSONNEL**Hourly RateAmountHealth Department - cont'd

maternal and child health, youth violence prevention and behavioral health. The period of the Agreement is effective upon Board approval through August 31, 2016.

20. **LUCRETIA SHANNON** \$14.00 **\$ 23,296.00**

Account: 4000-433416-3023-273300-601009

Ms. Shannon will continue to work as a Contract Services Specialist II (Benefits Counselor). Her duties will include, but are not limited to scheduling and conducting community outreach for various programs such as the Benefits Checkup and the Senior Health Insurance Program. Ms. Shannon will also provide individualized counseling for seniors and their families. This is the same salary as in the previous contract period. The period of the Agreement is October 1, 2015 through September 30, 2016.

21. **DARLENE KESS** \$9.00 **\$ 8,892.00**

Account: 4000-433515-3024-268400-601009

Ms. Kess will continue to work as a Contract Services Specialist II (Office Assistant). Her duties will include, but will not be limited to providing office support to the Center Manager and acting as a liaison between the public and the Center Director. In addition, Ms. Kess will register participants for classes and outings, maintain the records and the filing system, send out brochures and information to the public, and greet visitors and members. This is the same salary as in the previous contract period. The period of the Agreement is October 1, 2015 through September 30, 2016.

MINUTES**PERSONNEL**

	<u>Hourly Rate</u>	<u>Amount</u>
<u>Health Department</u> - cont'd		
22. AGNES SCOTT	\$ 8.25	\$ 6,864.00

Account: 4000-432916-3024-268400-601009

Ms. Scott, retiree, will continue to work as a Contract Services Specialist I (Kitchen Aide) at the Zeta Senior Center. Her duties will include, but are not limited to setting up and breaking down the kitchen and dining room area and serving on the food line. In addition, Ms. Scott will assist seniors who are unable to serve themselves, ensure that the kitchen equipment is kept clean and sanitary, assist with ensuring the food products are stored properly, and stock the kitchen. This salary is a 12% increase in the hourly rate from the previous contract period. The period of the Agreement is October 1, 2015 through September 30, 2016.

23. FRANK FREEMAN	\$ 8.25	\$ 8,151.00
24. SHIRLEY LOWERY	\$ 8.25	\$ 8,151.00

Account: 4000-432916-3024-268400-601009

Mr. Freeman and Ms. Lowery will each continue to work as a Contract Services Specialist II (Kitchen Aide). Mr. Freeman will work at the Zeta Senior Center. Ms. Lowery will work at the Waxter Senior Center. They will be responsible for setting-up the kitchen and the serving line for breakfast and lunch, serving food, and assisting seniors that cannot seat or serve themselves. In addition, Mr. Freeman and Ms. Lowery will heat and warm food, clean-up after breakfast and lunch, and restock the kitchen. The salary is a 3% increase for Mr. Freeman and a 12% increase for Ms. Lowery in the hourly rate from the previous contract period. The period of the Agreement is October 1, 2015 through September 30, 2016.

MINUTES

PERSONNEL

Health Department - cont'd

25. Create the following position:

Classification: Accountant II
Job Code: 34142
Grade: 923 (\$57,200.00 - \$91,700.00)
Position No.: To be assigned by BBMR

Costs: \$86,106.84 - 4000-424516-3023-274400-601001

Police Department

26. **JOSEPH I. McMAHON, JR.** \$14.42 \$ 30,000.00

27. **THERESA A. ANDERSON** \$14.42 \$ 30,000.00

Account: 1001-000000-2042-198100-601009

The above-listed retirees will each work as a Contract Services Specialist I (Evidence Control Unit). They will be responsible for entry and accurate retention of all property that is retained by the Department and several surrounding agencies, releasing property for further examination/evidence for court, and updating the tracking system for chain of custody and documenting the location. The period of the Agreement is September 28, 2015 through September 27, 2016.

28. **LINDA E. BALLINGER** \$14.42 \$ 30,000.00

Account: 1001-000000-2042-198100-601009

Ms. Ballinger, retiree, will continue to work as a Contract Services Specialist I in the Internal Affairs Division (IAD). She will be responsible for handling the complaints from citizens or members of the Department and ensuring that the proper notifications are made through channels and forwarded to an IAD investigator. In addition, she will conduct preliminary investigations of complaints from City Hall and the Police Commissioner's office and handle request from Legal Affairs and the State's Attorney's Office for IAD reports. The period of the Agreement is October 23, 2015 through October 22, 2016.

MINUTES

PERSONNELPolice Department - cont'd

	<u>Hourly Rate</u>	<u>Amount</u>
29. JODY S. DOWELL	\$14.42	\$ 30,000.00

Account: 1001-000000-2042-198100-601009

Ms. Dowell will continue to work as a Contract Services Specialist I (Human Resource Section). She will be responsible for reviewing application/documents submitted by Officers, re-hires, Cadets, Special Police Officers and civilian applicants; conducting interviews into criminal record checks, neighborhood investigation and all components of the hiring process. The period of the Agreement is October 23, 2015 through October 22, 2016.

30. ROBERT H. ANDERSON, JR.	\$14.42	\$ 30,000.00
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Account: 1001-000000-2042-198100-601009

Mr. Anderson, retiree, will continue to work as a Contract Services Specialist I (Professional Development and Training Academy). He will be responsible for creating and auditing existing training programs to ensure compliance with current policy, providing instructions in the areas of Defense Tactics, EVOC Instructions, and Firearms. The period of the Agreement is September 25, 2015 through September 24, 2016.

31. C. TAMARA HATCHER	\$14.42	\$ 30,000.00
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Account: 1001-000000-2042-198100-601009

Ms. Hatcher, retiree, will continue to work as a Contract Services Specialist I in the Trial Board Office. She will be responsible for assisting with the case review of cases received from the Internal Affairs Division, Equal Employ-

MINUTES**PERSONNEL**Hourly RateAmountPolice Department - cont'd

ment Office, and the Command Investigations Unit to detect any grammar, context, and spelling errors before the cases/packets are transferred to the Charging Committee for review. In addition, Ms. Hatcher will track cases for punishment issuance and completion. She will be a liaison between the Legal Affairs Section and outside attorneys to ensure all set deadlines are met, prepare casebooks and other materials for all Trial Boards, summonses to all witnesses, and set security and casebook closeout at the Trial Board conclusion. The period of the Agreement is September 24, 2015 through September 23, 2016.

32. **DOROTHIA PARKER-JOHNSON** \$14.42 **\$ 30,000.00**

Account: 1001-000000-2042-198100-601009

Ms. Parker-Johnson, retiree, will continue to work as a Contract Services Specialist I (Court Liaison Unit). She will be responsible for maintaining and furthering relationships with the State's Attorney's Office, reducing the failure to appear by Police Department personnel, limiting court overtime expenditures, and ensuring proper professionalism and appearance of Police Department personnel. In addition, Ms. Parker-Johnson will provide courtroom personnel with professional police service, represent the Police Department, and provide liaison service to the various criminal justice entities. The period of the Agreement is September 28, 2015 through September 27, 2016.

33. **SHARON F. ALSTON** \$14.42 **\$ 30,000.00**

Account: 1001-000000-2042-198100-601009

Ms. Alston, retiree, will continue to work as a Contract Services Specialist I (Grants Unit). She will be responsible for preparing and tracking the necessary

MINUTES**PERSONNEL**

	<u>Hourly Rate</u>	<u>Amount</u>
<u>Police Department</u> - cont'd		
documentation required for presentation to the Board of Estimates for grant awards, contracts, and memorandum of understanding. In addition, she will review award documents for completeness, accuracy, and appropriate approvals and signatures, and update databases and spreadsheets with current grant information. The period of the Agreement is September 28, 2015 through September 27, 2016.		
34. BARBARA J. McCLAIRN	\$14.42	\$ 30,000.00
35. CLARISSA E. FIELDS	\$14.42	\$ 30,000.00

Account: 1001-000000-2042-198100-601009

Mses. McClairn and Fields, retirees, will each work as a Contract Services Specialist I in the Court Liaison Unit. They will be responsible for maintaining and furthering relationships with the State's Attorney's Office and continuing to reduce the failure to appear by the Baltimore City Police Department personnel. Mses. McClairn and Fields will limit court overtime expenditures, ensure proper professionalism and appearance of the Baltimore City Police Department personnel, represent the Police Department, and provide liaison service to the various criminal justice entities. The period of the Agreement is September 24, 2015 through September 23, 2016.

ON JANUARY 3, 1996, THE BOARD APPROVED A WAIVER TO ADMINISTRATIVE MANUAL POLICY 212-1, WHICH ALLOWED THE POLICE DEPARTMENT TO HIRE RETIRED POLICE OFFICERS ON A CONTRACTUAL BASIS.

36. SHANNON SULLIVAN	\$36.72	\$ 70,000.00
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Account: 1001-000000-2041-195800-601009

Ms. Sullivan will work as a Contract Services Specialist II (Program Analyst). She will be responsible for conducting

MINUTES

PERSONNEL

	<u>Hourly Rate</u>	<u>Amount</u>
<u>Police Department - cont'd</u>		
<p>semi-annual audits on all departmental policies and procedures, reviewing, editing, and creating as needed General Orders, Police Commissioner Memoranda Training Bulletins and Standard Operating Procedures. In addition, she will serve as project manager for the creation of the Lexipol online policy and procedures manual, prepare and present use of force investigations findings to executive command staff and conduct special projects as assigned. This salary is a 7% increase from the previous contract. The Agreement is effective upon Board approval for one year.</p>		

37. Create the following position:

Classification: IT Division Manager
 Job Code: 10241
 Grade: 942 (\$85,400.00 - \$140,800.00)
 Position No.: To be assigned by BBMR

Cost: \$195,553.00 - 1001-000000-2041-220100-601001

State's Attorney's Office

38.	MICHAEL FIORENZA	\$19.24	\$ 36,681.00
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Account: 1001-000000-1150-118000-601009

Mr. Fiorenza will work as a Contract Services Specialist II (Law Clerk). His duties will include, assisting prosecuting attorneys by conducting legal research, reviewing and assessing police reports, interviewing victims and witnesses, creating digital copies of documents, preparing and filing of disclosure paperwork, manipulating digital video, audio, and text files to remove non-discoverable information and maintaining files and databases. The Agreement is effective upon Board approval for one year.

MINUTES**PERSONNEL**

	<u>Hourly Rate</u>	<u>Amount</u>
<u>State's Attorney's Office</u>		

39. Reclassify the following position:

Position No.: 1156-47078

From: Victim Witness Coordinator
 Job Code: 01967
 Grade: 090 (\$44,858.00 - \$54,520.00)

To: Community Liaison, SAO
 Job Code: 01968
 Grade: 923 (\$57,200.00 - \$91,700.00)

Cost: \$16,473.00 - 1001-000000-1156-117900-601001

Department of Human Resources

40. ANGELA S. SMITH	\$52.14	\$ 62,568.00
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Account: 1001-000000-1603-172500-601009

Ms. Smith, retiree, will serve as a Contract Specialist I (Special Assistant to the Director). She will be responsible for acting as a lead worker on special projects; planning, organizing and directing project activity; researching, composing, and preparing special reports, correspondence and other communication for the executive team and acting as a Human Resource Consultant to agencies. This salary is the same as in the previous contract period and is in compliance with AM 212-1, Part I. The period of the Agreement is effective upon Board approval for one year.

MINUTES

PERSONNELDepartment of Human Resources**41. I. Abolish the following 76 Obsolete Classifications:**

<u>Job Code:</u>	<u>Classification Title:</u>	<u>Grade and Salary Range:</u>
00009	Assistant to the Mayor	953 (\$ 65,900.00 - \$109,900.00)
00014	Assistant Office Manager	935 (\$ 41,900.00 - \$ 63,800.00)
00015	Administrative Assistant	940 (\$ 50,900.00 - \$ 69,700.00)
00128	Special Aide II	933 (\$ 35,500.00 - \$ 71,700.00)
00142	Executive Level I	948 (\$ 57,400.00 - \$103,200.00)
00143	Executive Level II	959 (\$ 80,300.00 - \$137,700.00)
00144	Executive Level III	968 (\$116,700.00 - \$212,300.00)
00180	Administrative Assistant	941 (\$ 52,400.00 - \$ 90,000.00)
00411	Homeless Program Administrator	632 (\$ 63,600.00 - \$ 73,700.00)
00676	Children's Services Coord Library	116 (\$ 56,100.00 - \$ 79,100.00)
00714	Library Media Relations Coordinator	110 (\$ 41,600.00 - \$ 59,100.00)
00770	Executive Director War Memorial Comm.	114 (\$ 50,600.00 - \$ 71,400.00)
00839	Aide To Sheriff	112 (\$ 46,100.00 - \$ 65,200.00)
01190	Staff Associate, President City Council	933 (\$ 35,500.00 - \$ 71,700.00)
01426	Administrative Officer	111 (\$ 43,400.00 - \$ 62,900.00)
01604	Police Colonel	655 (\$ 98,000.00 - \$113,700.00)
01901	Executive Assistant to State's Attorney	118 (\$ 61,200.00 - \$ 87,200.00)
01909	Office Manager State's Attorney Office	114 (\$ 50,600.00 - \$ 71,400.00)
01913	Division Director/Legislative Liaison	653 (\$ 94,500.00 - \$109,400.00)
01960	Community Partnership Coordinator	82M (\$ 71,300.00 - \$ 71,300.00)
10043	Executive Assistant (Cable)	114 (\$ 50,600.00 - \$ 71,400.00)
10048	Special Assistant Director of Finance	115 (\$ 53,000.00 - \$ 75,100.00)
10057	Assistant to the Comptroller	114 (\$ 50,600.00 - \$ 71,400.00)
10087	Special Assistant Director of Public Works	116 (\$ 56,100.00 - \$ 79,100.00)
10110	Public Health Physician II	963 (\$ 91,800.00 - \$145,600.00)
10121	Exec Asst to Deputy Commissioner HCD	115 (\$ 53,000.00 - \$ 75,100.00)
10171	Division Chief I	943 (\$ 53,200.00 - \$ 82,800.00)
10172	Division Chief II	952 (\$ 65,300.00 - \$ 94,600.00)
10173	Division Chief III	955 (\$ 77,100.00 - \$106,400.00)
10193	Exec Asst to Director Recreation & Parks	115 (\$ 53,000.00 - \$ 75,100.00)
10202	Director Baltimore Public Works Museum	114 (\$ 50,600.00 - \$ 71,400.00)
10204	Aide to the Police Commissioner	110 (\$ 41,600.00 - \$ 59,100.00)

MINUTES

PERSONNELDepartment of Human Resources - cont'd

<u>Job Code:</u>	<u>Classification Title:</u>	<u>Grade and Salary Range:</u>
31101	Administrative Officer I	111 (\$43,400.00 - \$ 62,900.00)
31102	Administrative Officer II	115 (\$53,000.00 - \$ 75,100.00)
31103	Administrative Officer III	118 (\$61,200.00 - \$ 87,200.00)
31302	Budget/Management Analyst II	117 (\$58,200.00 - \$ 82,600.00)
31303	Budget/Management Analyst III	120 (\$67,400.00 - \$ 94,800.00)
33104	Database Specialist Senior	116 (\$56,100.00 - \$ 79,100.00)
33129	Pc Support Technician III	111 (\$43,400.00 - \$ 62,900.00)
33152	Systems Analyst II	117 (\$58,200.00 - \$ 82,600.00)
33163	Systems Programmer II	117 (\$58,200.00 - \$ 82,600.00)
33164	Systems Programmer III	120 (\$67,400.00 - \$ 94,800.00)
33169	Chief of Technology Services	121 (\$71,300.00 - \$ 99,600.00)
33416	Public Information Supervisor II	117 (\$58,200.00 - \$ 82,600.00)
33527	Procurement Specialist III	115 (\$53,000.00 - \$ 75,100.00)
33544	Property Disposal Assistant Supervisor	110 (\$41,600.00 - \$ 59,100.00)
33567	Stores Supervisor II Auto Parts	110 (\$41,600.00 - \$ 59,100.00)
33621	Human Resources Policy Analyst	116 (\$56,100.00 - \$ 79,100.00)
33684	Training Officer II	114 (\$50,600.00 - \$ 71,400.00)
33713	Real Estate Agent III	114 (\$50,600.00 - \$ 71,400.00)
34121	Auditor II (CPA)	943 (\$53,200.00 - \$ 82,800.00)
34122	Auditor III (CPA)	952 (\$65,300.00 - \$ 94,600.00)
34125	Auditor Supervisor (CPA)	948 (\$57,400.00 - \$103,200.00)
34152	Accounting Systems Analyst II	116 (\$56,100.00 - \$ 79,100.00)
34531	Legislative Research Technician	110 (\$41,600.00 - \$ 59,100.00)
41115	Police Captain	637 (\$71,700.00 - \$ 83,200.00)
42167	Asst. Chief Div of Housing Inspections	117 (\$58,200.00 - \$ 82,600.00)
52118	Asst. Chief Division of Fleet Management	118 (\$61,200.00 - \$ 87,200.00)
53223	Asst. Supt Public Building Operations	110 (\$41,600.00 - \$ 59,100.00)
53225	Asst. Superintendent Energy Management	110 (\$41,600.00 - \$ 59,100.00)
61112	Health Program Administrator II	113 (\$48,600.00 - \$ 68,100.00)
72112	Engineer II	933 (\$35,500.00 - \$ 71,700.00)
72121	Engineer I (PE)	940 (\$50,900.00 - \$ 69,700.00)
72122	Engineer II (PE)	943 (\$53,200.00 - \$ 82,800.00)

MINUTES**PERSONNEL**

Department of Human Resources - cont'd

<u>Job Code:</u>	<u>Classification Title:</u>	<u>Grade and Salary Range:</u>
72123	Engineer III (PE)	937 (\$46,000.00 - \$ 88,000.00)
72125	Engineer Supervisor (PE)	948 (\$57,400.00 - \$103,200.00)
72615	Assistant Field Survey Supervisor	112 (\$46,100.00 - \$ 65,200.00)
72645	Survey Computations Supervisor	115 (\$53,000.00 - \$ 75,100.00)
74133	City Planner I CHAP	111 (\$43,400.00 - \$ 62,900.00)
74134	City Planner II CHAP	113 (\$48,600.00 - \$ 68,100.00)
74135	City Planner III CHAP	115 (\$53,000.00 - \$ 75,100.00)
74138	City Planner III	115 (\$53,000.00 - \$ 75,100.00)
74148	Design Planner III	115 (\$53,000.00 - \$ 75,100.00)
75355	Director Lead Abatement	116 (\$56,100 .00- \$ 79,100.00)

II. Abolish the following 56 Obsolete Salary Grades:

<u>Grade:</u>	<u>Minimum</u>	<u>Maximum</u>
110	\$ 41,600.00	\$ 59,100.00
111	\$ 43,400.00	\$ 62,900.00
112	\$ 46,100.00	\$ 65,200.00
113	\$ 48,600.00	\$ 68,100.00
114	\$ 50,600.00	\$ 71,400.00
115	\$ 53,000.00	\$ 75,100.00
116	\$ 56,100.00	\$ 79,100.00
117	\$ 58,200.00	\$ 82,600.00
118	\$ 61,200.00	\$ 87,200.00
119	\$ 64,400.00	\$ 91,100.00
120	\$ 67,400.00	\$ 94,800.00
121	\$ 71,300.00	\$ 99,600.00
122	\$ 74,100.00	\$104,800.00
123	\$ 77,500.00	\$109,300.00
124	\$ 80,700.00	\$115,500.00
629	\$ 58,800.00	\$ 68,100.00
632	\$ 63,600.00	\$ 73,700.00
637	\$ 71,700.00	\$ 83,200.00
648	\$ 87,100.00	\$100,900.00
652	\$ 93,300.00	\$108,200.00
653	\$ 94,500.00	\$109,400.00

MINUTES**PERSONNEL**Department of Human Resources - cont'd

<u>Grade:</u>	<u>Minimum</u>	<u>Maximum</u>
655	\$ 98,000.00	\$113,700.00
659	\$105,600.00	\$122,500.00
662	\$112,200.00	\$130,200.00
670	\$130,200.00	\$151,000.00
672	\$135,200.00	\$156,700.00
82M	\$ 71,300.00	\$ 71,300.00
87M	\$150,800.00	\$150,800.00
930	\$ 38,614.00	\$ 60,027.00
932	\$ 28,100.00	\$ 61,900.00
933	\$ 35,500.00	\$ 71,700.00
934	\$ 39,500.00	\$ 71,200.00
935	\$ 41,900.00	\$ 63,800.00
937	\$ 46,000.00	\$ 88,000.00
938	\$ 47,000.00	\$ 86,300.00
940	\$ 50,900.00	\$ 69,700.00
943	\$ 53,200.00	\$ 82,800.00
945	\$ 56,100.00	\$ 83,500.00
946	\$ 56,100.00	\$ 97,600.00
948	\$ 57,400.00	\$103,200.00
949	\$ 57,500.00	\$ 63,200.00
952	\$ 65,300.00	\$ 94,600.00
953	\$ 65,900.00	\$109,900.00
954	\$ 65,300.00	\$107,700.00
955	\$ 77,100.00	\$106,400.00
957	\$ 80,300.00	\$109,200.00
958	\$ 80,300.00	\$126,300.00
959	\$ 80,300.00	\$137,700.00
961	\$ 82,600.00	\$102,200.00
962	\$ 77,100.00	\$133,800.00
963	\$ 91,800.00	\$145,600.00
964	\$ 95,700.00	\$116,000.00
965	\$ 93,600.00	\$166,500.00
966	\$100,200.00	\$132,600.00
968	\$116,700.00	\$212,300.00
989	\$ 75,800.00	\$123,800.00

MINUTES**PERSONNEL**

Department of Human Resources - cont'd

III. Reclassify the Following Two Vacant Positions:

Position Nos: 49855 and 49856

From: Accounting Systems Analyst II
Job Code: 34152
Grade: 116 (\$56,100.00 - \$79,100.00)

To: Accounting Systems Analyst
Job Code: 34151
Grade: 923 (\$57,200.00 - \$91,700.00)

No costs are involved to implement these actions.

BACKGROUND/EXPLANATION:

On June 25, 2014, this Honorable Board approved the implementation of the Managerial and Professional Society (MAPS) classification and compensation study. This comprehensive study included a review of each MAPS covered position and classification, the implementation of a new classification evaluation plan, the Decision Band Method (DBM) and the development of an entirely new salary structure consisting of open salary ranges. As a result of the study implementation and conversion to a new salary structure, all of the old MAPS salary grades, including stepped grades, flat salaries, flat salaries with longevities, and the majority of the broad salary ranges became obsolete, replaced by twenty (20) new grades associated with DBM ratings.

In addition, the MAPS Study Implementation included many class consolidations and the creation of new, broader job classification series. A number of single-position and overly narrow or specific classifications were vacated and replaced by the newer, broader, more flexible job classifications.

MINUTES**PERSONNEL**Department of Human Resources - cont'd

The abolishment of these obsolete classifications and salary grades was delayed until completion of the MAPS Study Implementation Appeals, which was approved by this Board on June 10, 2015, to ensure that they were completely vacated, not associated with existing filled positions or classifications and were not reinstated as the result of the Appeals process determinations. The requested abolishment will purge the class and salary files and reduce confusion and unintentional utilization of classifications and grades no longer supported by the MAPS Classification and Compensation Structure and Policy. The above two vacant positions of Accounting Systems Analyst II were omitted from the original MAPS Board Action and are being reclassified from the obsolete classification to the current classification of Accounting Systems Analyst.

Therefore, the Department of Human Resources respectfully requests the abolishment of the above-listed Classification and Compensation actions effective July 1, 2015.

MINUTES**PERSONNEL**

	<u>Hourly Rate</u>	<u>Amount</u>
<u>Fire Department - cont'd</u>		
44. a. <u>Create the following new classification:</u>		
Classification: IT Project Manger		
Job Code: 33160		
Grade: 929 (\$64,600.00 - \$103,200.00)		
b. <u>Reclassify the following position:</u>		
Position No.: 37074		
From: Systems Programmer		
Job Code: 33160		
Grade: 929 (\$60,800.00 - \$97,300.00)		
To: IT Project Manager		
Job Code: 33160		
Grade: 929 (\$64,600.00 - \$103,200.00)		
Costs: 8,874.00 - 1001-000000-2101-225100-601061		
<u>Department of Recreation and Parks</u>		
45. ANGELIA MORRISON	\$18.00	\$11,232.00

Account: 1001-00000-4803-371400-601009

Ms. Morrison will work as a Contract Services Specialist I (Recreation Programmer). Her duties will include, but are not limited to, planning and organizing recreational programs for older adults, providing general information on Caregiving, Education, and Retirement services. She will also oversee congregate lunchtime meals that are served through the Eating Together in Baltimore Program. This salary is in compliance with AM 212-1 Part I. The period of the Agreement is effective on October 1, 2015 for one year, unless terminated sooner in accordance with this Agreement.

MINUTES**PERSONNEL**Department of Planning46. Reclassify the following position:Position No. 1872-50758

From: New Position
Job Code: 90000
Grade: 900 (\$1.00 - \$204,000.00)

To: GIS Analyst
Job Code: 33187
Grade: 927 (\$60,800.00 - \$97,300.00)

Costs: \$90,912.00 - 1001-000000-1873-187400-601001

Circuit Court for Baltimore City47. Reclassify the following position:Position No. 32838

From: Court Secretary II
Job Code: 00813
Grade: 089 (\$43,026.00 - \$52,239.00)

To: Assistant Counsel
Job Code: 10074
Grade: 929 (\$64,600.00 - \$103,200.00)

Costs: \$28,178.00 - 1001-000000-1100-109400-601001

This position is to be considered a Position of Trust in accordance with the policy outlined in the Administrative Manual, Section 237-1.

MINUTES**PERSONNEL**Mayor's Office

48. Reclassify the following position:

Position No. 6301-16448

From: HR Business Partner
 Job Code: 07371
 Grade: 931 (\$69,600.00 - \$111,300.00)

To: Operations Director II
 Job Code: 00094
 Grade: 969 (\$106,700.00 - \$176,100.00)

Costs: \$80,554.00 - 1001-000000-6301-399800-601001

Mayor's Office of Information Technology

49. a. Create the following grades and salary scales:

Grade: 867
 Salary: \$16.33 per hour

Grade: 868
 Salary: \$20.82 per hour

Grade: 869
 Salary: \$19.23 per hour

b. Create the following classifications and positions:

Classification: Call Center Agent I (Temporary)
 (5 Positions)

Job Code: 10252
 Grade: 867
 Salary: \$16.33 per hour

Classification: Emergency Dispatcher (Temporary)
 (5 Positions)

Job Code: 10253
 Grade: 868
 Salary: \$20.82 per hour

MINUTES**PERSONNEL**Mayor's Office of Information Technology - cont'd

Classification: 911 Operator (Temporary) (10 positions)
Job Code: 10254
Grade: 869
Salary: \$19.23 per hour

Costs: \$17,966.54 - 1001-000000-1512-165700-601001
Call Center Agent I (Temporary)

\$54,443.65 - 1001-000000-1512-167300-601001
Emergency Dispatcher (Temporary)

\$98,756.54 - 6000-611115-1512-167900-601001
911 Operator (Temporary)

50. Create the following 3 positions:

Classification: GIS Analyst
Job Code: 33187
Grade: 927 (\$60,800.00 - \$97,300.00)
Position Nos.: To be assigned by BBMR

Costs: \$269,460.00 - 1001-000000-1472-165800-601001

51. Create the following 3 positions:

a. Classification: IT Division Manager
Job Code: 10241
Grade: 942 (\$85,400.00 - \$140,800.00)
Position No.: To be assigned by BBMR

b. Classification: HR Generalist II
Job Code: 33677
Grade: 923 (\$57,200.00 - \$91,700.00)
Position No.: To be assigned by BBMR

c. Classification: Fiscal Administrator
Job Code: 01908
Grade: 931 (\$69,900.00 - \$111,300.00)
Position No.: To be assigned by BBMR

MINUTES**PERSONNEL**Mayor's Office of Information Technology - cont'd

Costs: \$162,718.00 - 1001-000000-1474-167700-601001
 \$109,840.00 - 1001-000000-1471-165700-601001
 \$123,187.00 - 1001-000000-1471-165700-601001

Department of Housing and Community Development52. Reclassify the following position:

Position No.: 5930-14873
 From: Contract Administrator I
 Job Code: 72411
 Grade: 085 (\$36,681.00 - \$44,199.00)

 To: Contract Administrator II
 Job Code: 72412
 Grade: 089 (\$43,026.00 - \$52,239.00)

Costs: \$10,868.16 - 2089-208915-5930-599681-601001

Department of Transportation53. a. Create the following classification:

Classification: Director, Automated Traffic Violation
 Division
 Job Code: 10256
 Grade: 942 (\$85,400.00 - \$140,800.00)

b. Create the following position:

Classification: Director, Automated Traffic Violation
 Division
 Job Code: 10256
 Grade: 942 (\$85,400.00 - \$140,800.00)

Costs: \$125,550.00 - 1001-000000-6971-701800-601001

MINUTES**PERSONNEL**Department of Transportation - cont'd54. a. Create the following classification

Classification: Contract Administrator Supervisor
 Job Code: 72412
 Grade: 089 (\$42,600.00 - \$51,722.00)

b. Reclassify position no. 2301-35630:

From: Contract Administrator II
 Job Code: 72412
 Grade: 089 (\$42,600.00 - \$51,722.00)

To: Contract Administrator Supervisor
 Job Code: 72417
 Grade: 091 (\$46,767.00 - \$56,927.00)

Costs: \$6,280.50 - 1001-000000-2301-249300-601001

Department of Finance55. Create the following position:

From: Senior Program Assessment Analyst
 Job Code: 10183
 Grade: 927 (\$60,800.00 - \$97,300.00)
 Position No.: To be assigned by BBMR

Costs: \$76,903.00 - 1001-000000-7100-699800-601001

56. Reclassify the following position:

Position No.: 1480-46794
 From: Collection Supervisor I
 Job Code: 34241
 Grade: 085 (\$36,681.00 - \$44,199.00)
 To: Collection Supervisor II
 Job Code: 34242
 Grade: 087 (\$39,701.00 - \$47,990.00)

Costs: \$3,341.00 - 1001-000000-1480-166400-601001

MINUTES**PERSONNEL**

Department of Finance - cont'd

57. Reclassify the following position:

Position No.: 1441-12159
From: Office Support Specialist II
Job Code: 33212
Grade: 075 (\$27,929.00 - \$31,746.00)

To: Office Support Specialist III
Job Code: 33213
Grade: 078 (\$29,672.00 - \$34,218.00)

Costs: \$3,084.00 - 1001-000000-1441-161800-601001

58. Reclassify the following position:

Position No.: 1531-48589
From: Office Support Specialist II
Job Code: 33212
Grade: 075 (\$27,929.00 - \$31,746.00)

To: Office Support Specialist III
Job Code: 33213
Grade: 078 (\$29,672.00 - \$34,218.00)

Costs: \$3,137.00 - 2043-604816-1531-169900-601001

59. Reclassify the following position:

Position No.: 1480-46633
From: Collections Representative I
Job Code: 34253
Grade: 080 (\$31,142.00 - \$36,634.00)

To: Collections Representative II
Job Code: 34254
Grade: 082 (\$33,140.00 - \$39,199.00)

Costs: \$2,460.00 - 1001-000000-1480-166400-601001

MINUTES**PERSONNEL**Baltimore City Liquor Board60. a. Create the following grade/salary:

Grade: 83A (\$16,000.00) Flat

b. Create the following classification:

Classification: Alternate Commissioner Liquor Board

Job Code: 10255

Grade: 83A (\$16,000.00) Flat

c. Create the following position:

Classification: Alternate Commissioner Liquor Board

Job Code: 10255

Grade: 83A (\$16,000.00) Flat

d. Upgrade the following classifications

Classification: Commissioner Liquor Board

Job Code: 00286

From Grade: 88A (\$28,000.00) Flat

To Grade: 88A (\$28,500.00) Flat

Classification: Chairman Liquor Board

Job Code: 00290

From Grade: 89A (\$28,500.00) Flat

To Grade: 89A (\$29,500.00) Flat

Costs: \$21,577.00 - 1001-000000-8500-598900-601001

MINUTES**PERSONNEL**Office of Civil Rights and Wage Enforcement61. Reclassify the following position:

Position No.: 6560-24995
From: Community Outreach Worker
Job Code: 81351
Grade: 422 (\$28,533.00 - \$29,941.00)

To: Administrative Coordinator
Job Code: 31100
Grade: 087 (\$39,701.00 - \$47,990.00)

Costs: \$48,971.00 - 1001-000000-6560-428400-601001

This position is to be considered a Position of Trust in accordance with the policy outlined in the Administrative Manual, Section 237-1.

Enoch Pratt Free Library62. Reclassify the following position 6560-24995:

Position No.: 6560-24995
From: Library IT Training Officer
Job Code: 00691
Grade: 927 (\$60,800.00 - \$97,300.00)

To: Librarian Supervisor
Job Code: 00659
Grade: 929 (\$64,600.00 - \$103,200.00)

Costs: \$3,300.00 - 5000-575416-4501-592800-601001

This position is to be considered a Position of Trust in accordance with the policy outlined in the Administrative Manual, Section 237-1.

MINUTES

Office of the President - Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the agreement with the University of Maryland Foundation, acting on behalf of the Shriver Peaceworker Program in establishing one Peaceworker Fellow to work as a legislative intern for Mr. James B. Kraft. The agreement is effective upon Board approval through June 30, 2016.

AMOUNT OF MONEY AND SOURCE:

\$12,000.00 - 1001-000000-1000-106300-601029

BACKGROUND/EXPLANATION:

Under the agreement the City will reimburse the Foundation directly for Peaceworker Fellow assigned to assist Mr. Kraft.

The Peaceworker Fellow will work 20 hours a week and act as a legislative intern for Mr. Kraft. She will perform legislative research, provide constituent services, provide policy analysis, attend meetings of the City Council, City Council Committees, and neighborhood groups as requested, and perform other similar tasks as requested by Mr. Kraft.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement with the University of Maryland Foundation, acting on behalf of the Shriver Peaceworker Program in establishing one Peaceworker Fellow to work as a legislative intern for Mr. James B. Kraft. The President

ABSTAINED.

MINUTES

Office of the President - Governmental/Charitable
Solicitation Application

ACTION REQUESTED OF B/E:

The Board is requested to endorse a Governmental/Charitable Solicitation Application for submission to the Board of Ethics of Baltimore City to permit Ms. Carolyn Blakeney of the Office of the City Council President, to solicit donations from friends, family members and associates to benefit the 501 (c) (3) non-profit organization, Suited to Succeed. The period of the campaign will be effective upon Board approval through June 30, 2016.

AMOUNT OF MONEY AND SOURCE:

No general funds are involved in this transaction.

BACKGROUND/EXPLANATION:

As a member of the Board of Directors for the organization, Ms. Blakeney is expected to support Suited to Succeed's fundraising efforts through a variety of endeavors during the 2015-2016 year most notably by selling tickets, soliciting sponsors, auction items, and vendors in support of the annual "Suit-A-Palooza", and other similar events, as yet unplanned. City agencies, friends, and family will be solicited directly by Ms. Blakeney. The solicitations will be made in person, by telephone, in writing, and email.

The mission of Suited to Succeed is to empower Baltimore area women in their efforts to transition from training programs and unemployment to self-sufficiency by providing free professional clothing and workshops. Suited to Succeed collects business clothing through company-sponsored clothing drives, individual donations, and community events and offers them to women transitioning from welfare, crises and/or training programs to employment. Since its inception in 1997, Suited to Succeed has helped more than 6,000 women make the transition from unemployment to self-sufficiency.

MINUTES

Office of the President - cont'd

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 Board of Ethics of Baltimore City to permit Ms. Carolyn Blakeney of the Office of the City Council President, to solicit donations from friends, family members and associates to benefit the 501 (c)(3) non-profit organization, Suited to Succeed. The President **ABSTAINED**.

MINUTES

Office of the President - Governmental/Charitable
Solicitation Application

ACTION REQUESTED OF B/E:

The Board is requested to endorse a Governmental/Charitable Solicitation Application for submission to the Board of Ethics of Baltimore City to permit Mr. Bernard C. "Jack" Young, President, City Council, to solicit donations from area leaders to fund the enhancement of recreational and instructional programs offered to Baltimore City youth and seniors through his Productive Lives Active Youth (P.L.A.Y) Campaign. The period of the campaign will be effective upon Board approval through June 30, 2016.

AMOUNT OF MONEY AND SOURCE:

No general funds are involved in this transaction.

BACKGROUND/EXPLANATION:

The donations will be solicited from Baltimore-area business and civic leaders. A potential donor list will be comprised of individuals and corporate entities that contribute to the cultural vitality of Baltimore City such as restaurants, art and music venues, universities, etc. Most of the individual and corporate entities fitting that description are not controlled donors. However, those potential donors who are controlled donors with respect to, the City Council or the Board of Estimates will not be targeted or singled-out in any way and will be solicited, if at all, in the same manner as all other potential donors.

In order to adequately prepare youth to thrive academically, socially, and emotionally in the future, they must be provided a wide range of opportunities to strengthen their self-confidence, develop latent leadership skills, and to learn from positive role models.

MINUTES

Office of the President - cont'd

Due to current budget restraints, the Department of Recreation and Parks and the Health Department are limited in the diversity and scope of services they can provide to youth and senior citizens.

These constituency groups require social, recreational, and rehabilitative programs that should not be reduced or eliminated because of a limited City budget. Therefore, the Council President's goal is to solicit private donations to increase and enhance the selection of recreational and instructional programs offered to these individuals.

The P.L.A.Y. campaign seeks to enhance the recreational experience through the beautification of centers and the development of program offerings, including but not limited to team and individual sports, swimming, movie screenings, cooking classes, talent/variety shows, theatre productions, academic monitoring, issue forums, senior symposiums, and arts and crafts activities.

In most instances, the recreational programming supported by the P.L.A.Y. campaign is offered by local nonprofit organizations. However, all solicitation campaigns for specific purposes and programs intended to be carried out by either the Department of Recreation & Parks or the Baltimore City Health Department must be first approved in writing by the Director or Acting Directors of the affected Department and coordinated with any other ongoing campaigns in support of the Departments' programs. No donation may be accepted with the conditions as to its use unless that donation and any conditions have been approved in writing by the Director or Acting Directors of the Department of Recreation & Parks or Baltimore City Health Department.

The periodic reports required to be filed with the Ethics Commission will be simultaneously provided to the Director of Recreation & Parks and Baltimore City Health Department when specific fundraising efforts have been approved by the respective Directors.

MINUTES

Office of the President - cont'd

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 Board of Ethics of Baltimore City to permit Mr. Bernard C. "Jack" Young, President, City Council, to solicit donations from area leaders to fund the enhancement of recreational and instructional programs offered to Baltimore City youth and seniors through his Productive Lives Active Youth (P.L.A.Y) Campaign. The President **ABSTAINED**.

MINUTES

Bureau of the Budget and - Appropriation Adjustment Order
Management Research

ACTION REQUESTED OF B/E:

The Board is requested to approve the Appropriation Adjustment Order (AAO) to transfer Federal funds within the Baltimore City Health Department from Service 715 (Health Administration) to Service 315 (Emergency Services - Health).

AMOUNT OF MONEY AND SOURCE:

\$67,000.00 - From: 4000-400016-3001-568000-404001
Unallocated Federal Funds
(Service 715)

To: 4000-486616-3150-295900-404001
(Service 315)

The source of the Federal funds is a Grant Award from the Maryland Department of Health and Mental Hygiene, entitled the PHEP Ebola Supplemental Grant, approved by the Board on August 26, 2015.

BACKGROUND/EXPLANATION:

The transfer is necessary to provide funding for Ebola preparedness. Initially, Federal funding was appropriated within an unallocated Federal fund account in the Fiscal 2016 Ordinance of Estimates. With this AAO, funding will be moved from the unallocated grant source, in accordance with the actual grant award.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

MINUTES

Bureau of the Budget and - cont'd
Management Research

UPON MOTION duly made and seconded, the Board approve the Appropriation Adjustment Order to transfer Federal funds within the Baltimore City Health Department from Service 715 (Health Administration) to Service 315 (Emergency Services - Health).

MINUTES

Bureau of the Budget and - Appropriation Adjustment Order
Management Research

ACTION REQUESTED OF B/E:

The Board is requested to approve the Appropriation Adjustment Order (AAO) to transfer Federal funds within the Baltimore City Health Department from Service 715 (Health Administration) to Service 303 (Clinical Services).

AMOUNT OF MONEY AND SOURCE:

\$170,000.00 - From: 4000-400016-3001-568000-404001
Unallocated Federal Funds
(Service 715)

To: 4000-426616-3030-294000-404001
(Service 303)

The source of the Federal funds is a Grant Award from the Maryland Department of Health and Mental Hygiene, entitled the Abstinence Education Grant, approved by the Board on August 26, 2015.

BACKGROUND/EXPLANATION:

The transfer is necessary to provide funding for abstinence education. Initially, Federal funding was appropriated within an unallocated Federal fund account in the Fiscal 2016 Ordinance of Estimates. With this AAO, funding will be moved from the unallocated grant source, in accordance with the actual grant award.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

MINUTES

Bureau of the Budget and - cont'd
Management Research

UPON MOTION duly made and seconded, the Board approved the Appropriation Adjustment Order (AAO) to transfer Federal funds within the Baltimore City Health Department from Service 715 (Health Administration) to Service 303 (Clinical Services).

MINUTES

Bureau of Budget and - Supplemental Federal Fund Appropriation
Management Research

ACTION REQUESTED OF B/E:

The Board is requested to approve a Supplemental Federal Fund Appropriation for the Mayor's Office of Employment Development's - Service Number 795 Workforce Services for Baltimore Residents. The period of this Agreement is July 1, 2015 through June 30, 2017.

AMOUNT OF MONEY AND SOURCE:

\$4,899,073.00 - Federal Funds

The source of funds for this appropriation will come from the U.S. Department of Labor/Employment and Training Administration (passed through the Maryland Department of Labor, Licensing, and Regulation) as part of the One Baltimore for Jobs Initiative and is in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2016.

BACKGROUND/EXPLANATION:

One Baltimore for Jobs Initiative is a demonstration project operated by the Mayor's Office of Employment (MOED), which will use resources to strengthen the current workforce development system and initiate innovative practices to reach communities that have been previously disconnected from services.

The Grant funds will increase access to occupational skills training, reduce barriers to employment and training, support community based projects, and establish linkage to career opportunities for Baltimore City residents between ages of 16-29.

APPROVED FOR FUNDS BY FINANCE

MINUTES

Bureau of Budget and - cont'd
Management Research

UPON MOTION duly made and seconded, the Board approved the Supplemental Federal Fund Appropriation for the Mayor's Office of Employment Development's - Service Number 795 Workforce Services for Baltimore Residents.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

* * * * *

On the recommendations of the City agencies
hereinafter named, the Board,

UPON MOTION duly made and seconded,

awarded the formally advertised contracts

listed on the following pages:

3503 - 3504

to the low bidders meeting the specifications,

or rejected bids on those as indicated

for the reasons stated.

The President voted **No** on item nos. 1 and 3.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases

- | | | |
|---|--------------------------|--------------|
| 1. B50004053, Diesel
Fuel for Generators | C. Hoffberger
Company | \$300,000.00 |
|---|--------------------------|--------------|

(Dept. of General Service,
Balto. City Fire Dept.,
Dept. of Public Works)

MWBOO determined that no goals would be set because of no opportunity to segment the contract.

- | | | |
|--|-------------------------------|--------------|
| 2. B50004126, Structural
Maintenance and
Dredging of Inner
Harbor | McLean Contracting
Company | \$629,580.00 |
|--|-------------------------------|--------------|

MBE: G.E. Frisco Company, Inc.	\$17,500.00	8.3%
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WBE: A2Z Environmental Group, LLC	\$ 7,000.00	3.3%
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MWBOO FOUND VENDOR IN COMPLIANCE.

(Dept. of Transportation)

- | | | |
|---|----------------------------------|--------------|
| 3. B50004207, Repair and
Installation Services
for Building Glass | Aspen Building
Products, Inc. | \$270,036.00 |
|---|----------------------------------|--------------|

MBE:	3%
-------------	----

WBE:	1%
-------------	----

MWBOO FOUND VENDOR IN NON-COMPLIANCE. VENDOR WILL BE GIVEN 10 DAYS TO ENGAGE MWBOO TO COME INTO COMPLIANCE.

(Dept. of General Services -
Major Project Contract Maintenance)

MINUTES**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**Department of Public Works

4. SC 918, Improvements to the Headworks & Wet Weather Flow Equalization at the Back River Wastewater Treatment Plant
- REJECTION** - On June 17, 2015, the Board opened two bids. Bids ranged from a low of \$441,758,000.00 to a high \$449,944,397.00. The Department has determined it is in the best interest of the City to reject all bids. The Department intends to rebid this contract.

MINUTES

Bureau of Purchases - Acceptance of Technical Proposal
and Price Proposal

ACTION REQUESTED OF B/E:

The Board is requested to approve acceptance of the technical proposals submitted for Solicitation No. B50003985, Telecommunications Improvement & Procurement Project (TIPP) from the following vendors and open their price proposals:

Arrow Systems Integration, Inc.
Motorola Solutions, Inc.
Nu-Vision Technologies d/b/a
Black Box Network Services
Comm-Works/Fortran, LLC
Verizon Business
IBM Corporation

AMOUNT OF MONEY AND SOURCE:

N/A - No award recommendation at this time

BACKGROUND/EXPLANATION:

Vendors were solicited by posting on CitiBuy, eMaryland Marketplace, and in local newspapers. Seven proposals were received on June 24, 2015. Out of seven proposals received, the proposal from Fulton Communications, Inc. was found non-responsive, not meeting the pre-qualification requirement. The remaining six technical proposals were found to be responsive and met the City's technical score requirement.

UPON MOTION duly made and seconded, the Board approved acceptance of the technical proposals submitted for Solicitation No. B50003985, Telecommunications Improvement & Procurement Project from the above-listed vendors and open their price proposals.

MINUTES

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

ACTION REQUESTED OF B/E:

The Board is requested to approve an adjustment to the monthly rate at the City-owned Redwood Street Garage that is managed by the PABC. The Parking Facility Rate Adjustment is effective upon Board approval.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

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

Pursuant to Article 31, §13(f)(2) of the Baltimore City Code, subject to the approval of the Board of Estimates, the PABC may set the rates for any parking project. The PABC believes that rate adjustments at this parking facility are warranted at this time.

To bring the monthly rate charged at the Redwood Street Garage in line with its surrounding facilities, the PABC staff developed the submitted rate adjustment recommendation. This rate adjustment was unanimously approved by the PABC Board of Directors.

MINUTES

PABC - cont'd

Location	Proposed Transient Rate Changes			Proposed Monthly Rate Changes			
Redwood Street Garage	Regular Transient Rates			Rate Monthly Rate			
		Current Rate	Proposed Rate	Last Rate Change	Current Rate	Proposed Rate	Last Rate Change
	13 hrs to 24 hrs	\$17.00	\$18.00	May 2014	No proposed rate adjustments		

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved the adjustment to the monthly rate at the City-owned Redwood Street Garage that is managed by the PABC.

MINUTES

Police Department - Employment Contracts

The Board is requested to approve and authorize execution of the following Agreements:

	<u>Hourly Rate</u>	<u>Amount</u>
1. BENNIE L. BLAIR	\$14.42	\$ 30,000.00
Account: 4000-479416-2021-212600-600000		\$ 25,666.66
1001-000000-2021-212600-601000		\$ 4,333.34
2. BENNIE I. CRUMP, JR.	\$14.42	\$ 30,000.00
Account: 4000-479416-2021-212600-600000		\$ 25,666.66
1001-000000-2021-212600-601000		\$ 4,333.34
3. CHARLES E. MITCHELL, SR.	\$14.42	\$ 30,000.00
Account: 4000-479416-2021-212600-600000		\$ 25,666.66
1001-000000-2021-212600-601000		\$ 4,333.34

Messrs. Blair, Crump, and Mitchell, retirees, will continue to work as a Contract Services Specialist I (Domestic Violence Victim/Witness Liaison). They will be responsible for providing a coordinated and structured response to reduce the occurrence of domestic violence in Baltimore City. The period of the Agreement is October 1, 2015 through September 30, 2016.

4. JOSEPH B. JOHNSON	\$14.42	\$ 30,000.00
Account: 1001-00000-2042-198100-601009		

Mr. Johnson, retiree, will continue to work as a Contract Services Specialist (Accounting Assistant) for the Finance Section - Overtime Unit. He will be responsible for coordinating, scheduling oversight and billing associated with permanent and/or ongoing sites and events, accounting operations to include the preparation of all invoices and

MINUTES

Police Department - cont'd

billing to secure accurate and timely reimbursement of expenditures and costs associated with secondary employment capacity. The period of the Agreement is October 1, 2015 through September 30, 2016.

ON JANUARY 3, 1996, THE BOARD APPROVED A WAIVER TO ADMINISTRATIVE MANUAL POLICY 212-1, WHICH ALLOWED THE POLICE DEPARTMENT TO HIRE RETIRED POLICE OFFICERS ON A CONTRACTUAL BASIS.

THE AGREEMENTS HAVE BEEN APPROVED BY THE EXPENDITURE CONTROL COMMITTEE.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing employment contracts.

MINUTES**TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Mayor's Office of Employment Development</u>			
1. Jason Perkins-Cohen	The U.S. Conference of Mayors Workforce Development Council Washington, DC Sept. 21 - 22, 2015 (Reg. Fee \$400.00)	Admini- strative Cost Pool	\$ 875.15

The subsistence rate for this location is \$293.00 per day. The hotel cost is \$270.00 per night plus occupancy tax of \$39.15. The Department is requesting additional subsistence of \$67.00 to cover the Workforce Development Council Board Dinner. This cost is not included in the overall cost of the conference registration fee, however it is an important event that Mr. Perkins-Cohen should attend.

Police Department

2. John Perfetto	Drug Abuse Resistance Education Training Sykesville, MD Sept. 20 - Oct. 9, 2015		\$ 0.00
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Pursuant to AM 240-3 Policy, Board of Estimates approval is required, if the City representative's absence will exceed five days or involves one or both weekend days.

MINUTES**TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Department of General Services</u>			
3. Renee Johnson Malcolm Green-Haynes Lynette Svoboda Chichi Nyagah-nash Angela Delcostello	2015 Annual FASTER Conference Portsmouth, VA Oct. 4 - 7, 2015 (Reg. Fee \$0.00)	Internal Service Fund	\$2,525.05

The attendees will travel together in two groups using City vehicles.

Law Department

4. Lara Simon	Intellectual Property Law Institute 2015 New York City, NY Sept. 27 - 29, 2015 (Reg. Fee \$1,695.00)	General Fund	\$ 964.78
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The registration fee was waived because Ms. Simon was awarded a full scholarship covering the conference registration fee.

MINUTES**TRAVEL REQUEST**

<u>Name</u>	<u>To Attend</u>	<u>Funds</u>	<u>Amount</u>
<u>Police Department</u>			
5. Darryl DeSousa	IACP 2015 Annual Conference Chicago, IL Oct. 23 - 28, 2015 (Reg. Fee \$445.00)	General Funds	\$2,404.43

The subsistence rate for this location is \$265.00. The hotel rate for the first night is \$269.00 plus hotel taxes of \$44.12. The hotel rate for the second, third and fourth night is \$235.00 plus hotel taxes of \$38.54 per night. The hotel rate for the fifth night is \$309.00 plus hotel taxes of \$50.68.

The Department is requesting additional subsistence of \$4.00 for hotel and \$40.00 for food for October 23, 2015. For October 24 - 26 2015, the Department is requesting \$10.00 per day for food and incidentals. For October 25, 2015, the Department is requesting \$44.00 for hotel costs and \$40.00 for food.

The air fare and registration fee were prepaid using a City issued procurement card assigned to Tribhuvan Thacker. The disbursement to Mr. DeSousa is \$1,753.42.

MINUTES**TRAVEL REQUEST**

<u>Name</u>	<u>To Attend</u>	<u>Funds</u>	<u>Amount</u>
<u>Department of Public Works</u>			
6. Jason Mathias	Certified Energy Manager 5-day Training Nashville, TN Oct. 04 - 09, 2015 (Reg. Fee \$1,895.00)	General Funds	\$3,991.99

The subsistence rate for this area is \$198.00 per day. The Hotel rate is \$259.00 per night plus a 15.25% per night hotel tax, and a \$2.50 per night fee. The Department of Public Works is requesting additional subsistence in the amount of \$61.00 per day to cover the hotel accommodations, and \$40.00 per day to cover the cost of food and incidental expenses. The additional subsistence totaling \$505.00 has been added to the total.

The airfare in the amount of \$332.00 and registration fee in the amount of \$1,895.00 were pre-paid using a City issued credit card assigned to Mr. Theodore Atwood. Therefore, the disbursement amount to Mr. Mathias will be \$1,764.99.

MINUTES**TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Office of Civil Rights & Wage Enforcement</u>			
7. Kisha A. Brown	21 st Annual Conference of the National Association for Civilian Oversight of Law Enforcement Riverside, CA Oct. 4 - 10, 2015 (Reg. Fee \$450.00)	General Funds	\$1,899.64

The subsistence rate for this location is \$181.00 per night. The cost of the hotel is \$229.00 per night plus taxes of \$29.92 per night for October 4 - 5, 2015. The cost of the hotel is \$89.00 per night plus taxes of \$8.90 per night for October 6 - 7, 2015.

The Office of Civil Rights & Wage Enforcement is requesting additional subsistence of \$48.00 per day for the hotel and \$40.00 per day for meals and incidentals for October 4 - 5, 2015. An additional \$40.00 for meals and incidentals is requested for October 8, 2015 because the conference will end late in the afternoon. Ms. Brown will stay in California at her own expense from October 9 - 10, 2015. Ms. Brown will be disbursed \$1,899.64.

MINUTES**TRAVEL REIMBURSEMENT**Department of Recreation & Parks

8. William Vondrasek \$ 517.83

On April 01, 2015, the Board approved the travel request for Mr. Vondrasek to attend the Greater & Greener Conference 2015 in San Francisco, CA from April 10 - 19, 2015.

Mr. Vondrasek procured his hotel accommodations, but inadvertently scheduled his departure a day earlier than the end of conference activities. Subsequently, he checked into another hotel for the additional night at a cost of \$219.00 and taxes in the amount of \$56.71.

Mr. Vondrasek's original planned ride to the BWI was not available so he called for shuttle service at a cost of \$36.00 so he would not miss his scheduled flight. Also in error, the cost of luggage was omitted from the original travel request for the total amount of \$50.00 at a rate of \$25.00 each way. In addition, Mr. Vondrasek received approval for the cost of the hotel taxes from the originally schedule hotel for the amount of \$156.12, but the funds were not received.

The Department is therefore requesting approval to reimburse Mr. Vondrasek for the additional hotel lodging in the amount of \$275.71, shuttle service in the amount of \$36.00, baggage fees in the amount of \$50.00, and hotel taxes in the amount of \$156.12 for a combined total of \$517.83.

UPON MOTION duly made and seconded, the Board approved the travel requests and the travel reimbursement.

MINUTES

PROPOSALS AND SPECIFICATIONS

- 1. Department of Transportation - TR 15003, Reconstruction of Footways Citywide
BIDS TO BE RECV'D: 10/21/2015
BIDS TO BE OPENED: 10/21/2015

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

* * * * *

MINUTES

A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART FOR ALL THE ITEMS ON THE AGENDA.

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.

MINUTES

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

* * * * *

MINUTES

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 an Addendum extending the dates for receipt and opening of bids on the following contract. There were no objections.

- | | |
|---|---|
| <u>Department of Public Works</u> | - WC 1306, Washwater Lake Residuals Removal at the Montebello Water Filtration Plant
BIDS TO BE RECV'D: 09/30/15
<u>BIDS TO BE OPENED: 10/07/15</u> |
| <u>Department of Public Works</u> | - WC 1337, Urgent Need Water Infrastructure Rehabilitation
BIDS TO BE RECV'D: 09/30/15
<u>BIDS TO BE OPENED: 10/07/15</u> |
| <u>Department of Recreation & Parks</u> | - RP 15819, Leakin Park Challenge Course
BIDS TO BE RECV'D: 09/23/15
<u>BIDS TO BE OPENED: 10/07/15</u> |
| <u>Bureau of Purchases</u> | - B50004069, Collection of Delinquent Parking Fines
BIDS TO BE RECV'D: 09/30/15
<u>BIDS TO BE OPENED: 10/07/15</u> |

MINUTES

- Bureau of Purchases - B50004094, Temporary Administrative Personnel Services
BIDS TO BE RECV'D: 09/30/15
BIDS TO BE OPENED: 10/07/15
- Bureau of Purchases - B50004224, Crew Cab Trucks With a Utility Body
BIDS TO BE RECV'D: 09/30/15
BIDS TO BE RECV'D: 10/07/15
- Bureau of Purchases - B50004225, Crew Cab Five Ton Dump Truck
BIDS TO BE RECV'D: 09/30/15
BIDS TO BE OPENED: 10/07/15
- Bureau of Purchases - B50004259, Supply and Deliver Lumber to Various City Agencies
BIDS TO BE RECV'D: 09/30/15
BIDS TO BE OPENED: 10/07/15
- Bureau of Purchases - B50004267, Rollout Containers with RFID
BIDS TO BE RECV'D: 09/23/15
BIDS TO BE OPENED: 10/07/15
- Bureau of Purchases - B50004276, Steel Pipes, Valves, and Fittings
BIDS TO BE RECV'D: 09/30/15
BIDS TO BE OPENED: 10/07/15
- Bureau of Purchases - B50004279, Residential Energy Conservation Program
BIDS TO BE RECV'D: 09/30/15
BIDS TO BE OPENED: 10/07/15
- Bureau of Purchases - B50004275, Video Cameras for Police Transport Vans
BIDS TO BE RECV'D: 09/23/15
BIDS TO BE OPENED: 10/21/15

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:

Department of Transportation - TR 15021, Street Cleaning
Parking Restriction Signing
Program, Region I

Allied Contractors, Inc.

Department of Public Works - WC 1173R, Guilford Finished
Water Reservoir Improvements

Cianbro Corporation
Oscar Renda Contracting
Ulliman Schutte Construction,
LLC
Allan Myers MD, Inc.

Department of Public Works - WC 1295R, Towson Generator
and Main Substation
Construction

Cianbro Corporation
W.M. Schlosser Company, Inc.
The Whiting-Turner Contracting
Co.

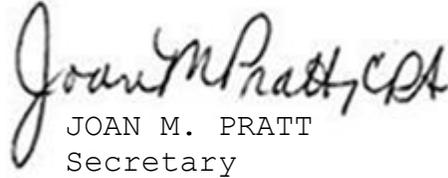
Bureau of Purchases - B50003985, Telecommuni-
cations Improvement &
Procurement Project (TIPP)

Arrow Systems Integration, Inc.
Motorola Solutions, Inc.
Nu-Vision Technologies d/b/a
Black Box Network Services
Comm-Works/Fortran, LLC
Verizon Business
IBM Corporation

MINUTES

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There being no objections, the Board UPON MOTION duly made and seconded, the Board adjourned until its next regularly scheduled meeting on Wednesday, October 7, 2015.



JOAN M. PRATT
Secretary