

**BALTIMORE COUNTY COUNCIL  
NOTES TO THE AGENDA  
LEGISLATIVE SESSION 2016**

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*Issued: October 27, 2016  
Work Session: November 1, 2016  
Legislative Day No. 19 : November 7, 2016*

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



OFFICE OF THE COUNTY AUDITOR

BALTIMORE COUNTY COUNCIL

November 7, 2016

NOTES TO THE AGENDA

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\* See Addendum

**BALTIMORE COUNTY COUNCIL AGENDA  
LEGISLATIVE SESSION 2016, LEGISLATIVE DAY NO. 19  
NOVEMBER 7, 2016 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**

**COUNCIL**

- 1 Bill 72-16 – Mr. Crandell – Auxiliary Police  
3 Bill 73-16 – Councilmembers Almond & Marks – Open Space  
WITHDRAWN ~~Bill 74-16 – Mr. Marks – Zoning Regulations – Riding Stables~~  
WITHDRAWN ~~Bill 75-16 – Mr. Marks – Public Works – Notification~~

**APPROVAL OF FISCAL MATTERS/CONTRACTS**

**STEVE WALSH, DIRECTOR, DEPARTMENT OF PUBLIC WORKS**

- 6 1. Addendum #5 to Contract – RJN Group, Inc. - Rain gauge/radar rainfall – DPW

**DR. GREGORY BRANCH, DIRECTOR, DEPARTMENT OF HEALTH & HUMAN SERVICES**

- 11 2. BAT#17-01 – Health & Human Services – Prenatal & Early Childhood Program – HHS

**KEITH DORSEY, DIRECTOR, OFFICE OF BUDGET AND FINANCE**

- 15 3. Contract – Manufacturers and Traders Trust Company d/b/a M&T Bank – Banking Services – OBF  
18 4. Contract – Pinnacle Actuarial Resources, Inc. – Actuarial services – OBF  
\* 5. Amendment #2 to Contract – Enernoc, Inc.- Upgrade software services, additional tracking site – Jeff. Bldg.-OBF

**AMY GROSSI, REAL ESTATE COMPLIANCE**

- 22 6. Contract - Concord Appraisal Co. – Real Estate Appraisals – PAI  
25 7. Contract of Sale – Raymond Harward Holter, Trustee of The Holter Trust/Holter Credit Shelter Trust –  
Parcel-5907 Allendar Road, 21162-REC  
25 8. Contract of Sale – Brooks Ramsey Enterprise, Inc. – Parcel – 5915 Allender Road, 21162-REC

**MISCELLANEOUS BUSINESS**

**COUNCIL**

- 30 1. Correspondence - (a)(2) - Non-Competitive Awards (September 28, 2016)  
32 (b)(1) – Non-Competitive Awards (October 3, 2106)  
33 (c)(1) – Non-Competitive Awards (October 7, 2016)  
2. Nominations – (9) – Reappointment – (1) –Mrs. Almond(By Req.) – Baltimore County Property Tax Appeal Board  
3. Appointment – Mrs. Almond(By Req.) – Baltimore County Ethics Commission – J. Michael Lawlor, Esq.

\* See Addendum

Bill 72-16

Council District(s) All

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**Mr. Crandell**

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**Auxiliary Police**

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The Baltimore County Chief of Police may appoint individuals as auxiliary police officers. The auxiliary police team is composed of sworn and trained police officers and civilian personnel.

An auxiliary police officer is not a member of the Police Department and may not wear, carry, or transport a firearm during the course of assigned duties.

An auxiliary police officer performs police duties as assigned by the Chief of Police. These duties include:

- Providing security, crowd, and traffic control at public events including parades, carnivals, fires, fairs, sporting events, and fireworks displays;
- Rendering emergency services during natural disasters, floods, snowstorms, and searches for missing persons;
- Accompanying and assisting County police officers on patrol duty, in transporting prisoners, and in performing precinct desk duties;
- Performing auxiliary police duties in the vicinity of parks, schools, and houses of worship;
- Directing the flow of traffic as a traffic-control officer and issuing citations for parking violations; and
- Assisting in the performance of administrative duties.

Bill 72-16 proposes to add a further duty, namely, to assist the Code Official in the performance of Article 3 enforcement duties upon the request of the Director of the Department of Permits, Approvals and Inspections (PAI).

Article 3, Title 6 of the County Code sets out the enforcement duties of the Code Official (the Director of PAI, or his designee). During the budget process, the bill's sponsor suggested that

auxiliary police officers could be utilized to assist PAI personnel in the many code enforcement activities they perform. Bill 72-16 authorizes this working arrangement between the Police Chief and the Director of PAI.

With the affirmative vote of five members of the County Council and signature by the County Executive, Bill 72-16 will take effect on November 21, 2016.

Bill 73-16

Council District(s) All

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**Councilmembers Almond and Marks**

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**Open Space**

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In 2013, the Council requested that the Planning Board develop a comprehensive formula for the manner of establishing Local Open Space Waiver Fees (Resolution 44-13), and in so doing, to identify the open space needs of the County with the goal of using waiver fees to meet those needs.

The Planning Board's response, delivered to the Council on April 27, 2015, was to recommend that the Council consider an increase in Local Open Space Waiver Fees.

The Council dealt with waiver fees in Resolutions 90-15 and 87-16, made minor changes to the statute that governs the requirement to provide open space (Bills 78-15 and 84-15), and again asked the Planning Board to recommend to the County Council the manner in which open space waiver fees may be used to meet the County's local open space needs as those needs are identified in the Baltimore County Land Preservation, Parks and Recreation Plan (Resolution 89-15). No response has been received.

Bill 73-16 now proposes to comprehensively revise the law dealing with the provision of open space and the authorization to pay a fee in certain cases instead of providing open space. The bill repeals the current statute (Section 32-6-108 of the County Code) and enacts a new statute.

The requirement to provide open space applies to any residential development. The minimum requirement is unchanged from the current law, namely, 1,000 square feet of open space is required per dwelling unit.

Open space means a parcel of land that is an average of 75 feet wide or has an average grade of no more than 15 percent and (1) is unimproved or (2) contains one or more amenities.

An amenity is an outdoor space that contributes to the enjoyment of area residents and visitors, including active uses such as a playground, dog park, plaza, putting green, community garden, and other uses listed in the Baltimore County Open Space Manual.

A dwelling unit is:

- One single-family detached dwelling;
- One single-family attached dwelling;
- One multi-family, rented or owned, unit; or
- One student dormitory unit. (Every four beds in a student dormitory building equals one student dormitory unit.)

A developer must meet the open space requirement on-site or off-site. Off-site means property owned or controlled by:

- Baltimore County, the State of Maryland, or the United States;
- The Baltimore County Public School System;
- A homeowners' association or condominium association established and maintained in accordance with state law;
- NeighborSpace of Baltimore County, Inc.; or
- A registered 501(c)(3) organization.

Off-site open space is preferred to be located in the Councilmanic district of the proposed development. If it is not, then the location is subject to the approval of the Councilperson in whose district the proposed development is located.

If it is not feasible to meet the open space requirement on-site or off-site, the applicant shall pay a fee to Baltimore County. The fee must be used in the same Councilmanic district where the property is located. Twenty percent of any cash fee collected is allocated to NeighborSpace of Baltimore County, Inc., which may use 30% of the allocated funds for operating costs. NeighborSpace must file an annual report with the County Auditor detailing its use of the funds.

The fee is established in the same manner as it has been under current law, namely, the County Administrative Officer, after consultation with the Department of Recreation and Parks, the Office of Budget and Finance, and the Department of Permits, Approvals and Inspections, establishes the fees which are then recommended to the County Council for adoption by resolution.

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The fees are based upon the need for open space and the cost of creating open space. Fees must be reviewed by the County Administrative Officer at least once every two years. The fee structure must be based upon the project location and type of development, with rates per residential development unit for the following types of projects:

Tier 1: Projects outside the Urban Rural Demarcation Line (URDL);

Tier 2: Single family or townhouse projects inside the URDL;

Tier 3: Commercial, town center core (CT) projects, residential, apartment, elevator (RAE) projects, and transit-oriented development (TOD) projects inside the URDL;

Tier 4: Multi-family projects inside the URDL;

Tier 5: Student dormitories and affordable housing, including housing for the elderly as defined in the zoning regulations; and

Tier 6: The downtown Towson District.

If an applicant partially satisfies the open space requirement on-site or off-site, the fee is reduced by the percentage of the minimum open space requirement that is provided on-site or off-site, and the fee is further reduced by 100 percent of the verified costs of all public amenities provided on-site and off-site and 70 percent of the verified costs of all private amenities provided on-site and off-site. For Planned Unit Developments, fees are to be assessed based on the tier(s) into which their residential components fall.

The fee schedule is to be posted on the County's internet website and must include a description of any documentation used in calculating the fees.

The fee is payable upon the issuance of a building permit. Any security necessary for the on-site or off-site amenities provided must be posted prior to the issuance of a building permit.

The requirements of Bills 78-15 (annual report) and 84-15 (fee reduction) are retained in Bill 73-16.

The Planning Board is required to revise the Open Space Manual and submit it to the County Council for approval on or before April 1, 2017.

With the affirmative vote of five members of the County Council and signature by the County Executive, Bill 73-16 will take effect on November 21, 2016. The bill has no application to a development plan that was filed prior to the effective date.

**FM-1 (Contract Addendum)**

**Council District(s) All**

**Department of Public Works**

**Rain Gauge/Radar Rainfall**

The Administration is requesting a fifth addendum to a contract with RJN Group, Inc. for the continued maintenance, monitoring, and data analysis of the County’s rain gauge program. The addendum increases the maximum compensation of the contract by \$2,982,075, from \$2,494,488 to \$5,476,563. The original contract, which commenced August 7, 2006, does not stipulate a specific term; the proposed addendum allows services to continue through December 31, 2028. See Exhibit A.

**Fiscal Summary**

<b>Funding Source</b>	<b>Contract Addendum</b>	<b>Current Maximum Compensation</b>	<b>Amended Maximum Compensation</b>
<b>County</b> <sup>(1)</sup>	\$ 2,982,075	\$ 2,494,488	\$ 5,476,563
<b>State</b>	--	--	--
<b>Federal</b>	--	--	--
<b>Other</b>	--	--	--
<b>Total</b>	\$ 2,982,075 <sup>(2)</sup>	\$ 2,494,488	\$ 5,476,563 <sup>(3)</sup>

<sup>(1)</sup> Capital Projects Fund (Metropolitan District).

<sup>(2)</sup> Additional compensation, which is expected to cover service costs through December 2028.

<sup>(3)</sup> Maximum compensation since contract inception in August 2006.

**Analysis**

The contractor installed, and continues to maintain and monitor, a network of 45 rain gauges in County sewersheds to correlate rainfall with sewer overflows and sewer capacity. With this information, the Department is able to determine which parts of the sanitary sewer collection

system are in need of rehabilitation and/or supplementation, thereby preventing excess water from entering the system. The rain gauges are supplied with Doppler radar to provide data for the County's computer models.

Initiation of a rain gauge program was required under the 2005 consent decree for the elimination of sanitary sewer overflows, signed by the County, the U.S. Department of Justice, the U.S. Environmental Protection Agency, and the Maryland Department of the Environment. The Department advised that the County's rain gauge program has met and continues to meet all consent decree requirements.

Approval of the original contract and four addenda was as follows:

Council Approval	Addendum	Maximum Compensation
8/7/06 *	--	\$ 527,567
10/20/08	\$ 480,588	1,008,155
9/7/10	502,163	1,510,318
9/4/12	492,449	2,002,767
9/15/14	491,721	2,494,488

\* The contract does not stipulate a specific term; rather, the contract provides that it would remain in full force and effect until the required services are completed.

This proposed fifth addendum increases the maximum compensation by \$2,982,075, to \$5,476,563, which the Department advised should allow services to continue through December 31, 2028. The addendum also incorporates the contractor's supplemental proposal for the additional work, revised insurance certificate, and MBE/WBE forms. All other terms and conditions remain unchanged. The County may terminate the agreement by providing 30 days prior written notice.

The Department advised that expenditures/encumbrances to date under the contract total \$2,494,239. The Department also advised that the proposed addendum is necessary in order to remain compliant with the consent decree and that it would continue using RJN Group, Inc. since the contractor installed, owns, and operates the rainfall gauge network.

Services are being performed at the engineer's cost plus profit. Profit is limited to 10% of the combined total of direct labor costs plus overhead and payroll burden. Hourly rates and percentages for overhead, payroll burden and profit are within established County limits. The additional funding for this contract will not be encumbered at this time. Rather, contract costs will be charged to specific tasks as they are assigned.

This contract is a piggyback on a competitively-bid Baltimore City contract that was awarded in May 2005. Baltimore City selected the contractor from seven firms based on qualifications.

The Department advised that it also contracts with RJN Group, Inc. under three other agreements for consent decree projects. On August 1, 2011, the Council approved a \$5,552,705 contract to provide sanitary sewer flow monitoring and infiltration and inflow analysis for eight sewersheds located in the south area of the County. The Council approved a second contract on March 18, 2013 for \$6 million to provide on-call sewershed repair, replacement, and rehabilitation plan services for a number of sewersheds throughout the County. The Council approved the third contract on April 7, 2014 for \$11,472,592 to provide on-call sanitary sewer flow and groundwater monitoring services throughout the County.

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...."



## COUNCIL ACTION REQUEST FORM EXECUTIVE SUMMARY

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### RAIN GAUGE/RADAR RAINFALL SERVICES

#### The Project

The scope of services will involve the continued maintenance of the existing-in-place network of 45 rain gauges throughout Baltimore County and the delivery of rain gauge and processed radar-rainfall data to fulfill the requirements of the Consent Decree. Baltimore County entered into an enforceable agreement with the US Department of Justice, the US Environmental Protection Agency (EPA), and the Maryland Department of the Environment (MDE). The Consent Decree became effective on September 20, 2005.

Under Paragraph 9 of the Consent Decree, Baltimore County is required to collect rainfall data and perform flow monitoring and to utilize that data to perform evaluations of its collection system. The data will determine inflow/infiltration into the collection system, the collection system's capacity to collect and convey peak flows without causing sanitary sewer overflows and the effectiveness of measures implemented by Baltimore County to reduce inflow/infiltration and to increase system capacity.

Baltimore County is required to monitor the contribution from rainfall to each sewershed by using a network of 45 rain gauges in concert with Doppler radar. The rain gauge network was initially installed by the RJN Group in September 2006. RJN is responsible for operating, calibrating and maintaining the rain gauge network.

The consultant, RJN Group, Inc., was selected by Baltimore City on May 25, 2005 to perform the same services under Baltimore City's Consent Decree. Seven (7) firms gave presentations to Baltimore City; and David Bayer, from Baltimore County Sewer Design, was part of the selection committee. Baltimore County chose to piggyback onto the City's selection, but not their agreement. Baltimore County negotiated our own agreement specific to our needs.

We have elected to amend this agreement to extend the rain gauge/radar rainfall services until December 2028. With the approval of the final 16 Sewershed Repair, Replacement and Rehabilitation (SRRR) Plans, there will be several projects that will go beyond the original envisioned end of the Consent Decree in 2020. There are several large longitudinal pipeline projects that will require extensive environmental permitting and rights of way acquisition that will take years to complete. Once the projects are complete, we are required to monitor the project to determine if the project was successful in eliminating projected sanitary sewer overflows. Rainfall data is needed to



## COUNCIL ACTION REQUEST FORM EXECUTIVE SUMMARY

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determine the project effectiveness. Implementation of the Gunpowder Sewershed SRRR Plan is scheduled to be complete in 2026.

### The Consultant Agreement

1<sup>st</sup> Agreement: Approved – August <sup>7</sup>~~9~~, 2006

Scope: Provide rain gauge/radar rainfall services.

Total Fee: \$527,566.52

1<sup>st</sup> Addendum: Approved – October 20, 2008

Scope: Provide rain gauge/radar rainfall services.

Total Fee: \$480,588.08

2<sup>nd</sup> Addendum: Approved – September 7, 2010

Scope: Provide rain gauge/radar rainfall services.

Total Fee: \$502,162.68

3<sup>rd</sup> Addendum: Approved – September 4, 2012

Scope: Provide rain gauge/radar rainfall services.

Total Fee: \$492,449.28

4<sup>th</sup> Addendum: Approved – September 15, 2014

Scope: Provide rain gauge/radar rainfall services.

Total Fee: \$491,721.07

5<sup>th</sup> Addendum: For Council Approval – November 7, 2016

Scope: Provide rain gauge/radar rainfall services.

Total Fee: \$2,982,075.41

Total Agreements: \$5,476,563.04

Prepared by: Department of Public Works

**FM-2 (BAT 17-01)**

**Council District(s) All**

**Department of Health and Human Services**

**Prenatal and Early Childhood Program**

The Administration is requesting approval of a General Fund budget appropriation transfer (BAT) totaling \$386,775 from the Reserve for Contingencies Program to the Department of Health and Human Services – Prenatal and Early Childhood Program. The funds will be used to expand the Healthy Families Baltimore County Program. See Exhibit A.

**Fiscal Summary**

<u>Transfer From</u>	<u>Program</u>	<u>Current Appropriation</u>	<u>Transfer Amount</u>	<u>Adjusted Appropriation</u>
<b>047-4701</b>	Reserve for Contingencies	\$ 1,000,000	\$ (386,775)	\$ 613,225
 <u>Transfer To</u>				
<b>030-3011</b>	Department of Health and Human Services - Prenatal and Early Childhood Program	\$ 1,670,491	\$ 386,775	\$ 2,057,266

**Analysis**

**Source of Funds**

The source of funding for the transfer is the Reserve for Contingencies Program, which has an unexpended balance of \$1.0 million.

**Use of Funds**

The funds will be used to expand the Healthy Families Baltimore County Program, which is administered by Abilities Network, Inc. and encourages prenatal and maternal healthcare; provides parental education and skills training; and improves the self-sufficiency of the family unit in order to ensure that babies are born healthy and that children stay healthy and enter school

ready to learn. Through the program, a Public Health Nurse works with Abilities Network, Inc. to link families to support services (e.g., substance use disorder treatment, behavioral health programs) and to assist parents with infant care and safety, nutrition, child development, positive parenting practices, breastfeeding support, and reproductive health issues and planning. The program currently focuses on the east-side of the County; the additional funding will be used to expand the program County-wide, specifically targeting the Woodlawn and Lansdowne areas.

The Department advised that of the total additional funding, \$350,015 will be provided to Abilities Network, Inc., and the remaining \$36,760 will provide for an additional Public Health Nurse (\$30,500) and for program expenses, including mileage and supplies (\$6,260). In addition to the \$386,775 being transferred, the Department further advised that up to \$120,000 in Local Management Board grant funding will also be dedicated to this program, for total additional funding of up to \$506,775. The Department advised that the expanded program will serve an additional 45-75 families.

This BAT will affect ongoing spending subject to the Spending Affordability Committee's FY 2017 guideline; following the approval of this agenda item, the FY 2017 budget will be approximately \$15.1 million under the guideline.

County Charter, Section 712, provides that "[d]uring any fiscal year, the county council, upon the recommendation of the county executive on the advice of the county administrative officer, may make additional or supplementary appropriations from unexpended and unencumbered funds set aside for contingencies in the county budget...provided that the director of finance shall certify in writing that such funds are available for such appropriation."



## COUNCIL ACTION REQUEST FORM EXECUTIVE SUMMARY

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### Healthy Families Baltimore County Enhanced Services

This is a request from the Administration for a Budget Appropriation Transfer (BAT) from the Contingency Reserve budget to the Prenatal and Early Childhood Health General Fund budget program in the Department of Health (001-030-3011) in the amount of \$386,775 to be dedicated to further expand the successful Healthy Families Baltimore County Enhanced Services which utilizes the evidence-based Healthy Families America program model. Up to \$120,000 in Local Management Board grant funding will also be dedicated to this program for a total expansion of up to \$506,775.

The Administration recognizes that Maryland's infant mortality rates have consistently been in the bottom fifth of all states. Recent improvements have raised it to the bottom third of all states but race and socioeconomic status both contribute to this outcome. In Maryland, black infant mortality rates tend to be two to three times the white infant mortality rate. Most recent data (2015) place Baltimore County's overall mortality rate for black infants at 9.8 deaths per 1,000 live births compared to a rate of 4.7 deaths for white infants. For the period from 2011 through 2015, the average black infant mortality rate was 11 per 1,000 live births compared to an average white mortality rate of 4.1. The Administration is committed to the well-being and equal opportunity of ALL families in Baltimore County, specifically that babies are born healthy, children stay healthy and enter school ready to learn and be successful. This BAT will further expand and enhance these efforts.

Healthy Families America is an evidence based, home visiting program that optimizes child health and development by encouraging early prenatal care, promoting the health of mothers before and between pregnancies, reducing unintended pregnancies through education on the benefits of child spacing and referral for family planning services, promoting positive parenting skills and supporting positive parent-child interaction, preventing child maltreatment, and improving self-sufficiency of the family unit. Healthy Families works to engage families as early as the mother's first trimester of pregnancy, and sustains support through the child's fifth birthday.

The Abilities Network is the County's vendor for delivering the Healthy Families Baltimore County program. Healthy Families Baltimore County has been in operation for over 15 years primarily targeted to the east-side, and has been fully accredited by Healthy Families America since 2004.

The County has expanded and enhanced the role of this program over the last few years to include a Public Health Nurse that works in tandem with a Family Support Worker. The Public Health Nurse has specific roles including monitoring the health of the mother during pregnancy and providing health education. The Public Health Nurse specifically addresses health factors for the mother-to-be and partners with Healthy Families Baltimore County that assists the family with linkage to resources such as WIC, substance use disorder treatment, behavioral health programs if needed and support services through other agencies. The team works with the mother to assist her with infant care and safety, nutrition, child development, positive parenting practices, breastfeeding support and reproductive health issues and planning.

With this BAT the Administration will further expand this program County-wide, with specific targets in the Woodlawn and Lansdowne area. The bulk of this funding will be dedicated to Abilities Network to



## COUNCIL ACTION REQUEST FORM EXECUTIVE SUMMARY

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increase program capacity. This additional funding will also allow for an additional Public Health Nurse who will work in collaboration with Healthy Families Baltimore County. Supervision of this employee is provided "in kind" by a supervisor at the Baltimore County Department of Health.

It is estimated that approximately 45-75 additional families will be served.

Provided by: Department of Health and Human  
Services

FM-3 (Contract)

Council District(s) All

## Office of Budget and Finance

## Banking Services

The Administration is requesting approval of a contract with Manufacturers & Traders Trust Company d/b/a M&T Bank to provide banking services for County agencies and component units. The contract commences December 1, 2016, continues through June 30, 2021, and will automatically renew for three additional 3-year periods with the option to further extend the initial term or any renewal term an additional 90 days. The contract does not specify a maximum compensation for the initial 4-year and 7-month term or for the entire 13-year and 10-month term of the contract. Compensation may not exceed the amount appropriated for these services in the applicable fiscal year. Estimated compensation totals \$1,158,692 for the initial 4-year and 7-month term and \$4,109,716 for the entire 13-year and 10-month term, including the renewal and extension periods.

## Fiscal Summary

Funding Source	Initial Term	Total Compensation
County <sup>(1)</sup>	\$ 1,158,692	\$ 4,109,716
State	--	--
Federal	--	--
Other	--	--
<b>Total</b>	\$ 1,158,692 <sup>(2)</sup>	\$ 4,109,716 <sup>(3)</sup>

<sup>(1)</sup> General Fund Operating Budget.

<sup>(2)</sup> Estimated compensation for the initial 4-year and 7-month term. The contract does not specify a maximum compensation for the initial term.

<sup>(3)</sup> Estimated compensation for the entire 13-year and 10-month term, including the renewal and extension periods. The contract does not specify a maximum compensation for the entire contract term. Compensation may not exceed the amount appropriated for these services in the applicable fiscal year.

**Analysis**

The contractor will provide banking services which include, but are not limited to, general account maintenance, deposit and disbursement functions (including payroll disbursements), electronic funds transfers, lock box processing, reconciliations, reporting of information (including balance and other reports), and security safekeeping. The contract also provides benefits for County employees and retirees (e.g., free checking, preferred rates and discounts on specific products and services, and access to financial education workshops).

The contract commences December 1, 2016, continues through June 30, 2021, and will automatically renew for three additional 3-year periods with the option to further extend the initial term or any renewal term an additional 90 days on the same terms and conditions, unless the County provides notice of non-renewal. Compensation may not exceed the amount appropriated for these services in the applicable fiscal year. The contract does not specify a maximum compensation for the initial 4-year and 7-month term or for the entire 13-year and 10-month term of the contract. Estimated compensation totals \$1,158,692 for the initial 4-year and 7-month term and \$4,109,716 for the entire 13-year and 10-month term, including the renewal and extension periods.

Beginning in the second year of the contract, 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. Either party may terminate the agreement by providing 120 days prior written notice.

The banking services cost is based on estimated annual costs for the first year of the contract for the following County agencies and component units and is expected to generate a savings based on a comparison with originally estimated costs under the (current) 2005 contract:

	<u>2005</u>	<u>2016</u>
General Government (including Employees' Retirement System and Detention Center)	\$ 112,384	\$ 102,788
Board of Education	62,468	41,767
Community College	32,652	40,468
Revenue Authority	19,297	14,378
Public Library	7,877	6,664
Housing Office	2,661	3,629
Total	<u>\$ 237,339</u>	<u>\$ 209,694</u>

In addition, the Office advised that the Volunteer Firemen's Association will be provided banking services, with associated fees either paid through maintaining a compensating balance with the bank, or billed separately if a sufficient compensating balance is not available.

The contract was awarded through a competitive procurement process based on qualifications, experience, and price from three bids received. The Office previously advised that M&T Bank (through its predecessors First National and AllFirst) has been providing banking services to the County since 1978.

On May 16, 2005, the Council approved a similar 11-year and 1½-month contract with M&T Bank for banking services that was to have expired on June 30, 2016. On June 6, 2016, the Council approved an amendment that extended the contract term through the date a new agreement is executed with the contractor or December 31, 2016 (whichever occurs first) and increased the total estimated compensation of the contract by \$100,000, from \$1,097,720 to \$1,197,720. The Office advised that expenditures under the contract totaled \$1,152,895 as of September 30, 2016.

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...."

**FM-4 (Contract)**

**Council District(s) All**

**Office of Budget and Finance**

**Actuarial Services**

The Administration is requesting approval of a contract with Pinnacle Actuarial Resources, Inc. for actuarial services for the County’s workers’ compensation and automobile and general liability self-insurance program (the Program). The contract commenced September 20, 2016, continues until November 7, 2016, and may not exceed \$25,000 unless approved by the Council. If approved, the contract will continue through June 30, 2017 and will automatically renew for four additional 1-year periods with the option to further extend the initial term or any renewal term an additional 90 days. The contract does not specify a maximum compensation for the initial approximate 9-month term. Estimated compensation for the initial term totals \$17,875. Compensation may not exceed \$98,771 for the entire approximate 5-year term, including the renewal and extension periods. See Exhibit A.

**Fiscal Summary**

<b>Funding Source</b>	<b>Initial Term</b>	<b>Maximum Compensation</b>	<b>Notes</b>
<b>County</b> <sup>(1)</sup>	\$ 17,875	\$ 98,771	<sup>(1)</sup> General Fund Operating Budget. <sup>(2)</sup> Estimated compensation for the initial approximate 9-month term. The contract does not specify a maximum compensation for the initial term. <sup>(3)</sup> Maximum compensation for the entire approximate 5-year term, including the renewal and extension periods.
<b>State</b>	--	--	
<b>Federal</b>	--	--	
<b>Other</b>	--	--	
<b>Total</b>	\$ 17,875 <sup>(2)</sup>	\$ 98,771 <sup>(3)</sup>	

**Analysis**

As of June 30, 2015 (the most recent actuarial valuation available), the Program’s assets included approximately \$19.3 million in workers’ compensation and \$6.0 million in automobile and general

liability discounted reserves. The Program manages approximately 950 new workers' compensation claims per year for approximately 10,400 employees as well as liability claims for over 2,500 automobiles. The contractor will provide an annual actuarial analysis, including the Program's estimated funding requirements as of June 30<sup>th</sup>, at a cost of \$13,000 per year plus out-of-pocket expenses (e.g., travel, postage). The annual report must be delivered to the County no later than 8 weeks after the Office has provided all necessary data for the valuation to the contractor. The County must receive the report by the end of November in order to ensure the timely completion of its Comprehensive Annual Financial Report.

At the County's request, the contractor may also provide additional actuarial consulting services at a blended hourly rate of \$325. These services may include analyses of changes in the structure of the Program as well as consultation and advice related to pricing proposed legislation, preparation of proposed changes to the governing laws, and implementing proposed legislation.

The contract commenced September 20, 2016, continues until November 7, 2016, and may not exceed \$25,000 unless approved by the Council. If approved, the contract will continue through June 30, 2017 and will automatically renew for four additional 1-year periods with the option to further extend the initial term or any renewal term an additional 90 days on the same terms and conditions, unless the County provides notice of non-renewal. The contract does not specify a maximum compensation for the initial approximate 9-month term. Estimated compensation for the initial term totals \$17,875. Compensation may not exceed \$98,771 for the entire approximate 5-year term, including the renewal and extension periods.

Prior to the commencement of each renewal period, the County may entertain a request for an escalation in the rates of compensation 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 contract was awarded through a competitive procurement process based on qualifications, value, and experience from 10 bids received.

From FY 2006 to FY 2012, AMI Risk Consultants, Inc. (AMI) provided actuarial review services for the Program under an arrangement with the County's then Retirement System actuary, Buck

Consultants, LLC (Buck). The Office advised that following the performance of the FY 2012 review, there was a change in management at Buck and the decision was made to no longer provide these services. On July 1, 2013, the County entered into a 2-year agreement with AMI for actuarial review services, with compensation not to exceed \$25,000 per year; expenditures totaled \$14,000 and \$14,200 for each year, respectively. On July 1, 2015, the County entered into a 1-year non-competitive agreement with AMI under Charter Section 902(f) for the same services while the Office prepared to competitively negotiate the proposed contract; expenditures under this 1-year agreement totaled \$14,500.

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....”



## COUNCIL ACTION REQUEST FORM EXECUTIVE SUMMARY

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AMI Risk Consultants, Inc., has been performing actuarial review services for the County's workers' compensation and automobile and general liability self-insurance program since at least FY2006 under an arrangement with the County's then Retirement System Actuary, Buck Consultants LLC. As of FY2013, this arrangement was no longer possible. A new agreement with AMI was entered into for a term effective July 1, 2013 to June 30, 2015 and not to exceed \$25,000 per year. A subsequent request for a 902 (F) procurement to enter into a new agreement with AMI for the actuarial review services was approved for a term effective July 1, 2015 to June 30, 2016 and not to exceed \$25,000 per fiscal year while the county prepared to do a competitive negotiation.

As a result of this competitive negotiation, Pinnacle Actuarial Resources, Inc., was selected to perform the actuarial review services for the County's workers' compensation and automobile and general liability self-insurance program. This award was based on the selection committee's concurrence that Pinnacle was overall the best qualified, most experienced and provided the best value for the county after competitive negotiation. This agreement shall be retroactively effective from September 20, 2016 until November 7, 2016, unless the County Council approves this agreement. In the event the Council approves this agreement, the term of this Agreement shall continue through June 30, 2017, at which time the County may exercise its option to renew. Renewal options are automatic for four (4) one-year periods as of the end of the initial term and each renewal term, unless the county provides prior written notice.

FM-6 (Contract)

Council District(s) All

**Department of Permits, Approvals and Inspections**

**Real Estate Appraisals**

The Administration is requesting approval of a contract with Concord Appraisal Co. to provide real estate appraisal services as needed for County projects. The contract commences upon Council approval, continues for 1 year, and will automatically renew for four additional 1-year periods with the option to further extend the initial term or any renewal term an additional 120 days. The contract does not specify a maximum compensation for the initial 1-year term or for the entire 5-year and 4-month term. The contract provides that compensation for all contractors combined may not exceed the amount appropriated for these services during the entire contract term. Estimated compensation for all contractors combined providing these services totals \$35,000 for the initial 1-year term and \$175,000 for the entire 5-year and 4-month term, including the renewal and extension periods.

**Fiscal Summary**

<b>Funding Source</b>	<b>Initial Term</b>	<b>Total Compensation</b>
<b>County</b> <sup>(1)</sup>	\$ 35,000	\$ 175,000
<b>State</b>	--	--
<b>Federal</b>	--	--
<b>Other</b>	--	--
<b>Total</b>	<u>\$ 35,000</u> <sup>(2)</sup>	<u>\$ 175,000</u> <sup>(3)</sup>

(1) General Fund Operating Budget.

(2) Estimated compensation for all contractors combined providing these services for the initial 1-year term. The contract does not specify a maximum compensation for the initial 1-year term. Compensation may not exceed the amount appropriated for these services.

(3) Estimated compensation for all contractors combined providing these services for the entire 5-year and 4-month term, including the renewal and extension periods. The contract does not specify a maximum compensation for the entire contract term. Compensation may not exceed the amount appropriated for these services.

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### Analysis

The contractor will provide real estate appraisal services as needed for County projects. On-call appraisal assignments include residential properties, income-producing properties, commercial/industrial properties, rights-of-way, and vacant land parcels as well as pre-trial preparation and related activities.

Hourly rates for property appraisal services (excluding other services such as pre-trial preparation) range from \$100 to \$200, depending on the type of property. The unit rate for appraisal of properties zoned DR (Density Residential) and used strictly as residential dwellings is \$400. Assignments that may require expedited completion in 5 to 15 days or 16 to 20 days are subject to an additional charge of 20% over the hourly rates.

The contract stipulates no guarantee of any minimum amount of work. The contract also stipulates that the County reserves the right to award individual jobs to contractors on a rotating basis but may also award certain jobs based on demonstrated areas of expertise. The Department advised that for each assignment it will seek a proposal from all available contractors; awards will be based on timeliness and cost.

Funding for the contract will not be encumbered at this time. Rather, contract costs will be charged for appraisals as they are assigned.

The contract commences upon Council approval, continues for 1 year, and will automatically renew for four additional 1-year periods with the option to further extend the initial term or any renewal term an additional 120 days on the same terms and conditions, unless the County provides notice of non-renewal. The contract does not specify a maximum compensation for the initial 1-year term or for the entire 5-year and 4-month term. Estimated compensation for all contractors combined providing these services totals \$35,000 for the initial 1-year term and \$175,000 for the entire 5-year and 4-month term, including the renewal and extension periods. The County may terminate the agreement by providing 30 days prior written notice.

In any year subsequent to the second year, 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.

On September 19, 2016, the Council approved six contracts for on-call appraisal services with Everett Benfield, LLC; S.H. Muller & Associates, LLC; Contact Appraisals, LLC; The Page Appraisal Company, Inc.; Karen H. Belinko Appraisals, LLC; and Caralex, LLC. Estimated compensation for all contractors combined totals \$175,000 for the entire 5-year and 4-month term.

The contracts were awarded through a competitive procurement process based on value and experience. The Department advised that five responses to the request for bid were received; however, due to the volume of appraisals received by the Department, two additional contracts were negotiated with Everett Benfield, LLC and Concord Appraisal Co.

On August 1, 2011 and on November 7, 2011, the Council approved four contracts and one contract, respectively, for on-call appraisal services with W.R. McCain & Associates, Inc.; Muller-Casella Associates, Inc.; Caralex, LLC t/a Treffer Appraisal Group; and Columbia Realty Advisors, Inc., and with The Page Appraisal Co., Inc., respectively. Compensation for all contractors combined may not exceed \$1.8 million for the entire 5-year and 3-month term. The Department advised that as of August 30, 2016, combined expenditures under these contracts totaled \$169,915.

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...."

**FMs-7 & 8 (2 Contracts)**

**Council District(s)   6**

**Department of Permits, Approvals and Inspections**

**Acquire Parcels of Land – 5907 and 5915 Allender Road, 21162**

The Administration is requesting approval of two contracts to acquire two properties located on Allender Road in White Marsh totaling approximately 14.06 acres for \$1,648,000. The properties will be used to expand the adjacent Days Cove area of Gunpowder Falls State Park with additional passive open space. FM-7 is a contract with Raymond Harward Holter, Successor Trustee of The Holter Trust and Trustee of The Holter Credit Shelter Trust, for two parcels totaling approximately 8.06 acres at 5907 Allender Road and the west side of Allender Road south of Pulaski Highway for \$1,000,000. FM-8 is a contract with Brooks Ramsey Enterprises, LLC for property totaling approximately 6.0 acres at 5915 Allender Road for \$648,000. See Exhibits A & B.

**Fiscal Summary**

<b>Funding Source</b>	<b>Combined Purchase Price</b>	<b>Notes</b>
<b>County</b>	--	<u>(1) Program Open Space funds.</u>
<b>State <sup>(1)</sup></b>	\$ 1,648,000	
<b>Federal</b>	--	
<b>Other</b>	--	
<b>Total</b>	<u>\$ 1,648,000</u>	

**Analysis**

The two property acquisitions are located on Allender Road in White Marsh. Descriptions of the two properties are as follows:

5907 Allender Road (2 Parcels) (FM-7)

The 8.06-acre property to be acquired from Raymond Harward Holter, Successor Trustee of The Holter Trust and Trustee of The Holter Credit Shelter Trust, consists of two parcels and is improved with a vacant single-family detached dwelling, garage, two outbuildings, and an in-ground pool, all in fair condition. The property is zoned mostly ML (Manufacturing, Light) with a small portion zoned BL (Business, Local). The contract provides that the property owner will raze the dwelling prior to settlement.

Everett Benfield, LLC and S.H. Muller & Associates, LLC, consultant appraisers, completed appraisals of the property in July 2016 and August 2016, respectively, recommending values of \$1,000,000 and \$1,062,000, respectively. After review and analysis, S. David Nantz, review appraiser, concurred with the Everett Benfield, LLC appraisal, recommending the respective amount as just compensation for the acquisition. The property owner accepted the County's offer.

5915 Allender Road (FM-8)

The 6.0-acre property to be acquired from Brooks Ramsey Enterprises, LLC is improved with an uninhabitable single-family detached dwelling and garage/shed, both in poor condition. The property is zoned mostly ML (Manufacturing, Light) with a small portion zoned BR (Business, Roadside). The contract provides that the property owner will raze the dwelling prior to settlement.

Everett Benfield, LLC and S.H. Muller & Associates, LLC, consultant appraisers, completed appraisals of the property in August 2016, recommending values of \$600,000 and \$648,000, respectively. After review and analysis, Robert W. Kline, review appraiser, concurred with the S.H. Muller & Associates, LLC appraisal, recommending the respective amount as just compensation for the acquisition. The property owner accepted the County's offer.

The Department advised that two appraisals for each acquisition were obtained pursuant to Program Open Space policy for review by the Maryland Department of Natural Resources (DNR). The State will reimburse the County for these purchases with Program Open Space funds. As of October 18, 2016, \$17,266 has been expended for both acquisitions.

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



**COUNCIL ACTION REQUEST FORM  
EXECUTIVE SUMMARY**

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PROGRAM TITLE: Holter Property

PROJECT NO.: 212-0601-0653

FISCAL MATTER: Contract of Sale

PROPERTY OWNER: Raymond Harward Holter, Trustee  
The Holter Trust and The Holter  
Credit Shelter Trust

LOCATION: 5907 Allender Road and  
Tax Map 73, Grid 15, Parcel 130  
White Marsh, Maryland 21162

CONSIDERATION \$1,000,000.00

PURPOSE OF PROJECT: This contract is for the purchase of two parcels consisting of a total of 8.06 acres +/- (351,094 sq. ft.). Program Open Space acquisition funds will be applied to reimburse the full purchase price. Two outside consultant appraisals were obtained, pursuant to Program Open Space policy. The land will be maintained as passive open space.

LIMITS OF PROJECT: 5907 Allender Road and Tax Map 73, Grid 15, Parcel 130, White Marsh, MD 21162

Prepared by: Department of Permits, Approvals &  
Inspections



**COUNCIL ACTION REQUEST FORM  
EXECUTIVE SUMMARY**

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PROGRAM TITLE: Brooks Ramsey Property

PROJECT NO.: 212-0601-0656

FISCAL MATTER: Contract of Sale

PROPERTY OWNER: Brooks Ramsey Enterprises, LLC

LOCATION: 5915 Allender Road  
White Marsh, Maryland 21162

CONSIDERATION \$648,000.00

PURPOSE OF PROJECT: This contract is for the purchase of property consisting of 6 acres (261,360 sq. ft.). Program Open Space acquisition funds will be applied to reimburse the full purchase price. Two outside consultant appraisals were obtained, pursuant to Program Open Space policy. The land will be maintained as passive open space.

LIMITS OF PROJECT: 5915 Allender Road, White Marsh, MD 21162

Prepared by: Department of Permits, Approvals &  
Inspections

BALTIMORE COUNTY COUNCIL  
NOTES TO THE AGENDA  
APPENDIX A

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

**TO:** Fred Homan  
Administrative Officer **DATE:** 9/28/16

**FROM:** Keith Dorsey, Director *KAD* **COUNCIL MEETING**  
Office of Budget & Finance **DATE:** 11/7/16

**SUBJECT:** Public Recordation of Announcement  
of Non-Competitive Awards Charter Sec. 902(f)

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

Purchase Order

PO 9421 Comcast Cable Communications – Upgrade Coax Cable in NCH OIT

This order is for the upgrading of the Comcast cabling in the County Courts Building.

As indicated in the memo from OIT Director, Robert R Stradling, dated July 11, 2016, this order will match specific standards of Comcast to delivery current and future services within the building while protecting the County from future conflicts with Comcast.

Estimated Total: \$27,987.14  
Award Date: 9/28/16

PO 9506 Infax Inc. – Electronic Docket Display System

This order is for the installation of Docket Display System (DDS) in the County Courts Building.

As indicated in the memo from Circuit Court Administrator, Time Sheridan dated July 21, 2016, this order will fulfill the Maryland Electronic Courts (MDEC) mandated program for all Maryland Courts to be compatible with all MDEC systems.

The Infax Document Display System (DDS) has become the accepted standard for all of Maryland Courts.

Estimated Total: \$63,437.00  
Award Date: 9/28/16

c: M. Field  
T. Peddicord  
L. Smelkinson

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

**TO:** Fred Homan  
Administrative Officer **DATE:** 10/03/16

**FROM:** Keith Dorsey, Director *KAD* **COUNCIL MEETING**  
Office of Budget & Finance **DATE:** 11/7/16

**SUBJECT:** Public Recordation of Announcement  
of Non-Competitive Awards Charter Sec. 902(f)

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

Purchase Order

PO 9494 Teledyne Instruments Inc. dba Teledyne Isco Inc. c/o Hartco Environmental LLC  
– Portable 2160 LaserFlow System

This order is for the purchase of Laser Flow Meters to add to existing inventory for monitoring of sanitary sewer overflow (SSO)

As indicated in the memo dated July 8, 2016 from Steven A. Walsh, P.E. Director of Public Works, several facilities need monitoring to prevent potentially hazardous working conditions. The monitors removes the need for employees to enter those flow areas that need to be monitored when conditions warrant checking.

Teledyne Isco Inc. is the only manufacture with physical "out-of-flow lasers" for measuring flow characteristics.

Estimated Total: \$68,195.00  
Award Date: 9/30/16

c: M. Field  
T. Peddicord  
L. Smelkinson

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

**TO:** Fred Homan  
Administrative Officer

**DATE:** 10/07/16

**FROM:** Keith Dorsey, Director *KAD*  
Office of Budget & Finance

**COUNCIL MEETING  
DATE:** 11/7/16

**SUBJECT:** Public Recordation of Announcement  
of Non-Competitive Awards Charter Sec. 902(f)

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

Purchase Order

MA3338 Potters Industries LLC – Visilok Beads

This Master Agreement with Potters Industries, LLC is for the purchase of Visilock beads. These beads are an additive to waterbourne traffic paint that cuts the dry time of the paint in half. This faster dry time increases productivity in several ways: By allowing road paint application during cooler temperatures as well as humid conditions. The quicker dry time allows crews to spend less time in each area, increasing traffic flow and it may reduce vehicle damage claims resulting from wet traffic paint adhering to passing vehicles while painting is underway.

As indicated in the August 24, 2016 memorandum from Steven Walsh, Director of Public Works and the August 3, 2016 letter from Arie DenDulk of Potters Industries, LLC, Potters Industries, LLC is the sole provider of this product.

Estimated one year cost of this Master Agreement is \$51,700.00. This agreement allows for four (4) one year renewals after the initial one year term.

Estimated Total 5 Years: \$258,500.00  
Award Date: 10/7/16

c: M. Field  
T. Peddicord  
L. Smelkinson