

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

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*Issued: December 7, 2023  
Reissued: December 14, 2023  
Work Session: December 12, 2023  
Legislative Day No. 23: December 18, 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**

**December 18, 2023**

**NOTES TO THE AGENDA**

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\*Note included in reissued package

**AGENDA  
BALTIMORE COUNTY COUNCIL  
LEGISLATIVE SESSION 2023, LEGISLATIVE DAY NO. 23  
December 18, 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**

**JAMES BENJAMIN, COUNTY ATTORNEY, OFFICE OF LAW**

- 1 Bill 83-23 – Mr. Jones(By Req.) – County Charter – Office of the Inspector General  
3 Bill 84-23 – Mr. Jones(By Req.) – Office of the Inspector General

**COUNCIL**

- 5 Bill 86-23 – Mr. Ertel – Restrictions on Parking – Parking on Private Property – Parking Surface

**STEPHANIE MEDINA, COURT ADMINISTRATOR, CIRCUIT COURT**

- 7 Bill 90-23 – Mr. Jones(By Req.) – CEB – Access to Justice Diversity Equity and Inclusion

**CAPTAIN BRIAN EDWARDS, POLICE DEPARTMENT**

- 10 Bill 91-23 – Mr. Jones(By Req.) – CEB – Sexual Assault Kit Testing

**RENEE COLEMAN, ACTING DIRECTOR, OFFICE OF HUMAN RESOURCES**

- 13 Bill 92-23 – Mr. Jones(By Req.) – Personnel Law of Baltimore County

**KEVIN REED, DIRECTOR, OFFICE BUDGET AND FINANCE**

- 15 Bill 93-23 – Mr. Jones(By Req.) – Bond Ordinance

**PETE GUTWALD, DIRECTOR, DEPARTMENT OF PERMITS, APPROVALS & INSPECTIONS**

- 26 Bill 94-23 – Mr. Jones(By Req.) – The Plumbing and Gasfitting Code of Baltimore County  
29 Bill 95-23 – Mr. Jones(By Req.) – Development Management  
31 Bill 96-23 – Mr. Jones(By Req.) – Development Management  
34 Bill 97-23 – Mr. Jones(By Req.) – Development Management

**COUNCIL**

- 36 Bill 98-23 – Mr. Patoka – Zoning Regs. – Uses Permitted – D.R. 5.5 Zone – Central Community Hub  
38 Bill 99-23 – Mr. Kach – Zoning Regs. – Uses Permitted – R.C. 2 Zone – Water Treatment and Plumbing Services Shop

**APPROVAL OF FISCAL MATTERS/CONTRACTS**

**SETH BLUMEN, ENERGY & SUSTAINABILITY COORDINATOR, EXECUTIVE OFFICE**

- 39 1. Contract – Enel X Advisory Services USA, LLC – Energy consulting services – Electricity & gas procurements-EO

**LAUREN BUCKLER, DEPUTY DIRECTOR, DEPARTMENT OF PUBLIC WORKS & TRANSPORTATION**

- 43 2. Contract – Teledyne Instruments, Inc. d/b/a Teledyne ISCO/Teledyne SSI – Repair/recalibration – sanitary sewer open channel flow meters-DPWT

**APPROVAL OF FISCAL MATTERS/CONTRACTS (cont.)**

**MICHAEL FRIED, DIRECTOR, OFFICE OF INFORMATION TECHNOLOGY**

46 3. Contract – Lexipol – Customizable mobile wellness – First responders – OIT

**LAWRENCE RICHARDSON, DEPUTY DIRECTOR, DEPARTMENT OF HEALTH & HUMAN SERVICES**

50 4. Contract – Dogwood Kennel – Animal boarding services – HHS

**MISCELLANEOUS BUSINESS**

**COUNCIL**

62 1. Correspondence - (a) (5) - Non-Competitive Awards (November 14, 2023)

**ASHLEY JOHNSON-HARE, DEPUTY DIRECTOR, DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT**

~~WITHDRAWN~~ 2. ~~Res. 37-23 – Mr. Jones (By Req.) – Payment in lieu of property taxes (PILOT) – Essex Non-Profit Housing Corporation~~

**BOB SMITH, DIRECTOR, DEPARTMENT OF RECREATION & PARKS**

54 3. Res. 38-23 – Mr. Jones (By Req.) – Exchange of County-owned parcel – Maryland Transportation Authority (MDTA)

**COUNCIL**

59 4. Res. 39-23 – Mr. Ertel – Amending the boundary of the Towson Commercial Revitalization District  
5. Appointment – Mr. Jones (By Req.) – Fair Election Fund Commission – Marietta English  
6. Appointment – Mr. Jones (By Req.) – Fair Election Fund Commission – David Mister  
7. Appointment – Mr. Jones (By Req.) – Adult Public Guardianship Review Board – Marcella Watts  
8. Appointment – Mr. Jones (By Req.) – Design Review Panel – Donald Kann  
9. Appointment – Mr. Jones (By Req.) – Design Review Panel – Tarek Saleh  
10. Appointment – Mr. Jones (By Req.) – Design Review Panel – Rajendra (Raj) Sharma  
11. Appointment – Mr. Jones (By Req.) – Ethics Commission – Kevin Murphy

**Bill 83-23****Council District(s) All**

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

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**Office of Law**

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**County Charter – Office of the Inspector General**

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Bill 83-23 places certain existing provisions and powers governing the Office of the Inspector General (OIG) in the County Charter, as recommended by the Ethics and Accountability Commission.

In October 2021, the County Executive established the Blue Ribbon Commission on Ethics and Accountability (the Commission) to assess the County’s public ethics and open government laws and the County’s laws concerning the OIG. On February 16, 2023, the Commission issued its final report. The Commission’s recommendations included that “the provisions of the Inspector General ordinance (Baltimore County Code § 3-14-101 et seq.) be added to the County Charter at the earliest opportunity.” Bill 83-23 enacts this recommendation by codifying Sections 3-14-101 through 3-14-105 of current County Code nearly verbatim in the new Section 1014 of the County Charter.

Regarding oversight of the OIG and accountability mechanisms, the Commission recommended that County law explicitly state that “the Inspector General and Inspector General staff are subject to the Human Resources process and that complaints may be filed pursuant to that process....” Bill 83-23 partly enacts this recommendation by adding all employees of the OIG to the list of exempt service employees stated in Section 801 of the Charter. Additionally, the new Section 1014(g)(2)-(3) states that the Inspector General and OIG staff shall be considered County employees and are subject to all applicable County personnel laws.

In addition to enacting the OIG’s funding into the Charter, the Commission gave specific recommendations for new language regarding the financial independence and adequate funding of the OIG. Specifically, the Commission recommended the following new language be added to the funding provisions when those provisions are added to the Charter.

“(1) The County Executive and County Council shall ensure that the budget for the Office of Inspector General is sufficient to provide the services outlined in § 3-14-106, as the same may be amended from time to time; and

(2) Any decrease in appropriations for the Office of the Inspector General from the prior fiscal year, in either the proposed or adopted budget, shall be accompanied by a written justification for the decrease, which shall be publicly posted in time for public hearings on the budget to permit public comment and input on such reductions.”

Currently, OIG funding is governed by Section 3-14-105 of the County Code. Bill 83-23 fulfills the Commission’s recommendation by enacting Section 3-14-105 verbatim in the new Charter Section 1014 with the above recommended language.

Pursuant to Section 1202 of the County Charter, the Charter amendments proposed in Bill 83-23 shall be submitted to County voters in the General Election to be held November 5, 2024, and upon ratification, will become effective from and after the 30<sup>th</sup> day following the election.

The Council voted at its December 4 legislative session to extend the vote on Bill 83-23 until its legislative session on December 18. The bill will be discussed at the work session on December 12.

Bill 84-23

Council District(s) All

Mr. Jones (By Req.)

Office of Law

Office of the Inspector General

Bill 84-23 amends certain existing provisions of the County Code governing the Office of the Inspector General (OIG), as recommended by the Ethics and Accountability Commission.

In October 2021, the County Executive established the Blue Ribbon Commission on Ethics and Accountability (the Commission) to assess the County’s public ethics and open government laws and the County’s laws concerning the OIG. On February 16, 2023, the Commission issued its final report. The report included several recommendations that require changes to the County Code sections governing the OIG. Bill 84-23 enacts several of those changes nearly verbatim to the language recommended by the Commission.

Bill 84-23 adds language to the section governing OIG staff that states “notwithstanding any other provisions of the Charter or the Code, the staff of the [OIG] shall be considered County employees and are subject to all applicable County personnel laws...[and] “except as otherwise stated in § 3-14-103(d), the Inspector General shall be subject to all applicable County personnel laws.” (Section 3-14-103(d) sets forth the removal process for the Inspector General and is not changed by Bill 84-23.)

Bill 84-23 adds language to the section governing OIG funding that states “the County Executive and County Council shall ensure that the budget for the [OIG] is sufficient to provide the services outlined in [the County Code governing the OIG].” Additionally, language is added to the paragraph regarding any budgetary decrease that states the written justification for the decrease “shall be publicly posted in sufficient time for the public hearing on the budget to permit an opportunity for public comment.” Last, language is added to this section that permits the Inspector General to “request independent legal counsel for the [OIG] when necessary to avoid conflict of interest or the appearance of a conflict” in accordance with Sections 508 and 510 of the Charter.

Bill 84-23 also amends OIG's duties and responsibilities. While the OIG must currently establish policies and procedures to guide functions and processes conducted by the OIG, Bill 84-23 would require the OIG to publish them on the County website and make copies available upon request to the public and County employees. Additionally, Bill 84-23 requires the OIG to provide an annual training course on the functions of the OIG and reporting fraud, waste, and abuse for elected and public officials.

Last, Bill 84-23 enacts recommended changes to the OIG's subpoena authority, which is set forth in Section 3-14-107. The Commission recommended eliminating the waiting period for subpoenas issued to individuals who are not County employees or to outside entities for production of records not maintained by Baltimore County and reduce from 90 days to 30 days the waiting period for subpoenas issued to a Baltimore County employee for records in the employee's possession or control that are not produced or maintained by Baltimore County.

Accordingly, Bill 84-23 reduces the waiting period for production of records to a County employee from 90 days to 30 days. The bill also permits the OIG to issue a subpoena for production of documents that are not maintained by Baltimore County, and that are not within the possession, custody, or control of a County employee, at any time during its investigative process.

The Council voted at its December 4 legislative session to extend the vote on Bill 84-23 until its legislative session on December 18. The bill will be discussed at the work session on December 12.

Bill 84-23 will take effect 45 days after its enactment.



**Bill 86-23****Council District(s) All**

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**Mr. Ertel**

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**Restrictions on Parking – Parking on Private Property – Parking Surface**

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Bill 86-23 moves a restriction on parking on unpaved surfaces on private property from the County Code to the Zoning Regulations and expands the restriction from the Towson area to apply County-wide.

In 2020, the Council passed Bill 90-20, which enacted a parking restriction in the Transportation Article of the County Code that required a vehicle parked on private property to be situated on a concrete, asphalt paved, or durable and dustless surface that is intended for the parking of vehicles. This parking restriction applied only to the area of greater Towson encompassed within the Towson precinct (Precinct 6) of the Baltimore County Police Department.

Enforcement authority for parking provisions found in the Transportation Article is held primarily by the Police Department and the Department of Public Works and Transportation. However, this authority applies to private property only when that private property is “used by the public in general.” (See § 18-2-104.) By definition, a police officer must enter private property that is not used by the general public in order to issue a citation under the provisions of Bill 90-20. Thus, the general enforcement authority of the Transportation Article conflicts with the provisions of Bill 90-20.

Bill 86-23 seeks to remedy this by transferring the parking restriction out of the Transportation Article and into the Zoning Regulations. This transfers enforcement authority from the Police Department to Code Enforcement, who have no restriction regarding private property.

Bill 86-23 also removes the \$75 fine, thereby allowing the general fine for a violation of the Zoning Regulations to apply. Last, Bill 86-23 removes the geographic restriction and expands this parking restriction to apply County-wide.

At the request of the bill's sponsor, the Council voted at its December 4 legislative session to extend the vote on Bill 86-23 until its legislative session on December 18. The bill will be discussed at the work session on December 12.

With the affirmative vote of five members of the County Council, Bill 86-23 will take effect 14 days after its enactment.

Bill 90-23 (Supplemental Appropriation)

Council District(s) All

Mr. Jones (By Req.)

Circuit Court

**Access to Justice Diversity Equity and Inclusion**

The Administration is requesting a supplemental appropriation of State funds totaling \$84,544 to the Access to Justice Diversity Equity and Inclusion Grant Gifts and Grants Fund program. The Circuit Court advised that the funds will be used primarily toward the salary and benefits of a new full-time Diversity, Equity, and Inclusion (DEI) Coordinator, who will identify, coordinate, and implement DEI strategies, initiatives, and best practices to support workforce diversity, inclusion, and equitable access to the Baltimore County Circuit Court. See Exhibit A.

**Fiscal Summary**

<b>Funding Source</b>	<b>Supplemental Appropriation</b>	<b>Current Appropriation</b>	<b>Total Appropriation</b>
<b>County</b>	--	--	--
<b>State <sup>(1)</sup></b>	\$ 84,544	--	\$ 84,544
<b>Federal</b>	--	--	--
<b>Other</b>	--	--	--
<b>Total</b>	\$ 84,544	--	\$ 84,544

<sup>(1)</sup>Maryland Judiciary, Administrative Office of the Courts (AOC). No County matching funds are required.

**Analysis**

The Circuit Court advised that it plans to use the proposed \$84,544 supplemental appropriation toward funding the salary and fringe benefits of a new full-time DEI Coordinator (\$78,544), supplies (\$3,500), and travel and training expenses (\$2,500). The Coordinator will identify,

coordinate, and implement DEI strategies, initiatives, and best practices to support workforce diversity, inclusion, and equitable access to the Baltimore County Circuit Court. The Circuit Court advised that the Coordinator will work collaboratively with the Maryland Judiciary Inclusion and Equity Specialist and the County's DEI Community Advisory Council, as well as market diversity and inclusion-focused programs and events for its staff and the community.

The grant period is July 1, 2023 through June 30, 2024. The Circuit Court advised that no County matching funds are required.

With the affirmative vote of five members of the County Council, Bill 90-23 will take effect December 31, 2023.

## **Executive Summary**

In an attempt to promote an atmosphere that enhances inclusivity and fairness to all who enter the Circuit Court for Baltimore County, the Administrative Office of the Courts has awarded Baltimore County Circuit Court the FY24 Diversity, Equity and Inclusion (DEI) Grant. This grant will allow the Court to hire one, full-time Diversity, Equity and Inclusion (DEI) Coordinator. This Coordinator will promote fairness and respect to all members of the Baltimore County Community as well as Court employees.

The DEI Coordinator is responsible for the identification, coordination, and implementation of DEI strategies, initiatives, and best practices to provide a fair, respectful, and dignified court experience. This is a new position intended toward developing the capacity of the Circuit Court to support workforce diversity, inclusion and equitable access to courts in the Maryland Judicial Branch. The DEI Coordinator reports directly to the Court Administrator but is ultimately responsible to the County Administrative Judge.

The Circuit Court is asking Baltimore County to award a mid-year add for this grant-funded position. This position is funded entirely by the AOC grant and will not need any contribution by Baltimore County. We believe the Judiciary and the public's interaction with the Judiciary will be greatly enhanced with this program.

Prepared by: Circuit Court

**Bill 91-23 (Supplemental Appropriation)**

**Council District(s) All**

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

**Police Department**

**Sexual Assault Kit Testing**

The Administration is requesting a supplemental appropriation of State funds totaling \$1,453,015 (as amended) to the Sexual Assault Kit Testing Gifts and Grants Fund program to increase the amount appropriated to the actual amount of the grant award. The Department advised that the funds will be used for the outsourced testing of sexual assault kit slides. See Exhibit A.

**Fiscal Summary**

<b>Funding Source</b>	<b>Supplemental Appropriation</b>	<b>Current Appropriation</b>	<b>Total Appropriation</b>
<b>County</b>	--	--	--
<b>State <sup>(1)</sup></b>	\$ 1,453,015	\$ 300,000	\$ 1,753,015
<b>Federal</b>	--	--	--
<b>Other</b>	--	--	--
<b>Total</b>	<u>\$ 1,453,015</u>	<u>\$ 300,000</u>	<u>\$ 1,753,015</u>

<sup>(1)</sup> Governor's Office of Crime Control and Prevention funds. No County matching funds are required.

**Analysis**

The Department advised that the proposed supplemental appropriation will be used for the outsourced testing of sexual assault kit slides. The Department further advised that preparations are underway to transfer all remaining cases from GBMC to the Department and to utilize one or both of the County's current contractors in order to have all slides tested by approximately June 30, 2024.

The FY 2024 Adopted Operating Budget included a \$300,000 appropriation to the Sexual Assault Kit Testing Gifts and Grants Fund program based on the estimated amount of the grant award at the time the Department submitted its budget request to the Office of Budget and Finance. Accordingly, this bill (as amended) appropriates the additional \$1,453,015 to the program, increasing the total appropriation to equal the actual \$1,753,015 grant award.

The grant period is July 1, 2023 through June 30, 2024. No County matching funds are required.

With the affirmative vote of five members of the County Council, Bill 91-23 will take effect December 31, 2023.

## **Executive Summary**

A grant award of \$1,753,015 has been received by the Baltimore County Police Department from the Governor's Office of Crime Control and Prevention, exceeding the approved Fiscal 2024 appropriation of \$300,000 by \$1,453,015. This request is for Council's approval to accept and appropriate the additional \$1,453,015 in funding.

During the 1970's, an emergency room physician at the GBMC recognized that with the emerging science of DNA analysis, there was likely evidence to be obtained by collecting possible biological evidence from rape victims. He preserved these specimens on microscope slides that were then covered with a protective coating.

Between 2005 and 2008, the Baltimore County Police Department became aware of the existence of these slides and the possibility that these slides could be used to investigate alleged rapes if a police report had also filed by the victim. A grant funded project was initiated and yielded positive results. The Department was able to associate a sampling of victims with archived police reports. Because the victims' slides were considered a product of the medical examination performed, court orders were required for their release. Efforts have been made to attain additional funding for continuation of the project through grant and privately funded programs with some success.

Legislation put forth by the Maryland's Attorney General's Office, Sexual Assault Evidence Kit Committee has been adopted which updates the definition of a SAFE kit in a way that definitively includes the GBMC Slides as SAFE Kits. The legislation goes into effect on October 1, 2023. Preparations are underway to begin the en-masse transfer of all remaining cases from GBMC Hospital to the Baltimore County Police Department shortly thereafter.

Additionally, preparations are underway for one or both of the county's DNA Analysis outsourcing vendors under contract to accept and test these slides in high volumes on an aggressive schedule. Pricing for analysis is being negotiated on a "per case" basis rather than per type of analysis performed.

The \$1,453,015.00 supplemental appropriation will be utilized for the outsourced testing of these slides funded by the program.

Prepared by: Police Department



**Bill 92-23**

**Council District(s) All**

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

**Office of Human Resources**

**Personnel Law of Baltimore County**

Bill 92-23 implements the changes to the Classification and Compensation Plan as recommended by the Personnel and Salary Advisory Board or required as a result of labor negotiations for FY 2024. The bill also states that the County Executive has approved the recommendations.

Section 1 of the bill amends two pay grades in Section II of the Classification and Compensation Plan. Specifically, the classification titles of Chief Deputy Sheriff and Under Sheriff in Schedule VI-P are increased by one pay grade (from pay grade 35 to 36 and 36 to 37, respectively). The Office estimates the fiscal impact of the proposed salary changes to total \$10,906 for FY 2024.

The Administration advises that there are forthcoming amendments that would add pay schedules I (Baltimore County Federation of Public Employees) and VI (Supervisory, Management, Confidential and Unrepresented Employees), effective January 1, 2024; pay grade changes for Forensic Services Tech I and II (from pay grade 26 to 30 and 29 to 31, respectively); and seven new titles (and associated pay schedule/grades) related to forensic services and forensic scientist positions. The Office estimates the FY 2024 fiscal impact of the proposed salary changes to total \$395,000 for the proposed forensics-related amendments.

In accordance with County Code, § 5-1-105, the Office of Budget and Finance provided an actuarial analysis of the retirement-related fiscal impact of Bill 92-23 (as amended). Specifically, the County’s actuary estimated that the changes proposed in Section 1 of the bill will increase the plan liability by \$41,500, and the proposed forensics-related amendments will increase the plan liability by \$2.2 million; the liability would be funded over a 10-year amortization period beginning in FY 2025. The associated estimated increase to the County’s Annual Required Contribution (ARC) to the Retirement System totals between \$295,000 and \$356,000 per year.

With the affirmative vote of five members of the County Council, Bill 92-23 will take effect December 31, 2023 with Section 1 applying retroactively to July 1, 2023 and the proposed amendments applying to January 1, 2024.

**Bill 93-23**

**Council District(s) All**

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

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**Office of Budget and Finance**

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**Borrowing Ordinance**

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The Administration is requesting approval of an ordinance that authorizes the issuance, sale, and delivery of: up to \$320 million in (short-term) bond anticipation notes (BANs) for Consolidated Public Improvements (\$140 million) and Metropolitan District (\$180 million) projects; \$320 million in (the associated long-term) General Obligation (G.O.) bonds; and \$3,441,815,000 in refunding bonds (related to the entire callable amount of G.O. bond debt issued by the County between 2009 and 2023, which then could be refinanced). This ordinance also authorizes the County to purchase development rights (Installment Purchase Agreement Program) and to pursue the use of tax-advantaged bond status. The ordinance sets a \$320 million limit on the aggregate principal amount of BANs outstanding at one time.

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**Fiscal Summary**

<u>Proposed Debt Issuance</u>	<u>Maximum Amount</u>
Consolidated Public Improvement (CPI)	\$ 140,000,000
Metropolitan District	180,000,000
Total – General Obligation Bonds	<u>\$ 320,000,000</u> <sup>(1)</sup>
CPI Bond Anticipation Notes (BANs)	\$ 140,000,000
Metropolitan District BANs	180,000,000
Total – BANs	<u>\$ 320,000,000</u> <sup>(2)</sup>
CPI/Metro District Bonds (Refunding Series)	<u>\$3,441,815,000</u> <sup>(3)</sup>

<sup>(1)</sup> Authorization for issuance expires on the latter of December 31, 2024 or upon the expiration of any outstanding BANs.

<sup>(2)</sup> BANs are limited to no more than this amount outstanding at one time.

<sup>(3)</sup> Represents 130% of outstanding bonds totaling \$2,647,550,000. Amount to be issued depends on interest rates, issuance costs, and other variables at the time of refunding.

**Analysis**

This bill authorizes the County to issue up to \$320 million in new G.O. debt, to consist of \$140 million for Consolidated Public Improvements (CPI) and \$180 million for the Metropolitan District. Specifically, the bill authorizes the issuance, sale, and delivery of: up to \$320 million in (short-term) bond anticipation notes (BANs) for CPI (\$140 million) and Metropolitan District (\$180 million) projects; \$320 million in (the associated long-term) G.O. bonds; and \$3,441,815,000 in refunding bonds (related to the entire callable amount of G.O. debt issued by the County between 2009 and 2023, which then could be refinanced). In addition, this bill authorizes the County to purchase development rights (Installment Purchase Agreement Program) and to pursue the use of tax-advantaged bond status.

**Bond Anticipation Notes (BANs):** BANs are short-term notes sold in anticipation of issuing long-term bonds at a later date when more favorable market conditions may occur. When issued, long-term bond proceeds are used to retire the BANs. The bill limits the aggregate principal amount of BANs outstanding to no more than \$320 million at one time. The bill further provides

that the face value of all BANs outstanding may from time to time exceed the limit. According to the bill, the BANs may be issued at a private sale in the nature of commercial paper or other variable rate demand notes, which are more flexible than issuing fixed-rate notes. Proceeds from the sale of BANs are reinvested until the funds are needed, thereby creating a legal arbitrage profit (i.e., interest earnings from investments exceeding interest cost on BANs). Issuing BANs also allows capital projects to proceed while awaiting more favorable market conditions for issuing long-term bonds. The Office advised that there are no current plans to issue commercial paper BANs; in the event that the County issues BANs, it plans to continue with non-commercial-paper, fixed-rate BANs. However, this ordinance retains the authority to issue commercial paper for flexibility purposes.

Consolidated Public Improvement (CPI) Bonds: This bill authorizes the issuance of CPI bonds, up to the following amounts, for the following types of capital improvements:

Type of Improvement	Maximum Amount
Schools	\$ 100,000,000
Public Works (roads, bridges, sidewalks, storm drains)	18,000,000
Community College	15,000,000
Agricultural Land Preservation	5,000,000
Waterway Improvements	2,000,000
Total	<u>\$ 140,000,000</u>

The voters previously authorized this borrowing, on prior-year referenda, as required by the Baltimore County Charter, Section 718. The Council subsequently approved the borrowing as a funding source for the County’s capital budgets.

Repayment of the principal and interest (collectively known as debt service) on the County’s CPI debt is guaranteed by the irrevocable pledge of the full faith and credit – and unlimited taxing powers – of the County. This debt service cost is financed by General Fund revenues and is subject to the Spending Affordability Committee’s (SAC) debt service guideline, which states that County debt service, including non-general obligation debt, should not exceed 9.5% of General Fund revenues. In addition, the County’s debt policy states that the County will maintain a Debt Service to General Fund Revenues ratio in the range of 8.5% to 9.5%.

The bonds must be sold at competitive bid, except for \$5 million in Agricultural Preservation bonds (see next section, below) that may be designated for agricultural property owners according to the Installment Purchase Agreement (IPA) Program and any bonds designated as financed from the Maryland Water Infrastructure Financing Administration (MWIFA).

**Agricultural Preservation Bonds/Installment Purchase Agreement (IPA) Program:** In lieu of issuing all or any of the CPI bonds under the Agricultural Land Preservation Borrowing Plan Ordinance, the bill authorizes the issuance of IPAs to purchase development rights in accordance with Section 12-902 of the Local Government Article.

The IPA option was established in June 2007 to encourage agricultural landowners to sell land or land preservation easements to the County. Many landowners would have to pay high capital gains tax when selling land or easements for cash. Through the IPA Program, the County pays the purchase price in a lump sum after a period of up to 30 years, thus allowing the seller to defer capital gains tax, and the seller receives tax-exempt interest at a pre-established rate on the purchase price in the interim. The interest paid by the County is exempt both from federal and State income tax. The Office advised that other benefits of IPA bonds for landowners include better estate planning since heirs can use cash from the sale to pay estate taxes. Landowners can also sell IPAs to bond investors for cash prior to their maturities. An IPA has two payment components, interest paid semi-annually and a balloon principal payment after a period of up to 30 years. The Office advised that the County has not utilized the IPA tool in over a decade.

**Metropolitan District Bonds:** The purpose of the Metropolitan District bonds is to finance the construction of improvements to the Metropolitan District sewer and water system. The debt service on these bonds is financed by sewer and water assessments and charges levied against all users in the Metropolitan District. If the sewer and water revenues are insufficient to finance the debt service, the County may levy a tax on all properties in the Metropolitan District or in the County to finance any deficiency. Metropolitan District debt does not require voter approval. The Office advised that the total outstanding balance of Metropolitan District debt as of September 30, 2023, plus the net of additional Metropolitan District debt authorized by this bill, totals \$2,561,412,890. This level of Metropolitan District debt is compliant with the County Code limitation (3.2% of assessed property value).

**General Obligation Refunding Bonds:** This bill also authorizes the County to sell \$3,441,815,000 of refunding bonds to refinance the callable amounts of outstanding CPI and Metropolitan District bonds issued between 2009 and 2023, which total \$2,647,550,000. Exhibits

A and B, respectively, list the callable bonds by issuance date for CPI bonds (\$1,354,885,000) and Metropolitan District bonds (\$1,292,665,000). The refunding bond authority totals 130% of the outstanding principal amount.

Under a refunding, the outstanding debt is “defeased” (nullified) by the issuance of new debt, the proceeds of which are placed in a trust fund. The amount of proceeds required depends on factors such as current interest rates, the remaining term of the original bonds, bid discount, and costs of issuance. The trust fund invests the proceeds in U.S. Government obligations and guarantees the debt service (interest and redemption payments) on the original debt. The County is then obligated to make debt service payments only on the new issue. The County is permitted to issue the refunding bonds in one or more series, subject to the determination of the County Executive. Approval of the refunding is requested without an expiration date so that the Office can access the credit market as favorable market conditions occur. The benefit to the County is derived from the difference between the interest rate paid on the original debt, and the related costs and the rate to be paid on the issuance of the refunding bonds. The debt service savings to be realized due to this refinancing authorization are dependent upon the timing of the refunding and the applicable interest rates and, therefore, cannot be determined at this time.

The refunding bonds may be sold at such times and in such manner as shall be determined by the County Executive; the Executive must give the County Council prior notice of such issuance. The refunding bonds may be sold at a private, negotiated sale unless the County Executive determines that it is in the best interest of the County to sell the bonds through a competitive bid process. The Office advised that the County’s most recent refunding, which occurred via a competitive sale on March 3, 2021, consisted of \$78,665,000 of Metropolitan District bonds (federally taxable) and \$219,440,000 of CPI bonds (federally taxable), with a net present value savings of \$33.8 million.

**Tax-Advantaged Obligations:** The Administration is requesting authority to take necessary action, when entitled, to ensure bonds and notes authorized by this ordinance are afforded a tax-advantaged status. The necessary actions may include, but are not limited to, covenants or agreements relating to proceeds and earnings and elections and designations as required under the Internal Revenue Code (IRC) to assure proper entitlement to a subsidy or tax credit benefit for both the issuer and holder. The County has previously issued tax-advantaged obligations (e.g., Qualified School Construction Bonds and Build America Bonds); these programs expired on December 31, 2010. However, the Office previously advised that retaining the authority to

issue tax-advantaged obligations is in the best interest of the County in the event that Congress should choose to renew these provisions.

**Administrative Costs:** The Office advised that estimated one-time administrative costs associated with this borrowing ordinance total \$416,100 as follows:

Rating agencies	\$ 350,000
Bond counsel	50,000
BAN auction agent	12,000
Financial printing, advertising, other	4,100
Total	<u>\$ 416,100</u>

The Office further advised that rating agency fees for the G.O. bonds will be paid from the premium proceeds anticipated from each issuance.

**Other:** The bill states that any premium funds received from the sale of bonds and BANs shall be set apart in a separate account and can be used for the first interest payments on those bonds and BANs or allocated for other expenditure purposes permitted under federal income tax law. The bill also states that any earnings from the investment of proceeds of CPI bonds and BANs and Metropolitan District bonds and BANs may be treated as general revenues and applied to the general purposes of the County and Baltimore County Metropolitan District, respectively. The bill further states that the County Executive or County Administrative Officer may designate specific expenditures to be paid from such earnings. The Office previously advised that such language regarding the use of premium funds and earnings constitutes appropriation authority, despite its lack of specificity as to the amount(s), program(s), and fiscal year(s) of the expenditure authorization.

In March 2023, the County issued \$30 million in CPI bonds (new debt) at a true interest cost of 3.56% and \$225 million in Metropolitan District bonds (\$150 million to pay off Metropolitan District BANs issued in March 2022 and \$75 million in new debt) at a true interest cost of 4.06%, with a 5% interest rate payable by the County for the CPI and Metropolitan District bonds. The Office further advised that it chose long-term bonds over short-term BANS for issuing new debt because short-term rate increases made locking in on longer-term bond rates a more favorable alternative to BANs. For similar reasons, the Office advised that it does not expect to issue CPI or Metropolitan District BANs in March 2024.



Planned Issuance

The Office advised that in March 2024, it plans to issue up to \$140 million in CPI bonds and up to \$80 million in Metropolitan District bonds. The Office further advised that Metropolitan District bond issuances will be structured to have level total payments, and it expects that CPI bond issuances will be structured to have level total payments after the second year. The Office also advised that its March 2024 CPI bonds and Metropolitan District bonds issuances are expected to have true interest costs of 4.1% and 4.5%, respectively, both with an anticipated interest rate of 5%.

The Office advised that it currently projects premiums of \$15 million and \$10 million, respectively, from the March 2024 CPI and Metropolitan District bond issuances. The Office further advised that the premiums will be used to pay rating agency fees, and the balance will be used to fund capital projects. In addition, the County expects to commit approximately \$100 million in MWIFA bonds at an anticipated interest rate of 2.5% to 3.0%, with issuances to occur at various times throughout the year.

Interest payments from the March 2024 CPI and Metropolitan District bond issuances are anticipated to begin September 1, 2024; principal payments from the March 2024 CPI and Metropolitan District bond issuances are anticipated to begin March 1, 2026 and March 1, 2025, respectively. The Office advised that if the County were to issue BANs in March 2024, there would be no principal payments due in FY 2025; the decision whether to sell BANs will be determined based on the interest rate environment at the time of sale.

The bill indicates that the outstanding balance of County G.O. debt as of September 30, 2023 plus the net balance of additional G.O. debt authorized by this bill, totals \$2,509,496,500. This level of outstanding debt (including pension obligation debt) is compliant with the County Charter limitation (4% of assessed property value). The Office provided a detailed breakdown of the estimated outstanding debt balance as of June 30, 2024. Projected debt as of June 30, 2024 subject to the guidelines adopted by the Spending Affordability Committee (excluding pension obligation debt) remains within maximum recommended levels. See Exhibit C.

Future debt ratios, as projected by the County's financial consultant Public Resources Advisory Group (PRAG) in its December 5, 2023 debt study, fall within legal limits and comply with the debt affordability guidelines of the County's Spending Affordability Committee (SAC).

The authority to issue the G.O. bonds proposed by Bill 93-23 expires on the latter of December 31, 2024 or upon expiration of any outstanding BANs.

Bill 93-23 will take effect 45 days after its enactment.

<b>CHART II</b>			
<b>Outstanding Issues</b>	<b>Dated Date</b>	<b>Callable Maturities</b>	<b>Aggregate Principal Amount of Callable Bonds</b>
Baltimore County Consolidated Public Improvement Bonds – 2009 Series C (RZEDBs)	11/10/09	11/1/26-11/1/29	\$10,200,000
Baltimore County Consolidated Public Improvement Bonds – 2010 Series B (QSCBs)	11/9/10	11/1/29	\$19,950,000
Baltimore County Consolidated Public Improvement Bonds – 2010 Series C (BABs)	11/9/10	11/1/23-11/1/30	\$93,000,000
Baltimore County Taxable General Obligation Bonds – 2012 Series	12/13/12	8/1/24-8/1/27, 8/1/32, 8/1/42	\$194,695,000
Baltimore County Consolidated Public Improvement Bonds – 2014 Series	2/20/14	2/1/25-2/1/34	\$75,000,000
Baltimore County Consolidated Public Improvement Bonds – 2014B Refunding Series	7/15/14	9/1/25	\$4,730,000
Baltimore County Consolidated Public Improvement Bonds – 2014B Series	12/23/14	8/1/25-8/1/34	\$58,000,000
Baltimore County Consolidated Public Improvement Bonds – 2015 Refunding Series	6/30/15	8/1/26-8/1/27	\$17,735,000
Baltimore County Consolidated Public Improvement Bonds – 2016 Series	3/8/16	2/1/27-2/1/36	\$58,000,000
Baltimore County Taxable General Obligation Bonds – 2016 Series	8/3/16	7/1/24-7/1/36, 7/1/46	\$125,655,000
Baltimore County Consolidated Public Improvement Bonds – 2017 Series	3/15/17	3/1/28-3/1/37	\$52,100,000
Baltimore County Consolidated Public Improvement Bonds – 2018 Series	3/16/18	3/1/29-3/1/38	\$77,310,000
Baltimore County Consolidated Public Improvement Bonds – 2019 Series	3/18/19	3/1/30-3/1/39	\$152,425,000
Baltimore County Consolidated Public Improvement Bonds – 2020 Series	3/19/20	3/1/31-3/1/40	\$157,180,000
Baltimore County Consolidated Public Improvement Bonds – 2021 Series	3/22/21	3/1/32-3/1/41	\$89,845,000
Baltimore County Consolidated Public Improvement Bonds – 2021 Refunding Series	3/22/21	8/1/32	\$11,055,000
Baltimore County Consolidated Public Improvement Bonds – 2022 Series	3/23/22	3/1/33-3/1/42	\$139,415,000
Baltimore County Consolidated Public Improvement Bonds – 2023 Series	3/24/23	3/1/34-3/1/43	\$18,590,000
Total			\$1,354,885,000

<b>CHART III</b>			
<b>Outstanding Issues</b>	<b>Dated Date</b>	<b>Callable Maturities</b>	<b>Aggregate Principal Amount of Callable Bonds</b>
Baltimore County Metropolitan District Bonds (73 <sup>rd</sup> Issue – Series B – BABs)	11/9/10	11/1/24-11/1/26, 11/1/32, 11/1/40	\$72,400,000
Baltimore County Metropolitan District Bonds (75 <sup>th</sup> Issue)	12/12/12	8/1/33-8/1/39, 8/1/42	\$20,000,000
Baltimore County Metropolitan District Bonds 2012 Refunding Series	12/12/12	8/1/28-8/1/32	\$8,210,000
Baltimore County Metropolitan District Bonds (76 <sup>th</sup> Issue)	2/20/14	2/1/25-2/1/44	\$41,100,000
Baltimore County Metropolitan District Bonds 2014 Refunding Series	2/20/14	8/1/24-8/1/34	\$16,260,000
Baltimore County Metropolitan District Bonds 2014C Refunding Series	7/15/14	9/1/25	\$2,875,000
Baltimore County Metropolitan District Bonds (77 <sup>th</sup> Issue)	12/23/14	8/1/25-8/1/38, 8/1/41, 8/1/44	\$56,000,000
Baltimore County Metropolitan District Bonds 2015 Refunding Series	6/30/15	8/1/26-8/1/30	\$47,865,000
Baltimore County Metropolitan District Bonds (78 <sup>th</sup> Issue)	3/8/16	2/1/27-2/1/41, 2/1/46	\$58,000,000
Baltimore County Metropolitan District Bonds 2016 Refunding Series	3/8/16	2/1/27-2/1/38	\$64,205,000
Baltimore County Metropolitan District Bonds (79 <sup>th</sup> Issue)	3/15/17	3/1/28-3/1/37, 3/1/42, 3/1/47	\$68,000,000
Baltimore County Metropolitan District Bonds (80 <sup>th</sup> Issue)	3/16/18	3/1/29-3/1/45, 3/1/48	\$185,190,000
Baltimore County Metropolitan District Bonds (81 <sup>st</sup> Issue)	3/18/19	3/1/30-3/1/40, 3/1/44, 3/1/49	\$203,275,000
Baltimore County Metropolitan District Bonds 2019 Refunding Series	8/6/19	11/1/30-11/1/39	\$32,315,000
Baltimore County Metropolitan District Bonds (82 <sup>nd</sup> Issue)	3/19/20	3/1/31-3/1/50	\$34,050,000
Baltimore County Metropolitan District Bonds (83 <sup>rd</sup> Issue)	3/22/21	3/1/32-3/1/51	\$167,010,000
Baltimore County Metropolitan District Bonds 2021 Refunding Series	3/22/21	8/1/32-8/1/41	\$33,505,000
Baltimore County Metropolitan District Bonds (84 <sup>th</sup> Issue)	3/24/23	3/1/34-3/1/53	\$182,405,000
<b>Total</b>			<b>\$1,292,665,000</b>

**CAPITAL BUDGET - DEBT AFFORDABILITY GUIDELINES**

**Debt Service<sup>(1)</sup> as % of General Fund Revenue**

Guideline - 9.5% of General Fund Revenue <sup>(2)</sup>	\$ 241,702,973
FY 2024 Budget	<u>(208,289,327)</u>
Under (Over) Guideline	<u>\$ 33,413,646</u>

**Debt Outstanding<sup>(1)</sup> as % of Total Property Value**

Guideline - 2.5% of Assessed Property Value	\$ 2,552,287,725
Estimated Debt Outstanding as of 6/30/2024	<u>(1,848,484,588)</u>
Under (Over) Guideline	<u>\$ 703,803,137</u>

**Legal Debt Limit <sup>(3)</sup>**

Estimated Assessable Base	\$ 102,091,509,000
	x 4%
Debt Limit Equal to 4% of Assessable Base	<u>\$ 4,083,660,360</u>

Estimated Debt Outstanding as of 6/30/2024		
Public Facility Bonds	\$ 704,355,000	
Public School Bonds	881,204,000	
Pension Obligation Bonds	307,536,000	
Community College Bonds	<u>133,271,000</u>	<u>(2,026,366,000)</u>
Under (Over) Legal Debt Limit		<u>\$ 2,057,294,360</u>

(1) Excludes Pension Obligation and Metropolitan District bonds, and Component Unit Capital Leases not budgeted under Primary Government.

(2) Estimated total revenues as provided by the Office of Budget and Finance.

(3) Excludes Certificates of Participation, Capital Leases, and Metropolitan District bonds.

**Bill 94-23****Council District(s) All**

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

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**Department of Permits, Approvals & Inspections**

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**The Plumbing and Gasfitting Code of Baltimore County**

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Bill 94-23 adopts the 2021 International Plumbing Code (IPC); the 2021 International Fuel Gas Code (IFGC); and the Liquefied Petroleum Gas Code, NFPA [National Fire Protection Association] 58, 2020 Edition, with certain amendments, deletions, replacements, and additions, as the Plumbing and Gasfitting Code of Baltimore County. See Exhibit A.

Baltimore County has for more than 50 years adopted the most recent editions of the National Standard Plumbing Code Illustrated (NSPCI), the National Fuel Gas Code (NFGC), and the Liquefied Petroleum Gas Code. However, the Administration advised that the State of Maryland has transitioned away from these national codes and has instead adopted certain international codes.

The Administration advised that the Plumbing and Gasfitting Board of Baltimore County worked with Department of Permits, Approvals and Inspections (PAI) staff to transition from the national codes to the international codes. The proposed legislation reflects local amendments, deletions, replacements, and additions to the international codes.

The Plumbing and Gasfitting Code provides local and State governments, code administrative bodies, and the industry with a modern code designed to ensure the proper installation of plumbing systems. It is maintained on a yearly basis and published every three years on the same schedule as the Building Code, with supplements added after each annual revision cycle. The Code was last adopted in 2015 with the enactment of Bill 41-15.

The Plumbing and Gasfitting Code is reviewed and updated annually by the County's Plumbing Code Committee to respond to changes in plumbing technology and industry practices country-wide. The Plumbing Code Committee consists of representatives from the County's Departments of Public Works and Transportation and Environmental Protection and Sustainability, the Chief

Plumbing Inspector within PAI, three Master Plumbers who sit on the Plumbing and Gasfitting Board, a Maryland Professional Engineer, and a representative of the Home Builders Association.

Bill 94-23 will take effect July 1, 2024.

## Executive Summary

Baltimore County last updated its Plumbing and Gasfitting Code with Bill 41-15 on May 4, 2015. This legislation implemented the National Standard Plumbing Code, PHCC, 2015 Edition; the National Fuel Gas Code, NFPA 54/ANSI Z223.1, 2015 Edition; and the Liquefied Petroleum Gas Code, NFPA 58, 2014 Edition. At this time, Baltimore County is moving to the International Plumbing Code, IPC, 2021 Edition; the International Fuel Gas Code, IFGC, 2021 Edition; and the Liquefied Petroleum Gas Code, NFPA 58, 2020 Edition. These are the most up-to-date international codes and have been adopted by the State of Maryland.

The Plumbing and Gasfitting Board of Baltimore County worked with staff in Permits, Approvals and Inspections to transition from the national codes to the international codes and support approval of this new legislation. The proposed legislation shows local amendments, deletions, replacements, and additions to the international codes.

Prepared by: Department of Permits, Approvals and Inspections



**Bill 95-23**

**Council District(s) All**

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

**Department of Permits, Approvals & Inspections**

**Development Management**

Bill 95-23 updates the approval process for amendments to a development plan. These updates are part of a package of legislation recommended by the Policy Manual Update Workgroup formed by the Department of Permits, Approvals and Inspections, as well as Department staff. See Exhibit A.

In general, approved development plans may be amended. These amendments may be minor in nature or more substantial, which are referred to as “material.” Currently, material amendments to non-residential projects follow the process that was in place when the development plan was originally approved. However, these processes, such as the County Review Group (CRG) and the Joint Subdivision Planning Committee (JSPC), no longer function in this capacity. These processes did not require community input meetings or hearings before an Administrative Law Judge, unlike current law.

Bill 95-23 updates Section 32-4-262 of the County Code and current practices to require material amendments to non-residential development plans go through the review process that is currently in place under existing law in Title 4 of Article 32 for residential development plans. The proposed legislation, therefore, would have residential and non-residential projects follow the same process when a material amendment is proposed.

Bill 95-23 will take effect 45 days after its enactment.

## Executive Summary

The Department of Permits, Approvals and Inspections is proposing to update outdated policy manuals. In concert with making these updates, additional legislation has been identified by staff and the policy manual workgroup. This proposed legislation concerns how approved development plans are amended.

In Baltimore County, approved development plans may be amended periodically. These amendments could be minor in nature, or more substantial, which are referred to as “material”. This proposed legislation updates Baltimore County Code Section 32-4-262 to require material amendments to non-residential development plans go through the review process that is currently in place under existing law in Title 4 in Article 32 as residential development plans do. The proposed legislation, therefore, would have residential and non-residential projects follow the same process when a material amendment is proposed.

Currently, material amendments to non-residential projects follow the process that was in place when the development plan was originally approved. However, these processes such as the County Review Group (CRG) and the Joint Subdivision Planning Committee (JSPC) no longer function in this capacity. These processes did not require Community Input Meetings or hearings before the Administrative Law Judge, unlike current law.

Prepared by: Department of Permits, Approvals and Inspections

Bill 96-23

Council District(s) All

Mr. Jones (By Req.)

Department of Permits, Approvals & Inspections

Development Management

Bill 96-23 updates the definition of a minor development. These updates are part of a package of legislation recommended by the Policy Manual Update Workgroup formed by the Department of Permits, Approvals and Inspections, as well as Department staff.

Currently, Section 32-4-101 of the County Code defines a minor development as “(1) A development without a public works agreement; (2) A residential development with a public works agreement involving only road widening; or (3) A development in which the improvements are determined by the Director of Permits, Approvals and Inspections as minimal under § 32-4-304(e) of this title.”

When a minor development goes through the development plan review process, the project is eligible to apply to the Development Review Committee (DRC) to ask for a “limited exemption” process, which entitles the minor development to a review that does not go before an Administrative Law Judge or to a community input meeting, although some limited exemption types must be posted for public notification. If the DRC permits the minor development to go through a limited exemption process, the development plan is reviewed and approved administratively.

The Administration advises that, over time, the definition of a minor development has become outdated and should include more detail when describing the type of project that would or would not be eligible for a limited exemption. Specifically, the current definition does not adequately address public works agreements.

Public works agreements are required per Section 32-4-304 when there are public improvements proposed as part of the development plan review process. They are used to protect the County if the applicant is unable to complete the work in the case of securities, and also assign ownership

and responsibility. Applicants may apply for a waiver to the public works agreement if the public improvements are minimal, “including: (1) Fire hydrants; (2) Water or sewer extensions; (3) Storm drain extensions; (4) Curb, gutter, or pavement projects; (5) Traffic control devices; or (6) Other similar improvements.”

Bill 96-23 adopts the same language as Section 32-4-304 on public works agreements, for the definition of a minor development. It also adds references to the Development Management and Plan Review Policy Manual and to the process described within it for how the DRC decides if a project is eligible for a limited exemption. Public works agreements are one factor, but different County departments each use unique criteria to decide whether a development project is minor and therefore able to follow the limited exemption process. The Administration advised that the proposed language makes it easier for the DRC to be consistent in applying criteria for what can be considered a minor development.

Bill 96-23 will take effect 45 days after its enactment.

## Executive Summary

The Department of Permits, Approvals and Inspections is proposing to update outdated policy manuals. In concert with making these updates, additional legislation has been identified by staff and the policy manual workgroup. This proposed legislation concerns the definition of a “minor development”.

Baltimore County Code Section 32-4-101 defines minor development as meaning: “(1) A development without a public works agreement; (2) A residential development with a public works agreement involving only road widening; or (3) A development in which the improvements are determined by the Director of Permits, Approvals and Inspections as minimal under § 32-4-304(e) of this title.”

Projects that meet this definition that are going through the development plan review process, are eligible to apply to the Development Review Committee (DRC) to ask for a “limited exemption” process, which entitles them to a review that does not go before the Administrative Law Judge or to a Community Input meeting, although some limited exemption types must be posted for public notification. The plan is reviewed and approved administratively. Over time, this definition has become outdated and needs to be include more detail when describing the type of project that would be eligible for a limited exemption and the type of project that would not be.

Public Works Agreements are required per Section 32-4-304 when there are public improvements proposed as part of the development plan review process. They are used to protect the County if the applicant is unable to complete the work in the case of securities, and also assign ownership and responsibility. Applicants may apply for a waiver to the Public Works Agreement if the public improvements are minimal, “including: (1) Fire hydrants; (2) Water or sewer extensions; (3) Storm drain extensions; (4) Curb, gutter, or pavement projects; (5) Traffic control devices; or (6) Other similar improvements.”

The proposed legislation takes that same language as Section 32-4-304 on Public Works Agreements, but substitutes it for the definition of a minor development. It also adds reference to the Development Management and Plan Review Policy Manual and to the process described within it for how the DRC decides if a project is eligible for a limited exemption. Public Works Agreements are one factor, but different County departments each use unique criteria to decide whether a development project is minor and therefore able to follow the limited exemption process.

This proposed language makes it easier for the DRC to be consistent in applying criteria for what can be considered a minor development.

Prepared by: Department of Permits, Approvals and Inspections

**Bill 97-23**

**Council District(s) All**

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

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**Department of Permits, Approvals & Inspections**

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**Development Management**

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Bill 97-23 updates the ability of the Director of Permits, Approvals and Inspections (PAI) to waive a Hearing Officer's hearing. These updates are part of a package of legislation recommended by the Policy Manual Update Workgroup formed by PAI, as well as PAI staff. See Exhibit A.

The Hearing Officer is also referred to as the Administrative Law Judge (ALJ). Unless eligible for a limited exemption, all development plans go to an ALJ for approval. To determine whether a project is eligible for a limited exemption, the Development Review Committee (DRC), comprised of representatives from each reviewing agency, makes a recommendation to the Director of PAI regarding which route a project will take. Since the Director does not waive hearing requirements, this section of the Code can be deleted.

Bill 97-23 will take effect 45 days after its enactment.

## Executive Summary

The Department of Permits, Approvals, and Inspections (PAI) is proposing to update outdated policy manuals. In concert with making these updates, additional legislation has been identified by staff and the policy manual workgroup. This proposed legislation concerns the Director of PAI and the ability to waive a Hearing Officer's Hearing.

The Hearing Officer is also referred to as the Administrative Law Judge (ALJ). Unless eligible for a limited exemption, all development plans go to the ALJ for approval. To determine whether a project is eligible for a limited exemption, the Development Review Committee (DRC), made of representatives from each reviewing agency, makes a recommendation to the Director of PAI regarding which route a project will take.

The Director does not waive hearing requirements, so this section of the code can be deleted.

Prepared by: Department of Permits, Approvals and Inspections

Bill 98-23

Council District(s) 2

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**Mr. Patoka**

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**Zoning Regs. – Uses Permitted – D.R. 5.5 Zone – Central Community Hub**

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Bill 98-23 establishes the definition of a central community hub and permits it in the Density Residential (D.R.) 5.5 Zone under certain circumstances.

A central community hub is defined as a facility or group of facilities, situated on a single tract of land, which provides a variety of commercial, civic, social, and recreational activities meant to serve the residents of the adjacent and surrounding communities. A central community hub includes, but is not limited to, retail; commercial recreational facilities; libraries; performance spaces; group child-care centers; senior centers; studios; vocational training spaces; offices; standard restaurants; breweries; and supporting parking.

A central community hub must be located on a tract of land that is:

- zoned D.R. 5.5 and served by public utilities;
- at least 10 acres in size;
- within the Pikesville Commercial Revitalization District;
- improved with a building on the Maryland Inventory of Historic Properties and the National Register of Historic Places; and
- owned or operated by a not-for-profit organization.

A plan for development for any portion of a central community hub must be processed in the same manner as a limited exemption under § 32-4-106(a) of the Baltimore County Code. Also, a central community hub is exempt from certain residential transition area requirements.

Parking for a central community hub must be provided in accordance with the requirements for the individual uses that comprise the central community hub. However, when a central community hub is fully developed, it must provide a minimum of 400 parking spaces, unless a smaller total number of spaces is:



- warranted by combining the total number of spaces required for the individual uses within the central community hub; or
- approved by the Director of the Department of Permits, Approvals and Inspections as sufficient.

Bill 98-23 will take effect 14 days after its enactment.

Bill 99-23

Council District(s) 3

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**Mr. Kach**

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**Zoning Regs. – Uses Permitted – R.C.2 Zone – Water Treatment  
and Plumbing Services Shop**

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Bill 99-23 permits a water treatment and plumbing services shop in the Resource Conservation (R.C.)2 Zone under certain circumstances. The property on which the shop is located must be:

- outside of the Urban Rural Demarcation Line (URDL);
- less than 2 acres; and
- zoned a combination of R.C.2 and Business Local-Commercial Rural (B.L.-C.R.).

A water treatment and plumbing services shop permitted under Bill 99-23 may include assembly, warehousing, and storage of necessary materials, equipment, and supplies, administrative offices, and retail sale of items sold in the normal course of business. Such a shop may also have accessory outdoor storage of materials and inventory, storage and parking of business equipment and vehicles utilized for off-site activities for the business, and parking of automobiles and other vehicles associated with the business. However, the parking areas must be screened and lighted according to an approved landscape and lighting plan.

Any buildings constructed on the R.C.2 zoned portion of the property may not exceed a footprint of 6,000 square feet with a maximum building height of 25 feet and shall maintain a minimum 15-foot front, side, or rear setback from a property line or street right-of-way line.

Bill 99-23 will take effect 14 days after its enactment.

**FM-1 (Contract)**

**Council District(s) All**

**Executive Office**

**Energy Consulting Services – Electricity & Gas Procurements**

The Administration is requesting approval of a contract with Enel X Advisory Services USA, LLC (previously d/b/a EnerNOC, Inc.) to provide energy consulting services for electricity and natural gas procurements. The contract commences upon Council approval, continues through June 30, 2024, and will renew automatically for nine additional 1-year periods with the option to extend the initial term or any renewal term an additional 120 days. The contract provides that compensation may not exceed the amount appropriated for these services for the entire contract term. Based on the fees included in the contract, estimated compensation totals \$8,508 for the initial approximate 6-month term and \$214,317 for the entire approximate 9-year and 10-month term, including the renewal and extension periods. See Exhibit A.

**Fiscal Summary**

<b>Funding Source</b>	<b>Initial Term</b>	<b>Total Compensation</b>	<b>Notes</b>
<b>County</b> <sup>(1)</sup>	\$ 8,508	\$ 214,317	(1) General Fund Operating Budget (reflects costs for General Government, BCPL, CCBC, and Revenue Authority). (2) Estimate for the initial approximate 6-month term. (3) Estimate for the entire approximate 9-year and 10-month term, assuming the maximum 5% increase in each renewal period.
<b>State</b>	--	--	
<b>Federal</b>	--	--	
<b>Other</b>	--	--	
<b>Total</b>	<u>\$ 8,508</u> <sup>(2)</sup>	<u>\$ 214,317</u> <sup>(3)</sup>	

**Analysis**

Baltimore County Government (including the General Government, Community College of Baltimore County, Baltimore County Public Library, and Revenue Authority) is one of the participating entities in the consortium that comprises the Baltimore Regional Cooperative Purchasing Committee (BRCPC). The contractor will act as a consultant in matters related to the procurement of electricity and natural gas for the BRCPC and each of its 24 participating entities.

Services will include: energy procurement strategy development and implementation; identification of risk profiles, time frames, and cost targets; procurement of retail suppliers to purchase electricity and natural gas on the wholesales markets including data collection, supplier identification, contracting, and implementation; renewable energy market analysis; contract performance monitoring; and reports and budget projections on an as-needed basis. The Administration advised that the contractor will work closely with the County's retail suppliers of electricity and natural gas, directing both hedge purchases and purchases on the daily markets.

The contract commences upon Council approval, continues through June 30, 2024, and will renew automatically for nine 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 provides that compensation may not exceed the amount appropriated for these services for the entire contract term. The contract further provides that the contractor will be paid \$12,000 per month for electricity consulting and \$3,500 per month for natural gas consulting during FY 2024 by all 24 participating entities combined. The County will pay a percentage of this monthly charge (\$1,021 per month for electricity consulting and \$397 per month for natural gas consulting) based upon its percentage of BRCP's total electricity and natural gas usage in FY 2023. Estimated compensation totals \$8,508 for the initial approximate 6-month term, including costs for the General Government, Community College of Baltimore County, Baltimore County Public Library, and Revenue Authority. The Administration advised that Baltimore County Public Schools will cover its share of the contract costs.

Prior to the commencement of each renewal period, the BRCP may entertain a request for an escalation in current pricing in accordance with the Consumer Price Index – All Urban Consumers (CPI-U) – Baltimore-Columbia-Towson, MD – All Items – Not Seasonally Adjusted, 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. Assuming the maximum 5% increase in pricing in each renewal period, estimated compensation for the entire 9-year and 10-month term, including the renewal and extension periods, totals \$214,317 (based on the County's current percentage of BRCP's total electricity and natural gas usage). The County may terminate the agreement by providing 30 days prior written notice.

The County awarded the contract as a cooperative procurement with the BRCP, with Howard County, Maryland as the lead agency, based on qualifications, value, and experience. According to the bid documents, there is a 15% M/WBE participation goal.

On November 7, 2011, the Council approved a similar 10-year agreement with the contractor, which was subsequently amended (October 21, 2013, November 7, 2016, November 15, 2021, and June 6, 2022) to a 12-year and 7<sup>3</sup>/<sub>4</sub>-month term, through the earlier of June 30, 2024 or the date a new contract is executed. (The first and second amendments related to tracking energy usage services, which the Administration advised are currently under separate contracts with Hatch Data, Inc.; the Council was notified of these contracts via Correspondence presented at the July 3, 2023 legislative session.) The County's financial system indicated that expenditures/encumbrances under this contract as of November 30, 2023 totaled \$634,831.

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**

The proposed contract with Enel X Advisory Services LLC is for energy consulting services for electricity and natural gas procurements for Baltimore County and the other Baltimore Regional Cooperative Purchasing Committee (BRCPC) entities in accordance with the specifications set forth in the Howard County, Maryland Request for Proposals No. 13-2023.

The Contractor shall provide the following services to assist the BRCPC entities in their procurement of electricity and natural gas:

1. Energy procurement strategy development and implementation.
2. Gather market data and prepare all necessary market analysis to assist in the development of the energy procurement strategy, including renewable energy.
3. Identifying risk profiles, time frames, and cost targets.
4. Procurement of a retail supplier to purchase electricity and natural gas on the wholesale markets. Identify and Qualify Retail Suppliers: Identify all viable suppliers and put them through a pre-qualification process. This process will consider financial stability, ability to serve, review of existing arrangements/contracts, credit issues, day ahead purchasing capability/flexibility, contract terms and conditions and other criteria.
5. Data Collection: Historical electricity data for all of the accounts must be collected, checked for accuracy, compiled, analyzed and placed into a format that can be easily provided to all potential suppliers.
6. Provide ongoing advice on energy commodity strategy and execution as the BRCPC entities purchase electricity and natural gas directly in the wholesale markets.
7. Provide ongoing advice on renewable energy procurement, markets, and Renewable Energy Credit (REC) prices.
8. Energy Market Reports and Reporting: Submit current energy market information available via the web and also through a more customized reporting process.
9. The Contractor shall attend all meetings requested by the BRCPC Entities as a group or individually. The Contractor shall also provide all information and reports as requested by the BRCPC entities or by each entity individually. The Contractor shall also attend the BRCPC Energy Board meeting once a month and present a report on the portfolio performance and activity for each energy commodity being procured by the BRCPC entities.

The monthly consulting fee allocations to the Baltimore County Government (including the general government, the libraries, the Revenue Authority, and Community Colleges) is \$1,021 per month for electricity procurement consultation and \$397 per month for natural gas procurement consultation.

The term is effective when executed by the County and shall continue through June 30, 2024 (the initial term), at which time the County may exercise its option to renew. The County reserves the right to renew the agreement for nine (9) additional one-year renewal periods on the same term and conditions.

**Prepared by: Executive Office**

**FM-2 (Contract)**

**Council District(s) All**

**Department of Public Works and Transportation**

**Repair/Recalibration – Sanitary Sewer Open Channel Flow Meters**

The Administration is requesting approval of a contract with Teledyne Instruments, Inc. d/b/a Teledyne ISCO and Teledyne SSI to provide repair and/or maintenance services, equipment, and replacement parts for the County’s Teledyne ISCO sanitary sewer open channel flow meters. 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 180 days. Compensation may not exceed the amount appropriated for these services for the entire contract term. The Department advised that estimated compensation totals \$141,760 for the entire 5-year and 6-month term, including the renewal and extension periods. See Exhibit A.

**Fiscal Summary**

<b>Funding Source</b>	<b>Total Compensation</b>	<b>Notes</b>
<b>County</b> <sup>(1)</sup>	\$ 141,760	<sup>(1)</sup> Metropolitan District Operating Funds. <sup>(2)</sup> Estimate for the entire 5-year and 6-month term.
<b>State</b>	--	
<b>Federal</b>	--	
<b>Other</b>	--	
<b>Total</b>	\$ 141,760 <sup>(2)</sup>	

**Analysis**

The contractor will provide repair and/or maintenance services, water/wastewater sampling and flow monitoring equipment, and replacement parts for more than 150 County-owned Teledyne ISCO sanitary sewer open channel flow meters. The meters are used to monitor sewerage capacity, which is necessary and is required by the County’s 2005 consent decree with the U.S.

Department of Justice, U.S. Environmental Protection Agency, and the Maryland Department of the Environment. The meters use wave Doppler, ultra-sonic, and laser technology to measure the mean velocity of the flow.

Equipment, parts, and freight will be billed at the then current list prices. The contractor will be paid an hourly rate of \$165 for the initial term with the rate to be renegotiated for each subsequent term. On-site services are subject to contractor's then current hourly and/or daily labor rate in addition to room, board, and transportation costs.

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 180 days on the same terms and conditions, unless the County provides notice of non-renewal. Compensation may not exceed the amount appropriated for these services for the entire contract term. The Department advised that estimated compensation totals \$141,760 for the entire 5-year and 6-month term, including the renewal and extension periods. The County may terminate the agreement by providing 30 days prior written notice.

The County awarded the contract on a sole-source basis due to the proprietary nature of the equipment to be serviced.

On August 5, 2019, the Council approved a similar 5-year and 3-month contract (effective October 31, 2018) with Teledyne Instruments, Inc. d/b/a Teledyne ISCO and Teledyne SSI. The County's financial system indicates that as of November 27, 2023, the County expended/encumbered \$158,240 under the contract.

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...."



## **EXECUTIVE SUMMARY**

Baltimore County currently owns over 150 Teledyne/ISCO sanitary sewer open channel flow meters that are used throughout the county to stay in compliance with the EPA/MDE consent decree. The flow meters occasionally need repair and or recalibration. Teledyne/ISCO uses proprietary technology in their metering equipment so they are the only vendor that can service this metering equipment. Since the County is under consent decree we will need to continue flow monitoring to stay in compliance. The existing master agreement is #00003986

This contract will replace an existing service contract with Teledyne/ISCO that expires 1/28/2024. The estimated compensation is \$141,760.19 (new contract will be same as the old one; 1 year with 4 - one year renewals).

Prepared By: Department of Public Works and Transportation

FM-3 (Contract)

Council District(s) All

**Office of Information Technology**

**Customizable Mobile Wellness – First Responders**

The Administration is requesting approval of a contract with Lexipol, LLC to continue to provide a customizable mobile wellness app for Baltimore County’s public safety employees (i.e., Police, Fire, Corrections, and 911). The contract commenced August 1, 2023, continues for 1 year, and will renew automatically for four additional 1-year periods. The contract does not specify a maximum compensation for the initial or entire term. The Office advised that estimated compensation totals \$900,000 (\$770,000 for the subscription cost and a \$130,000 contingency) for the entire 5-year term, including the renewal periods. See Exhibit A.

**Fiscal Summary**

<b>Funding Source</b>	<b>Total Compensation</b>	<b>Notes</b>
<b>County</b> <sup>(1)</sup>	\$ 900,000	(1) General Fund Operating Budget.
<b>State</b>	--	(2) Estimate for the entire 5-year term.
<b>Federal</b>	--	
<b>Other</b>	--	
<b>Total</b>	\$ 900,000 <sup>(2)</sup>	

**Analysis**

The contractor will continue to provide a customized mobile wellness app for the County’s public safety employees (i.e., Police, Fire, Corrections, and 911). The app offers employees the ability to locate therapists; access resources to support fitness, nutrition, and injury prevention; participate in courses covering topics such as managing stress, post-traumatic stress disorder, and family and work relationships; and access peer and chaplain support. The Office advised

that agency personnel can manage agency-specific content, including adding wellness videos and articles and maintaining wellness calendars.

The Office advised that the annual subscription cost totals \$154,000, including \$30,000 for the 911 Center, \$34,000 for the Department of Corrections, \$45,000 for the Fire Department, and \$45,000 for the Police Department, or \$770,000 over the 5-year term. The Office further advised that the estimated total compensation includes a \$130,000 contingency (e.g., for software upgrades and for the possible addition of the Sheriff's Office).

The contract commenced August 1, 2023, continues for 1 year, and will renew automatically for four additional 1-year periods 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 or entire term. The Office advised that estimated compensation totals \$900,000 (including the \$770,000 subscription cost and the \$130,000 contingency) for the entire 5-year term, including the renewal periods.

The contract states that prior to the commencement of each renewal period, the contractor reserves the right to increase its fees 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. However, the Office advised that the pricing for the 911 Center, Department of Corrections, Fire Department, and Police Department is locked in for the 5-year term. The County may terminate the agreement by providing 60 days prior written notice; however, the contract provides that fees paid for online services (as opposed to professional services) are not eligible for refund, proration, or offset.

The Office advised that the County awarded the contract on a sole-source basis due to the contractor offering the only customizable mobile wellness app that includes all public safety groups and offers extensive resources.

The Administration notified the Council of the initial \$90,000 app purchase (\$45,000 per year for a 2-year period) for the Police Department (with Cordico, Inc. which is now Lexipol, LLC) via Correspondence presented at the August 2, 2021 legislative session. The Administration then notified the Council via Correspondence presented at the September 6, 2022 legislative session of an estimated \$270,000 increase to the total award (to \$360,000), representing the purchase of the app for the Fire Department, Department of Corrections, and 911 Center (\$45,000 per agency

per year for a 2-year period). The Office advised that the County subsequently received a discount price for Corrections and 911 Center. The Office further advised that as of December 12, 2023, expenditures/encumbrances under the contract totaled \$289,000. The Office also advised that the app for the 911 Center expired July 31, 2023, although it is still active.

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....” Because the proposed agreement commenced prior to Council approval, we believe this situation constitutes a violation of the aforementioned section of the County Charter.

## **EXECUTIVE SUMMARY**

The purpose of this request is for Baltimore County to enter into an agreement with Lexipol for continued use of its customized mobile wellness app for public safety agencies, designed by an experienced psychologist. The Guardian Wellness App is the only fully customizable mobile wellness app for first responders which includes vetted therapist finders with geo-location technology; teletherapy portal access (optional); specialized Wellness Toolkit content; and the capabilities for agency-designated personnel to engage in customization and modification of content within the App.

The Lexipol, LLC, formerly Cordico Inc., product was identified as a required resource by the Baltimore County Police Department after the start of the COVID pandemic. Baltimore County Police were the first to procure the Cordico Mobile Wellness App with CARES funding to help their first responders navigate the challenges that stemmed from the global health crisis. Baltimore County Fire, 911 Office, and Corrections followed suit, procuring licenses soon after Police. This agreement is to continue the existing subscriptions for Police, Fire, 911 and Corrections.

Prepared By: Office of Information Technology

**FM-4 (Contract)**

**Council District(s) All**

**Department of Health and Human Services**

**Animal Boarding Services**

The Administration is requesting approval of a contract with Dogwood Kennel, LLC, a full-service, 24-hour animal boarding facility in Windsor Mill, to continue providing long-term and emergency boarding of dogs housed by Baltimore County Animal Services (BCAS) (e.g., pending Animal Hearing Board decisions or cruelty investigations). The contract commences December 18, 2023 and continues for 1 year. Compensation may not exceed \$65,000. See Exhibit A.

**Fiscal Summary**

<b>Funding Source</b>	<b>Maximum Compensation</b>	<b>Notes</b>
<b>County</b> <sup>(1)</sup>	\$ 65,000	<sup>(1)</sup> General Fund Operating Budget.
<b>State</b>	--	<sup>(2)</sup> For the 1-year term.
<b>Federal</b>	--	
<b>Other</b>	--	
<b>Total</b>	\$ 65,000 <sup>(2)</sup>	

**Analysis**

Under the proposed contract, Dogwood Kennel, LLC will continue providing long-term and emergency boarding of dogs housed by BCAS (e.g., pending Animal Hearing Board decisions or cruelty investigations). The Department advised that services include housing the dogs in a secure, temperature-controlled facility, with each dog in their own individual dog run, walks 3 to 4 times daily, plus feeding and medicating as directed by BCAS medical staff. The Department further advised that BCAS is providing all dog food, medication, and monthly preventatives. The Department further advised that it estimates that the contractor will provide services to 40 dogs.

The contractor will provide services at a cost of \$26 per dog per day (plus a medication administration charge of \$0.01 per medication).

The contract commences December 18, 2023 and continues for 1 year. Compensation may not exceed \$65,000. The County may terminate the agreement by providing written notice.

The Department advised that due to a large volume of dogs rescued from two hoarding situations and an infectious disease outbreak in BCAS, the County entered into a contract with Dogwood Kennel on an emergency basis for the period July 1, 2021 through June 30, 2022 at a cost of \$19,756. The Department further advised that it required additional services from Dogwood Kennel from July 1, 2022 through May 21, 2023 and expended \$63,194 for these services. The County entered into another contract with Dogwood Kennel from May 22, 2023 through May 21, 2024; the County's financial system indicated that as of December 12, 2023, expenditures/encumbrances under the contract totaled \$14,136. The Department further advised that the proposed 1-year contract will provide time for the County to competitively procure a new contract for these services.

The Department requested that the proposed contract be designated a noncompetitive 902(f) award secured in the best interest of the County because the contractor provides the greatest level of care and interaction with the dogs for the least expensive cost when compared to other local dog boarding facilities; the contractor is also able to respond quickly.

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...." Because the Department expended more than \$25,000 without an approved contract, we believe this situation constitutes a violation of the aforementioned section of the County Charter.

## **EXECUTIVE SUMMARY**

### **Dogwood Kennel**

The Baltimore County Department of Health, Animal Services Division is seeking long-term boarding of dogs housed by BCAS pending Animal Hearing Board decision or cruelty investigation.

Dogwood Kennel, LLC is a full-service 24-hour animal boarding facility that currently provides Baltimore County Animal Services (BCAS) with canine boarding. BCAS began using their services in an emergency due to a large number of dogs being rescued from two (2) separate hoarding situations that occurred in the summer of 2021. When space to house dogs within the Baldwin shelter became tight due to an infectious disease outbreak, in addition to the influx of many extra dogs due to these seizures, these specific dogs were transferred to Dogwood Kennel. The dogs that are currently housed at Dogwood Kennel are boarded by Baltimore County as they await decisions from the Animal Hearing Board (s) regarding their cruelty case(s). Dogwood is located in a convenient area of the county that BCAS Animal Control Officers and medical staff can access to check on dogs and transport to or from as needed. This kennel is able to provide these dogs with walks multiple times a day and more one-on-one attention than what we can provide at the shelter, which is included in their base price of \$26/day.

BCAS has not worked with an outside boarding facility prior to Dogwood Kennel, LLC. When the large intake of dogs occurred in the summer of 2021, and then the infectious disease outbreak occurred concurrently, we were faced with an overcrowded shelter and limited ability to care for them in the proper manner. The infectious disease outbreak that occurred shortly after sent us to Dogwood Kennel on an emergency need and they quickly accommodated the need of eight (8) dogs. Ever since Dogwood started boarding these dogs, they have been receptive to all communications and visits with BCAS. They have been providing a high standard of care to the dogs and are very closely monitoring them for any physical or mental changes.

In the event these services were unavailable, the Division would return the dogs to the shelter and their care would continue but in a limited capacity. Long-term boarding can affect the mental health of the dog in a negative manner so this additional stimulation and activity is showing to be beneficial to the dogs currently in their care. Capacity of care at the shelter would decrease as the additional needs and kennel space for these dogs would limit the space and time available.

Dogwood Kennel LLC is providing services at a cost of \$26 per dog per day. This cost includes housing in a secure, temperature-controlled facility, with each dog in their own individual dog run, walks 3-4 times daily, plus feeding and medicating as directed by the BCAS medical staff. BCAS is providing all dog food to assure consistent diets are fed, as well as all medication and monthly preventatives. When this situation arose back in the summer of 2021, the \$22 per dog per day was comparable to the other kennels in the area, with that price being at the low end.

However, since that time, just like everything else, the prices have increased substantially. In researching pricing at other boarding facilities in Baltimore County, it has become very evident that Dogwood is by far the least expensive at the \$26/day, especially since that price includes the level of interaction that is usually at an extra cost.



For example:

1. Deer Park Kennels in Owings Mill, MD is currently charging \$33-\$38 per day, per dog, based on their weight. There are additional charges of \$5 per walk and \$3-\$5 for medications to be administered.
2. K9 Koncepts in Sparrows Point is currently charging \$50 per day, per dog
3. Debendale Dog Hotel in Reisterstown is \$45 per day, per dog

Lastly, Dogwood Kennel LLC's current rates for boarding range from \$47 - \$56 per day, per dog, and there are extra charges for the level of care and interaction the dogs who are boarded there are currently getting at no extra cost.

Prepared by: Department of Health and Human Services

MB-3 (Res. 38-23)

Council District(s) 5

**Department of Recreation and Parks**

**Exchange of County-Owned Parcel – Maryland Transportation Authority (MDTA)**

The Administration is requesting approval of a land exchange with the Maryland Transportation Authority (MDTA) to convey approximately 25.4 acres of County-owned property valued at \$300,000, located on the east side of Raphel Road and bordering the north side of I-95 in Kingsville, to the MDTA pursuant to a previously-approved Memorandum of Understanding. In exchange for the County property, the MDTA will convey approximately 35.68 acres of property valued at \$450,000, located at 11211 Raphel Road, and will provide a \$2,750,000 financial contribution to the County to be utilized for park improvements on the property, which will serve as an addition to Mount Vista Park in the Upper Falls area. The Department advised that the conveyance of the properties will allow the MDTA to construct a maintenance facility with direct access to and from I-95. See Exhibit A.

**Fiscal Summary**

There is not a fee associated with the exchange of properties. As part of the exchange of property, the MDTA will provide a \$2,750,000 financial contribution to the County to be utilized for park improvements on the conveyed 35.68-acre property, which will serve as an addition to Mount Vista Park.

**Analysis**

On November 21, 2022, the Council approved a Memorandum of Understanding (MOU) with the MDTA, which provided for the associated steps and processes that would result in the County conveying approximately 25.4 acres of County-owned property (zoned RC-7, Resource Conservation-Resource Preservation) valued at \$300,000 to the MDTA in exchange for approximately 35.68 acres of property (also zoned RC-7) valued at \$450,000 and a \$2,750,000 financial contribution for additional acreage and improvements to Mount Vista Park in the Upper

Falls area. The Department previously advised that the execution of the MOU is contingent upon multiple approvals, including approval of a Program Open Space (POS) conversion proposal; Council approval of the proposed land exchange (the proposed Resolution); and the approval of the land exchange and associated funding at the State level.

The Department advised that the MDTA is seeking to construct a maintenance facility on Raphel Road to enable quick access to the portion of I-95 that is being improved as part of the I-95 northbound Express Toll Lane (ETL) extension project. The Department further advised that the property to be conveyed by MDTA was previously acquired for this purpose; however, concerns were raised over impacts to property owners along Raphel Road. The Department also advised that by acquiring the County's property, MDTA will alleviate those concerns and have direct access to and from I-95 as the property borders the highway.

The 25.4-acre property to be conveyed by the County is located on the east side of Raphel Road, bordering the north side of I-95, is unimproved, and is subject to POS provisions. The Department advised that a POS conversion proposal was submitted to and approved by the Maryland Department of Natural Resources, enabling the MDTA property to act as mitigation for the County's property and become subject to POS deed restrictions.

The 35.68-acre property to be conveyed by the MDTA is part of a larger 66.07-acre parcel located at 11211 Raphel Road and is unimproved. The Department advised that the County will use the property as an addition to the adjacent Mount Vista Park, increasing the park's size to approximately 147 acres. The Department further advised that in recognition of the substantial cost savings the MDTA will realize by constructing a maintenance facility adjacent to I-95, the MDTA will provide a \$2,750,000 financial contribution to the County to be utilized for park improvements on the site, which has been appropriated in the FY 2024 Capital Budget. The Department also advised that the design and development of any park improvements have not been completed yet, and the need for a potential County contribution has not been determined at this time. In addition, the MDTA shall enter into a contract to reforest 6.1 acres of the property; the contractor will perform all required maintenance of the reforestation area and comply with any mitigation requirements during a 2-year monitoring period.

On April 2, 2007, the Council approved a \$1.05 million contract to acquire approximately 26.8 acres of property (the proposed property to be conveyed) from Thomas W. Schmidt, Personal Representative for the Estate of Annabelle Witt Schmidt a/k/a Annabelle Schmidt, to be used for recreation and parks or other governmental purposes. On January 4, 2021, the Council approved

a \$16,850 contract to convey two parcels of this property, consisting of approximately 1.4 acres, to the MDTA to make improvements to I-95 as part of the ETL extension project.

County Code, Section 3-9-103(c), requires Council approval of an exchange of real or leasehold property valued more than \$25,000.

Resolution 38-23 shall take effect from the date of its enactment by the County Council.

## Executive Summary

PROGRAM TITLE: Raphel Road Land Exchange

PROJECT NUMBER: N/A

FISCAL MATTER: Resolution

PROPERTY TO BE CONVEYED

Property Owners: BALTIMORE COUNTY, MARYLAND

Location: Northeast corner of Raphel Road and I-95  
Kingsville, MD 21156

Property To Be Conveyed: 25.4 acres, more or less

PROPERTY TO BE ACQUIRED

Property Owners: MARYLAND TRANSPORTATION AUTHORITY  
(MDTA)

Location: Part of 11211 Raphel Road  
Kingsville, MD 21156

Property To Be Acquired: 35.68 acres, more or less, being part of  
Tax ID 11-1900003442

CONSIDERATION: \$0.00 (commensurate exchange; see summary  
that follows for additional fiscal information)

PURPOSE OF PROJECT: To obtain approval of the County Council for the  
exchange of 25.4 acres +/- Baltimore County owned  
property and 35.68 acres +/- from the Maryland  
Transportation Authority (MDTA), in conjunction  
with MDTA's desire to construct a highways facility  
with direct access to I-95.

PROJECT NARRATIVE:

This land exchange, which required State of Maryland approval for a Program Open Space (POS) land conversion since the County property to be exchanged was funded with POS funding, was initiated as a result of the Maryland Transportation Authority's (MDTA) desire to construct a highways facility on Raphel Road (Kingsville), with direct access to Interstate 95.

The property to be released and conveyed to MDTA consists of approximately 25.4 acres of land immediately south of Mount Vista Park, being formerly known as the Schmidt Property. The property to be conveyed to the County for park purposes is an approximately 35.68-acre portion of the former Rutkowski Farm Property, immediately north of Mount Vista Park.

The proposed exchange was outlined in an executed MOU dated November 2022. A POS conversion package was submitted to and approved by the Maryland Department of Natural Resources. The land to be conveyed to the County shall serve as an addition to Mount Vista Park, increasing that park's size from 111.1 acres to approximately 146.8 acres. As part of the negotiated land exchange, MDTA will also convey a sum of \$2,750,000 to the County, to be utilized for improvements to Mount Vista Park. That funding was budgeted to the Parks, Preservation, and Greenways capital budget as part of the Fiscal Year 2024 CIP approval process.

Prepared by: Department of Recreation and Parks

**MB-4 (Res. 39-23)**

**Council District(s) 6**

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**Mr. Ertel**

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**Amending the Boundary of the Towson Commercial Revitalization District**

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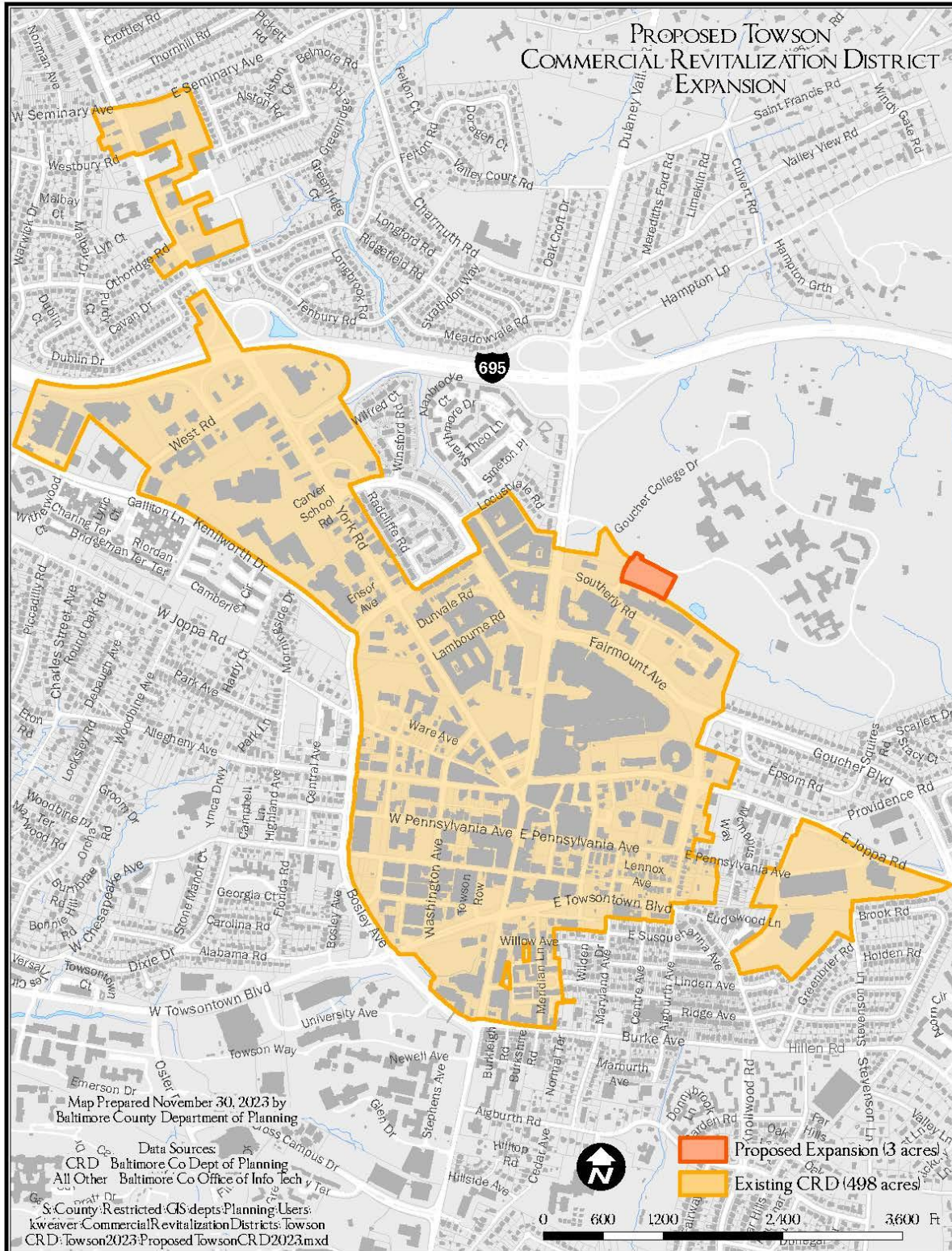
Resolution 39-23 amends the boundary of the Towson Commercial Revitalization District. Currently, there are 22 officially designated Commercial Revitalization Districts in Baltimore County.

Commercial Revitalization Districts provide incentives to property owners and businesses in the districts to improve the exterior of existing buildings and to develop and redevelop underused properties. Each district is staffed by a planner from the Department of Planning who works closely with the business and property owners, business associations, and the local communities to provide a range of tools aimed at maintaining the health and vitality of neighborhood commercial areas. These tools include “Architect On Call” services, the Building Improvement Loan Program, the Commercial Revitalization Action Grant, and potential property tax credits.

Resolution 39-23 expands the Towson Revitalization District to include an approximately 3.1-acre portion of the Goucher College property at 1021 Dulaney Valley Road – located just north of the Edenwald Senior Living property along Southerly Road/Southerly Court, as shown on the map attached as Exhibit A. The area to be added will increase the opportunities for development or redevelopment of the area.

Resolution 39-23 shall take effect from the date of its passage by the County Council.


EXHIBIT A





BALTIMORE COUNTY COUNCIL  
NOTES TO THE AGENDA  
APPENDIX A

**BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE**

**TO:** Administrative Officer **DATE:** 11/14/23  
**FROM:** Kevin D. Reed, Director  **COUNCIL MEETING**  
Office of Budget & Finance **DATE:** 12/18/23  
**SUBJECT:** Public Recordation of Announcement  
of Non-Competitive Awards Charter Sec. 902(f)

Whenever a contract over \$25,000 is awarded by a process other than a formal competitive bid, a copy of the contract must be given to the County Council, and at the next legislative session-day following the award of the contract, the Secretary to the County Council shall formally announce to the Council the nature of the contract and the parties to the contract. The announcement shall be recorded in the minutes of the County Council, and shall be available for inspection by the public. In compliance with this procedure, information is attached concerning the following awards, which are to be forwarded to the County Council:

Award Document

PO 10011566      MWCOG

This Purchase Order is for the purchase of the Law Enforcement Information Exchange (LinX) which is an online record sharing service developed by the Naval Criminal Investigative Service (NCIS). As detailed in the Sole Source Justification memo signed by Chief Robert McCullough, this database allows Federal, State and Local Law Enforcement to search each other's records in a secure environment.

Prior to 2021, costs for this program were covered through the National Capital Region (NCR) Homeland Security sustainment grants, which are no longer available. Fees paid by member agencies go directly to support the system and funding the technical expertise required for its data-sharing infrastructure.

The fiduciary for the LinX system is the Metropolitan Washington Council of Governments. The NCR-LinX Governance Board instituted a tier-based agency fee system, to provide funding for on-going operations. Fees are divided between member agencies and costs for each agency are based on the number of sworn personnel.

Award Total: \$30,000.00  
Award Date: 11/13/23

SCON 10001973      Agilent Technologies, Inc.

This Supplier Contract is a Term Agreement to provide three years of extended maintenance for two Gas Chromatograph – Mass Spectrometers (GC-MS 37445, SN CN10740054 and GC-MS 83004, SN CN10071111) through Agilent Technologies, Inc. The equipment is utilized by the Forensic Services Chemistry Unit of the Police Department to identify the chemical makeup of substances.

As detailed in the Sole Source Justification memo signed by Chief Robert McCullough, the accreditation standard and the quality system for the laboratory require annual preventive maintenance of the instruments. Agilent personnel service the instruments and are able to certify that the instruments are working as per specification. Agilent does not outsource the maintenance to a third party.

3 yr. Estimated Award Total: \$70,441.20  
Award Date: 11/13/23

SCON 10001949 Ames, Inc.

This Supplier Contract is for the purchase of Crane Pumps and Systems, the manufacturers of Barnes Grinder Pumps through Ames, Inc. As detailed in the Sole Source Justification signed by Director D'Andrea L. Walker, this supplier is the sole provider in the State of Maryland for this equipment. Baltimore County currently maintains over eight-hundred Barnes Grinder Pumps. These pumps are used to push sewage from resident's homes and businesses to the main sewer lines. These are located in pits on owners' property and are connected to the buildings power. These pits, the hardware that supports the pump and the wiring used, are specific to the Barnes Grinder Pumps. Barnes Grinder Pumps use proprietary parts, and there is no secondary market for purchase. To repair a Barnes Grinder Pump, you can only use parts made for that specific model.

5 yr. Estimated Award Total: \$2,250,000.00  
Award Date: 11/14/23

SCON 10001954 C A, Inc.

This Supplier Contract is for the purchase of Mainframe Consumption Licensing through C A, Inc. As detailed in the Sole Source Justification signed by Director Michael Fried, the Office of Information Technology is requesting to continue the use of critical software licenses used to manage the County's virtual tape library, schedule mainframe tasks and manage software usage. Broadcom is the sole owner of the critical application services used on the mainframe formally marketed under the CA brand name. Changing to another vendor's product would require extensive redesign of the mainframe software and operations even if such a product were available. If these licenses were to expire, the current mainframe functions will stop.

Estimated Award Total: \$132,749.00  
Award Date: 11/15/23

SCON 10002013 Agilent Technologies, Inc.

This Supplier Contract is a Term Agreement to provide three years of extended maintenance for a Gas Chromatograph – Mass Spectrometer (GC-MS 8890-5977B-2, S/N US1941A020) through Agilent Technologies, Inc. The equipment is utilized by the Forensic Services Chemistry Unit of the Police Department to identify the chemical makeup of substances.

As detailed in the Sole Source Justification memo signed by Chief Robert McCullough, the accreditation standard and the quality system for the laboratory requires annual preventive maintenance of the instruments. Agilent personnel service the instruments and are able to certify that the instruments are working as per specification. Agilent does not outsource the maintenance to a third party.

3 yr. Estimated Award Total: \$31,901.04  
Award Date: 11/17/23

cc: J. Benjamin Jr.,  
T. Bostwick  
L. Smelkinson