

**BALTIMORE COUNTY COUNCIL
NOTES TO THE AGENDA
LEGISLATIVE SESSION 2024**

*Issued: November 7, 2024
Reissued: November 12, 2024
Work Session: November 12, 2024
Legislative Day No. 21: November 18, 2024*

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



OFFICE OF THE COUNTY AUDITOR

BALTIMORE COUNTY COUNCIL

November 18, 2024

NOTES TO THE AGENDA

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MISCELLANEOUS BUSINESS

None

APPENDIX

None

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**AGENDA
BALTIMORE COUNTY COUNCIL
LEGISLATIVE SESSION 2024, LEGISLATIVE DAY NO. 21
November 18, 2024 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

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BILLS FOR FIRST CONSIDERATION

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7 Bill 84-24 – Mr. Patoka(By Req.) – CEB – Rural Public Transportation
10 Bill 85-24 – Mr. Patoka(By Req.) – CEB – Specialized Transportation Service

MAJOR GLEN WIEDECK, POLICE DEPARTMENT

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RENEE COLEMAN DIRECTOR, OFFICE OF HUMAN RESOURCES

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

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KEVIN REED, DIRECTOR, OFFICE OF BUDGET & FINANCE

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COUNCIL

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30 Bill 94-24 – Mr. Jones – Zoning Regs. – Uses Permitted in the Manufacturing, Light (M.L.) Zone – Commercial Kennels
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33 Bill 96-24 – Mr. Marks – Vehicles and Traffic – Moving Violations – Tractor-Trailers
35 Bill 97-24 – Mr. Marks – Baltimore County Floodplain Ordinance – Substantial Improvement Definition
37 Bill 98-24 – Mr. Marks – Property Tax Credits – Disabled law Enforcement Officers – MTA Police Officers
38 Bill 99-24 – Mr. Ertel – Zoning Regs – Hookah and Vapor Lounges – Use Permit
43 Bill 100-24 – Mr. Crandell – Zoning Regs. – Conversion of Boarding or Rooming Houses in D.R. Zones

APPROVAL OF FISCAL MATTERS/CONTRACTS

MEGAN BENJAMIN, DEPARTMENT OF PLANNING

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WALT PESTERFIELD, DIRECTOR, DEPARTMENT OF CORRECTIONS

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APPROVAL OF FISCAL MATTERS/CONTRACTS (continued)

CHRIS MARTIN, DIRECTOR, OFFICE OF INFORMATION TECHNOLOGY

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COLONEL JOSEPH CONGER, POLICE DEPARTMENT

- 54 4. Amendment to Contract – Axon Enterprise, Inc. – Hardware purchases, licenses (body worn cameras), et. al.

DEBRA SHINDLE, CHIEF, PROPERTY MANAGEMENT

- 58 5. Contracts – (3) – On-call painting services
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FAITH THOMAS, CHIEF, REAL ESTATE COMPLIANCE

- 65 7. Contract of Sale – Baltimore County Game & Fish Protective Association, Inc.–Acquisition of easement-3400 Northwind Rd., 21234
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LAUREN BUCKLER, DIRECTOR, DEPARTMENT OF PUBLIC WORKS & TRANSPORTATION

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MISCELLANEOUS BUSINESS

COUNCIL

1. Appointment – Mr. Patoka(By Req.) – Director – Department of Aging – Heang Tan
2. Appointment – Mr. Patoka(By Req.) – People’s Counsel – Emily Jolicoeur

Bill 82-24 (Supplemental Appropriation)

Council District(s) All

Mr. Patoka (By Req.)

Police Department

Recruitment and Retention Grant

The Administration is requesting a supplemental appropriation of State funds totaling \$7,859 to the Recruitment and Retention Grant 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 advertising to recruit sworn officers. See Exhibit A.

Fiscal Summary

<u>Funding Source</u>	<u>Supplemental Appropriation</u>	<u>Current Appropriation</u>	<u>Total Appropriation</u>
County	--	--	--
State ⁽¹⁾	\$ 7,859	\$ 100,000	\$ 107,859
Federal	--	--	--
Other	--	--	--
Total	<u>\$ 7,859</u>	<u>\$ 100,000</u>	<u>\$ 107,859</u>

⁽¹⁾ Governor's Office of Crime Prevention and Policy. No County matching funds are required.

Analysis

The Department advised that the purpose of the Recruitment and Retention program is to help increase recruitment, selection, and retention of qualified sworn police officers with a diversity of backgrounds, knowledge, and experiences to ensure adequate staffing to maintain safety in the County. The Department further advised that the program supports recruitment advertising, events, and bonuses as well as retention initiatives (e.g., teambuilding events).

The Department advised that the proposed \$7,859 supplemental appropriation will be used for advertising to recruit sworn officers.

The FY 2025 Adopted Operating Budget included a \$100,000 appropriation to the Recruitment and Retention Grant 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 appropriates the additional \$7,859 to the program, increasing the total appropriation to the actual \$107,859 grant award.

The grant period is July 1, 2024 through June 30, 2025. The Department advised that no County matching funds are required.

With the affirmative vote of five members of the County Council, Bill 82-24 will take effect December 1, 2024.

Executive Summary

A grant award of \$107,859 has been received by the Baltimore County Police Department from the Governor's Office of Crime Prevention and Policy, exceeding the approved Fiscal 2025 appropriation of \$100,000 by \$7,859. This request is for Council's approval to accept and appropriate the additional \$7,859 in funding.

The grant helps to increase recruitment, selection, and retention of qualified sworn police officers with a diversity of backgrounds, knowledge, and experiences to ensure adequate staffing to maintain safety in Baltimore County. The program supports recruitment advertising, events, and bonuses as well as retention initiatives, including teambuilding events.

Prepared by: Police Department

Bill 83-24 (Supplemental Appropriation)

Council District(s) All

Mr. Patoka (By Req.)

Department of Public Works and Transportation

Large Urban Operating Grant

The Administration is requesting a supplemental appropriation of \$756,198 in State funds (\$567,148) and County contingency funds (\$189,050 from the FY 2025 Local Share Program) to the Large Urban Operating Grant Gifts and Grants Fund program. The Department advised that the funds will be used to cover contractual costs associated with operating the County’s LOOP circulator bus service in Towson. See Exhibit A.

Fiscal Summary

Funding Source	Supplemental Appropriation	Current Appropriation	Total Appropriation
County ⁽¹⁾	\$ 189,050	--	\$ 189,050
State ⁽²⁾	567,148	--	567,148
Federal	--	--	--
Other	--	--	--
Total	<u>\$ 756,198</u>	<u>--</u>	<u>\$ 756,198</u>

⁽¹⁾ A required 25% County match of the total program cost is being provided from available contingency funds within the Local Share Program.

⁽²⁾ Maryland Department of Transportation, Maryland Transit Administration (MTA) funds.

Analysis

The Large Urban Operating Grant program provides funding to locally operated transit systems in large urban areas. The Department advised that these additional funds will be used to support operation of the LOOP, a public transit service designed to provide convenient and accessible

transportation within Baltimore County. The Department further advised that the LOOP operates a network of routes that connect key locations throughout the Towson area, including shopping centers, residential areas, and major employment hubs, with plans to expand to other areas. The Department noted that the County's circulator service aims to improve mobility for residents, reduce traffic congestion, and enhance connectivity to other transit services.

The Department advised that the proposed \$756,198 supplemental appropriation will be used to cover the costs associated with the County's contract with Dillon's Bus Service, Inc., which is responsible for services associated with the LOOP that include, but are not limited to, the day-to-day management and operation of all aspects of services, planning and operations, technology (e.g., two-way radios, vehicle location systems, security camera system and automated voice announcement equipment provided by the County), administrative/management personnel, transit vehicle maintenance, and transit information management. (The Department further advised that the County provides for the operations and administrative activities (e.g., motor fuel, advertising) of the LOOP.)

The grant period is FY 2025. The grant requires the County to provide a 25% match of the total grant award, or \$189,050, which the Department advised will be met from available contingency funds within the Local Share Program.

The Large Urban Operating Grant award reflects a portion of the funding awarded to the County through the Maryland Transit Administration's FY 2025 Locally Operated Transit System (LOTS) funding assistance program. Bills 84-24 and 85-24 on this agenda appropriate additional FY 2025 LOTS funding to the Rural Public Transportation and the Specialized Transportation Service Gifts and Grants Fund programs, respectively.

With the affirmative vote of five members of the County Council, Bill 83-24 will take effect December 15, 2024.

EXECUTIVE SUMMARY

MARYLAND TRANSIT ADMINISTRATION LARGE URBAN GRANT SUPPLEMENTAL APPROPRIATIONS ACT

Fiscal Year 2025

The attached for Large Urban Supplemental Appropriations Act Grant Agreement for FY25 allows Baltimore County to receive a total of \$567,148 in state funds through Maryland Department of Transportation. These additional funds will be used to increase the ridership of the LOOP, by improving technology, communications, and through removal of language barriers to increase equity of ridership. The LOOP is a public transit service designed to provide convenient and accessible transportation within Baltimore County. It operates a network of routes that connect key locations throughout the Towson area, such as shopping centers, residential areas, and major employment hubs, with plans to expand to other areas. The Circulator aims to improve mobility for residents, reduce traffic congestion, and enhance connectivity to other transit services. The project time period is from July 1, 2024 through June 30, 2025.

Prepared by: Department of Public Works and Transportation

Bill 84-24 (Supplemental Appropriation)

Council District(s) All

Mr. Patoka (By Req.)

Department of Public Works and Transportation

Rural Public Transportation

The Administration is requesting a supplemental appropriation of federal funds totaling \$69,691 to the Rural Public Transportation Gifts and Grants Fund program. The Department advised that the funds will be used to support the salaries of current full-time and part-time CountyRide Bus Drivers I and II. See Exhibit A.

Fiscal Summary

Funding Source	Supplemental Appropriation	Current Appropriation	Total Appropriation
County ⁽¹⁾	--	\$ 229,541	\$ 229,541
State ⁽²⁾	--	20,572	20,572
Federal ⁽³⁾	\$ 69,691	137,901	207,592
Other	--	--	--
Total	<u>\$ 69,691</u>	<u>\$ 388,014</u>	<u>\$ 457,705</u>

⁽¹⁾ The grant requires the County to provide a 45% match of the total grant award, which will be met using Local Share Program funds totaling \$229,541, or approximately 50%.

⁽²⁾ Maryland Department of Transportation, Maryland Transit Administration (MTA) funds.

⁽³⁾ U.S. Department of Transportation, Federal Transit Administration funds passed through the MTA.

Analysis

The Rural Public Transportation Program provides transportation services to Baltimore County residents (60 years of age or older), disabled adult residents, and rural residents of all ages with limited access to public, private, or commercial transportation due to sparse population, long

distances, and/or lack of support services to various destinations (primarily medical appointments). Transportation is free of charge. The Department advised that the proposed \$69,691 supplemental appropriation will be used to support the salaries of current full-time and part-time CountyRide Bus Drivers I and II.

The grant period is FY 2025. The grant requires the County to provide a 45% match of the total grant award, which will be met with Local Share Program funds totaling \$229,541, or approximately 50%.

The Rural Public Transportation grant award reflects a portion of the funding awarded to the County through the Maryland Transit Administration's FY 2025 Locally Operated Transit System (LOTS) funding assistance program. Bills 83-24 and 85-24 on this agenda appropriate additional FY 2025 LOTS funding to the Large Urban Operating Grant and the Specialized Transportation Service Gifts and Grants Fund programs, respectively.

With the affirmative vote of five members of the County Council, Bill 84-24 will take effect December 15, 2024.

EXECUTIVE SUMMARY

**MARYLAND TRANSIT ADMINISTRATION
FEDERAL RURAL PUBLIC TRANSPORTATION (5311) SUPPLEMENTAL
APPROPRIATIONS ACT**

Fiscal Year 2025

The attached for Federal Rural Public Transportation (5311) Supplemental Appropriations Act Grant Agreement for FY25 allows Baltimore County to receive an additional \$69,691 in federal funds through Maryland Department of Transportation. These additional funds will be used to support the salaries of CountyRide bus drivers. CountyRide provides on-demand, Handicapped Accessible transportation services to residents of Baltimore County who are age 60+, adults with disabilities and rural residents of all ages who have limited access to public, private or commercial transportation. Rides are predominately, but not necessarily for medical visits. The Conditions of Award and Terms and Conditions of this supplement are as previously awarded for County GR-1220. The project time period is from July 1, 2024 through June 30, 2025.

Prepared by: Department of Public Works and Transportation

Bill 85-24 (Supplemental Appropriation)

Council District(s) All

Mr. Patoka (By Req.)

Department of Public Works and Transportation

Specialized Transportation Service

The Administration is requesting a supplemental appropriation of State funds totaling \$12,429 to the Special Transportation Service Gifts and Grants Fund program. The Department advised that the funds will be used to support the salaries of current full-time and part-time CountyRide Bus Drivers I and II. See Exhibit A.

Fiscal Summary

Funding Source	Supplemental Appropriation	Current Appropriation	Total Appropriation
County ⁽¹⁾	--	\$ 675,956	\$ 675,956
State ⁽²⁾	\$ 12,429	395,836	408,265
Federal	--	--	--
Other	--	--	--
Total	<u>\$ 12,429</u>	<u>\$ 1,071,792</u>	<u>\$ 1,084,221</u>

(1) The grant requires the County to provide a 25% match of the total grant award, which will be met using Local Share Program funds totaling \$675,956, or approximately 62%.

(2) Maryland Department of Transportation, Maryland Transit Administration (MTA) funds..

Analysis

The Specialized Transportation Service Program provides general-purpose transportation (primarily for medical appointments) to supplement existing transportation services for Baltimore County residents (60 years of age or older), disabled adult residents, and rural residents with limited access to public, private, or commercial transportation. The Department advised that the

proposed \$12,429 supplemental appropriation will be used to support the salaries of current full-time and part-time CountyRide Bus Drivers I and II.

The grant period is FY 2025. The grant requires the County to provide a 25% match of the total grant award, which will be met with Local Share Program funds totaling \$675,956, or approximately 62%.

The Specialized Transportation Service grant award reflects a portion of the funding awarded to the County through the Maryland Transit Administration's FY 2025 Locally Operated Transit System (LOTS) funding assistance program. Bills 83-24 and 84-24 on this agenda appropriate additional FY 2025 LOTS funding to the Large Urban Operating and the Rural Public Transportation Gifts and Grants Fund programs, respectively.

With the affirmative vote of five members of the County Council, Bill 85-24 will take effect December 15, 2024.

EXECUTIVE SUMMARY

**MARYLAND TRANSIT ADMINISTRATION
SPECIALIZED TRANSPORTATION SERVICE (SSTAP) SUPPLEMENTAL
APPROPRIATIONS ACT**

Fiscal Year 2025

The attached for Specialized Transportation Service (SSTAP) Supplemental Appropriations Act Grant Agreement for FY25 allows Baltimore County to receive an additional \$12,429 in state funds through Maryland Department of Transportation. These additional funds will be used to support the salaries of CountyRide bus drivers. CountyRide provides on-demand, Handicapped Accessible transportation services to residents of Baltimore County who are age 60+, adults with disabilities and rural residents of all ages who have limited access to public, private or commercial transportation. Rides are predominately, but not necessarily for medical visits. The Conditions of Award and Terms and Conditions of this supplement are as previously awarded for County GR-1109. The project time period is from July 1, 2024 through June 30, 2025.

Prepared by: Department of Public Works and Transportation

Bill 86-24 (Supplemental Appropriation)

Council District(s) All

Mr. Patoka (By Req.)

Police Department

4 Highway Safety Program (Speed Enforcement)

The Administration is requesting a supplemental appropriation of federal funds totaling \$3,000 to the State Highway Safety Program, 4 Highway Safety Program (Speed Enforcement) 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 overtime for officers conducting enforcement targeting speeding and excessive driving. See Exhibit A.

Fiscal Summary

Funding Source	Supplemental Appropriation	Current Appropriation	Total Appropriation
County	--	--	--
State	--	--	--
Federal ⁽¹⁾	\$ 3,000	\$ 35,000	\$ 38,000
Other	--	--	--
Total	<u>\$ 3,000</u>	<u>\$ 35,000</u>	<u>\$ 38,000</u>

⁽¹⁾ National Highway Transportation Safety Administration funds passed through the Maryland Department of Transportation, Maryland Highway Safety Office. No County matching funds are required.

Analysis

The Department advised that the purpose of the State Highway Safety Program, 4 Highway Safety Program (Speed Enforcement) program is to support speed and aggressive driving enforcement in the County. The Department further advised that the funds will be used for overtime for officers

conducting enforcement targeting speeding and excessive driving aimed at reducing aggressive driving.

The FY 2025 Adopted Operating Budget included a \$35,000 appropriation to the State Highway Safety Program, 4 Highway Safety Program (Speed Enforcement) 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 appropriates the additional \$3,000 to the program, increasing the total appropriation to the actual \$38,000 grant award.

The grant period is October 1, 2024 through September 30, 2025. The Department advised that no County matching funds are required.

With the affirmative vote of five members of the County Council, Bill 86-24 will take effect December 15, 2024.

Executive Summary

A grant award of \$38,000 has been received by the Baltimore County Police Department from the Maryland Department of Transportation, exceeding the approved Fiscal 2025 appropriation of \$35,000 by \$3,000. This request is for Council's approval to accept and appropriate the additional \$3,000 in funding.

The Baltimore County Police Department's Speed Enforcement Grant through the Maryland Department of Transportation funds overtime for officers who will conduct public awareness, training and media programs aimed at reducing aggressive driving.

Prepared by: Police Department

Bill 87-24 (Supplemental Appropriation)

Council District(s) All

Mr. Patoka (By Req.)

Police Department

2 Highway Safety Program (Distracted Driving)

The Administration is requesting a supplemental appropriation of federal funds totaling \$5,000 to the 2 Highway Safety Program (Distracted Driving) 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 overtime for officers conducting initiatives to reduce distracted driving. See Exhibit A.

Fiscal Summary

Funding Source	Supplemental Appropriation	Current Appropriation	Total Appropriation
County	--	--	--
State	--	--	--
Federal ⁽¹⁾	\$ 5,000	\$ 35,000	\$ 40,000
Other	--	--	--
Total	<u>\$ 5,000</u>	<u>\$ 35,000</u>	<u>\$ 40,000</u>

⁽¹⁾ National Highway Transportation Safety Administration funds passed through the Maryland Department of Transportation, Maryland Highway Safety Office. No County matching funds are required.

Analysis

The Department advised that the purpose of the 2 Highway Safety Program (Distracted Driving) is to fund law enforcement and social media efforts targeting distracted driving. The Department

further advised that the funds will be used for overtime for officers conducting enforcement targeting seatbelt violations and texting and handheld cellphone violations.

The FY 2025 Adopted Operating Budget included a \$35,000 appropriation to the 2 Highway Safety Program (Distracted Driving) 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 appropriates the additional \$5,000 to the program, increasing the total appropriation to the actual \$40,000 grant award.

The grant period is October 1, 2024 through September 30, 2025. The Department advised that no County matching funds are required.

With the affirmative vote of five members of the County Council, Bill 87-24 will take effect December 15, 2024.

Executive Summary

A grant award of \$40,000 has been received by the Baltimore County Police Department from the Maryland Department of Transportation, exceeding the approved Fiscal 2025 appropriation of \$35,000 by \$5,000. This request is for Council's approval to accept and appropriate the additional \$5,000 in funding.

The Baltimore County Police Department's Distracted Driving Grant through the Maryland Department of Transportation funds overtime for officers who will conduct enforcement targeting seatbelt violations, texting and handheld cell phone violations to reduce distracted driving.

Prepared by: Police Department

Bill 88-24

Council District(s) All

Mr. Patoka (By Req.)

Office of Human Resources

Personnel Law of Baltimore County

Bill 88-24 implements 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 provides that Pay Schedules VII and VIII of the Standard Salary Grades for Classified employees are amended to adjust the pay schedules effective January 1, 2025. Specifically, the adjustments reflect an across-the-board increase of 3% for a Cost-of-Living Adjustment.

Section 2 of the bill amends the pay grades for eight class titles in Section II, Classification and Compensation Plan effective January 1, 2025. Specifically, these titles are for certain supervisors in the Department of Public Works and Transportation and certain natural resources and environment specialists. Section 3 of the bill amends pay grades for class titles of Property Management Grounds Maintenance Specialist I and II and Correctional Major in Section II, Classification and Compensation Plan effective January 1, 2025 and applied retroactively to July 1, 2024.

Section 4 of the bill amends a regulation in Rule 6 regarding promotions in Section IV, Compensation Plan Regulations effective January 1, 2025. Specifically, Section 4 amends subsections B and C of Regulation 6.01, which govern the number of steps on a new pay grade an employee's salary may rise if the employee is promoted to a class with a higher grade.

The Office of Budget and Finance advised that the FY 2025 General Fund budget impact of the proposed changes totals \$206,788. See Exhibit B for the specific adjustments and associated salary cost impacts, as provided by the Office of Budget and Finance. The Office of Budget and Finance advised that the FY 2025 budget reflects the full amount of the bill.

In accordance with County Code, § 5-1-105, the Office of Budget and Finance provided an actuarial analysis, dated May 2, 2024, of the retirement-related fiscal impact of 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 2025. The actuarial analysis assumed that “budgeted active COLAs that vary by pay schedule and group...have the following average effects: General County – 2.25% increase, General Agency – 2.25% increase, Police – 3.5% increase, Fire – 4.5% increase, and Correctional Officer and Deputy Sheriff – 3% increase.” The System's actuary provided an updated cost letter, dated October 4, 2024, which states that while the original analysis assumed that the Police SMC COLA would be similar to the rest of the Police groups at 3.5%, the "difference between Police SMC receiving a 3.0% salary COLA and being valued at a 3.5% salary COLA is de minimis." While the updated cost letter did not address the difference between Fire SMC receiving a 3.0% salary COLA and being valued at a 4.5% salary COLA (similar to the rest of the Fire groups), the Office of Budget and Finance advised that because Fire SMC represents a relatively small portion of Fire employees, the impact of Fire SMC receiving a 3.0% salary COLA is also immaterial.

With the affirmative vote of five members of the County Council and signature by the Executive, Bill 88-24 will take effect on January 1, 2025.

Executive Summary

For the purpose of amending certain Pay Schedules; amending certain job classifications, class titles, codes, and pay grades; providing for the effective date of this Act; and generally relating to the governance and compensation of the personnel of Baltimore County Government.

Prepared by: Office of Human Resources

Bill 88-24 Fiscal Impact							
I. PAY SCALE ADJUSTMENTS							
PAY SCALE ADJUSTMENTS	EFFECTIVE DATE (ON OR ABOUT)	PAY SCHEDULE	FY 2025 ADJUSTMENT NOTES			FY 2025 GF BUDGET IMPACT	
SUPERVISORY, MANAGEMENT AND CONFIDENTIAL EMPLOYEES - POLICE DEPARTMENT	1/1/2025	VII	3% COLA Mid Year, Jan 1, 2025			\$ 123,601	
SUPERVISORY, MANAGEMENT AND CONFIDENTIAL EMPLOYEES - FIRE DEPARTMENT	1/1/2025	VIII	3% COLA Mid Year, Jan 1, 2025			\$ 59,806	
			TOTAL			<u>\$183,407</u>	
II. CLASSIFICATIONS AND GRADES							
REALLOCATION OF PAY GRADE	EFFECTIVE DATE	PAY SCHEDULE	CURRENT PAY GRADE	PROPOSED PAY GRADE		FY 2025 GF BUDGET IMPACT	FY 2025 IMPACT (OTHER FUNDS)
Natural Resources Specialist II	1/1/2025	I	29	30		\$ 5,348	\$ 778
Environmental Health Specialist I	1/1/2025	I	27	28		\$ -	\$ -
Utilities Supervisor I	1/1/2025	VI	28	30		\$ -	\$ 4,277
Utilities Supervisor II	1/1/2025	VI	31	32		\$ -	\$ 3,462
Utilities Superintendent	1/1/2025	XII	1M	2M		\$ -	\$ -
Traffic Sign And Marking Supervisor	1/1/2025	VI	28	30		\$ 1,137	
Traffic Signal Supervisor	1/1/2025	VI	28	30		\$ 25	
Traffic Inspection Supervisor	1/1/2025	VI	28	30		\$ -	
Property Management Grounds Maintenance Specialist I	7/1/2024	II	H16	H17		\$ 4,418	
Property Management Grounds Maintenance Specialist II	7/1/2024	II	H18	H19		\$ 11,363	
Correctional Major	7/1/2024	VI-P	37	38		\$ 1,090	
			TOTAL			<u>\$ 23,381</u>	<u>\$ 8,517</u>
TOTAL ALL ADJUSTMENTS							
						FY 2025 GF BUDGET IMPACT	FY 2025 IMPACT (OTHER FUNDS)
						<u>\$ 206,788</u>	<u>\$ 8,517</u>

Prepared by: Office of Budget and Finance

Bill 89-24

Council District(s) All

Mr. Patoka (By Req.)

Department of Permits, Approvals and Inspections

The Building Code of Baltimore County – Technical Corrections

Bill 89-24 makes two technical corrections to a specific section of the Baltimore County Building Code and the Baltimore County Zoning Regulations. The County most recently updated its Building Code with the enactment of Bill 49-24 on August 8, 2024.

The first technical correction is to Section 1607 of the Building Code. Bill 89-24 corrects a reference to “Table 1607.12” to Table 1607.14.” The second technical correction is to a section of the Baltimore County Zoning Regulations regarding fences. As part of the normal Building Code update, Bill 49-24 moved some sections regarding fences from the Building Code to the Zoning Regulations. However, a Building Code section regarding the maximum height of a front yard fence for a residence was inadvertently left out. This technical correction adds that section to the Zoning Regulations.

With the affirmative vote of five members of the County Council, Bill 89-24 will take effect 14 days after its enactment.

Executive Summary

Baltimore County last updated its Building Code with Bill 49-24 on August 8, 2024. At this time, Baltimore County is making two technical corrections to this legislation. One correction is in Section 1607, to correct a numerical reference to a table. The second is to add back into the Zoning Code a section of the fence regulations that was inadvertently not moved from the Building Code to the Zoning Regulations Section 427.1. These regulations limit the height of a fence in the front yard to 42 inches.

Prepared by: Department of Permits, Approvals and Inspections

Bill 90-24

Council District(s) All

Mr. Patoka (By Req.)

Office of Budget and Finance

The Employees' Retirement System

Bill 90-24 consists of two items. First, to achieve consistency with State law by clarifying the Employees' Retirement System's (ERS) definition of military service and adding a provision related to members of the Maryland National Guard or a reserve component of the Armed Forces, and second, to provide a death benefit enhancement for Police personnel on Pay Schedule VII.

Military Service Clarification

The bill clarifies the definition of military service to include active duty with the Commissioned Corps of the Public Health Service, the National Oceanic and Atmospheric Administration, or the Coast and Geodetic Survey. The bill also provides service credit for military service in the Maryland National Guard or of a reserve component of the Armed Forces of the United States incurred prior to County employment, not to exceed a total of 44 months. According to the System's actuary, these changes will result in an increase to the County's FY 2026 contribution to the ERS of approximately \$571,000. In addition, the Office advised that both Workday and CPAS will need to be updated in order to accommodate these changes; the cost of these updates is expected to be minimal.

Death Benefit Enhancement

The bill provides a death benefit enhancement for Police personnel on Pay Schedule VII (Police SMC) by adding a spouse DROP option upon the death of an active Police SMC ERS member who is eligible for the DROP. According to the System's actuary, the enhancement is cost neutral to the ERS by increasing the Police SMC employee contribution rate by 0.07% per year beginning January 1, 2025.

With the affirmative vote of five members of the County Council, Bill 90-24 will take effect 45 days after its enactment.

Executive Summary

This retirement bill consists of two items. First, to achieve consistency with State law by clarifying the Employees' Retirement System's (ERS) definition of military service and adding a provision related to members of the Maryland National Guard or a reserve component of the Armed Forces, and second, to provide a death benefit enhancement for police personnel on Pay Schedule VII.

Military service clarification:

- Clarifying the definition of military service to include active duty with the Commissioned Corps of the Public Health Service, the National Oceanic and Atmospheric Administration, or the Coast and Geodetic Survey.
- Providing service credit for military service in the Maryland National Guard or of a reserve component of the Armed Forces of the United States incurred prior to county employment, not to exceed a total of 44 months.

Death Benefit Enhancement:

- Provides a death benefit enhancement for Police personnel on Pay Schedule VII (Police SMC) by adding a spouse DROP option upon the death of an active Police SMC ERS member who is eligible for the DROP.
- The enhancement is cost neutral to the ERS by increasing the Police SMC employee contribution rate by 0.07% per year beginning January 1, 2025.

Prepared by: Office of Budget and Finance

Bill 91-24

Council District(s) All

Councilmembers Young & Marks

Pensions and Retirement – Credit for National Guard Service

Bill 91-24 expands the type of National Guard service for which a member of the Employees' Retirement System (ERS) may receive credit towards their years of service. Currently, the County Code permits an ERS member to receive credit towards their years of service for any time the member served as any of the following:

- An enlisted or drafted member of the Armed Forces of the United States;
- A member in a reserve component of the Armed Forces of the United States on active duty or ordered or assigned to active duty or active duty for training that interrupts a member's service; or
- An active duty member in the Maryland National Guard, as determined and reported on the DD214 Form or other similar form.

Bill 91-24 expands the scope of eligible National Guard membership to any National Guard in the U.S. by repealing the restriction that the service must be as a member of the Maryland National Guard. The actuarial impact of Bill 91-24 is yet to be determined.

With the affirmative vote of five members of the County Council, Bill 91-24 will take effect July 1, 2025.

Bill 92-24

Council District(s) 1

Mr. Young

**Zoning Regs. – Uses Permitted in the Business, Major (B.M.) Zone –
Contractor’s Storage Yard**

Bill 92-24 permits a contractor’s storage yard under certain circumstances and in specific areas of the Business, Major (B.M.) Zone.

Specifically, the bill permits a contractor’s equipment storage yard in the B.M. Zone, provided that the use is only on property zoned B.M.-I.M. and located within the Southwest Enterprise Zone mapped as of October 1, 2024. A contractor’s equipment storage yard permitted under this bill is not subject to Section 233.2 of the Baltimore County Zoning Regulations.

With the affirmative vote of five members of the County Council, Bill 92-24 will take effect 14 days after its enactment.

Bill 93-24

Council District(s) All

Mr. Kach

Zoning Regs. – Housing for the Elderly – M.L.R. and M.L. Zones

Bill 93-24 permits housing for the elderly as a principal use to a property located in the Manufacturing, Light, Restricted (M.L.R.) Zone and Manufacturing, Light (M.L.) Zone of a certain contiguous acreage.

The Baltimore County Zoning Regulations define housing for the elderly as a building, a section of a building, or a group of buildings that contains dwellings where the occupancy of the dwellings is restricted to persons 55 years of age or older or to couples where either the spouse or domestic partner is 55 years of age or older, and to any person, regardless of age, who has a physical or developmental disability.

Bill 93-24 permits housing for the elderly in the M.L.R. and M.L. Zones, provided the use is located in an M.L.R. Zone which is part of a contiguous area of 150 acres or more of industrial zoning and at least 80 percent of the dwellings are located within buildings previously developed for office or mixed use.

With the affirmative vote of five members of the County Council, Bill 93-24 will take effect 14 days after its enactment.

Bill 94-24

Council District(s) All

Mr. Jones

**Zoning Regs. – Uses Permitted in the Manufacturing, Light (M.L.) Zone –
Commercial Kennels**

Bill 94-24 permits a commercial kennel under certain circumstances in the Manufacturing, Light (M.L.) Zone. Specifically, the bill permits a commercial kennel as an auxiliary retail or service use or semi-industrial use.

The commercial kennel must be located in a planned industrial park at least 25 acres in net area in an I.M. District and be no closer than 750 feet to any residentially used property. The building in which the commercial kennel is located must be within 400 feet at its closest point of the right of way of an interstate highway. Last, a commercial kennel permitted under the bill is not subject to the provisions of Section 421 of the Baltimore County Zoning Regulations.

With the affirmative vote of five members of the County Council, Bill 94-24 will take effect 14 days after its enactment.

Mr. Jones

Zoning Regs. – Bulk Regulations in the O.T. (Office and Technology) Zone

Bill 95-24 amends certain bulk, height, and area regulations in the Office and Technology (O.T.) Zone in Owings Mills for certain residential uses within large commercial office parks under specific circumstances.

Background

The bill’s sponsor notes that Baltimore County is currently experiencing a housing shortfall due to an insufficient supply of new and existing housing products available for purchase or rent. As stated in *Master Plan 2030*, there is a “need for ‘Missing Middle’ housing, such as apartments, duplexes, and rowhouses, for young professional, young families and seniors.”

The bill’s sponsor also notes that single-family attached units and multifamily two-over-two townhome dwelling units are an efficient and cost-effective way to provide this ‘Missing Middle’ housing. Certain properties within the O.T. Zone in the Owings Mills area, particularly within existing business parks, present an opportunity for the development of these types of units but require that the use, bulk, and area regulations within the O.T. Zone be updated and amended.

Bill 95-24

Bill 95-24 establishes new bulk regulations for an existing office park that, as of December 1, 2024, has at least 500,000 square feet of gross floor area, is in the O.T. Zone, and is located in Owings Mills. In addition to any uses otherwise permitted in the O.T. Zone, the bill also permits multifamily units, “two-over-two” townhomes, single-family attached units, or a mix of units within either applicable existing buildings or in newly constructed residential buildings. The addition of residential units to an existing building may not impact the applicable bulk, height, or area regulations for that building, and neither residential use of existing buildings nor the construction of new residential buildings within the applicable office park may result in any existing building being considered nonconforming.

Any newly constructed residential building is required to maintain front, side, or rear building setbacks to the original tract boundary of 10 feet. Also, such a building is not subject to a maximum or minimum building height and is not subject to any other bulk, height, area, or special regulations applicable to the underlying zoning classification or to those contained in the Comprehensive Manual of Development Policies.

Any development of a tract under the provisions of Bill 95-24 are exempt from the requirements of section 32-6-108 of the County Code and shall be approved by way of a limited exemption under section 32-4-106(b)(2) of the County Code.

With the affirmative vote of five members of the County Council, Bill 95-24 will take effect 14 days after its enactment.

Bill 96-24

Council District(s) 5

Mr. Marks

Vehicles and Traffic – Moving Violations – Tractor-Trailers

Bill 96-24 prohibits certain tractor-trailers from operating on certain areas of Earls Road, except under specific circumstances. The bill also establishes a fine for violating the prohibition and requires the Department of Public Works and Transportation (DPWT) to place appropriate signage or markers.

Background

The bill's sponsor has received information regarding the operation of tractor-trailers on certain areas of Earls Road that may pose a risk to other drivers or property along Earls Road. Specifically, the bill's sponsor has learned that on several occasions, tractor-trailers have nearly tipped over while navigating curves along Earls Road and have caused traffic congestion due to the wide turns on these narrow curves.

Currently, the County Code grants authority to DPWT to prohibit the operation of a tractor-trailer in any residential zone. However, the Code does not currently regulate the operation of tractor-trailers outside of residential zones.

Bill 96-24

Bill 96-24 would prohibit a tractor, trailer, or combination tractor-trailer from operating on Earls Road between Bengies Road and Ebenezer Road. This prohibition does not apply to:

- service vehicles owned or operated by the County or a public utility;
- emergency vehicles of the Baltimore County Police or Fire Departments or a volunteer ambulance service; or
- delivery vehicles with an immediate and verified delivery to a property in the prohibited area.

The bill also establishes a fine of \$250 for violating this prohibition. Each day a violation exists constitutes a separate violation. Last, the bill requires DPWT to ensure that appropriate signage or markers are placed in areas where operation of a tractor, trailer, or combination tractor-trailer is prohibited.

With the affirmative vote of five members of the County Council, Bill 96-24 will take effect 14 days after its enactment.

Bill 97-24

Council District(s) All

Mr. Marks

Baltimore County Floodplain Ordinance – Substantial Improvement Definition

Bill 97-24 amends the definition of “substantial improvement” regarding property that was damaged by certain natural events and is under the ownership of a specific type of entity.

With the enactment of Bill 6-24, Baltimore County updated its local floodplain ordinance to be in conformance with the Maryland Model Floodplain Ordinance. In general, floodplain ordinances adopt floodplain maps published by FEMA that govern the availability of federal flood insurance. These ordinances also mandate specific construction standards – or prohibit certain development – in areas identified on those maps as flood-prone. Generally, flood-prone is either identified as the annual likelihood the area floods (i.e., 1% or 100-year floodplain; 0.2% or 500-year floodplain) or a mapped and categorized hazard area, such as the Coastal High Hazard Areas (V Zones) and Coastal A Zones.

Under the County’s floodplain ordinance, for any existing building or structure in certain flood-prone areas, special construction standards are required if the construction constitutes a “substantial improvement.” “Substantial improvement” means any reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the start of construction of the improvement. The term includes structures which have incurred substantial damage, regardless of the actual repair work performed.

Currently, substantial improvement does not include:

- Any project for improvement of a building or structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official prior to submission of an application for a permit and which are the minimum necessary to assure safe living conditions; or
- Any alteration of a historic structure, provided that the alteration will not preclude the structure’s continued designation as a historic structure.

Bill 97-24 would except from the definition of substantial construction any reconstruction, rehabilitation, addition, or other improvement of a building or structure to address damage caused by fire, storm, or other casualty, provided the building or structure is owned by a community, homeowners, or improvement association.

With the affirmative vote of five members of the County Council, Bill 97-24 will take effect 14 days after its enactment.

Bill 98-24

Council District(s) All

Mr. Marks

Property Tax Credits – Disabled Law Enforcement Officers – MDTA Police Officers

Bill 98-24 expands a local property tax credit for disabled Baltimore County law enforcement officers and certain Maryland State Troopers to certain Maryland Transportation Authority (MDTA) Police Officers that were disabled through their employment as an MDTA police officer.

Currently, the Baltimore County property tax credit for disabled law enforcement officers or rescue workers defines a “disabled worker” as a “Maryland State Trooper or Baltimore County law enforcement officer or rescue worker who has been found to be permanently and totally disabled by an administrative body or court of competent jurisdiction authorized to make such a determination; and became disabled as a result of or in the course of employment as a Maryland State Trooper or a Baltimore County law enforcement officer or while in the active service of a Baltimore County fire, rescue, or emergency medical service.” For a Maryland State Trooper, there is an extra requirement that the Trooper must have served at least one year at a Maryland State police barracks in Baltimore County.

Bill 12-24 expands the eligibility of the property tax credit to an MDTA police officer who became disabled as a result of or in the course of such employment as an MDTA police officer. Also, the MDTA police officer’s service must include at least one year assigned in Baltimore County.

The actuarial impact of Bill 98-24 is yet to be determined.

With the affirmative vote of five members of the County Council, Bill 98-24 will take effect July 1, 2025.

Mr. Ertel

Zoning Regs. – Hookah and Vapor Lounges – Use Permit

Bill 99-24 establishes a use permit for a hookah lounge or a vapor lounge. Currently, hookah and vapor lounges are permitted in the B.L. Zone, however, the only use regulation is that they may only operate from 6:00 a.m. to 12:00 midnight. Bill 99-24 imposes several new use regulations and requires a use permit.

Hookah and Vapor Lounge Defined

A hookah lounge is defined as any facility, establishment, or location whose business operation, whether as its primary use or as an ancillary use, includes the smoking of tobacco or other substances through one or more hookah pipes (also commonly referred to as a hookah, waterpipe, shisha, or nareghile), including but not limited to establishments known variously as hookah bars, hookah lounges, or hookah cafes.

A vapor lounge is defined as any facility, establishment, or location, whether fixed or mobile, whose business operation, whether as its primary use or as an ancillary use, includes the utilization of a heating element that vaporizes a substance that releases nicotine, tobacco, flavored vapor or other substances, through one or more electronic or battery-operated delivery devices, including any device known as an electronic cigarette (also commonly referred to as e-cig, e-cigarette, e-pipe, electronic cigarillo, hookah pen, e-hookah, vape pen, vape pipe or any other electronic cigarette product), including but not limited to establishments known variously as vape bars, vape lounges, e-cigarette bars, or vape cafes.

Use Permit

Bill 99-24 permits a hookah lounge or vapor lounge to operate on a property only if there is an active use permit issued for that “premises,” which means the building or buildings on the property where a hookah lounge or vapor lounge is located, or is planned to be located, including any applicable accessory structures and off-street parking.

A use permit may only be applied for, renewed, or otherwise be held by or issued to an applicant. Bill 99-24 defines an “applicant” as the owner of a property on which a hookah lounge or vapor

lounge is located or planned to be located or a person in control of a hookah lounge or vapor lounge that is applying for or renewing a permit.

Bill 99-24 also specifically defines the terms “owner” and “person in control.” “Owner” means any person or entity that is the listed owner of a property on which a hookah lounge or vapor lounge is located or planned to be located. “Owner” may include an agent, executor, administrator, trustee, guardian, or other successor or fiduciary of a property, as applicable. “Person in control” means any person or entity who has the charge, care, or operation of a hookah lounge or vapor lounge, including any agent of the person in control who manages the hookah lounge or vapor lounge that operates on the premises. “Person in control” may include the listed owner of the premises, as applicable.

Use Permit Application

To apply for or renew a permit, an applicant must submit an application, including supporting information required by the Director of the Department of Permits, Approvals and Inspections (PAI), on a form approved by the Director and pay an application or renewal fee. Unless renewed, a permit shall expire one year from its date of issuance. A permit may not be transferred, conveyed, or sold to another person, business, or other entity.

Within 45 days of receiving an application, the PAI Director must approve the application and issue a permit or deny the application. If the application is for a renewal, the PAI Director may renew the permit if conditions or other information submitted to the Director for the initial permit or subsequent renewals have not materially changed. The PAI Director may impose reasonable conditions as part of the permit approval and issuance or renewal to ensure the health, safety, and welfare of the patrons of the hookah lounge or vapor lounge and the general public. The PAI Director shall promptly send written notice of any decision on an application to the applicant and, if applicable, state the reasons for any denial or reasonable conditions imposed.

Site Regulations

In addition to the previous requirement, a hookah lounge or vapor lounge may only operate from 6:00 a.m. to 12:00 midnight; Bill 99-24 imposes two additional site regulations. First, the lounge must be the principal use on the premises where it is located and may not be ancillary or accessory to any other use. The second new requirement is that a hookah lounge or vapor lounge may only be located at least 200 feet from any residential property, as measured from the closest point of the premises to the residential property line. Section 2 of Bill 99-24 states that a lounge that does not conform to this distance requirement may continue to operate for 120 days from the

effective date of Bill 99-24, but as of that date, the lounge must comply with the distance requirement.

Requirements of a Permit Holder

Bill 99-24 defines a “permit holder” as the person or entity in control of a hookah lounge or vapor lounge or the listed owner of a premises for which a permit is issued. The bill imposes requirements that a permit holder must meet at all times while the permit is valid.

First, a permit holder must maintain a video surveillance system that monitors all off-street parking areas and public entrances and continuously records each day the hookah lounge or vapor lounge is open, from its opening until at least two hours after 12:00 midnight or its closure to the public, whichever is earlier. A permit holder must also retain all video recordings for at least 90 days as business records kept in the normal course of business. Second, the permit holder must ensure that the hookah lounge or vapor lounge complies with all laws, regulations, and requirements, including the applicable noise levels set forth in state law and regulation. Finally, a permit holder must produce accounting or business records, including recordings of the video surveillance system, upon a written request of the PAI Director, a police officer, or a code official. The permit holder must produce these records within 15 calendar days of the request.

Suspension or Revocation of a Permit

In consultation with the Chief of Police or their designee, the PAI Director may, based on a finding by a preponderance of the evidence, suspend or revoke a permit under one or more of the following circumstances:

- if a permit holder has received multiple fines for violating the use permit regulations that the PAI Director determines are insufficient to prevent further violations of County law or regulation;
- if a permit holder has refused to produce accounting or business records as requested in writing by the PAI Director, a police officer, or a code official; or
- if it is deemed in the interest of the public health, safety, and general welfare.

When determining whether to suspend or revoke a permit for a particular circumstance or set of circumstances, the PAI Director may:

- make reasonable inferences based on the number and severity of calls for police or other emergency service involving the premises related to a public nuisance or a risk to the public health, safety, or general welfare;

- accept as prima facie evidence a report by a police officer or code official, written in the regular course of business, of the premises having been used for activities that constitute a public nuisance or a violation of federal, state, or County law or regulation, including any requirement for a use permit, that describes how such activities generated or contributed to a public nuisance; and
- find that a violation of an applicable federal, state, or County law, regulation, or requirement by the permit holder has occurred and constitutes a public nuisance or a risk to the public health, safety, or general welfare.

As part of the decision to suspend a permit, the PAI Director may impose reasonable conditions, including previously imposed conditions or additional conditions, for the lifting of a suspension, or for the stay of the revocation of a permit to ensure the health, safety, and welfare of the patrons of the hookah lounge or vapor lounge or the general public. Any condition so imposed shall be evaluated with a subsequent application for permit renewal and may be continued as a reasonable condition of such renewal. Upon a decision to suspend or revoke a permit, the Director shall promptly provide written notice to the permit holder that states the reasons for the suspension or revocation.

Immediate Suspension

Notwithstanding the normal suspension or revocation procedures, the PAI Director or the Chief of Police may order a permit holder to immediately cease all business activity or public gathering on the premises until the following business day if they determine there is an immediate threat to the health, safety, or general welfare of the patrons of the hookah lounge or vapor lounge or the general public.

In addition to an order issued to immediately cease all business, the PAI Director may order the immediate suspension of a permit pending the conclusion of the normal suspension or revocation procedures. The PAI Director shall promptly provide written notice of any order issued under this section by both mail and hand delivery. Any order for immediate suspension issued by the PAI Director may be appealed to the Board of Appeals.

Appeals

A decision or order of the PAI Director may be appealed to the Board of Appeals in accordance with § 32-3-401 of the County Code and heard de novo if it is related to the issuance, denial, or renewal of a permit or a decision or order to suspend or revoke a permit.

Penalties and Fines

A permit holder who violates any requirement of the permit is subject to a fine up to \$250 for the first violation in a 12-month period. For the second violation in that period, the fine may be up to \$500 and for any subsequent violation, the fine may be up to \$1,000. Each day a violation occurs constitutes a separate offense. Also, the owner and person in control shall be jointly and severally liable for any fines or other civil penalties imposed against the permit holder.

Further Regulations and Compliance

Bill 99-24 authorizes PAI to adopt regulations in accordance with Article 3, Title 7 of the County Code, to carry out the provisions of the bill. Last, Section 2 of the bill states that the owner of a premises where a hookah lounge or vapor lounge is located shall have 120 days from the effective date of this Act to come into compliance with the requirements of the bill.

With the affirmative vote of five members of the County Council, Bill 99-24 will take effect 14 days after its enactment.

Mr. Crandell

Zoning Regs. – Conversion of Boarding or Rooming Houses in D.R. Zones

Bill 100-24 permits the conversion of a boarding or rooming house located in the D.R. Zone in certain areas to apartments. The bill also establishes the conversion rate and requirements for such apartments.

Currently, the Baltimore County Zoning Regulations define and regulate a boarding and rooming house as separate and distinct from a building with apartment dwellings. Generally, a boarding or rooming house is a dwelling where separate bedrooms may be rented but tenants share cooking and bathing facilities, while each apartment dwelling must have separate cooking and bathing facilities. Neither the Baltimore County Code nor Zoning Regulations set forth a process for converting a boarding or rooming house into a building with apartment dwellings.

Bill 100-24 establishes a process to convert a boarding or rooming house that was lawfully approved by the Zoning Commissioner or Administrative Law Judge to apartments. However, the boarding or rooming house must be located within the Dundalk National Historic District. The conversion rate is one apartment for every two approved bedrooms. Each apartment must contain its own cooking and bathing facilities and the number of approved parking spaces shall be the same as approved in the original order of the Zoning Commissioner or Administrative Law Judge, or a number that is consistent with current regulations.

With the affirmative vote of five members of the County Council, Bill 100-24 will take effect 14 days after its enactment.

FM-1 (Contract)

Council District(s) 5

Department of Planning

Conservation Easement – 736 Earls Beach Road, 21220

The Administration is requesting approval to acquire approximately 34.38 acres of land for \$342,498 under the State’s Rural Legacy Program, Coastal Rural Legacy Area. The Department advised that the use of the property will be subject to a deed of conservation easement to be granted to the Maryland Department of Natural Resources by the seller, subject to the approval of the Maryland Board of Public Works. Deborah G. Ledbetter Fuller currently owns the property, which is located at 736 Earls Beach Road in Essex and zoned RC-2 (Resource Conservation Agricultural Protection) and RC-50 (Resource Conservation Critical Area Agriculture). See Exhibit A.

Fiscal Summary

Funding Source	Purchase Price	Notes
County	--	⁽¹⁾ Capital Projects Fund – Rural Legacy Program.
State ⁽¹⁾	\$ 342,498	
Federal	--	
Other	--	
Total	\$ 342,498	

Analysis

Maryland’s Rural Legacy Program, which was established in 1997, provides funding to preserve large, contiguous tracts of land to enhance natural resources and agricultural, forestry, and environmental protection while supporting a sustainable land base for natural resource-based industries. The program emphasizes the protection of lands that are forested, have stream valleys, or are along the shoreline; there are five State-approved Rural Legacy Areas in the

County. The Department advised that the Baltimore County Coastal Rural Legacy Area encompasses 13,969 acres of wetlands, forests, marshes, farmland, and habitat along the shoreline of the Upper Western Shore of the Chesapeake Bay and is comprised of six distinct areas: Gunpowder Delta; Bird River; Dundee/Saltpeter; Bowleys Quarters; Back River/Holly Neck; and Fort Howard. The Department further advised that the Maryland Board of Public Works approved approximately \$27.1 million in FY 2023 Rural Legacy Program grants for the County's five Rural Legacy Areas, including \$2.1 million for the Coastal Rural Legacy Area.

The Department advised that the approximate 34.38-acre property to be acquired is improved with a primary residence, storage shed, garage, and the remnants of farm sheds, including corralling framework, and consists of shoreline, wetlands, agricultural area, and forest. The use of the property will be subject to a deed of conservation easement to be granted to the Maryland Department of Natural Resources by the seller, subject to the approval of the Maryland Board of Public Works.

The Department advised that it calculated a value of approximately \$342,498 (\$9,962 per acre) for the easement in accordance with Section 24-5-101 of the Baltimore County Code. The formula considers factors relating to the quality of the land and its importance relative to preservation efforts (e.g., development units, land features, environmental values, agricultural and economic opportunity, development pressure, and location) and the willingness of the property owner to discount easement prices. The Department further advised that the valuation formula is approved through the State Rural Legacy Program.

The Department advised that with the approval of this purchase, the County's five Rural Legacy Areas' preserved easement acreage will total approximately 47,611 acres, including 8,010 in easement in the Coastal Rural Legacy Area. The Department further advised that the County has preserved a total of 71,497 acres through all preservation programs as of October 2024; the County's goal is at least 80,000 acres.

The Baltimore County Code, Article 24, Section 5-101, authorizes Baltimore County to purchase easements and fee interests in a State or County Rural Legacy Area. As noted, the purpose of the Rural Legacy Program is to provide for the protection of large contiguous blocks of natural and agricultural resources including forest, scenic, and environmental resources in the County.

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

Executive Summary

PROGRAM TITLE: 736 Earls Beach Road

PROJECT NO.: 170020003

FISCAL MATTER: Contract of Sale

PROPERTY OWNERS: Deborah G. Ledbetter Fuller

LOCATION: 736 Earls Beach Road
Middle River, MD 21220

CONSIDERATION \$342,498.03

PURPOSE OF PROJECT: This contract is for the purchase of a Conservation Easement of 34.38 acres.

LIMITS OF PROJECT: 736 Earls Beach Road
Middle River, MD 21220

Prepared by: Department of Planning

FM-2 (Contract)

Council District(s) All

Department of Corrections

Drug Testing Services – Detention Center

The Administration is requesting approval of a contract with Phamatech, Inc. to provide drug testing services for incarcerated individuals at the Baltimore County Detention Center as well as offenders participating in community-based programs (i.e., work release, house arrest, Alternative Sentencing Program). The contract commences upon Council approval, continues for 2 years, and will renew automatically for three additional 1-year periods with the option to extend the initial term or any renewal term an additional 180 days. The contract provides that compensation may not exceed the amount appropriated for these services for the entire contract term. The Department advised that estimated compensation totals \$257,275 for the entire 5-year and 6-month term, including the renewal and extension periods. See Exhibit A.

Fiscal Summary

Funding Source	Total Compensation	Notes
County ⁽¹⁾	\$ 257,275	⁽¹⁾ General Fund Operating Budget. ⁽²⁾ Estimate for the entire 5-year and 6-month term.
State	--	
Federal	--	
Other	--	
Total	\$ 257,275 ⁽²⁾	

Analysis

The Department will perform the initial drug tests and send the samples that test positive to the contractor for confirmation testing. The contractor will test for alcohol and nine types of drugs (e.g., amphetamines, barbiturates, opiates, cannabinoids). The contractor is responsible for all labor, materials, equipment, and supervision necessary to transport, handle, and test specimens, in addition to following proper chain-of-custody procedures to ensure the integrity of the specimens is not compromised. The contractor is required to provide pick-up services three times

per week (Monday, Wednesday, and Friday) and submit certified test results within 72 hours after pick-up. Additionally, the contractor is required to retain positive specimens for one year or until any litigation is settled, whichever is longer. Unit prices are \$21 per drug test, \$18 per buprenorphine screening, and \$3 per additional substance test (for substances in addition to the included nine types of drugs). The contractor will also provide 12 panel drop test kits to the County at \$2 per kit. The Department expects that the contractor will perform approximately 350 drug tests per year.

The contract commences upon Council approval, continues for 2 years, and will renew automatically for three 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. The contract provides that compensation may not exceed the amount appropriated for these services for the entire contract term. The Department advised that estimated compensation totals \$257,275 for the entire 5-year and 6-month term, including the renewal and extension periods.

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

The Department advised that the County awarded the contract through a competitive procurement process based on low bid from six bids received and there is not an M/WBE participation requirement.

On October 16, 2017, the Council approved a similar 5-year and 4-month contract not to exceed \$93,000 with Phamatech, Inc. The County's financial system indicates that the contract expired November 6, 2022 and that \$92,995 was expended under the contract. The Department advised that since November 6, 2022, the County has expended/incurred \$5,310 for these services with Phamatech, Inc.

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 Department of Corrections is seeking Council approval for the Department's drug testing services contract. The proposed contract includes an initial term of two years with three one-year renewal options. In no event shall the compensation paid to the vendor exceed the sum of the County Council approved appropriation during the entire term of this Agreement including renewals thereof. The vendor provides drug testing services for incarcerated individuals.

Prepared by: Department of Corrections

FM-3 (Contract Amendment)

Council District(s) All

Office of Information Technology

HVAC Maintenance/Repair Services

The Administration is requesting approval of an amendment to a contract with Tate Engineering Systems, Inc. dba Site Support Services to continue to provide maintenance and repair services for the County’s computer-related HVAC equipment and systems at various County-owned and/or operated facilities as needed. The proposed amendment commences upon Council approval, extends the agreement one additional 1-year renewal period, removes the current compensation cap for these services, and limits the compensation to the amount appropriated for these services for the entire contract term. The Office advised that the proposed amendment is necessary to allow for the replacement of certain equipment; estimated compensation totals \$2,054,000 for the entire 6-year and 4-month term, including the renewal and extension periods. The contract commenced September 28, 2020. See Exhibit A.

Fiscal Summary

Funding Source	Current Maximum Compensation	Amended Estimated Compensation ⁽²⁾
County ⁽¹⁾	\$ 1,180,275	\$ 2,054,000
State	--	--
Federal	--	--
Other	--	--
Total	\$ 1,180,275	\$ 2,054,000 ⁽³⁾

⁽¹⁾ General Fund Operating Budget, Capital Projects Fund, (Tech Fund), Metropolitan District Fund, and Equipment Financing Program.

⁽²⁾ The amendment removes the existing compensation cap for these services and limits compensation to the amount appropriated for the entire contract term.

⁽³⁾ Estimated compensation for the entire 6-year and 4-month term.

Analysis

Under the proposed amendment, the contractor will continue to provide HVAC maintenance and repair services for the County's computer-related HVAC equipment and systems at various County-owned facilities as needed. The contractor will provide emergency and non-emergency repair services and perform preventative maintenance services (4 visits per contract year). The contractor will furnish all labor, materials, supervision, equipment, incidentals, and related items necessary to perform the HVAC services. For repair services, the contractor must report to the work site within 8 hours of notification; in an emergency situation, the contractor must report within 2 hours and repair the equipment within 4 hours of notification unless the County acknowledges that additional time is required to complete the repair. Failure to repair the equipment within the agreed upon timeframe will result in liquidated damages being assessed against the contractor in the amount of \$50 per hour until the equipment is repaired and fully operational.

According to the County's financial system, hourly labor rates for repairs range from \$80.27 to \$180.60, depending on the worker's skill level (skilled or unskilled) and time status (regular or overtime); annual HVAC system maintenance costs range from \$82.56 to \$1,444.75, depending on the system. According to the original contract, mark-ups for materials and equipment are 27% and 17%, respectively.

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

On November 2, 2020, the Council approved the two original 5-year and 4-month contracts (which commenced September 28, 2020) not to exceed \$1,180,275 combined for the entire term with Tate Engineering Systems, Inc. d/b/a Site Support Services serving as the primary contractor and Constellation NewEnergy, Inc. serving as the secondary contractor. Both contractors were to provide emergency and non-emergency repair services, and only Tate Engineering Systems, Inc. was to perform preventative maintenance services. The contracts also provide that the County will, on a project-by-project basis, utilize services from only the primary contractor unless the primary contractor cannot supply the services within a specified period of time, in which case the County will contact the secondary contractor to perform the work. The County's financial system

indicates that as of October 30, 2024, expenditures/encumbrances under the Tate Engineering Systems, Inc. contract totaled \$474,105, and there were no expenditures/encumbrances under the Constellation NewEnergy, Inc. contract, which expired September 27, 2024. The Office advised that the County is also in the process of renewing the contract with Constellation NewEnergy, Inc.

The Office advised that a contract extension is necessary to allow for the replacement of certain computer room equipment (including HVAC equipment) at a cost of \$2.9 million. The proposed amendment, which commences upon Council approval, extends the agreement for one additional 1-year renewal period, removes the current compensation cap, and limits the compensation to the amount appropriated for these services for the entire contract term. The Office advised that estimated compensation totals \$2,054,000 for the entire 6-year and 4-month term, including the renewal and extension periods. The proposed amendment states that all other terms and conditions remain the same.

The County awarded the original contract (along with the original secondary contract) through a competitive procurement process based on low bid from three bids received.

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

History - Baltimore County has a significant investment in its computer and networking equipment, both in terms of monetary investment and an investment to all phases of County operations. Changes in equipment and the addition of new, more efficient HVAC units prompted the need to issue a solicitation for contractors that could provide adequate maintenance of the equipment as well as provide regular and emergency service on an as needed basis. In addition, repairs that are deemed "emergency" now have specific response and repair times that must be met.

The County receives scheduled maintenance on the HVAC equipment found in the County's data centers. Additional equipment may be added to the contract, at which time the contractor will be requested to provide an annual cost for maintenance of said equipment. Tate Engineering Systems Inc must possess or obtain the necessary manufacturer's certification in order to work on County HVAC equipment.

Summary – The purpose of the amendment with Tate Engineering Systems Inc is to remove the compensation cap and provide an additional renewal year to provide expert emergency and non-emergency repair as needed. The County's computers are critical to County operations and are sensitive to operating temperature and humidity, requiring that the HVAC systems in each location be operating at peak efficiency at all times, and must be quickly repaired in the event of a failure.

Fiscal Impact - This amendment increases the cap to allow for the replacement of computer room air conditioning and UPS equipment in the Enterprise Data Centers. The UPS equipment will be purchased under another contract. The cost to replace all of the necessary components is \$2.9 million total with the HVAC costing \$1,450,000. All of the existing components are nearing the end of their recommended duty cycle. Extending the components life cycle reduces reliability and increases operating maintenance costs as large, expensive hardware components may fail and must be replaced in order to maintain computer operations. The replacements are scheduled to begin no later than June 2025. While the contract end date is 9/27/2025, we are requesting a contract date extension to ensure a viable contract is in place while this critical work is being done.

Prepared by: Office of Information Technology

FM-4 (Contract Amendment)

Council District(s) All

Police Department

Hardware Purchases, Licenses (Body Worn Cameras), et. al.

The Administration is requesting approval of an amendment to a contract with Axon Enterprise, Inc. to continue to provide equipment, related peripherals, software subscriptions, and services for the Police Department. The proposed amendment, which commences upon Council approval, extends the initial term of the agreement by 5 years, through January 14, 2035, and incorporates revised pricing and payment summaries for the remainder of the amended initial term for new types of equipment (e.g., upgrades to conducted electrical weapons (CEWs) [tasers], uncrewed aerial systems) and existing types of equipment (e.g., body worn cameras (BWCs)). The Department advised that the proposed amendment increases the estimated compensation of the contract by \$35,807,529, from \$31,500,000 to \$67,307,529 for the entire amended 12-year and 2-month term. The original contract commenced November 21, 2022. See Exhibit A.

Fiscal Summary

Funding Source	Contract Amendment	Current Total Compensation	Amended Total Compensation
County ⁽¹⁾	\$ 35,807,529	\$ 31,500,000	\$ 67,307,529
State	--	--	--
Federal	--	--	--
Other	--	--	--
Total	<u>\$ 35,807,529</u> ⁽²⁾	<u>\$ 31,500,000</u> ⁽³⁾	<u>\$ 67,307,529</u> ⁽⁴⁾

⁽¹⁾ Special Fund (Speed Camera Program) Operating Budget.

⁽²⁾ Additional estimated compensation for the entire 12-year and 2-month amended term.

⁽³⁾ Estimate for the current 9-year and 2-month term.

⁽⁴⁾ Estimate for the entire 12-year and 2-month amended term.

Analysis

Under the proposed amendment, the contractor will continue to provide equipment, related peripherals, software subscriptions, and services for the Police Department. The amended contract will include additional types of equipment, such as upgrades to conducted electrical weapons (CEWs) [tasers] and uncrewed aerial systems, in addition to existing types of equipment (e.g., body worn cameras (BWCs)).

The proposed amendment, which commences upon Council approval, extends the initial term of the agreement by 5 years, through January 14, 2035. The proposed amendment also incorporates revised pricing and payment summaries for the remainder of the amended initial term. The Department advised that the proposed amendment increases the estimated compensation of the contract by \$35,807,529, from \$31,500,000 to \$67,307,529 for the entire amended 12-year and 2-month term. All other terms and conditions remain the same. The Department further advised that a contract extension is necessary to access more favorable contract pricing negotiated by the County. Either party may terminate the agreement by providing written notice: the County must provide 30 days and the contractor must provide 360 days prior written notice.

On November 21, 2022, the Council approved the original approximate 9-year and 2-month contract (including a 2-year renewal period) with Axon Enterprise, Inc. not to exceed the amount appropriated for the entire term. The County's financial system indicates that as of October 29, 2024, expenditures/encumbrances under the contract totaled \$6,464,321.

The County awarded the original contract as a noncompetitive 902(f) award secured in the best interest of the County. The Office of Information Technology previously advised that the Police Department's BWC, CEW, and video recording systems work together as a seamless enterprise solution; in addition, both the BWC and CEW hardware use the same proprietary software solution, which is required to allow current Department operations to continue uninterrupted.

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

AXON Enterprise, Inc.

The Project:

In November 2022, the County executed a long-term agreement with AXON Enterprises to provide hardware purchases and licenses for Body Worn Cameras, Evidence.com storage payments, Taser Assurance Program (TAP) yearly payments, and Certification plans.

The scope of services under this Amendment includes better contract pricing for each year of the Agreement and an extension of the original term (through 2035) in order to access the more favorable pricing to provide the hardware and services outlined in the 2022 Agreement. All other terms and conditions of the original agreement remain in effect.

Prepared by: Police Department

FM-5 (3 Contracts)

Council District(s) All

Property Management

On-Call Painting Services

The Administration is requesting approval of three contracts, with Colossal Contractors, Inc., E.A.R.N. Contractors, Inc., and JB Contracting, Inc., to provide on-call painting services at various County-owned and/or operated facilities. Each contract commences upon Council approval, continues for 1 year, and will renew automatically for four additional 1-year periods with the option to extend the initial term or any renewal term an additional 180 days. The contracts provide that compensation may not exceed the amount appropriated for these services for the entire contract term. Property Management advised that estimated compensation for all contractors combined totals \$1,152,757 for the entire 5-year and 6-month term, including the renewal and extension periods. See Exhibit A.

Fiscal Summary

Funding Source	Combined Total Compensation	Notes
County ⁽¹⁾	\$ 1,152,757	⁽¹⁾ General Fund Operating Budget and/or Capital Projects Fund.
State	--	
Federal	--	⁽²⁾ Estimate for the entire 5-year and 6-month term.
Other	--	
Total	<u>\$ 1,152,757</u> ⁽²⁾	

Analysis

The contractors will provide all labor, materials, tools, equipment, and supervision necessary for exterior and interior painting, staining, and coating of buildings, structures, furnishings, equipment, and any other paintable, stainable, or coatable surfaces required as part of facilities maintenance

at various County-owned and/or operated buildings. The contractors may also be asked to provide wallpapering services. Hourly rates for labor range from \$22 to \$39, depending on the contractor, worker's skill level (skilled or unskilled), and time status (regular or overtime). Mark-ups for materials and rental equipment for E.A.R.N. Contractors, Inc., Colossal Contractors, Inc., and JB Contracting, Inc. are 9%, 10%, and 10%, respectively. Each contract provides that the County does not guarantee any minimum amount of work. Property Management advised that the contractors will submit proposals for each project with the award to the lowest proposal.

Each contract commences upon Council approval, continues for 1 year, and will renew automatically for four additional 1-year periods with the option to extend the initial term or any renewal term an additional 180 days on the same terms and conditions, unless the County provides notice of non-renewal. The contracts provide that compensation may not exceed the amount appropriated for these services for the entire contract term. Property Management advised that estimated compensation for all contractors combined totals \$1,152,757 for the entire 5-year and 6-month term, including the renewal and extension periods.

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

Property Management advised that the Baltimore Regional Cooperative Purchasing Committee (of which Baltimore County is a participating entity and lead agency for this solicitation) awarded the contracts based on low bid from nine bids received. According to the bid documents, there is a 30% M/WBE participation requirement.

On December 16, 2019, the Council approved three similar 5-year and 4-month contracts not to exceed \$4,651,689 combined, with Total Contracting, Inc., Colossal Contractors, Inc., and E.A.R.N. Contractors, Inc. The County's financial system indicates that as of October 30, 2024, the County expended/encumbered \$997,296 under the contracts: \$645,494 to Total Contracting, Inc., \$238,465 to Colossal Contractors, Inc., and \$113,337 to E.A.R.N. Contractors, Inc. Property Management advised that the proposed contracts limit compensation to the amount appropriated because forecasting an accurate maximum compensation is difficult for this type of service.

The County's financial system indicates that as of October 10, 2024, the County currently has three other contracts with E.A.R.N. Contractors, Inc. and four other contracts with Colossal Contractors, Inc.

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

Property Management is requesting the approval of a contract with Colossal Contractors, EARN Contractors, and JB Contracting for labor, materials, tools, equipment, and supervision for painting services at various County-owned and/or operated facilities.

In no event shall the total compensation paid to the Contractor exceed the sum of the County Council approved appropriated amount during the entire term of this Agreement including renewals thereof. The Agreement shall be effective when it has been properly signed by all parties and when executed by the County (the "Initial Term"). The County reserves the right to renew this Agreement for four (4) additional one (1) year renewal options on the same terms and conditions. The County shall have the option of extending this Agreement at the end of the Initial Term or any renewal term for an additional 180 days on the same terms and conditions.

The contracts have a 30% MWBE goal.

Prior to the commencement of subsequent renewal terms, the County may entertain a request for an escalation in accordance with the current 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.

Prepared by: Property Management

FM-6 (Contract Amendment #2)

Council District(s) All

Property Management

Elevator and Chair/Lift Services

The Administration is requesting approval of a second amendment to a contract with Action Elevator Company, LLC to continue to provide maintenance and repair of elevators, lifts, and dumbwaiters in various County-owned and/or operated facilities. The proposed amendment, which commences upon Council approval, increases the maximum compensation by \$2,190,819, from \$3,538,310 to \$5,729,129 for the entire 5-year and 4-month term. The original contract commenced November 1, 2021. See Exhibit A.

Fiscal Summary

Funding Source	Contract Amendment	Current Maximum Compensation	Amended Maximum Compensation
County ⁽¹⁾	\$ 2,190,819	\$ 3,538,310	\$ 5,729,129
State	--	--	--
Federal	--	--	--
Other	--	--	--
Total	<u>\$ 2,190,819</u>	<u>\$ 3,538,310</u>	<u>\$ 5,729,129 ⁽²⁾</u>

⁽¹⁾ General Fund Operating Budget and/or Capital Projects Fund.

⁽²⁾ For the entire 5-year and 4-month term.

Analysis

Under the proposed amendment, the contractor will continue to provide all labor, supervision, materials, equipment, and incidentals necessary for full service and preventive maintenance services and repairs to elevators, wheelchair lifts, and dumbwaiters at various County-owned and/or operated facilities. Services include regular routine maintenance, inspections, safety tests (including State-required testing), replacement of parts, and all necessary cleaning, lubrication,

and adjustments. The contract establishes certain performance requirements (e.g., response to emergency calls within 1 hour).

Preventive maintenance costs are charged by building location at quarterly rates ranging from \$341 to \$10,893 (depending on the quantity and type of equipment). Services outside of preventive maintenance are charged on a time and materials basis. Hourly labor rates range from \$170 to \$310, depending on the skill level (apprentice or skilled mechanic) and work status (regular or overtime). Mark-up on materials is 10%.

On November 1, 2021, the Council approved the original 5-year and 4-month contract not to exceed \$3,538,310. On June 3, 2024, the Administration approved the first amendment to the contract, incorporating Prevailing Wage and Local Hiring Law and the Prevailing Wage Affidavit for capital improvement projects valued at more than \$300,000; Property Management advised that the amendment has not had an effect on the pricing of projects at this time. The County's financial system indicates that as of October 28, 2024, the County expended/encumbered \$3,375,593 under the current contract.

Property Management advised that the proposed second amendment is necessary to address unforeseen repair requests and safety concerns in aging elevators across the County. The proposed second amendment, which commences upon Council approval, increases the maximum compensation by \$2,190,819, from \$3,538,310 to \$5,729,129 for the entire 5-year and 4-month term. All other terms and conditions remain the same.

The Request for Proposal provided that if price adjustments are requested, the contractor must notify the County at least 90 days prior to the expiration of the current term; the maximum compensation includes a 5% escalation in each renewal period. The County may terminate the agreement by providing 30 days prior notice.

The County awarded the original contract through a competitive procurement process based on qualifications, experience, and price from two proposals received. According to the bid documents, there is not an M/WBE participation requirement.

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

Executive Summary

Property Management is requesting the approval of an amendment to the contract for Action Elevator Company, LLC for on-call elevator and lift maintenance, repair, and related services for various locations in Baltimore County.

Currently on SCON-10000810, there is \$38,890.37 of the NTE available.

Total compensation will increase from Three Million, Five Hundred Thirty-Eight Thousand, Three Hundred Ten Dollars and Thirty-Four Cents (\$3,538,310.34) to Five Million, Seven Hundred Twenty-Nine Thousand, One Hundred Twenty-Nine Dollars and Fifty Cents (\$5,729,129.50) upon approval from the County Council. This would provide a \$2,190,819.16 increase to continue to provide elevator repair services throughout the County.

Paragraph 2.3 of the Agreement shall be deleted and replaced with the following:

“In no event shall the compensation paid to the Contractor under this Agreement exceed the sum of Five Million, Seven Hundred Twenty-Nine Thousand, One Hundred Twenty-Nine Dollars and Fifty Cents (\$5,729,129.50) during the entire term of this Agreement including renewals thereof.”

All other terms, conditions, and provisions of the Agreement remain in full force and effect. The current expiration date is October 31, 2026.

Prepared by: Property Management

FM-7 (Contract)

Council District(s) 5

Office of Law – Real Estate Compliance Division

Acquisition of Easement – 3400 Northwind Road, 21234

The Administration is requesting approval of a contract to acquire easement access spanning approximately 0.393 acre for \$6,060 for the Jennifer Branch Relief Sewer project east of Harford Road and south of Northwind Road in Parkville. Baltimore County Game & Fish Protective Association, Inc. currently owns the property, which is located at 3400 Northwind Road and zoned DR-2 (Density Residential – 2 units per acre), DR-1-NC (Density Residential – 1 unit per acre – Neighborhood Commons), and DR-1 (Density Residential – 1 unit per acre). The easements will be used for drainage and utility easements and temporary construction areas. See Exhibit A.

Fiscal Summary

Funding Source	Purchase Price	Notes
County ⁽¹⁾	\$ 6,060	⁽¹⁾ Capital Projects Fund – Metropolitan District.
State	--	
Federal	--	
Other	--	
Total	<u>\$ 6,060</u>	

Analysis

The Office advised that Everett Benfield Advisors, in its capacity as sub-contractor to the County’s engineering contractor, Johnson, Mirmiran & Thompson (JMT), completed an appraisal of the property effective February 14, 2024, recommending a value of \$6,060. The Office further advised that after review and analysis, JMT concurred with the appraisal, recommending the respective amount as just compensation for the acquisition; JMT offered the property owner \$6,060 on behalf of the County, which the property owner accepted.

The total 0.393-acre property to be acquired, including the drainage and utility easements (0.169 acre) and the temporary construction area (0.224 acre), is part of a larger 39.36-acre parcel that is improved with a gun range, a residential building where the property caretaker resides, and commercial buildings.

The Department of Public Works and Transportation advised that the Jennifer Branch Relief Sewer project includes the construction of approximately 6,000 feet of relief sewer along Jennifer Branch stream between Harford Road and Northwind Road. The Department also advised that a total of 24 acquisitions are needed for this project, and following approval of the proposed acquisition, 5 additional acquisitions will require Council approval; the proposed contract is the third item requiring Council approval. As of the adoption of the FY 2025 Capital Budget, appropriations earmarked for the project total \$6.0 million. The Department further advised that as of November 1, 2024, the County had expended/encumbered approximately \$1.0 million for design, permitting, and property acquisition.

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

Executive Summary

PROGRAM TITLE: Jennifer Branch Relief Sewer Project

PROJECT NO.: 010777250

FISCAL MATTER: Contract of Sale

PROPERTY OWNERS: Baltimore County Game & Fish Protective
Association, Inc.

LOCATION: 3400 Northwind Road
Parkville, MD 21234

CONSIDERATION: \$6,060.00

PURPOSE OF PROJECT: This contract is for the purchase of 7,361 sq. ft. of
Drainage and Utility Easement and 9,739 sq. ft. of
Temporary Construction Area.

LIMITS OF PROJECT: Jennifer Branch Relief Sewer Project

Prepared by: Office of Law – Real Estate Compliance Division

FM-8 (Contract)

Council District(s) 7

Office of Law – Real Estate Compliance Division

Acquisition of Easement – 8215 Beachwood Road, 21222

The Administration is requesting approval of a contract to acquire easement access spanning approximately 0.177 acre for \$22,025 for the Fischer Road Relief and Replacement Sanitary Sewer project in Dundalk. American Yeast Corporation currently owns the property, which is located at 8215 Beachwood Road and zoned M.H. (Manufacturing, Heavy), M.L. (Manufacturing, Light), RC-20 (Resource Conservation Critical Area), and M.H.-I.M. (Manufacturing, Light/Industrial Major District). The easements will be used for a drainage and utility easement and temporary construction areas. See Exhibit A.

Fiscal Summary

Funding Source	Purchase Price	Notes
County ⁽¹⁾	\$ 22,025	⁽¹⁾ Capital Projects Fund – Metropolitan District.
State	--	
Federal	--	
Other	--	
Total	<u>\$ 22,025</u>	

Analysis

The County’s staff appraiser completed an appraisal of the property effective September 27, 2023, recommending a value of \$22,025. The Office of Law – Real Estate Compliance Division advised that the property owner accepted the County’s offer.

The total 0.177-acre property to be acquired, including the drainage and utility easement (0.093 acre) and temporary construction areas (0.084 acre), is part of a larger 12.5-acre parcel that is improved with a large industrial manufacturing building for the owner’s manufacture of baking

yeast. The property is zoned M.H., M.L., RC-20, and M.H.-I.M. The Office advised that the site's improvements will not be impacted by the taking.

The Office advised that the purpose of the Fischer Road Relief and Replacement Sanitary Sewer project is to separate flow from the American Yeast Corporation (located at this property) until it reaches the interceptor in North Point Road; the new sewer line will follow Universal Trade Drive north to Fischer Road, where it will turn west and cross the Norfolk Southern Railroad tracks and I-695 near the existing 12-inch and 16-inch sewer crossings. The Department of Public Works and Transportation advised that the County is separating the flow to provide a better level of service for all properties connected in this area; separating flow will provide a more efficient means of cleaning and maintaining the public infrastructure without disrupting industrial operations. The Department further advised that the County has increased the capacity of the Lynhurst and Beachwood Road pumping stations upstream of the proposed infrastructure improvements, which has affected the available capacity of the downstream collection system; the proposed relief sewer will provide additional capacity to accommodate the increased size of the upstream pumping stations.

The Office advised that a total of five acquisitions are needed for this project, and following approval of the proposed acquisition, two additional acquisitions will require Council approval; the proposed contract is the third item requiring Council approval. The Office further advised that as of the adoption of the FY 2025 Capital Budget, appropriations earmarked for the project total \$4.0 million and estimated construction costs total \$3.9 million; as of November 6, 2024, the County has expended/encumbered approximately \$500,000 for the engineering design and construction phase services of the larger project that is associated with the Fischer Road Relief Sewer.

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

Executive Summary

PROGRAM TITLE: Fischer Road Relief & Replacement Sanitary Sewer

PROJECT NO.: 201-00770-7312

FISCAL MATTER: Contract of Sale

PROPERTY OWNERS: American Yeast Corporation

LOCATION: 8215 Beachwood Road
Dundalk, MD 21222

CONSIDERATION: \$22,025.00

PURPOSE OF PROJECT: This contract is for the purchase of 4,063 sq. ft. of Drainage and Utility Easement and 3,678 sq. ft. of Temporary Construction Easement Area.

LIMITS OF PROJECT: 8215 Beachwood Road
Dundalk, MD 21222

Prepared by: Office of Law – Real Estate Compliance Division

FM-9 (2 Contracts)

Council District(s) All

Department of Public Works and Transportation

On-Call Snow Removal and Deicing Services

The Administration is requesting approval of two contracts, with Waynetta Mitchell dba Carroll Concrete Construction Co. and Chesapeake Tree & Outside Services, LLC, to provide on-call snow removal and de-icing services. Each contract commences upon Council approval, continues for 1 year, and will renew automatically for four additional 1-year periods with the option to extend the initial term or any renewal term an additional 120 days. (November 1 through April 30 constitutes a snow season.) The contracts provide that compensation may not exceed the amount appropriated for the entire contract term. The contract amounts are not reasonably estimable at this time. The FY 2025 budget for the Storm Emergencies Program totals \$6.0 million, including \$2.8 million for contractual snow removal services. See Exhibit A.

Fiscal Summary

Funding Source	Initial Term	Combined Total Compensation
County ⁽¹⁾	*	*
State	--	--
Federal	--	--
Other	--	--
Total	* (2)	* (3)

⁽¹⁾ General Fund Operating Budget.

⁽²⁾ The hourly rates range from \$115 to \$175, depending on the contractor and type of equipment provided.

⁽³⁾ Compensation may not exceed the amount appropriated for these services for the entire term. The contract amounts are not reasonably estimable at this time.

Analysis

In accordance with the Department’s snow removal plan, responsibility for most Priority 1 routes (i.e., roads with traffic volumes of at least 10,000 vehicles per day) will be assigned to contractors, allowing the County to focus its efforts on subdivision streets more quickly.

The proposed two contractors will provide the following:

<u>Contractor</u>	<u>Equipment</u>	<u>Hourly Rate</u>
Waynetta Mitchell dba Carroll Concrete Construction Co.	5 one-ton pick-up or small-axle dump trucks, each with plow and spreader (Class I-IV)	\$115
Chesapeake Tree and Outside Services, LLC	1 one-cubic-yard front-end loader or skid steer	\$120
	6 one-ton pick-up or small-axle dump trucks, each with plow and spreader (Class V)	\$135
	1 single-axle dump truck with plow and spreader	\$175

Each contractor will be paid based on the actual hours the equipment is in service, including up to 2 hours for travel time (1 hour each to and from the County highway shop). Additionally, the minimum work shift is 4 hours. The County will provide all rock salt for spreading on the road surfaces.

Each contract commences upon Council approval, continues for 1 year, and will renew automatically for four additional 1-year periods with the option to extend the initial term or any renewal term an additional 120 days on the same terms and conditions, unless the County provides notice of non-renewal. The contracts provide that compensation may not exceed the amount appropriated for the entire contract term. The contract amounts are not reasonably estimable at this time due to the unpredictable nature and timing of snowfalls. The County may terminate the agreements by providing 30 days prior written notice.

The FY 2025 budget for the Storm Emergencies Program totals \$6.0 million, including \$2.8 million for contractual snow removal services. The Department advised that FY 2024 snow removal expenditures totaled \$4,535,458, including \$1,894,447 for contractual services.

The contracts provide that pricing is based on similar contracts established by the State of Maryland; hourly rates may be changed at the beginning of each snow season based on the State rates in effect at that time. The proposed contracts provide for new minimum payment guarantees for snow and ice removal operations in the amount of \$3,000 for each Class V vehicle and \$1,500 for each Class I-IV vehicle for the 2024-2025 snow season; the Office of Budget and Finance, Purchasing Division advised that the State's contracts also include minimum annual guarantees. (The Purchasing Division further advised that it is in the process of amending the County's other snow removal contracts to reflect the new payment structure.) The contracts include an additional incentive payment to the contractors after the snow season ends in the amount of \$750 per class V or larger vehicle (e.g., single-axle, tandem axle, or tri-axle dump truck) and \$500 per Class I-IV vehicle (e.g., one-ton pick-up or small-axle truck) if the contractors were available and present for all snow events; previously, the incentive payment was a flat \$500 per truck. The Purchasing Division advised that the new payment structure aligns with the State's contracts and is due to the fact that larger vehicles cost more to operate and maintain. The County's contracts also include the incentive payment for contracts in place by November 1, 2024; the Purchasing Division advised that the proposed contractors will still be eligible for the incentive payment based on the date of the solicitation.

The Department advised that the County awarded the contracts through a competitive procurement process from four bids received; one bid was deemed non-responsive. The Department further advised that there is not an M/WBE participation requirement.

The Department advised that the Bureau of Highways and Equipment Maintenance and Bureau of Utilities, the Department of Recreation and Parks, the Department of Education, and the Office of Budget and Finance – Property Management Division each manages its own assortment of County vehicles and contractors for each snow season. The Purchasing Division further advised that as of October 31, 2024, the County has contracts with 45 contractors that provide approximately 234 trucks and 50 pieces of equipment, excluding the proposed two contracts.

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

Vendor Names – Waynetta Mitchell dba Carroll Concrete Construction Co. and Chesapeake Tree and Outside Services, LLC

Purpose – Additional resources are needed to supplement county crews, especially during large events.

Scope of Contract – Each Contractor shall provide snow removal and salt application services which the County may require during the Term. The County reserves the right to order such services as may be required during the Term, and it also reserves the right not to order any services, if it is found that such services are not required by the County during the Term. Snow removal shall consist of pushing all snow off the road surfaces of designated routes, to the sides of the roadways. Salt application shall involve the even distribution of rock salt across the same road surfaces being plowed by means of a salt spreader. The rate of application should be pre-calibrated as recommended by the Baltimore County Bureau of Highways during equipment installation by the Contractors.

The contractors were selected through competitive bid and they were best qualified and best value. Four vendors submitted proposals; two vendors were selected.

Contract Value \$ - Each contract does not specify a contract capacity. The capacity is tied to the total appropriation for snow removal services. The County reserves the right to order such services as may be required during the Term, and it also reserves the right not to order any services, if it is found that such services are not required by the County during the Term.

Term – One (1) year (Initial Term) with Four (4) One (1) Year Renewal Options. A snow season is defined as beginning November 1st and ending April 30th of the next calendar year.

Vendor Selection method – Best Qualified, Best Value, Competitive Bid, Experience, Low Bid

MBE/WBE – 0%

Prepared by: Department of Public Works and Transportation

FM-10 (Contract)

Council District(s) 2 & 3

Department of Public Works & Transportation

Engineering Services – Brooklandville Area

The Administration is requesting approval of a contract with iCivil, Inc. to complete the engineering services required for the permitting and design of certain off-site sewer system capacity improvements required by the approved Development Plan for the Johns Hopkins Pavilion III building at Green Spring Station, located at 10803 Falls Road in Brooklandville. The contract commences upon Council approval and continues for one year. The contract provides that compensation may not exceed \$36,180 for the 1-year term. (An associated Memorandum of Understanding, approved by the Administration earlier this year, stipulates that Johns Hopkins will reimburse the County for the cost of the remaining permitting and design work to be completed under the proposed contract, as well as for \$450,000 of the estimated construction cost of the off-site sewer system improvements.) See Exhibit A.

Fiscal Summary

Funding Source	Maximum Compensation	Notes
County	\$ --	⁽¹⁾ Capital Projects Fund - Metropolitan District (Developer Fees).
State	--	
Federal	--	⁽²⁾ For the entire 1-year term.
Other ⁽¹⁾	36,180	
Total	\$ 36,180 ⁽²⁾	

Analysis

The proposed contract is in connection with a June 7, 2024 Memorandum of Understanding (MOU) between the County and Johns Hopkins Health Care and Surgery Center Development, LLC (JHHSCSD); this 2024 MOU replaced a 2017 MOU between the same parties, which expired

in January 2020. The 2017 MOU stated that the County's approval of the Development Plan for Johns Hopkins Pavilion III required off-site modifications to the County's sewer system. The 2024 MOU stipulates that JHHCSCD will reimburse the County up to \$36,180 to complete such sewer design work and to obtain the necessary permits and temporary construction easements necessary for the County to begin construction.

Under the proposed contract, iCivil, Inc. will complete the aforementioned work. The scope and cost of services are as follows:

- Cost Estimate (\$7,100) – preparation of a construction cost estimate based on the approved plans.
- Sediment Erosion Control/Grading Permit (\$7,100) – preparation of all documents and applications that are needed to obtain a grading permit, including any additional plan changes that arise during the process, up to and including 3 review cycles.
- SHA Utility Permit (\$8,300) – preparation of all documents and applications that are needed to obtain an SHA utility permit, including any additional plan changes that arise during the process, up to and including 3 review cycles.
- Environmental Agreement (\$2,840) – preparation of all documents and applications that are needed to obtain a Baltimore County environmental agreement, including any additional plan changes that arise during the process, up to and including 3 review cycles.
- Meetings and Coordination (\$2,640) – Attend meetings as required during the processing of the permit documents. Provide coordination during the development process.
- Finalize and submit final sewer replacement plans (\$8,200).

The contract commences upon Council approval and continues for one year. The contract provides that compensation may not exceed \$36,180. The County may terminate the agreement by providing prior written notice.

The County awarded the contract as a noncompetitive 902(f) award secured in the best interest of the County. As noted, the 2024 MOU between the County and JHHCSCD replaces the 2017 MOU, which expired in January 2020. The 2017 MOU required that JHHCSCD engage a vendor to perform the initial design work and deliver a final plan to the County to commence construction. JHHCSCD hired Joyce Engineering to complete the design work. (The 2017 MOU also stipulated that the County would complete construction by January 1, 2020, and JHHCSCD would pay 50-55% of the construction costs.) The Department advised that in 2022, iCivil, Inc. purchased Joyce Engineering, including its intellectual property, but iCivil, Inc. was unaware that the sewer design project related to Pavillion III had not been completed. The Department further advised that Joyce

Engineering had completed 95% of the design work required and restarting the design with another firm would cost the County an estimated \$200,000.

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

DPWT seeks to contract Engineering Services to complete the sewer work related to the Johns Hopkins Health Care and Surgery Center Development, otherwise known as Johns Hopkins Pavilion III at Green Spring Station located at 10803 Falls Road.

Baltimore County has entered into a new MOU with Johns Hopkins regarding this sewer work that was executed in June of 2024. Under this new MOU, Johns Hopkins has provided funding towards the completion of this project. Baltimore County has agreed to complete the engineering, permitting and construction required to increase the sewer capacity.

By law and the engineering code of ethics, Engineering work is performed under a State licensed engineer, this particular project was designed to 95% under the engineering license of Joyce Engineering. That license is now held by iCivil. iCivil purchased Joyce Engineering and their intellectual property, but was unaware this project was not completed. As the owner of the intellectual property created by Joyce Engineering, iCivil is the only alternative to finalize this infrastructure design task.

The Engineering Services needed include the preparation and submittal of Construction Contract Documents, design drawings, permitting, and other relevant document preparation. Based on prior County efforts for other permitting and design tasks, the proposed costs are reasonable for the level of effort required to complete the tasks listed. Baltimore County will be reimbursed by Johns Hopkins based on the MOU terms between Johns Hopkins and Baltimore County for work completed in the effort to finalize the design and permitting of this project.

Prepared by: Department of Public Works & Transportation

FM-11 (Contract Amendment)

Council District(s) All

Office of Law

Legal Services

The Administration is requesting retroactive approval of an amendment to a contract with Whitman, Requardt & Associates, LLP (WRA) to continue providing consulting services with respect to a legal case against the County. The original contract commenced January 26, 2023 and continues through December 31, 2024. The proposed amendment commenced September 25, 2024, increasing the maximum compensation by \$25,000, from \$25,000 to \$50,000 for the entire approximate 1-year and 11-month term. See Exhibit A.

Fiscal Summary

Funding Source	Contract Amendment	Current Maximum Compensation	Amended Maximum Compensation
County ⁽¹⁾	\$ 25,000	\$ 25,000	\$ 50,000
State	--	--	--
Federal	--	--	--
Other	--	--	--
Total	<u>\$ 25,000</u>	<u>\$ 25,000</u>	<u>\$ 50,000</u> ⁽²⁾

⁽¹⁾ Self Insurance Fund.

⁽²⁾ Maximum compensation for the entire approximate 1-year and 11-month term.

Analysis

The Office advised that WRA will continue to serve as a consultant for the County in regard to a contract claims case; WRA was the prime design consultant on the construction project under dispute. Under the proposed contract amendment, WRA will continue to provide expert reports, testify in litigation proceedings, and review documents in consultation with the Office; according

to the Office, the case proceeded before the Office of Administrative (ALJ) Hearings in late October 2024.

In January 2023, the Administration entered into an agreement with WRA for consulting services through the earlier of completion of the ALJ hearing or December 2024 with compensation not to exceed \$25,000. The County's financial system indicates that as of October 29, 2024, expenditures/encumbrances under the contract totaled \$23,320. Consulting services are billed at hourly rates of \$210 and \$220 for calendar years 2023 and 2024, respectively. Travel expenses, photographs, and equipment rental are to be reimbursed at cost. The contract includes a fee schedule related to direct expenses (e.g., copies, mileage). The County does not pay for postage, long distance telephone calls, facsimile transmission, or overnight courier services, unless agreed to in advance by the County Attorney.

The Office advised that the proposed amendment is necessary because of the additional services required related the October 2024 ALJ hearing and post-hearing work. Specifically, the Office advised that much of this work took place already (conservatively estimated at 80 to 100 hours for hearing preparation and attendance); the proposed amendment commenced on September, 25, 2024, increasing the maximum compensation by \$25,000, from \$25,000 to \$50,000 for the entire approximate 1-year and 11-month term. All other terms and conditions remain the same. The County may terminate the agreement by providing 30 days prior written notice.

The Office requested that the proposed amendment be designated as a noncompetitive 902(f) award secured in the best interest of the County because WRA served as the prime design consultant on the project. The Office advised that WRA has a deep technical knowledge related to the matter, as well as experience in finding unique solutions to construction-related problems, and has a reputation as one of the industry's most reliable geotechnical resources. The Office noted that WRA's expertise is necessary to rebut the technical aspects of the claims against the County.

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

County Charter, Section 715, requires that "any contract must be approved by the County Council before it is executed if the contract is...for services for a term in excess of two years or involving

the expenditure of more than \$25,000 per year....” As noted, the proposed amendment commenced on September 25, 2024, with the majority of costs incurred prior to November 2024; accordingly, this situation constitutes a violation of the aforementioned section of the County Charter.

Executive Summary

Baltimore County and Allan Myers MD (Myers) entered into a contract, Contract 14: 17 SXO, on November 11, 2019, to perform work associated with the construction of the East Branch Herring Run Relief Sewer (Project). A dispute has arisen between the County and Myers related to work performed by Myers. Myers filed a claim against the County seeking additional compensation than the amount contracted for because of alleged change of site conditions. The County disputes the claim and Myers has pursued litigation in pursuit of its claim. The County requires the consulting expertise of WRA in the County's defense of the litigation.

Whitman Requardt & Associates LLP ("WRA") will be required to assist the County in its defense of the claim. WRA has a deep technical knowledge, ability to distill the complexities of a matter, and experience in finding unique solutions to construction related problems. They have a reputation as one of the industry's most reliable geotechnical resources. Their experience includes subsurface investigations, foundation design, ground water supply and wells, embankment design, tunnels and retaining walls.

WRA will be required to, among other things, provide expert reports, testify in litigation proceedings and review documents in consultation with the County's litigation team. The expertise of WRA is necessary in order for the County to successfully rebut the technical aspects of the claims made by Myers. Myers will also use technical expertise concerning the project.

The matter is set to proceed to a two-week hearing before the Office of Administrative Hearings. In addition to appearance of WRA at the hearing, we will also require their assistance in preparing for the hearing and defending against the Petitioner's experts.

Prepared by: Office of Law

FM-12 (Contract Amendment #4)

Council District(s) All

Office of Law

Legal Services

The Administration is requesting approval of a fourth amendment to a contract with Nelson Mullins Riley & Scarborough LLP to continue to provide outside legal counsel with respect to class action litigation filed against the County. The proposed amendment, which commences upon Council approval but applies retroactively to costs incurred since August 1, 2024, increases the maximum compensation by \$3,200,000, from \$1,350,000 to \$4,550,000 for the entire contract term. The amendment also provides for a potential adjustment in the lawyers' hourly rate and clarifies the contractor's role in the litigation. The original contract commenced November 1, 2021. See Exhibit A.

Fiscal Summary

Funding Source	Contract Amendment	Current Maximum Compensation	Amended Maximum Compensation
County ⁽¹⁾	\$ 3,200,000	\$ 1,350,000	\$ 4,550,000
State	--	--	--
Federal	--	--	--
Other	--	--	--
Total	<u>\$ 3,200,000</u>	<u>\$ 1,350,000</u>	<u>\$ 4,550,000</u> ⁽²⁾

⁽¹⁾ Self Insurance Fund.

⁽²⁾ For the entire contract term.

Analysis

The contractor represents the County with respect to Fair Labor Standards Act (FLSA) class action litigation. Representation includes all matters preparatory to and including litigation. The

contract provides that the County will work cooperatively with the contractor to provide the necessary information and materials, and the County will make business and technical decisions as it deems appropriate. The Office advised that the U.S. Court of Appeals for the Fourth Circuit recently ruled in favor of the plaintiffs, and the County is seeking to appeal the decision to the U.S. Supreme Court; the contractor, on the County's behalf, has prepared and filed a Petition for Writ of Certiorari for review and consideration by the U.S. Supreme Court. The Office further advised that in addition, the County is currently engaging in complex, protracted discovery related to the issue of damages per the directive of the U.S. District Court of Maryland, and may also be in trial before the U.S. District Court of Maryland on this matter for multiple weeks upon close of damages discovery.

The Office advised that due to the complex and time-intensive nature of the litigation, the volume and nature of the services exceeded the reasonable expectations of the parties at the time of entering into the agreement, including a number of factors beyond the parties' control. The Office further advised that discovery in this matter has caused the litigation to be far more extensive in scope and cost than initially contemplated, requiring an increase in the value of the contract.

On November 1, 2021, the Council approved the original contract not to exceed \$450,000, which continues through the completion of the litigation, including any and all appeals. On June 6, 2022, the Council approved the first amendment to the contract, increasing the maximum compensation by \$750,000 to \$1,200,000 for the entire contract term. On March 4, 2024, the Council approved the second amendment to the contract, increasing the maximum compensation by \$50,000 to \$1,250,000 for the entire contract term. On July 16, 2024, the Council approved the third amendment to the contract, increasing the maximum compensation by \$100,000 to \$1,350,000 for the entire contract term.

The proposed fourth amendment, which commences upon Council approval, increases the maximum compensation by \$3,200,000 to \$4,550,000 for the entire contract term. The proposed amendment provides that for the purposes of an appeal before the U.S. Supreme Court or trial before the U.S. District Court of Maryland, it may be necessary to increase the blended rate per hour for attorneys (currently \$425), subject to future negotiation. Also, the amendment clarifies that the contractor is the lead counsel regarding the litigation filed in the U.S. District Court for the District of Maryland, the appeal filed in the Fourth Circuit Court of Appeals, and any additional appeals, including any filed in the U.S. Supreme Court. (The Office advised that the contractor transitioned from co-lead to lead counsel in June 2022.) All other terms and conditions remain the same. The County may terminate the agreement by providing 30 days prior written notice.

The Office advised that as of October 18, 2024, approximately \$1,306,456 has been expended for services, and an additional \$200,988 has been incurred. Accordingly, the proposed fourth amendment retroactively allows for payment of \$157,444 for costs incurred since August 1, 2024.

The Office advised that the County awarded the original contract as a noncompetitive 902(f) award secured in the best interest of the County because it does not have available in-house attorneys with the requisite subject matter expertise. The Office further advised that due to the need to conduct extensive discovery and prepare motions, there was insufficient time to initiate a competitive procurement process.

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

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

County Charter, Section 715, requires that “any contract must be approved by the County Council before it is executed if the contract is...for services for a term in excess of two years or involving the expenditure of more than \$25,000 per year....” As noted, incurred expenditures exceeded the compensation limit provided in the third amendment; accordingly, this situation constitutes a violation of the aforementioned section of the County Charter.

Executive Summary

The Administration is requesting approval of a fourth amendment to a contract with Nelson Mullins Riley & Scarborough, LLP who is currently serving as counsel for the County with respect to Fair Labor Standards Act (FLSA) class action litigation in federal court. The contract commenced on November 1, 2021 and continues through the completion of the litigation, including any and all appeals. Compensation currently may not exceed \$1,350,000 for the entire contract term.

Due to the complex and time-intensive nature of the litigation, the volume and nature of the services exceeded the reasonable expectations of the parties at the time of entering into the agreement, including a number of factors beyond the parties' control such as difficulties arising during discovery.

The case status is as follows. The U.S. District Court of Maryland granted summary judgment in favor of the County. Plaintiffs appealed the matter to the Fourth Circuit, and the Fourth Circuit vacated the summary judgment. A Petition for Writ of Certiorari is being prepared by the contractor to be submitted to the U.S. Supreme Court requesting review of the case.

Additionally, the County is currently engaging in complex, protracted discovery as to the issue of damages per the directive of the U.S. District Court of Maryland. The parties may also be in trial before the U.S. District Court of Maryland on this matter for multiple weeks upon close of damages discovery.

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As such, the Contractor anticipates that legal fees and expenses could increase by up to an additional \$3,200,000. Accordingly, the amendment would increase the not to exceed sum to \$4,550,000.

Prepared by: Office of Law