

**BALTIMORE COUNTY COUNCIL  
NOTES TO THE AGENDA  
LEGISLATIVE SESSION 2023**

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*Issued: February 23, 2023  
Reissued: February 28, 2023  
Work Session: February 28, 2023  
Legislative Day No. 5: March 6, 2023*

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*The accompanying notes are  
compiled from unaudited  
information provided by  
the Administration and  
other sources.*



OFFICE OF THE COUNTY AUDITOR

BALTIMORE COUNTY COUNCIL

March 6, 2023

NOTES TO THE AGENDA

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**FISCAL MATTERS**

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**MISCELLANEOUS BUSINESS**

None

**APPENDIX**

None

\* Withdrawn

\*\* Note included in Reissued Package.

**AGENDA**  
**BALTIMORE COUNTY COUNCIL**  
**LEGISLATIVE SESSION 2023, LEGISLATIVE DAY NO. 5**  
**MARCH 6, 2023 6:00 P.M.**

CEB = CURRENT EXPENSE BUDGET  
BY REQ. = AT REQUEST OF COUNTY EXECUTIVE

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**CALL OF BILLS FOR FINAL READING AND VOTE**

- 1        **TERRY HICKEY, DIRECTOR, DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT**  
Bill 7-23 – Mr. Jones(By Req.) – Zoning Regulations – Accessory Apartments
- 3        **STACY RODGERS, COUNTY ADMINISTRATIVE OFFICER**  
Bill 8-23 – Mr. Jones(By Req.) – Executive Compensation Plan for Employees in the Exempt Service
- 6        **COUNCIL**  
Bill 9-23 – Councilmembers Patoka & Kach – Zoning Regulations – Uses Permitted in the Manufacturing, Light (M.L.) Zone – Veterinarian’s Office in a Planned Industrial Park

**APPROVAL OF FISCAL MATTERS/CONTRACTS**

- ~~WITHDRAWN~~    **D’ANDREA WALKER, DIRECTOR, DEPARTMENT OF PUBLIC WORKS & TRANSPORTATION**  
~~1. Contract – Ecotone, LLC – Purchase of wetland mitigation bank credits – Gunpowder & White Marsh Pumping Stations – DPWT~~
- 7        **FAITH THOMAS, REAL ESTATE COMPLIANCE**  
2. Contract of Sale – Dogwood Resources, LLC – Acquire parcel – Program Open Space – 7900 Dogwood Rd., 21244 – REC
- 10       **TERRY HICKEY, DIRECTOR, DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT**  
3. Amendment to Contract – Pro Bono Resource Center of MD, Inc. –Eviction prevention/housing stability legal services-DHCD
- 10       4. Amendment to Contract – St. Ambrose Housing Aid Center, Inc. – Eviction prevention/housing stability legal services-DHCD
- 14       5. Contract – William C. Rubin – Assistance-implementation of Countywide affordable, fair & equitable housing development & preservation strategy – DHCD
- 17       **DANIELLE WILEY, DEPUTY DIRECTOR OF ADMINISTRATION, OFFICE OF HUMAN RESOURCES**  
6. Contracts – (5) – In-service training courses – County employees – OHR
- 21       **JAMES BENJAMIN, COUNTY ATTORNEY, OFFICE OF LAW**  
7. Contract – Kramon & Graham, P.A. – Legal Services – LAW

**MISCELLANEOUS BUSINESS**

**NONE**

**Bill 7-23**

**Council District(s) All**

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**Mr. Jones (By Req.)**

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**Department of Housing & Community Development**

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**Zoning Regulations – Accessory Apartments**

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Bill 7-23 amends the Baltimore County Zoning Regulations relating to accessory apartments. See Exhibit A.

Currently, the definition of an accessory apartment limits occupants of the accessory apartment to “immediate family” related to the occupants of the principal dwelling “as grandparents, parents, or parents’ children by blood, marriage or adoption.” While many other Maryland jurisdictions have a family restriction for an accessory apartment, Baltimore County is the only jurisdiction whose restriction is to “immediate family.”

The bill simplifies this restriction to “family, related by blood, marriage, or adoption,” which is comparable to other jurisdictions in Maryland. The reference limiting accessory apartment occupancy to “immediate” family is also removed from the application approval process. Lastly, the requirement that the accessory apartment be provided “without compensation” is removed.

At the February 21, 2023 Legislative session, the Council extended the vote on Bill 7-23 to the next Legislative session on March 6, 2023.

Upon passage by the County Council, Bill 7-23 will take effect 45 days from the date of its enactment.

## Executive Summary

The Administration, recognizing the need to create additional opportunities for older adults to age in place, proposes modifications to the existing provisions within the Baltimore County Zoning Regulations relating to Accessory Apartments. Specifically, the definition of Accessory Apartment, which currently limits occupants of the accessory apartment to immediate family related to the occupants of the principal dwelling as grandparents, parents, or parents' children by blood, marriage or adoption, is amended to remove the term "immediate" before family. References to grandparents, parents, and parents' children are also removed, broadening the occupancy allowance to all family members related by blood, marriage or adoption. The reference limiting accessory apartment occupancy to "immediate" family is also removed from the application approval process. Lastly, the requirement that the accessory apartment be provided "without compensation" is removed.

Prepared by: Department of Housing and Community Development

**Bill 8-23****Council District(s) All**

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**Mr. Jones (By Req.)**

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**Administrative Office**

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**Executive Compensation Plan for Employees in Exempt Service**

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Bill 8-23 creates an Executive Compensation Plan for County employees in the exempt service, as required by the County Charter. With the enactment of Bill 17-18 and the subsequent voter approval in the 2018 election, Charter Section 505 was amended to require that officers and employees in the exempt service, as defined by Charter Section 801, have their compensation determined by a "Compensation Plan" recommended by the County Executive and adopted by the County Council. Bill 8-23 satisfies that requirement. See Exhibit A.

The categories of officers and employees in the exempt service specified in Charter Section 801 are:

- (1) All elected officials;
- (2) The County Administrative Officer, the Zoning Commissioner and deputies, and the heads of all offices and departments;
- (3) All employees of the Department of Education and all employees covered by the state merit system;
- (4) The members of the appeal tax court and all boards and commissions (except otherwise classified employees serving thereon ex officio);
- (5) All professional consultants performing temporary or part-time services;
- (6) All attorneys at law;
- (7) Not more than one confidential clerk or private secretary for the County Executive, nor more than one for the County Administrative Officer;
- (8) All employees of the County Council and the Office of the County Auditor; and
- (9) Such seasonal or occasional employees and such nonsupervisory employees paid on an hourly basis as may be specifically exempted from the effect of the County personnel law or from the plans, rules and regulations thereto.

Bill 8-23 also provides for the discretionary granting of “Permission Leave with Pay” to Senior Executive County employees. This codifies the “Interim Transition Policy for Senior Executives Exiting from County Employment,” approved on July 25, 2022 by the County Administrative Officer with the concurrence of the County Executive.

The Administration provided a fiscal impact estimate totaling approximately \$0.3 million to reflect minimum pay change adjustments that would be necessary to implement the anticipated Executive Compensation Plan. The Office of Budget and Finance advised that the impact of the proposed Executive Compensation Plan on the Employees’ Retirement System is negligible because salary changes for most, if not all, vesting employees will occur via budget and personnel bills rather than as a direct result of this proposed legislation.

Upon passage by the County Council, Bill 8-23 will take effect 45 days from the date of its enactment.

### Executive Summary

This bill accomplishes the following purposes:

- The bill creates an Executive Compensation Plan for Employees in the Exempt Service, as required by the County Charter. Per Bill No. 17-18 (2018), Charter § 505 was amended to require that officers and employees in the exempt service, as defined by Charter § 801, have their compensation determined by a “Compensation Plan” recommended by the County Executive and adopted by the County Council. This bill satisfies that requirement.
- The bill provides for the discretionary granting of “Permission Leave with Pay” to Senior Executive county employees. This codifies the “Interim Transition Policy for Senior Executives Exiting From County Employment,” approved on July 25, 2022 by the County Administrative Officer with the concurrence of the County Executive.

Prepared by: Administrative Office



**Bill 9-23**

**Council District(s) 2 & 3**

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**Councilmembers Patoka & Kach**

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**Zoning Regulations – Uses Permitted in the Manufacturing, Light (M.L.) Zone –  
Veterinarian’s Office in a Planned Industrial Park**

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Bill 9-23 amends the permitted use of veterinarians’ offices and veterinarians in certain areas of the Manufacturing, Light (M.L.) Zone under certain circumstances. Currently the business must be located in a planned industrial park at least 25 acres in net area, in an Industrial, Major (I.M.) District, or in a combination of an Automotive Service (A.S.) and I.M. District. In addition, the business must be located within two aerial miles of any boundary of the Commercial Mixed Use Focal Point Area in the Hunt Valley/Timonium Master Plan as of July 1, 2019. Bill 9-23 expands this last requirement such that the business may also be located within the Bare Hills Planned Industrial Park.

With the affirmative vote of five members of the County Council, Bill 9-23 shall take effect 14 days from the date of its enactment.

FM-2 (Contract)

Council District(s) 4

**Real Estate Compliance**

**Acquire Parcel – Program Open Space – 7900 Dogwood Road, 21244**

The Administration is requesting approval of a contract to acquire property totaling approximately 108.94 acres for \$850,000 to be used for recreational/open space purposes in the Windsor Mill area. Dogwood Resources, LLC currently owns the property, which is located at approximately 7900 Dogwood Road, between Ridge Road and Ritter Road. The property is primarily zoned RC-6 (Rural Conservation and Residential). See Exhibit A.

**Fiscal Summary**

<b>Funding Source</b>	<b>Purchase Price</b>	<b>Notes</b>
<b>County</b>	--	<sup>(1)</sup> Program Open Space funds.
<b>State <sup>(1)</sup></b>	\$ 850,000	
<b>Federal</b>	--	
<b>Other</b>	--	
<b>Total</b>	<u>\$ 850,000</u>	

**Analysis**

The Office of Law – Real Estate Compliance Division (REC) advised that it obtained two appraisals pursuant to Program Open Space (POS) policy for review by the Maryland Department of Natural Resources (DNR): one by Associated Appraisers, LLC effective November 2022, recommending \$871,500, and one by Everett Benfield Advisors effective October 2022, recommending \$860,000. REC further advised that the property owner’s asking price (\$850,000) was used as the settlement price. The Department of Recreation and Parks advised that the County is anticipating full POS reimbursement for this purchase.

The approximate 108.94-acre property to be acquired consists mainly of wooded land bisected by a utility easement. The contract states that the seller is responsible for removing trash, debris, and personal property; should the seller fail to do so, the purchase price of the property may be adjusted to reflect the County's cost for the removal. The Department advised that the County anticipates using the property for recreational trails with access improvements; the nature of the potential improvements will be determined in the future.

REC advised that this proposed acquisition is the only planned acquisition for this capital project job; as of February 14, 2023, the County has expended \$10,162.

County Charter, Section 715, requires Council approval of real property acquisitions where the purchase price exceeds \$5,000.

Executive Summary

PROGRAM TITLE: Dogwood Property

PROJECT NO.: 10000165

FISCAL MATTER: Contract of Sale

PROPERTY OWNERS: Dogwood Resources, LLC

LOCATION: Approximately 7900 Dogwood Road  
Windsor Mill, MD 21244

CONSIDERATION: \$850,000.00

PURPOSE OF PROJECT: Site acquisition for park and open space purposes

LIMITS OF PROJECT: The Entirety of the land associated with Tax Account  
Number 0212203040

Prepared by: Office of Law – Real Estate Compliance Division

FMs-3 & 4 (2 Contract Amendments)

Council District(s) All

**Department of Housing and Community Development**

**Eviction Prevention/Housing Stability Legal Services**

The Administration is requesting approval of retroactive amendments to two contracts, with Pro Bono Resource Center of Maryland, Inc. (FM-3) and St. Ambrose Housing Aid Center, Inc. (FM-4), to continue to provide eviction prevention and housing stability legal services to County households in response to the economic instability created by the COVID-19 pandemic. The proposed amendments are retroactive to October 1, 2022, continue through December 31, 2024, and increase the maximum compensation for the entire 3-year and 5-month terms as follows: by \$732,780 for Pro Bono Resource Center of Maryland, Inc., from \$338,000 to \$1,070,780, and by \$91,900 for St. Ambrose Housing Aid Center, Inc., from \$94,000 to \$185,900. The original contracts commenced August 1, 2021. See Exhibit A.

**Fiscal Summary**

Funding Source	Pro Bono Resource Center of Maryland, Inc. (FM-3)			St. Ambrose Housing Aid Center, Inc. (FM-4)		
	Contract Amendment	Current Maximum Compensation	Amended Maximum Compensation	Contract Amendment	Current Maximum Compensation	Amended Maximum Compensation
County	--	--	--	--	--	--
State	--	--	--	--	--	--
Federal <sup>(1)</sup>	\$ 732,780	\$ 338,000	\$ 1,070,780	\$ 91,900	\$ 94,000	\$ 185,900
Other	--	--	--	--	--	--
<b>Total</b>	<u>\$ 732,780</u>	<u>\$ 338,000</u>	<u>\$ 1,070,780</u> <sup>(2)</sup>	<u>\$ 91,900</u>	<u>\$ 94,000</u>	<u>\$ 185,900</u> <sup>(2)</sup>

<sup>(1)</sup> U.S. Department of the Treasury, American Rescue Plan (ARP) Act funds.

<sup>(2)</sup> Maximum compensation for the entire 3-year and 5-month term.

**Analysis**

Pro Bono Resource Center of Maryland, Inc. (PBRC) and St. Ambrose Housing Aid Center, Inc. provide eviction prevention and housing stability legal services to County residents/households in response to the economic instability created by the COVID-19 pandemic. PBRC operates a “Tenant Volunteer Lawyer of the Day” program that provides free legal assistance, including day-

of-court representation onsite at the County's District Courthouses and extended legal representation to tenants impacted by COVID-19 who are at risk of eviction or homelessness. PBRC also offers outreach and advice through its Courtroom Advocacy Project Tenant Hotline, and public education sessions on topics including tenants' rights and eviction. St. Ambrose Housing Aid Center, Inc. provides direct housing-related legal services including advice, counseling, document review, assistance with landlord/tenant negotiations, and tenant representation at administrative and judicial proceedings. In addition, St. Ambrose hosts landlord/tenant education and service events at library branches and collaborates with other organizations and resource providers that assist in eviction prevention.

The original contracts commenced August 1, 2021 and continued through September 30, 2022. The proposed amendments are retroactive to October 1, 2022 and extend the term to continue through December 31, 2024. The proposed amendments increase the maximum compensation by \$732,780 for PBRC, from \$338,000 to \$1,070,780, and by \$91,900 for St. Ambrose Housing Aid Center, Inc., from \$94,000 to \$185,900, for the entire 3-year and 5-month term for each contract. All other terms and conditions remain the same. The County may terminate either agreement by providing 30 days prior written notice.

The Department advised that the proposed amendments are necessary due to the continued need for these services and the opportunity to utilize available federal funding to extend these services. The Department advised that from August 2021 to December 2022, its legal services providers fielded 2,260 phone calls from their tenant hotlines and closed 921 cases (i.e., residents were provided legal representation that led to a resolution of the matter). The Department anticipates that at least this level of assistance will be provided through December 2024.

The Department advised that the value of services provided from August 1, 2021 through September 30, 2022 for PBRC and St. Ambrose Housing Aid Center, Inc. totaled \$184,145 and \$40,000, respectively; the Department was unable to provide the value of services provided since October 1, 2022.

The County awarded the original contracts as emergency procurements as a result of the County Executive's declared local state of emergency due to the COVID-19 pandemic. The Council was notified of these contracts through Correspondence on the November 15, 2021 Legislative agenda.

County Charter, Section 902(f), states that “when... [competitive] bidding is not appropriate, a contract shall be awarded only by competitive negotiations, unless such negotiations are not feasible. When neither competitive bidding nor competitive negotiations are feasible, contracts may be awarded by noncompetitive negotiations.”

County Charter, Section 715, requires that “any contract must be approved by the County Council before it is executed if the contract is...for services for a term in excess of two years or involving the expenditure of more than \$25,000 per year....” As previously noted, the original contracts expired September 30, 2022 and the contractors have continued to provide services without Council approval since that time. Accordingly, this situation constitutes a violation of the aforementioned section of the County Charter.

## EXECUTIVE SUMMARY

The Administration requests approval of contract amendments with the Pro Bono Resource Center of Maryland, Inc. and St. Ambrose Housing Center, Inc. for the provision of critical eviction prevention and housing stability legal services in response to the economic instability created by the pandemic. These amendments will be funded by American Rescue Plan Act – State and Local Fiscal Recovery Fund dollars. The original agreements were emergency agreements and were reported to Council as non-competitive procurements. The need for these services for the most vulnerable County residents continues and we have an opportunity to utilize available federal funding to extend these necessary services through December 31, 2024. Due to an oversight, the amendments were not sent in time for Council approval prior to the agreements' expiration, hence the request to approve the contract amendments retroactively.

Prepared by: Department of Housing and Community Development



**FM-5 (Contract)**

**Council District(s) All**

**Department of Housing & Community Development**

**Assistance – Implementation of Countywide Affordable, Fair & Equitable Housing Development & Preservation Strategy**

The Administration is requesting approval of a contract with William C. Rubin to provide housing development consulting services to assist in the implementation of a Countywide affordable, fair, and equitable housing development and preservation strategy. The contract commences upon Council approval, continues for 1 year, and will renew automatically for four additional 1-year periods with the option to extend the initial term or any renewal term an additional 120 days. The contract does not specify a maximum compensation for the initial 1-year term. Compensation may not exceed \$700,000 for the entire 5-year and 4-month term, including the renewal and extension periods. See Exhibit A.

**Fiscal Summary**

<b>Funding Source</b>	<b>Maximum Compensation</b>	<b>Notes</b>
<b>County</b>	--	(1) U.S. Department of the Treasury, American Rescue Plan (ARP) Act funds.
<b>State</b>	--	
<b>Federal</b> <sup>(1)</sup>	\$ 700,000	(2) Maximum compensation for the entire 5-year and 4-month term, including the renewal and extension periods. The contract does not specify a maximum compensation for the initial 1-year term.
<b>Other</b>	--	
<b>Total</b>	<u>\$ 700,000</u> <sup>(2)</sup>	

**Analysis**

The Department advised that the contractor will lead comprehensive real estate transaction-related activities and provide technical assistance to housing stakeholders, including but not limited to housing development partners and community residents, as it relates to increasing and preserving the County’s housing supply. The Department further advised that the contractor will

support the Department's leadership in the development, financing, and preservation of affordable housing throughout the County, including units that include some level of accessibility for the County's most vulnerable constituents. The Department estimates that the contractor's work will assist the Department in lending capital funds to create nearly 600 new units of housing for families earning up to 100% of the area median income (e.g., \$116,100 for a family of four in FY 2022 according to HUD's published income limits).

The contractor will be paid \$72 per hour. The Department advised that contractor's work will be project-based and expects the contractor to perform at least 15 hours of work per week; the contract's maximum compensation is based on approximately 34 hours of work per week. The contract provides that the County may hire the consultant as an employee after six months; the Department advised that it will evaluate this possibility on a monthly basis based on the contractor's workload.

The contract commences upon Council approval, continues for 1 year, and will renew automatically for four additional 1-year periods with the option to extend the initial term or any renewal term an additional 120 days on the same terms and conditions, unless the County provides notice of non-renewal. The contract does not specify a maximum compensation for the initial 1-year term. Compensation may not exceed \$700,000 for the entire 5-year and 4-month term, including the renewal and extension periods.

Prior to the commencement of each renewal period, the County may entertain a request for an escalation in the unit price in accordance with the Consumer Price Index – All Urban Consumers – United States Average – All Items (CPI-U), as published by the United States Department of Labor, Bureau of Labor Statistics at the time of the request, or up to a maximum 5% increase on the current pricing, whichever is lower. The County may terminate the agreement by providing 30 days prior written notice.

The County awarded the contract through a competitive procurement process based on qualifications from four proposals received. According to the bid documents, there was not an M/WBE participation requirement.

County Charter, Section 715, requires that "any contract must be approved by the County Council before it is executed if the contract is...for services for a term in excess of two years or involving the expenditure of more than \$25,000 per year...."

## EXECUTIVE SUMMARY

Baltimore County Council approval is requested for a contract with William C. Rubin ("Contractor"), to assist in the implementation of a Countywide affordable, fair, and equitable housing development and preservation strategy, as a Housing Development Consultant.

DHCD released a Request for Proposals, P-10000012, for housing development in October 2022. William C. Rubin submitted a response and was interviewed in December 2022. The Contractor's interview demonstrated his advanced knowledge of housing construction, Baltimore County neighborhoods, the local real estate market, development financing, and asset management.

The Contractor will lead comprehensive real estate transaction-related activities and provide technical assistance to housing stakeholders – including but not limited to housing development partners and community residents – as it relates to increasing and preserving the County's housing supply. The Contractor will support DHCD's leadership including the Director, Deputy Director, and Chief of Housing Finance & Opportunities in the development, financing, and preservation of affordable housing throughout the County including units that include some level of accessibility for the County's most vulnerable constituents.

The contract shall not exceed the sum of \$700,000 in federal American Rescue Plan funds (ARPA) to support for the work performed as a part of this contract.

DHCD estimates that the Contractor's work will help yield plans for nearly 600 new units of housing, specifically for families up to 100% of the Area Median Income (AMI). The Contractor's work will also produce a suite of training programs for housing development partners and neighborhood residents, to ensure the accessibility of the County's resources for the provision of innovations in housing development.

Prepared By: Department of Housing and Community Development

**FM-6 (5 Contracts)**

**Council District(s) All**

**Office of Human Resources**

**In-Service Training Courses – County Employees**

The Administration is requesting approval of five contracts to provide in-service training programs for County employees as needed. The five contractors are: Civility Management Solutions, LLC; Human Advantage, Inc.; Human Resource Management Solutions, LLC; International Training Consortium, Inc.; and Total Learning Solutions, Inc. Each contract commences upon Council approval, continues for 1 year, and will renew automatically for four additional 1-year periods with the option to extend the initial term or any renewal term an additional 120 days. The contracts do not specify a maximum compensation for the initial 1-year term. Compensation for all contractors combined may not exceed \$1,200,000 for the entire 5-year and 4-month term, including the renewal and extension periods. See Exhibit A.

**Fiscal Summary**

<b>Funding Source</b>	<b>Combined Maximum Compensation</b>	<b>Notes</b>
<b>County</b> <sup>(1)</sup>	\$ 1,200,000	<sup>(1)</sup> General Fund Operating Budget. <sup>(2)</sup> Maximum compensation for all contractors combined for the entire 5-year and 4-month term, including the renewal and extension periods. The contracts do not specify a maximum compensation for the initial 1-year term.
<b>State</b>	--	
<b>Federal</b>	--	
<b>Other</b>	--	
<b>Total</b>	\$ 1,200,000 <sup>(2)</sup>	

**Analysis**

The contractors will provide the instructors, curricula, and course materials for in-service training programs for County employees as needed. The contracts provide that the training programs fall within several basic areas including management/supervisory, clerical, technical, and special requests, and that the County will continue to use a combination of in-house staff and outside

consultants to provide these services. The contracts further provide that the contractors will plan and develop the courses based on objectives provided by the County and that the County will furnish the course materials for County-owned curricula (e.g., “Local Government Ethics,” “Managing a Virtual Workplace”). The Office advised that most courses are scheduled as one-half to one-day seminars and include 4 to 6 hours of instruction. Classes will be held at the Human Resources Building, requested County sites, and via Webex.

The contractors, courses, and hourly rates are as follows:

Contractor	Number of Course Topics <sup>(1)</sup>	Hourly Rates for Sessions <sup>(2)</sup>
International Training Consortium, Inc. <sup>(3)</sup>	51	\$458.33 to \$1,000.00
Civility Management Solutions, LLC	39	\$400.00 to \$875.00
Human Advantage, Inc.	37	\$220.83 to \$365.83
Human Resource Management Solutions, LLC	13	\$125.00 to \$337.50
Total Learning Solutions, Inc.	39	\$202.00 to \$404.00

- <sup>(1)</sup> Excludes additional courses that the contractors are qualified to teach that were not specified in the RFP.
- <sup>(2)</sup> Excludes course development/customization rates, which range from \$125 to \$395 per hour, depending on the contractor, and will be negotiated as needed. Also excludes additional fees for Myers Briggs and DISC courses.
- <sup>(3)</sup> Excludes \$500 in additional printing fees for certain County-provided courses, if applicable.

Each contract commences upon Council approval, continues for 1 year, and will renew automatically for four additional 1-year periods with the option to extend the initial term or any renewal term an additional 120 days on the same terms and conditions, unless the County provides notice of non-renewal. The contracts do not specify a maximum compensation for the initial 1-year term. Compensation for all contractors combined may not exceed \$1,200,000 for the entire 5-year and 4-month term, including the renewal and extension periods.

Prior to the commencement of each renewal period, the County may entertain a request for an escalation in unit prices in accordance with the Consumer Price Index – All Urban Consumers – United States Average – All Items (CPI-U), as published by the United States Department of Labor, Bureau of Labor Statistics at the time of the request, or up to a maximum 5% increase on the current pricing, whichever is lower. The County may terminate the agreements by providing 30 days prior written notice.

The County awarded the 5 contracts through a competitive procurement process based on qualifications and experience from 9 proposals received. According to the bid documents, there was not an M/WBE participation requirement. The contracts provide that the contractor is not guaranteed any minimum amount of work and that work will be assigned based on the contractor’s expertise and availability.

On October 16, 2017, the Council approved six similar 5-year and 4-month contracts (which commenced July 3, 2017) not to exceed \$600,000 for all contractors combined. The contracts expired October 30, 2022. The Office advised that no classes have been held since June 2022 and that 830 employees received in-service training in FY 2022 at a cost of \$90,687. The Office further advised that \$592,600 was expended under the six contracts as follows:

Contractor	Total Expenditures
Human Advantage, Inc.	\$ 165,635
Human Resource Management Solutions, LLC	118,375
Community College of Baltimore County	94,679
Total Learning Solutions, Inc.	72,650
ImageWorks Training & Consulting, LLC	70,711
Civility Management Solutions, LLC	70,550
Total	<u>\$ 592,600</u>

The Office of Budget and Finance, Purchasing Division advised that the increased maximum compensation under the proposed contracts (to \$1.2 million from \$600,000) reflects increases in the costs of the courses. The Purchasing Division further advised that even though the COVID-19 pandemic prevented some courses from being held, expenditures under the prior contracts were close to the compensation cap; in the absence of the pandemic, the Administration would have likely needed to seek approval of contract amendments to increase the maximum compensation.

County Charter, Section 715, requires that “any contract must be approved by the County Council before it is executed if the contract is...for services for a term in excess of two years or involving the expenditure of more than \$25,000 per year....”

## **EXECUTIVE SUMMARY**

These 5 Contracts are to provide in-service employee training programs for computer training services for County employees from various vendors such as Civility Management Solutions LLC, Human Resource Management Solutions LLC, Total Learning Solutions Inc., International Training Consortium Inc., and Human Advantage Inc. for one (1) year after approval from Council with the option of four (4) 1-year renewals periods not to exceed One Million Two Hundred Thousand Dollars (\$1,200,000.00) during the entire term of this Agreement including renewals thereof.

Prepared by: Office of Human Resources

FM-7 (Contract)

Council District(s) All

Office of Law

Legal Services

The Administration is requesting approval of a contract with Kramon & Graham, P.A. to serve as legal counsel for a County police officer in regard to litigation pending in the Circuit Court for Baltimore County. The Office advised that the contract will commence upon Council approval and continue for 1 year. Compensation may not exceed \$25,000 for the 1-year term.

Fiscal Summary

Funding Source	Maximum Compensation	Notes
County <sup>(1)</sup>	\$ 25,000	<sup>(1)</sup> Self Insurance Fund. <sup>(2)</sup> Maximum compensation for the 1-year term.
State	--	
Federal	--	
Other	--	
<b>Total</b>	<b>\$ 25,000</b> <sup>(2)</sup>	

Analysis

The contractor will serve as legal counsel for a County police officer in regard to litigation filed against the County and the officer in the Circuit Court for Baltimore County. The Office advised that pursuant to Section 510 of the County Charter, the County is providing the officer with outside legal representation as part of its obligation under the Local Government Tort Claims Act to provide a legal defense for the officer in the litigation. The Office further advised that the contract is needed because there is a conflict of interest, or at the very least the appearance of a conflict of interest, which prevents the Office from representing the officer and could prevent the Office from properly representing the County.



The contract will commence upon Council approval and continue for 1 year. Compensation may not exceed \$25,000 for the 1-year term. The County may terminate the agreement by providing prior written notice.

The Office requested that the proposed contract be designated as a noncompetitive 902(f) award secured in the best interest of the County due to the contractor's experience in representing police officers in civil litigation in state and federal courts. The Office advised that legal services will be billed at an hourly rate of \$410.

County Charter, Section 902(f), states that "when... [competitive] bidding is not appropriate, a contract shall be awarded only by competitive negotiations, unless such negotiations are not feasible. When neither competitive bidding nor competitive negotiations are feasible, contracts may be awarded by noncompetitive negotiations."

County Charter, Section 510, states "nothing in this article shall be construed as preventing the county executive, with the approval of the county council, from engaging the services for a temporary period of any attorney or attorneys for legal work of an extraordinary nature when the work to be done is of such character or magnitude as to require legal services in addition to those provided by the regular staff of the Office of Law."