

MINUTES

REGULAR MEETING

Honorable Bernard C. "Jack" Young, President
Honorable Stephanie Rawlings-Blake, Mayor
Honorable Joan M. Pratt, Comptroller and Secretary
George A. Nilson, City Solicitor
Alfred H. Foxx, Director of Public Works
David E. Ralph, Deputy City Solicitor
Ben Meli, Deputy Director of Public Works
Bernice H. Taylor, Deputy Comptroller and Clerk

The meeting was called to order by the President. Pursuant to Article VI, Section 1(c) of the revised City Charter effective July 1, 1996, the Honorable Mayor, Stephanie Rawlings-Blake, in her absence during the meeting, designated Mr. Edward J. Gallagher, Director of Finance, to represent the Mayor and exercise her power at this Board meeting.

President: "Good morning at this morning's meeting, I would like to have a moment of silence for Governor, Comptroller, Mayor Schaefer who served as Chairman at one time of this Board. So, I would ask for a moment of silence. (A moment of silence was observed.) Good morning, the April 20, 2011 meeting of the Board of Estimates is now called to order. Madam Deputy Comptroller, are there any corrections, additions or deferrals on the Agenda?"

Deputy Comptroller: "Yes. Good morning. For today's Agenda I would like to first announce that in the absence of the

MINUTES

Honorable Mayor Rawlings-Blake, Mr. Edward Gallagher will sit and act on her behalf. I have one item that is being added to today's agenda and this item is being submitted by the Office of Mayor, and it reads as follows: "Dear Council President Young and the Honorable members of the Board of Estimates. As you know, the City of Baltimore has suffered a tremendous loss with the passing of William Donald Schaefer. In his fifty years as a public servant, he personally touched the lives of thousands, if not millions of people as he worked to make Baltimore and Maryland stronger and more prosperous. The City of Baltimore is working collaboratively with Mayor Schaefer's friends and the Governor to coordinate opportunities for citizens to pay their final respects, and honor the legacy of this great leader. Mayor Schaefer will lie in state in the rotunda of City Hall from 6 p.m. until 9 p.m. on Monday, April 25, 2011 and Tuesday, April 26, 2011 from 9 a.m. until 9 p.m. At that time, City Hall will be open to citizens for a public viewing. It is very important that City of Baltimore employees be afforded the opportunity to fully participate in this occasion. Therefore, I am recommending that the Board of Estimates approve this request to substitute the City of Baltimore's final mandatory furlough day of Friday, May 27, 2011 with Tuesday, April 26, 2011. Shifting the mandatory furlough day to next Tuesday will allow

MINUTES

City employees to play a part in remembering William Donald Schaefer, one of the greatest Mayors in American history. Thank you for your consideration of this sensitive request. Submitted by the Honorable Stephanie Rawlings-Blake, Mayor. That item will be added to today's agenda to be acted upon for the Board for approval."

President: "Thank you. I will direct the Board members attention to the memorandum from my office dated April 18, 2011, identifying items to be considered as routine agenda items together with any correction and additions that have been noted by the Deputy Comptroller. I will entertain a Motion to approve all of the items contained on the routine agenda."

City Solicitor: "Believing that Mayor Schaefer would have thought every item on the routine agenda is critically important, I MOVE the approval of all items on the routine agenda."

Comptroller: "Second."

President: "All those in favor say AYE. All opposed NAY. Motion carries. The routine agenda has been adopted."

* * * * *

MINUTES

BOARDS AND COMMISSIONS1. Prequalification of Contractors

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

Alason Electrical Contractors, Inc.	\$ 8,000,000.00
Albecon Development Corporation d/b/a March-Westin Company Maryland Division	\$ 5,715,000.00
Alliance Roofing and Sheet Metal, Inc.	\$ 8,000,000.00
Bosley Construction, Inc.	\$ 1,500,000.00
Corinthian Contractors, Inc.	\$ 8,000,000.00
K-O Construction, Inc.	\$ 1,143,000.00
Mar-Allen Concrete Products, Inc.	\$ 1,500,000.00
Mylander Builders, Inc.	\$ 306,000.00
Robinson Pipe Cleaning Company	\$44,424,000.00
Triple J. Construction, Inc.	\$ 1,953,000.00

2. Prequalification of Architects and Engineers

In accordance with the Resolution Relating to Architectural and Engineering Services, as amended by the Board on June 29, 1994, the Office of Boards and Commissions recommends the approval of the prequalification for the following firms:

Bowker & Associates, Inc.	Engineer
Carollo Engineers, Inc.	Architect Engineer
Daft-McCune-Walker, Inc.	Landscape Architect Engineer Survey

MINUTES

BOARDS AND COMMISSIONS - cont'd

HSA, Inc. of DC	Engineer
Rummel, Klepper & Kahl, LLP	Landscape Architect Engineer Survey
Samms Engineering, LLC	Engineer

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

MINUTES

Department of Audits - Audit Report and Related Audit Digest

The Board is requested to **NOTE** receipt of the following Audit Report and Related Digest:

Audit of The War Memorial Commission for the Fiscal Year ended June 30, 2009.

President: "The first item on the non-routine agenda can be found on Page 3, Audit of the War Memorial Commission for the Fiscal Year ending June 30, 2009. Will Mr. McCarty, you are already here, and Doug Henley is he here? He is the Executive Director for the War Memorial."

Mr. Bob McCarty, City Auditor: "Good morning Mr. President, members of the Board, I am Bob McCarty the City Auditor. The Department of Audits performed its annual audit of the net expenditures charged to the War Memorial Commission and reported to the State of Maryland. The State requires the annual audit and provides fifty percent funding of the Commission's reported expenditures. Total expenditures were \$386,013.00. Our audit report concluded that the financial statements were presented fairly in all material respects, in conformity with generally accepted accounting principles. In addition to our audit report, we prepared a separate report, required by both generally accepted auditing standards and Government Auditing Standards, which address the Commission's compliance with certain laws and regulations and the internal control over

MINUTES

financial reporting relating to financial statements. The Commission had two significant deficiencies in internal control over its financial reporting in fiscal year 2009. A significant deficiency is a controlled deficiency that adversely affects the Commission's ability to initiate, authorize, record, process or report financial data reliably in accordance with generally accepted accounting principles, such that there is a possibility that an immaterial misstatement of financial statements would not be prevented or detected by the Commission's internal control. The significant deficiencies are as follows: number one, the Commission did not follow proper City procedures to reimburse the City's imprest Fund. In March and April 2009, two imprest Fund checks totaling \$216.75 were used to pay for a Commissioner's meeting and a Plaque for a retiring Commissioner. Rather than submitting these items to the City's expenditure, authorization process, the expenditures were submitted as an Employee Expense Reimbursement. The employee then deposited the \$216.75 by personal check in the Commission's imprest Account. We recommend that the Commission's management use the proper City procedures to pay and reimburse imprest funds transactions. In their response, the Commission agrees with this finding and recommendation. Our second finding, a Commission's Employee Expense Report was reimbursed without the required approval of

MINUTES

the Board of Estimates. According to the Administrative Manual, Section AM-240-11, an Employee's Expense Report must be received by the Bureau of Accounting and Payroll Services within 40 days from the last calendar day of the month in which the expenses were incurred. Expenses submitted after this time limit will not be reimbursed without the required approval of the Board of Estimates. An Employee Expense Report was submitted to BAPS over 100 days after the last calendar day of the month in which the expenses were incurred and was reimbursed without the required approval of the Board of Estimates. We recommend that BAPS review Employee Expense Reports to determine and enforce compliance with the Administrative Manual AM-240-11 requirements. In their response, BAPS stated that Employee Expense Reports submitted for expenses greater than 40 work days are returned to the City agencies with a request for a written explanation. After obtaining an explanation, BAPS then processes the request. BAPS stated that Employee Expense Reports greater than six months old are not processed by BAPS, without Board of Estimates approval. The significant deficiencies described are not considered to be a material weakness. A material weakness is a significant deficiency that results in a possibility that a material misstatement of the financial statements will not be prevented or detected by the

MINUTES

Commission's internal control. As part of obtaining reasonable assurance that whether the Commissions financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements. Non-compliance with which could have a direct and material effect on the determination of financial statement amounts. The results of our tests disclosed no instances of non compliance or other matters that are required to be reported under Government Auditing Standards."

President: "Would you like to respond?"

Mr. Doug Henley, Ex. Dir. War Memorial "That is pretty much it."

President: "Okay. The audit has been **NOTED**. Thank you."

The Board **NOTED** receipt of the Audit reports and related digests.

* * * * *

MINUTESDepartment of Real Estate - Contract of Sale, SCOPE Project

The Board is requested to approve and authorize execution of the contract of sale for the following property.

<u>Purchaser/s</u>	<u>Property</u>	<u>Sale Price</u>
MJ1 Enterprises, LLC	2110 Mount Royal Terrace	\$12,500.00

The purchaser agrees to complete the renovation of the property and obtain a Certificate of Occupancy no later than 18 months from the date of settlement.

On May 28, 2003, the Board approved an agreement with the Baltimore Economy and Efficiency Foundation, Inc. and the Greater Baltimore Board of Realtors, Inc. to allow the sale of City-owned properties under the SCOPE Project, which is an acronym for Selling City Owned Properties Efficiently.

Under this project, real estate brokers are responsible for marketing the properties and providing the City with sale contracts. Upon closing, they will be paid 8% of the sale proceeds, with a \$2,500.00 minimum fee.

(FILE NO. 56663)

UPON MOTION duly made and seconded, the Board approved and authorized the contract of sale for the aforementioned property.

MINUTES

Space Utilization Committee - Interdepartmental Lease Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an interdepartmental lease agreement with the Mayor's Office of Human Services, tenant, for the rental of approximately 3,909 square feet of space located at 4 S. Frederick Street. The period of the agreement is May 1, 2011 through April 30, 2016.

AMOUNT OF MONEY AND SOURCE:

	<u>Annual Rent</u>	<u>Monthly Rent</u>
Year 1	\$25,123.99	\$2,093.67
Year 2	\$26,128.95	\$2,177.41
Year 3	\$27,174.10	\$2,264.51
Year 4	\$28,261.07	\$2,355.09
Year 5	\$29,391.51	\$2,449.29

Account: 1001-000000-3571-327200-603013

BACKGROUND/EXPLANATION:

The tenant will use the leased premises for office space for its administrative use. The tenant will be responsible for minor improvements, telephone, and computer services to the leased premises.

The landlord will be responsible for insurance, maintenance, janitorial, repairs, telephone services, pest control and snow removal and funding for fire prevention certification of the leased premises.

The Space Utilization Committee approved this lease at its meeting on April 12, 2011.

(FILE NO. 54712)

UPON MOTION duly made and seconded, the Board approved and authorized the interdepartmental lease agreement with the Mayor's Office of Human Services.

MINUTES

Space Utilization Committee - Interdepartmental Lease Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an interdepartmental lease agreement with the Department of Transportation, tenant, for the rental of approximately 1,705 square feet of space located at 4 S. Frederick Street. The period of the agreement is May 1, 2011 through April 30, 2016.

AMOUNT OF MONEY AND SOURCE:

	<u>Annual Rent</u>	<u>Monthly Rent</u>
Year 1	\$11,082.50	\$ 923.54
Year 2	\$11,525.80	\$ 960.48
Year 3	\$11,986.83	\$ 998.90
Year 4	\$12,466.31	\$1,038.86
Year 5	\$12,964.96	\$1,080.41

Account: 2024-000000-5480-395600-603013

BACKGROUND/EXPLANATION:

The tenant will use the leased premises for office space for its administrative use. The tenant will be responsible for minor improvements, telephone and computer services to the leased premises.

The landlord will be responsible for insurance, maintenance, janitorial, repairs, telephone services, pest control and snow removal and funding for fire prevention certification of the leased premises.

The Space Utilization Committee approved this lease at its meeting on April 12, 2011.

(FILE NO. 54712)

UPON MOTION duly made and seconded, the Board approved and authorized the an interdepartmental lease agreement with the Department of Transportation.

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

The Board is requested to approve and authorize execution of a sub-lease agreement with Greibo K Designs, LLC, sub-tenant, for the rental of approximately 1,727 square feet of space located at 34 Market Place, being on the 2nd Floor. The period of the agreement is May 1, 2011 through April 30, 2014, with no renewal options.

AMOUNT OF MONEY AND SOURCE:

	<u>First Month</u>	<u>Rent</u>
May 1-May 31, 2011		\$2,058.01
	<u>Annual Rent</u>	<u>Monthly Rent</u>
Year 1	\$25,559.60	\$2,129.97
Year 2	\$26,595.80	\$2,216.32
Year 3	\$25,171.30	\$2,288.30 (11 Months)

BACKGROUND/EXPLANATION:

The tenant will use the leased premises for office space for its administrative use. The sub-tenant will be responsible to maintain the interior of the premises in good, clean, and safe repair and condition, ordinary wear and tear expected.

The sub-landlord will be responsible for maintaining the premises in good, clean and safe repair and condition, ordinary wear and tear expected per the master lease between Thirty-Four Market Place, LLC and the City. The period of the original agreement is July 31, 1996 through May 31, 2021.

The Space Utilization Committee approved this lease at its meeting on April 12, 2011.

(FILE NO. 54712)

UPON MOTION duly made and seconded, the Board approved and authorized the sub-lease agreement with Greibo K Designs, LLC.

MINUTES

Office of Councilman - Governmental/Charitable
James B. Kraft Solicitation Application

ACTION REQUESTED OF B/E:

The Board is requested to endorse a governmental/charitable solicitation application that has been approved by the Board of Ethics of Baltimore City.

AMOUNT OF MONEY AND SOURCE:

No general funds are involved in this transaction.

BACKGROUND/EXPLANATION:

The Board of Ethics of Baltimore City approved the application on March 10, 2011 to solicit donations from local individuals and businesses to fund the establishment of supplementary programs in the First District Schools.

There is an acute need to provide City students with supplementary programs that will allow them to explore issues and activities beyond the classroom. The scarcity of resources available often means that supplementary programs are overlooked. These funds would be used to establish a variety of activities that would otherwise not be implemented, such as the Southeast Schools baseball league, recycling competitions and essay contests. These programs would promote competition and collaboration among schools and the involvement of community members in school-based activities.

The Southeast Schools Fund has been established with the Baltimore City Foundation in order to maintain these funds. To avoid direct involvement by Mr. Kraft in the disbursement of funds, Mr. Bill Driscoll, Chief of Staff for the President of the City Council, will serve as a signatory to the account. Requests for disbursements will be made by program volunteers based on program needs. Expenditures will be reviewed at meetings including representatives of participating schools and other involved community members.

MINUTES

Office of Councilman James B. Kraft - cont'd

The potential donor list will be comprised of businesses and individuals that have a history of participating in activities related to the content matter or specific programs, or who live or do business in the communities served by participating schools.

The individual and corporate entities fitting this description are not controlled donors. However, the potential donors who are controlled donors will not be targeted or singled out in any way and will be solicited, if at all, in the same manner as all other potential donors.

Baltimore City Code Article 8, Section 6-26, prohibits solicitation or facilitating the solicitation of a gift. An exception was enacted in 2005 to permit certain solicitations that are for the benefit of an official governmental program or activity, or a City-endorsed charitable function or activity that has been pre-approved by the Ethics Board. Ethics Regulation 96.26B sets out the standards for approval, which includes the requirement that the program, function, or activity to be benefited and the proposed solicitation campaign must be endorsed by the Board of Estimates or its designees.

(FILE NO. 57133)

UPON MOTION duly made and seconded, the Board approved and authorized the governmental/charitable solicitation application.

The President **ABSTAINED**.

MINUTES

Police Department - Performance Modification

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a performance modification. The performance modification extends the period of the Intergovernmental agreement through December 31, 2011.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On September 22, 2011, the Board approved an Intergovernmental agreement with the Maryland Department of Juvenile Services (DJS) for the Continuum of Opportunity Reentry Program and Services. This program will provide services and support to youth returning to Baltimore City from the DJS out-of-home placements, or who are on probation with the DJS. The period of the original Intergovernmental agreement was from July 1, 2010 through July 31, 2011. On March 31, 2011 the DJS issued approval for a performance modification, extending the performance period through December 31, 2011.

APPROVED FOR FUNDS BY FINANCE

AUDITS NOTED THE TIME EXTENSION.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the performance modification with the Maryland Department of Juvenile Services.

MINUTES

Police Department - Grant Award Agreement &
Grant Adjustment Notice

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a grant award agreement with the Governor's Office of Crime Control and Prevention (GOCCP). The Board is further requested to approve and authorize a grant adjustment notice for a supplemental award. The period of the grant award agreement is December 1, 2010 through June 30, 2011.

AMOUNT OF MONEY AND SOURCE:

\$1,600.00 - Grant Award
469.00 - Supplemental Award
\$2,069.00 - 4000-498411-2252-248100-600000

BACKGROUND/EXPLANATION:

The grant award agreement is for the City's Supervised Visitation Center Planning which is intended to address the persistent problem of domestic violence and child abuse in the metropolitan area, through the creation of a fully-functional supervised visitation center in the jurisdiction. The Baltimore City Supervised Visitation Program grant from the GOCCP will support this effort through the purchase of one laptop computer for the program coordinator. On January 12, 2011, the GOCCP issued the grant award in the amount of \$1,600.00. On February 28, 2011, the GOCCP issued a grant adjustment notice for supplemental funds, in the amount of \$469.00. The total amount of the grant award is \$2,069.00.

The grant award agreement is late because the materials were recently received by the Department.

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved and authorized the grant award agreement with the Governor's Office of Crime Control and Prevention.

MINUTES

Police Department - Grant Award Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a grant award agreement with the Governor's Office of Crime Control and Prevention (GOCCP). The period of the grant award agreement is January 1, 2011 through December 31, 2011.

AMOUNT OF MONEY AND SOURCE:

\$47,351.00 - 4000-498311-2011-207900-600000

BACKGROUND/EXPLANATION:

The GOCCP grant is for the Evidence Control Unit Program.

The Department's evidence control unit is tasked with processing, cataloguing and safeguarding 150,000 pieces of evidence yearly. The Evidence Control Unit grant program from the GOCCP will support the Department's efforts to locate, retrieve, and catalog evidence prior to 1993, which had been omitted from the new WinAce database at its inception in 1993. The grant funds, in the amount of \$47,351.00, will support personnel overtime and equipment purchases needed to accomplish these goals.

The grant award agreement is late because the materials were recently received by the Department.

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved and authorized the grant award agreement with the Governor's Office of Crime Control and Prevention.

MINUTES

Police Department - Grant Award Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a grant award agreement with Maryland Emergency Management Agency (MEMA). The period of the grant award agreement is August 1, 2010 through April 30, 2013.

AMOUNT OF MONEY AND SOURCE:

\$1,895,282.00 - 4000-458011-2015-683900-600000

BACKGROUND/EXPLANATION:

The grant award is for the 2010 State Homeland Security Program (SHSP), funded through a grant from the U.S. Department of Homeland Security.

The 2010 SHSP is a core assistance program that provides funds to build capabilities at the State and local levels. The activities implemented under the SHSP must support terrorism preparedness by building or enhancing capabilities that relate to the prevention of, protection from, or response to terrorism. However, many capabilities which support terrorism preparedness simultaneously support preparedness for other hazards. Eligible activities include planning, organization, training, exercises, equipment, and personnel.

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved and authorized the grant award agreement with Maryland Emergency Management Agency.

MINUTES

Police Department - Memoranda of Understanding

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the following memoranda of understanding (MOU) with the City acting by and through the Mayor's Office of Criminal Justice. The period of the MOU is effective upon Board approval through December 31, 2011.

1. **COMMUNITY LAW IN ACTION, INC. (CLIA)** **\$53,500.00**

Account: 4000-497411-2252-692902-607001

2. **OLIVER COMMUNITY ASSOCIATION, INC. (OCA)** **\$53,500.00**

Account: 4000-497411-2252-692901-607001

On September 22, 2011, the Board approved an Inter-governmental agreement with the Maryland Department of Juvenile Services (DJS), in accordance with the United States Department of Labor's "State/Local Juvenile Offender Implementation Grant Program". The grant funds in the amount of \$122,000.00 are for the Continuum of Opportunity Reentry Program and Services. This program will provide services and support to youth returning to Baltimore City from the DJS out-of-home placements, or who are on probation with the DJS. The Mayor's Office of Criminal Justice (MOCJ), wishes to retain the services of the CILA and the OCA for each to engage 15 DJS youth. The youth will be engaged in community action projects. The MOU will be administered by the Police Department and the MOCJ.

MWBOO GRANTED A WAIVER

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized the foregoing memoranda of understanding.

MINUTESDepartment of Human Resources - Group Sales Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a group sales agreement (agreement) with the Tremont Plaza Hotel & Grand Historic Venue. The Board is further requested to approve payment by Expenditure Authorization. The period of the agreement is October 16, 2011 through October 21, 2011.

AMOUNT OF MONEY AND SOURCE:

\$24,570.00	- 26 Jr. Suites X 5 nights @ \$189.00/night
8,760.00	- 8 Testing Rooms X 5 days @ \$219.00/day
1,314.00	- 1 Chairman Suite for testing X 6 days @ \$219.00/Day
854.00	- 2 Registration & Reporting Rooms @ \$350.00 each plus 22% service fee (inclusive)
2,823.32	- Continental breakfast service for 29 X 4 Days @ \$19.95 plus 22% service fee (inclusive)
778.56	- Continental breakfast service for 32 X 1 Day @ \$19.95 plus 22% service fee (inclusive)
<u>1,900.12</u>	- Daily beverage & coffee Service for 148 @ \$1,558.19 plus 22% service fee (inclusive)
\$41,000.00	- 1001-000000-1603-172500-603026

BACKGROUND/EXPLANATION:

The Department of Human Resources will utilize rooms at the hotel for the Police Lieutenant oral examination process. The rooms are for the overnight accommodations of the 26 examiners who will administer the oral exam. With such a large group, a direct-bill process will streamline hotel arrangements and per diem receipt collection. This process has been utilized successfully in many previous oral examinations.

The 26 examiners are being recruited from surrounding jurisdictions to administer the Police Lieutenant oral examination. This exam occurs once every two years. Room rental will be necessary for the administration of the exam (9 rooms) in addition to overnight accommodations for examiners (26 rooms). The number of candidates who will be scheduled for the oral portion of the exam will not be available until after the written portion scheduled on July 23, 2011.

MINUTES

DHR - cont'd

Room reservations for this function must be arranged many months in advance. A testing schedule for the oral exam will be created after July 23, 2011 and the number of testing days will be confirmed. The agreement is based on maximum usage requirements and may be reduced. A request for the approval for other expenses such as travel and meal allowance for examiners will be submitted at a later date.

Most examiners will arrive in Baltimore on Sunday, October 16, 2011. The Examiners will participate with the assistance of the examination consultant, Mr. Chad Legel. Sixteen panels of three, plus four alternates will interview the candidates.

Oral examinations will begin on Monday, October 17, 2011 through Friday, October 21, 2011. Due to the early start of a long day, a continental breakfast will be made available to the examiners each morning and a beverage break later in the day. The Baltimore Hilton Hotel could not accommodate the City for this examination process.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized the group sales agreement with the Tremont Plaza Hotel & Grand Historic Venue. The Board further approved payment by Expenditure Authorization.

MINUTES

TRANSFERS OF FUNDS

* * * * *

UPON MOTION duly made and seconded,

the Board approved

the Transfers of Funds

listed on the following pages:

1179 - 1181

SUBJECT to receipt of favorable reports

from the Planning Commission,

the Director of Finance having

reported favorably thereon,

as required by the provisions of the

City Charter.

MINUTES

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Recreation and Parks</u>		
1. \$ 799,600.00	9938-901796-9475	
State	Reserve - Baseball	
	Field Partnership	
400.00	9938-913001-9475	
State	Reserve - Unallotted	
<u>\$ 800,000.00</u>	-----	9938-902796-9474
		Active - Baseball
		Field Partnership

This transfer will provide funds to cover the costs associated with the construction of the baseball field near Memorial Stadium in partnership with the YMCA and Ripken Baseball Foundation.

2. \$ 20,000.00	9938-908764-9475	9938-907764-9474
Rec. & Parks	Reserve - Park &	Active - Park &
24 th Series	Playgrounds Renov.	Playgrounds
	FY09	Renov. FY09

This transfer will provide funds to cover the costs associated with the topographic survey for Wilson & Etting Park.

3. \$150,000.00	9938-905793-9475	9938-904793-9474
Rec. & Parks	Reserve - Citywide	Active - Citywide
25 th Series	Park Maintenance	Park Maintenance

This transfer will provide funds to cover the costs associated with the renovation of the athletic fields at various city parks.

MINUTES**TRANSFER OF FUNDS**

	<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Recreation and Parks - cont'd</u>			
4.	\$ 20,000.00	9938-905793-9475	9938-904793-9474
	Rec. & Parks	Reserve - Citywide	Active - Citywide
	25 th Series	Park Maintenance	Park Maintenance

This transfer will provide funds to cover the costs associated with design services under On-Call Contract No. 1065, Task #24 to Mahan Rykiel Associates, Inc.

5.	\$140,000.00	9938-905793-9475	9938-904793-9474
	Rec. & Parks	Reserve - Citywide	Active - Citywide
	25 th Series	Park Maintenance	Park Maintenance

This transfer will provide funds to cover the costs associated with purchasing litter receptacles for various City parks.

Department of Transportation

6.	\$261,006.25	9950-901056-9512	9950-907026-9512-3
	MVR	Fiber Optic &	Design & Studies
		Communication System	On-call Consul-
			tants

This transfer will fund the assignment of Task Nos.12 through 14 on Project 1091 to Sabra, Wang & Associates, Inc. for design engineering services in connection with Red Light Camera Specification, VMS and Traffic Signal Design & Studies, ITS Strategic Reports and on-site support.

MINUTES

TRANSFER OF FUNDS

	<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Housing and Community Development</u>			
7.	\$158,000.00	9910-906011-9588	9910-910017-9588
	29 th Comm. Dev.	Employee	Annual Home Sale
	Bonds FY 2011	Assistance Program	
	33,000.00	9910-906011-9588	9910-911029-9588
	29 th Comm. Dev.	Employee Assistance	Live Where You
	Bond FY 2011	Program	Work
	<u>\$191,000.00</u>		

This transfer will provide additional funds for the Department's Homeownership Incentive Programs for Fiscal Year 2011.

MINUTES

Health Department - Agreement, Intergovernmental Agreement
Amendment to Agreement, and a Grant
Agreement

The Board is requested to approve and authorize execution of the various agreements, amendment to agreement, and a grant agreement.

AGREEMENT

1. **THE JOHNS HOPKINS UNIVERSITY (JHU)** **\$179,022.00**

Account: 4000-422511-3030-271516-603051

The JHU has collaborated with the Baltimore City Health Department for over two decades, affording a wealth of resources from individual experts in the areas of clinical infection diseases.

The JHU will provide staff to run the overall operation of the Syphilis Elimination Project (SEP). They will oversee the Rapid Response Team and monitor two SEP-sponsored community-based organizations. The period of the agreement is January 1, 2011 through December 31, 2011.

The agreement is late because funds were awarded in mid-January.

MWBOO GRANTED A WAIVER.

INTERGOVERNMENTAL AGREEMENT

2. **MARYLAND STATE DEPARTMENT OF EDUCATION/** **\$0.00**
DIVISION OF REHABILITATION SERVICES/
GASLIGHT SQUARE

The agency will serve as a host agency for the Senior Community Services Employment Program (SCSEP). The SCSEP provides part-time work experience and training opportunities for low-income residents of the City aged 55 years and older with no upper age limit. Program participants are placed with social, health, welfare, educational, legal and other similar services. The period of the agreement is January 1, 2011 through June 30, 2011.

The agreement is late because it was just returned.

MINUTES

Health Department - cont'd

The grant agreement is late because it was just finalized.

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

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the agreement, intergovernmental agreement, amendment to agreement, and a grant agreement. The President **ABSTAINED** on item no. 1.

MINUTESDepartment of General Services - Minor Privilege Permit Applications

The Board is requested to approve the following applications for a Minor Privilege Permit. The applications are in order as to the Minor Privilege Regulations of the Board and the Building Regulations of Baltimore City.

	<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
1.	801 W. Baltimore Street	Baltimore Street Partners, LLC	Manhole for private utilities
	Annual Charge: \$ 70.30		
2.	3517-3519 Eastern Avenue	Pawn Properties, LLC	Handicap ramp 6' x 64"
	Annual Charge: \$ 70.30		
3.	4601 Eastern Ave.	Stat Properties, I, LLC	Retain cornice sign 11½' x 1½'
	Annual Charge: \$ 35.20		
4.	25 N. Howard Street	McDonald's Corp.	Retain four awnings 9' x 1'
	Annual Charge: \$281.20		

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

MINUTES

Department of General Services - Grant Award Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a grant award agreement with the United States Environmental Protection Agency. The period of the grant agreement is February 1, 2010 through January 1, 2013.

AMOUNT OF MONEY AND SOURCE:

\$190,500.00 - 9916-909015-9194

BACKGROUND/EXPLANATION:

This grant will facilitate a Climate Showcase Community project. These funds will underwrite a collaborative effort between the Department and the Johns Hopkins University (JHU) Office of Sustainability to promote energy conversion in the City non-profit organizations.

This grant will enable the Department to enter into a contractual collaboration with the JHU to have students conduct energy audits of non-profit organizations located in the City.

The grant award agreement is late because of the delay in the administrative review process.

APPROVED FOR FUNDS BY FINANCE

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

(FILE NO. 55986A)

UPON MOTION duly made and seconded, the Board approved and authorized execution the grant award agreement with the United States Environmental Protection Agency. The President

ABSTAINED.

MINUTES**TRAVEL REQUESTS**Mayor's Office

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
1. Heather Brantner	Sexual Assault Conference Response Team Training Austin, TX May 24 - 27, 2011 (Reg. Fee \$475.00)	General Funds	\$1,400.60

The Office has paid the airfare in the amount of \$400.60 and the registration in the amount of \$475.00 on the City issued credit card assigned to Ms. Wanda Carrington. All expenses are included in the total. The disbursement to Ms. Brantner will be in the amount of \$525.00.

Mayor's Office of Employment Development

2. Karen Sitnick	Workforce Dev. Council Mtg. Hartford, CT April 28 - 29, 2011 (Reg. Fee \$375.00)	Admin. Cost Pool	\$808.88
------------------	--	------------------------	----------

MINUTES

TRAVEL REIMBURSEMENT

Mayor's Office of Information Technology

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
3. Rico J. Singleton	International Data Group, Premiere 100 IT Leaders Palm Desert, CA (March 6 - 10, 2011)	General Funds	\$1,802.16

The International Data Group, Computerworld recognized and honored Baltimore's Chief Information Officer, Mr. Singleton, as one of the 2011 Premiere 100 IT Leaders.

The subsistence rate for this location is \$191.00 per day. The hotel rate was \$269.00 per day plus \$54.84 in occupancy taxes. The Department is requesting an additional subsistence in the amount of \$312.00 (\$78.00 per day) to cover the cost of the hotel, which is included in the total. The Department is requesting reimbursement of \$1,802.16 to Mr. Singleton.

Airfare	\$ 506.80
Hotel	1,076.00
Occupancy & State and City Sales Taxes	219.36
Total	<u>\$1,802.16</u>

The Travel request is late due to a delay in the administrative process.

The Board, UPON MOTION duly made and seconded, approved the travel requests and travel reimbursement. In the absence of the Mayor, the Director of Finance **ABSTAINED** on item no. 1. The President **ABSTAINED** on item no. 3.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES AND EXTENSIONS TO CONTRACTS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
--------	-----------------	-------------

Bureau of Purchases

1. PITNEY BOWES Solicitation No. 07000 - Lease of a Postage and Folding Machine - Department of Housing and Community Development - Req. No. R554340	\$ 37,020.00	Low Bid
---	--------------	---------

The award is for the period May 1, 2011 through April 30, 2016.

2. N. HARRIS COMPUTER CORPORATION d/b/a SYSTEM INNOVATORS, INC. Solicitation No. 08000 - Cashier Windows Software Maintenance - Department of Finance - Req. No. R573285	\$ 42,129.00	Sole Source
--	--------------	-------------

This support and maintenance is for proprietary software customized for use by the Bureau of Revenue Collections and is only available from Systems Innovators, Inc.

It is hereby certified that the above procurement is of such a nature that no advantage will result in seeking nor would it be practical to obtain competitive bids. Therefore, pursuant to Article VI, Section 11, (d)(i) of the City Charter, the procurement of equipment and/or service is recommended.

3. MCAFEE ELECTION SERVICES, INC. Solicitation No. 06000 - Election Services - Board of Elections - P.O. No. P514171	\$1,334,680.00	Renewal
---	----------------	---------

On May 26, 2010, the Board approved the initial award in the amount of \$962,100.00. The award contained two 1-year renewal options at the sole discretion of the City. This renewal in the amount of \$1,334,680.00 includes the Mayoral election as well as the 2012 Presidential primary election. This renewal is for the period May 1, 2011 through April 30, 2012, with one 1-year renewal option remaining.

MWBOO GRANTED A WAIVER.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES AND EXTENSIONS TO CONTRACTS

VENDOR	AMOUNT OF AWARD	AWARD BASIS
--------	-----------------	-------------

Bureau of Purchases

4. G+K UNIFORM

SERVICE	\$ 0.00	Extension
---------	---------	-----------

Solicitation No. B50000765 - Uniform and Locker and Laundry Service - Agencies - Various - Req. Nos. Various

On January 21, 2009, the Board approved the initial award in the amount of \$500,000.00. Subsequent actions have been approved. This extension is necessary to finalize the specifications, re-bid this requirement and allow for a transition period if needed. The period of the extension is May 1, 2011 through August 31, 2011.

MWBOO GRANTED A WAIVER.

5. DISTRICT HEALTHCARE

AND JANITORIAL SUPPLY	\$102,098.00	Renewal
-----------------------	--------------	---------

Solicitation No. B50000399 - Furnishing and Delivering Incontinent Products and Dressings for the CARE Program - Baltimore City Health Department, CARE Services - P.O. No. P513048

On April 16, 2008, the Board approved the initial award in the amount of \$90,522.00. The award contained three 1-year renewal options at the sole discretion of the City. Subsequent actions have been approved. This is the final renewal in the amount of \$102,098.00 for the period May 1, 2011 through April 30, 2012.

MWBOO GRANTED A WAIVER.

UPON MOTION duly made and seconded, the Board approved the foregoing informal awards and increases and extensions to contracts.

MINUTES

Baltimore Development - City Funding Agreement
Corporation (BDC)

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of 1) a City funding agreement with The Everyman Theatre, Inc. (Everyman), developer, in the amount of \$1,650,000.00, and 2) a City Resolution approving the request for a \$250,000.00 grant from the Maryland Department of Business and Economic Development (DBED) through the Maryland Economic Development Assistance Authority Fund (MEDAAF). The period of the agreement is effective upon Board approval through December 31, 2013.

AMOUNT OF MONEY AND SOURCE:

\$500,000.00 - 9910-905825-9603

BACKGROUND/EXPLANATION:

The funding is in connection with the historic rehabilitation and development of a live performance theatre and support space at the former Towne Theatre, located at 315 W. Fayette Street.

The \$21,600,000.00 project includes funding and financing from New Market Tax Credits, CFG Community Bank, Bank of America, the State of Maryland, the City of Baltimore, developer equity, and foundation, corporate and individual philanthropy.

The City funding agreement commits \$1,650,000.00 to the project from FY 2010-FY 2013 bonds, Westside Revitalization Project state funds and DBED grant funds as follows:

\$500,000.00 (FY 2007-2010) Westside State Appropriation
 \$250,000.00 (FY 2009-2010) City Capital Budget Appropriation
 \$250,000.00 (FY 2010-2011) City Capital Budget Appropriation
 \$200,000.00 (FY 2010-2011) City Capital Budget Appropriation
 \$200,000.00 (FY 2011-2012) City Capital Budget Appropriation
 \$250,000.00 DBED Grant

MINUTES

BDC - cont'd

- BDC on behalf of the City submitted an application dated August 10, 2010 to receive a grant from the DBED through the MEDAAF in the amount of \$250,000.00, to be re-granted to Everyman.
- The sum of \$250,000.00 will be paid within 30 days of Board of Estimates approval from FY 2011 capital budget appropriation. The City hereby confirms that such sum has been fully appropriated in the FY 2011 capital budget and that such funds shall be disbursed promptly following the City's receipt of a written request for such funds from the Developer.
- Contingent upon its receipt of grant funding which the City anticipates receiving from the State of Maryland for the Westside Revitalization Project, the City has agreed to provide up to \$500,000.00 (the "Westside Funding") to assist developer with certain hard costs of construction for the Project.
- Funding for façade improvements will be from a portion of the State of Maryland Westside Revitalization Project appropriation, which was designated for the City of Baltimore in FY 2007 through FY 2010. The funding will assist the developer with certain hard costs of construction related to the project.

MINUTES

BDC - cont'd

- No State funds for the façade improvements will be advanced from the City for this project. Funding will be on a reimbursement basis in accordance with the City funding agreement. Representative improvements will be approved by the City and have a useful life expectancy of at least 15 years.
- In 2002, the Board approved a Land Disposition Agreement (LDA) between the City and Centerpoint Development, LLC. In 2005, Centerpoint Development, LLC donated the property valued at approximately \$1,900,000.00 to the Everyman Theatre, Inc. for the purpose of developing a live performance theatre in the Westside.
- On or about April 4, 2011, Everyman conveyed the property to Everyman Enterprises Business Trust, a Maryland statutory trust. The Board of Estimates consented to the transfer of the property on March 30, 2011 pursuant to the LDA dated June 3, 2002.
- Everyman will relocate from Charles Village to the Westside as a means to provide adequate support space to rehearse, play, build scenery, perform, and run educational programs. The 250 seat theatre will complement the Hippodrome Theatre; patrons will have Broadway and off Broadway right across the street from each other.
- The first phase will create a flexible seating arrangement that can be re-organized to accommodate every type of play. The upper level will contain a rehearsal space, meeting rooms, and small offices.

MINUTES

BDC - cont'd

- The second phase of the project will consist of an intimate theatre on the second level; rehearsal space and additional offices and meeting areas to create a new rehearsal area.

MBE/WBE PARTICIPATION:

The Everyman Theatre, Inc. has signed the Commitment to Comply with Article 5, Subtitle 28 of the Baltimore City Code and MBE and WBE goals.

APPROVED FOR FUNDS BY FINANCE

(FILE NO. 55831)

UPON MOTION duly made and seconded, the Board approved and authorized the execution of 1) a City funding agreement with The Everyman Theatre, Inc., developer, and 2) a City Resolution approving the request for a grant from the Maryland Department of Business and Economic Development through the Maryland Economic Development Assistance Authority Fund.

MINUTES

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

The Board is requested to approve and authorize execution of the below listed grant agreements:

1. **WOMEN'S HOUSING COALITION, INC.** **\$299,820.00**

Account: 4000-496312-3573-591235-603051

Services will be provided to 25 homeless and disabled clients. The period of the agreement is May 1, 2011 through April 30, 2012.

2. **WOMEN'S HOUSING COALITION, INC.** **\$115,186.00**

Account: 4000-496311-3573-591235-603051

Services will be provided to eight homeless and disabled clients. The period of the agreement is March 15, 2011 through March 14, 2012.

The agreement is late because of a delay on the part of the Department of Housing and Urban Development.

The organization will provide housing in conjunction with supportive services to homeless and disabled clients. Services will include but are not limited to providing monthly rental assistance payments and monthly rental subsidies, security deposits and/or payment for damage to the property, if applicable.

MWBOO GRANTED A WAIVER.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved and authorized the aforementioned grant agreements.

MINUTES

Department of Housing and Community Development (DHCD) - HOME Loan Transfer of Limited Liability Partner's Interest

ACTION REQUESTED OF B/E:

The Board is requested to approve a transfer of the limited partner's interest in the Harford Commons Limited Partnership from Boston Financial Tax Credit Fund VII to Harold Hersch, LLC.

The Board is further requested to authorize the Commissioner of the Department of Housing and Community Development to execute any and all documents to effectuate this transaction subject to review and approval for form and legal sufficiency by the Department of Law.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On February 27, 1995, the Board approved a HOME loan in the amount of \$900,000.00 to the Harford Commons Limited Partnership, formerly known as BHP/Harford Commons Limited Partnership.

The Harford Commons is a 30 unit senior apartment building located at 1508 Harford Avenue, in the northeast section of the City. HOME funds were used to assist in the rehabilitation of the project. Upon completion, the units were rented to individuals with incomes at or below 60% Average Median Income (AMI). The remainder of the development funds for the project came from the State of Maryland's Community Development Administration (CDA) and Low Income Housing Tax Credits (LIHTC).

The Boston Financial Tax Credit Fund VII, a Limited Partnership, and the sole limited partners of the Borrower, desires to assign their entire respective limited partner interest in the Borrower allowable under the partnership agreement to Harold Hersch, LLC, and the General Partner. It is usual for the limited partner to withdraw from the partnership once the tax credit benefits have been taken and the initial 15 year tax credit compliance period has been reached.

MINUTES

DHCD - cont'd

The HOME loan balance is \$900,000.00 and bears an interest rate of 1% per annum. Annual payments of the principal and interest are due from surplus cash through the maturity date of the mortgage which is October 2026. Payments made from surplus cash flow on the City mortgage are to be made only after all required payments under the State's mortgage has been made. Any payments not made due to insufficient cash flow are due in the next year if surplus cash is available. All unpaid and accrued interest will be due at the maturity date of the mortgage. The State's mortgage balance is approximately \$836,092.00. The mortgage bears an interest rate of 1% with annual payments of the principal and interest being made from surplus cash flow.

The CDA has reviewed and approved the transfer of the limited partner's interest. However, nothing can be finalized until the Board has granted approval for the transfer.

MBE/WBE PARTICIPATION:

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

(FILE NO. 57231)

UPON MOTION duly made and seconded, the Board approved the transfer of the limited partner's interest in the Harford Commons Limited Partnership from Boston Financial Tax Credit Fund VII to Harold Hersch, LLC. The Board further authorized the Commissioner of the Department of Housing and Community Development to execute any and all documents to effectuate this transaction subject to review and approval for form and legal sufficiency by the Department of Law.

MINUTES

Department of Housing and - Second Amendment
Community Development (DHCD) to Lease Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve a second amendment to lease agreement with the Baltimore Montessori, Inc. d/b/a Baltimore Montessori Public Charter School (BMI), lessee, for the property known as 1600 Guilford Avenue (Block 0429, Lot 023). The second amendment extends the period of the lease to July 31, 2068.

AMOUNT OF MONEY AND SOURCE:

\$3,635.88 - monthly rental effective on the 1st day of the month following the effective date of the second amendment.

BACKGROUND/EXPLANATION:

On March 11, 2009, the Board approved the original lease agreement with the BMI for the property located at 1600 Guilford Avenue. On May 19, 2010, the Board approved the first amendment to the lease agreement.

The lessee currently operates a public charter school for pre-kindergarten and elementary students. The school is now expanding into the nineteenth-century building to accommodate the incoming middle school aged students beginning in 2011/2012. To accomplish this, a loan of \$3,000,000.00 is needed to fund the required renovations to the building. In order to secure the loan, the lessee will have to enter into a loan agreement with a private lender, who requires that the second amendment be approved, before agreeing to fund the required renovation.

The lease agreement includes an option to purchase for \$700,000.00, with the Purchase Money Mortgage (PMM) at 4% for 20 years.

The second amendment will include the following:

1. The lease term will be extended from July 31, 2038 to July 31, 2068.

MINUTES

DHCD - cont'd

2. The monthly rental payment will be increased to an amount equal to the Principal and Interest payment of the PMM presented in the Option to Purchase contained in the original lease.
3. The rental payments from the date of execution of the second amendment until conveyance will be credited against the mortgage balance, if the lessee exercises the option as provided in section 6A of original lease as amended by the first amendment.
4. The deposit required upon execution will be covered by a credit for amounts to be reimbursed to the BMI by the City up to \$100,000.00.
5. A reimbursement for \$25,000.00 for asbestos removal to the BMI will be covered by the City as a credit to the BMI against the mortgage balance.
6. The lease as amended will be subordinate to the loan agreement.
7. The lessee will exercise its option to purchase within six months of the date of passing of a sales ordinance allowing for the sale of said premises and record a deed with 60 days after the exercise of the option or the rental payments will not be credited against the outstanding mortgage balance.
8. Upon exercising the Option to Purchase the BMI will make the PMM subordinate to the Loan document.
9. Finally, this second amendment to lease agreement will allow for a subsidiary of the Lessee to be granted and authorized to exercise the Option to Purchase.

MINUTES

DHCD - cont'd

The BMI is in good standing with the Baltimore City Public School System Office of New Initiatives, as well as the Maryland Department of Assessment and Taxation.

(FILE NO. 57061)

UPON MOTION duly made and seconded, the Board approved and authorized the second amendment to lease agreement with the Baltimore Montessori, Inc. d/b/a Baltimore Montessori Public Charter School.

MINUTES

Department of Housing and - Grant Agreement
Community Development

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a grant agreement with Parks and People Foundation, Inc. The period of the agreement is February 1, 2011 through January 31, 2012.

AMOUNT OF MONEY AND SOURCE:

\$76,000.00 - 2089-208911-5930-434434-603051

BACKGROUND/EXPLANATION:

The Parks and People Foundation, Inc. will utilize the funds to subsidize the operating cost of the Public Housing Greening and Youth Employment Program. The initiative will train, educate and employ youth ages 14-21 that reside at Perkins and Westport-Westport Extension-Mount Winans to green, clean, beautify and make environmental improvements to their public housing communities of Westport and Perkins Homes.

On June 30, 2010, the Board approved the Resolution authorizing the Commissioner of the Department of Housing and Community Development (DHCD), on behalf of the Mayor and City Council, to file a Federal FY 2010 Annual Action Plan for the following formula programs:

1. Community Development Block Grant (CDBG)
2. HOME Investment Partnership Act (HOME)
3. Housing Opportunity for People with AIDS (HOPWA)
4. Emergency Shelter Grant Program (ESG)

MINUTES

DHCD - cont'd

Upon approval of the resolution, the DHCD's Contract Section began negotiating and processing the CDBG agreements as outlined in the Plan effective July 1, 2010 and beyond. Consequently, this agreement was delayed due to final negotiations and processing.

MWBOO GRANTED A WAIVER.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the grant agreement with Parks and People Foundation, Inc. In the absence of the Mayor, the Director of Finance **ABSTAINED.**

MINUTES

Fire Department - Addendum to Memorandum of Understanding

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize acceptance of an addendum to a memorandum of Understanding (MOU) with the Maryland Department of the Environment (MDE) and the Baltimore City Local Emergency Planning Committee (LEPC). The period of the MOU is March 1, 2011 through February 28, 2012.

AMOUNT OF MONEY AND SOURCE:

\$8,850.00 - 5000-558811-2131-228200

BACKGROUND/EXPLANATION:

The funding will be used for federally required planning and training activities for the Local Emergency Planning Committee. The level of funding for each grant year is dependant upon the total amount of fees collected by the MDE and the number of eligible LEPC's requesting funding for the grant period not to exceed \$10,000.00 per year.

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved and authorized the acceptance of an addendum to the memorandum of Understanding with the Maryland Department of the Environment and the Baltimore City Local Emergency Planning Committee.

MINUTES

EXTRA WORK ORDERS AND TRANSFERS OF FUNDS

* * * * *

UPON MOTION duly made and seconded,
the Board approved the
Extra Work Orders and Transfers of Funds
listed on the following pages:

1205 - 1209

All of the EWOs had been reviewed and approved
by the

Department of Audits, CORC,
and MWBOO, unless otherwise indicated.

The Transfer of Funds were approved
SUBJECT to receipt of favorable reports
from the Planning Commission,
the Director of Finance having reported favorably
thereon, as required by the provisions
of the City Charter.

The President **ABSTAINED** on items no. 17, 18, and 19.

MINUTES

EXTRA WORK ORDERS

Contract	Prev.	Apprvd.	Time	%
<u>Awd. Amt.</u>	<u>Extra Work</u>	<u>Contractor</u>	<u>Ext.</u>	<u>Compl.</u>

Department of Transportation

1. EWO #003, \$750,000.00 - TR 09010R, Resurfacing Highways at Various Locations Citywide Emergency JOC

\$1,858,336.35	\$ 22,680.00	M. Luis Construc-	-	-
		tion Co., Inc.		

2. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>	
\$750,000.00	9950-905101-9514	9950-902839-9514-2	
MVR	Frederick Ave.	Contingencies	-
Emergency	Gateway Resurf.	Resurf. - JOC	

This transfer will provide funds to cover the costs associated with Change Order No. 3 on Contract TR 09010R with M. Luis Construction Co., Inc.

3. EWO #004, \$219,812.15 - TR 08062, Little Italy Streetscape

\$ 825,866.95	\$33,747.00	Severn Construc-	-	-
		tion Services, LLC		

4. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>	
\$219,812.15	9950-901762-9514	9950-906605-9508-2	
State Constr.	Resurf. NE -	Contingencies	
Loan	Sector I	Little Italy Streetscape	

This transfer will provide funds to cover the costs associated with Change Order No. 4 on Contract TR 08062, Little Italy Streetscape with Severn Construction Services, LLC.

MINUTES

EXTRA WORK ORDERS

<u>Contract</u>	<u>Prev.</u>	<u>Apprvd.</u>	<u>Time</u>	<u>%</u>
<u>Awd. Amt.</u>	<u>Extra Work</u>	<u>Contractor</u>	<u>Ext.</u>	<u>Compl.</u>
<u>Department of Transportation</u>				
5. EWO #002, \$102,869.73 - TR 10308, Resurfacing Highways at Various Locations Citywide				
\$2,143,832.06	\$0.00	P. Flanigan & Sons, Inc.	-	-
6. EWO #001, \$0.00 - TR 10313, Greater Edmondson Village Street Lighting Improvements				
\$ 722,713.60	-	Civil Construction, LLC	150	-
7. EWO #001, \$100,000.00 - TR 10011RR, Conduit Systems Repairs at various Locations Citywide JOC				
\$2,139,020.00	-	Allied Contractors Inc.	-	-
8. EWO #013, \$223,760.40 - TR 04311, Pennington Avenue Bascule Bridge Rehabilitation				
\$14,530,627.00	\$10,355,667.52	Cianbro Corporation	-	-
9. EWO #001, \$79,569.40 - TR 10005, Uplands Redevelopment: Mass Grading & Infrastructure				
\$18,279,447.78	-	Monumental Paving & Excavating, Inc.	-	-
10. EWO #002, \$740,514.31 - TR 08056, Park Heights & Southeast Baltimore Bike Routes				
\$ 376,614.90	\$ 36,334.03	Monumental Paving & Excavating, Inc.	-	-
11. EWO #001, \$148,718.00 - Project No. 889, Edmondson Avenue Bridge over Gwynns Falls & CSXT Railroad				
\$ 1,068,231.15	-	Greenhorne & O'Mara, Inc.	-	-

MINUTES

EXTRA WORK ORDERS

Contract	Prev.	Apprvd.	Time	%
<u>Awd. Amt.</u>	<u>Extra Work</u>	<u>Contractor</u>	<u>Ext.</u>	<u>Compl.</u>

Department of Transportation

12. EWO #004, \$27,362.66 - Project No. 1055, Rehabilitate Roadways Around East Life Science Park 1c Agreement Project 1055

\$ 584,894.71	\$679,437.66	Whitman, Requardt & Associates	-	-
---------------	--------------	--------------------------------	---	---

13. EWO #002, \$40,256.00 - Project No. 790, Frederick Avenue Bridge over Gwynns Falls & CSX Railroad

\$256,306.06	\$148,904.00	Whitney, Bailey, Cox & Magnani	-	-
--------------	--------------	--------------------------------	---	---

14. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$35,425.28	9950-903412-9507	
Federal	Constr. Reserve	
	Frederick Ave. Bridge	
8,856.32	" "	
<u>MVR</u>		
\$44,281.60	-----	9950-902412-9506-3
		Design & Studies
		Frederick Avenue Bridge
		over Gwynns Falls &
		CSX Railroad

This transfer will funds costs associated with Task No. 2 on Project 790 with Whitney, Bailey, Cox, & Magnani to update the plans, specifications cost estimate and design of a Storm Water Management Facility to meet the new regulation.

MINUTES

EXTRA WORK ORDERS

Contract	Prev.	Apprvd.	Time	%
<u>Awd. Amt.</u>	<u>Extra Work</u>	<u>Contractor</u>	<u>Ext.</u>	<u>Compl.</u>

Department of Transportation

15. EWO #001, \$87,446.30 - Project 851, Rehabilitation of
Lafayette Avenue Bridge over Amtrak Railroad

\$ 676,743.00	-	Wallace, Montgomery -	-
		& Associates	

16. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 76,950.16	9950-902941-9509	
Federal	Constr. Reserve	
	Lafayette Ave.	
	Bridge	
19,237.54	" "	
<u>MVR</u>		
\$ 96,187.70	-----	9950-90194-9508-3
		Design & Studies
		Lafayette Ave.
		Bridge over Amtrak RR

This transfer will provide funds to cover costs associated with Change Order No. 1 on Project No. 851, with Wallace, Montgomery & Associates to provide engineering services for rehabilitation of Lafayette Avenue Bridge over Amtrak RR.

Bureau of Water and Wastewater

17. EWO #005, \$226,880.53 - W.C. 1160R, Montebello Plant 2
Finished Water Reservoir Cover

\$36,922,950.00	\$919,499.10	Alan A. Myers, LP	0	-
-----------------	--------------	-------------------	---	---

18. EWO #051, \$29,584.10 - S.C. 873, Repair & Replacement of
Existing Sanitary Sewers @ Various Locations

\$2,834,852.00	\$1,401,458.12	R & F Constr., Ltd.	0	99
----------------	----------------	---------------------	---	----

MINUTES

EXTRA WORK ORDERS

<u>Contract</u>	<u>Prev.</u>	<u>Apprvd.</u>	<u>Time</u>	<u>%</u>
<u>Awd. Amt.</u>	<u>Extra Work</u>	<u>Contractor</u>	<u>Ext.</u>	<u>Compl.</u>
<u>Bureau of Water and Wastewater</u>				
19. EWO #063, \$71,201.53 - S.C. 873, Repair & Replacement of				
<u>Existing Sanitary Sewers @ Various Locations</u>				
\$2,834,852.00	\$2,007,266.95	R & F Construction, 0		99
		LTD		

MINUTES

PERSONNEL MATTERS

* * * * *

UPON MOTION duly made and seconded,

the Board approved

the Personnel matter

listed on the following page:

1211

The Personnel matter has been approved

by the EXPENDITURE CONTROL COMMITTEE.

The contract has been approved

by the Law Department

as to form and legal sufficiency.

The Comptroller **ABSTAINED** on item no. 1.

MINUTES

PERSONNEL

	<u>Hourly Rate</u>	<u>Amount</u>
<u>Office of the Comptroller - Communication Services</u>		
1. CINDY R. SMITH	\$14.18	\$22,121.00

Account: 2039-000000-1330-158400-601009

Ms. Smith will continue to work as a Telephone Operator I. Her duties will include, but are not limited to operating a City agency telephone console and computer terminal, placing outgoing and accepting incoming toll and long distance calls following specific procedures; receiving telephone calls for assistance from the general public for the purpose of obtaining City services or providing referral information. The period of the agreement is April 16, 2011 through April 15, 2012.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

* * * * *

On the recommendations of the City agencies

hereinafter named, the Board,

UPON MOTION duly made and seconded,

awarded the formally advertised contracts

listed on the following page:

1213

to the low bidders meeting the specifications,

or rejected bids on those as indicated

for the reasons stated.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:Bureau of Purchases

1. B50001768, Requirements for Concrete Sidewalk and Other Structural Repairs at Various Locations Allied Contractors, Inc. \$344,300.00

MBE: J.M. Murphy Enterprises, Inc. \$93,200.00 27.07%
WBE: McCall Trucking, Inc. \$34,500.00 10.02%

MWBOO FOUND VENDOR IN COMPLIANCE

2. B50001878, Asphalt Paving Machine George Associates, Inc. \$120,110.00

MWBOO GRANTED A WAIVER.Department of Transportation

3. TR 10001, Replacement of Bridge BC 6521-George's Creek Road over George's Run **REJECTION** - On March 23, 2011, the Board opened six bids for this solicitation. The bids ranged from a low of \$1,077,777.00 to a high of \$1,716,551.80. The responsive and responsible bidder submitted a bid that well exceeded the Department's expected budget. The Department of Transportation believes that it is in the best interest of the City to re-advertise in the near future.

MINUTES

Bureau of Water and Wastewater - Task Assignment

ACTION REQUESTED OF B/E:

The Board is requested to approve Task Assignment No. 007, with Rummel, Klepper & Kahl, LLP (RKK), for Project No. 1120R, On-Call Data Operation and Report Generation.

AMOUNT OF MONEY AND SOURCE:

\$ 60,000.00 - 9960-904694-9557-900010-705032
60,000.00 - 9956-910533-9551-900010-705032
43,537.32 - 9956-904561-9551-900020-705032
\$163,537.32

BACKGROUND/EXPLANATION:

The RKK and its sub-consultant, Constellation Design, will assist the Bureau's Construction Management Chief in the monitoring of overall and individual project performance on the Bureau's construction projects. The consultant will use data from the Bureau construction database to generate reports. The reports will be based on construction management and established productivity standards. The consultant will also provide scheduling services on capital projects.

MBE/WBE PARTICIPATION:

The consultant will comply with Article 5, Subtitle 28 of the Baltimore City Code and MBE and WBE goals established in the original agreement.

AUDITS REVIEWED AND FOUND THE BASIS FOR COMPENSATION CONSISTENT WITH CITY POLICY.

UPON MOTION duly made and seconded, the Board approved the Task Assignment No. 007, with Rummel, Klepper & Kahl, LLP (RKK), for Project No. 1120R, On-Call Data Operation and Report Generation. The President **ABSTAINED**.

MINUTES

Bureau of Water and Wastewater - Amendment No. 3 to Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of amendment no. 3 to agreement with Rummel, Klepper & Kahl, LLP, for Project 994, Jones Falls Collection System Evaluation and Sewershed Plan. The amendment no. 3 extends the period of the agreement through May 23, 2012.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On May 24, 2006, the Board approved the original agreement with the consultant to provide engineering services for the Jones Falls Collection System Evaluation and Sewershed Plan to comply with Paragraph 9 of the Consent Decree, for three years.

On June 3, 2009, the Board approved amendment no. 1 to extend the agreement through May 24, 2010. On June 23, 2010, the Board approved amendment no. 2 to extend the agreement through May 23, 2011. Under amendment no. 3, the consultant will continue to provide engineering services to address the comments from EPA/MDE on the Sewershed Study and Plan until the final approval of the same at no additional costs to the City.

The consultant was approved by the Office of Boards and Commissions and Architectural and Engineering Awards Commission on October 6, 2006.

MINUTES

Bureau of Water and Wastewater - cont'd

MBE/WBE PARTICIPATION:

The Consultant will continue to comply with the goals established under the original agreement.

APPROVED FOR FUNDS BY FINANCE

AUDITS NOTED THE TIME EXTENSION.

(FILE NO. 55986A)

UPON MOTION duly made and seconded, the Board approved and authorized the execution of amendment no. 3 to agreement with Rummel, Klepper & Kahl, LLP, for Project 994, Jones Falls Collection System Evaluation and Sewershed Plan. The President **ABSTAINED.**

MINUTES

Bureau of Water and Wastewater - Expenditure of Funds

ACTION REQUESTED OF B/E:

The Board is requested to ratify the acceptance of propane from United Propane, and authorize payment for products previously delivered.

AMOUNT OF MONEY AND SOURCE:

\$ 8,361.42 - 2070-000000-5501-396480-604004

BACKGROUND/EXPLANATION:

Propane is used at the Back River Wastewater Treatment Plant (BRWTP) as a fuel source for the pilot lights for the process boilers and waste gas flares.

United Propane previously held this contract under PO504448, and continued to deliver propane to the BRWTP facility although the contract expired. Because of the need for this product, the BRWTP facility continued to accept deliveries. A request for a blanket requisition was never processed in the Bureau of Purchases.

APPROVED FOR FUNDS BY FINANCE.

AUDITS REVIEWED AND HAD NO OBJECTION

UPON MOTION duly made and seconded, the Board ratified the acceptance of propane from United Propane, and authorized payment for products previously delivered. The President

ABSTAINED.

MINUTES

Department of Transportation - Expenditure of Funds

ACTION REQUESTED OF B/E:

The Board is requested to approve an expenditure of funds to pay The Maryland Asphalt Association, Inc. for training on May 3, 2011 through May 5, 2011 and May 10 through May 12, 2011.

AMOUNT OF MONEY AND SOURCE:

\$17,000.00 - 3001-000000-5011-382900-603020

BACKGROUND/EXPLANATION:

The training will be provided to 44 employees at \$386.36 per person. The fund will cover the cost of HMA Field Technician Training. The Hot Mix Asphalt Certification training is a federally mandated certification program. The training will be for 44 Public Works Inspectors in the Transportation Engineering and Construction Division.

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

UPON MOTION duly made and seconded, the Board approved and authorized the expenditure of funds to pay The Maryland Asphalt Association, Inc. for training.

MINUTES

Department of Transportation - Task Assignment

ACTION REQUESTED OF B/E:

The Board is requested to approve Task Assignment No. 005 to Toole Design Group, LLC, for Project No. 1080, On-Call Bike Master Plan.

AMOUNT OF MONEY AND SOURCE:

\$181,693.65 - 9950-904175-9527-900020-703032

BACKGROUND/EXPLANATION:

On May 23, 2008, the Board approved the initial agreement in the amount of \$2,000,000.00. Under task no. 5, the consultant will provide a full time project manager.

MWBOO SET GOALS OF 21% MBE AND 7% WBE.

AUDITS REVIEWED AND FOUND THE BASIS FOR COMPENSATION CONSISTENT WITH CITY POLICY.

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$222,866.88	9950-905175-9528	9950-904175-9527-
MVR	Constr. Res.	Design & Studies
	Bicycle Network	Bicycle Network
	Strategy	Strategy

This transfer will clear the deficit in the account and fund costs associated with Task No. 5 on Project No. 1080 with Toole Design Group, LLC for the Bicycle Network Strategy.

MINUTESDepartment of Transportation - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized the Task Assignment No. 005 to Toole Design Group, LLC, for Project No. 1080, On-Call Bike Master Plan. The Transfer of Funds was approved, SUBJECT to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, in accordance with the provisions of the City Charter.

MINUTES

Charles Village Community Benefits - Revised Bylaws
District Management Authority

ACTION REQUESTED OF B/E:

The Board is requested to approve the revised bylaws for the Charles Village Community Benefits District Management Authority (CVCBD).

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

Mr. Jeff Millard, President of the CVCBD Board of Directors has submitted the revised bylaws for the CVCBD. At its meeting on March 8, 2011, the CVCBD Board unanimously approved these revised bylaws. However, in order to be official, the Baltimore City Code requires that the revised bylaws be approved by the Board of Estimates (Subtitle 6, Section 6-4(13), Baltimore City Code, Article 14).

The CVCBD Board of Directors worked for over 4 years revising its bylaws, examining every section, paragraph and word, editing the original in order to achieve greater clarity and improve the governance process. The CVCBD's legal counsel, Mr. John McCauley of the Venable law firm and a parliamentarian, Ms. Colette Trohan, of A Great Meeting, Inc. have also reviewed and commented on the revision of the bylaws.

Lastly, and most importantly, residents of the CVCBD had many opportunities to comment in person. All Board and Governance Committee meetings have been advertised in advance and were open to the public. On two occasions, the Board scheduled special meetings specifically to hear and discuss public comments on the proposed revised bylaws. The first was at the CVCBD Fall Meeting on October 23, 2007 and the second was at the Fall Meeting on October 13, 2009. The CVCBD advertised both meetings in community newsletters and City newspapers in the months prior

MINUTES

CVCBD - cont'd

to the meetings; and also in direct mailings to all 3,800 surcharge, tax paying residents. In addition, the proposed bylaws have been regularly posted on the CVCBD's website, www.charlesvillage.org, along with an invitation for public comment.

This document and written comment from the public were reviewed in the fall and winter of 2010 by the City legal office in cooperation with the CVCBD legal counsel and members of the CVCBD Board and appropriate revisions were made.

A LETTER OF PROTEST WAS RECEIVED FROM MR. STEPHEN J. GEWIRTZ.

The Board **DEFERRED** this for one week.

3007 Guilford Avenue,
Baltimore, MD 21218-3926.
410-243-1850 (home),
443-226-3214 (cell)
gewirtz@bellatlantic.net
March 21, 2011

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

In re: Protest of the proposed new bylaws of the Charles Village Community Benefits District

Dear Board of Estimates:

I hereby protest the proposed new bylaws adopted by the board of the Charles Village Community Benefits District (CVCBD) on March 8, 2011 and submitted to you for your approval, and I ask to be heard when you consider the proposed new bylaws. I submit below several reasons that the bylaws should be rejected. Let me add that there are many more reasons that can be given.

1. Under the proposed bylaws (Article IV Section 7B), the Executive Committee may act for the board whenever there are "emergent circumstances" and a quorum of the board cannot be convened in time to meet the emergency. This would make it possible to have a quorum of the board meet in January to elect the officers (the Executive Committee) and never again convene a quorum of the board, at which point all actions needed from the board including the adoption of a budget and tax rate would constitute "emergent circumstances." In short, the board would be giving all of its powers to the Executive Committee. At a minimum, no action of the Executive Committee to act for the full board should be valid unless later ratified by the full board.
2. CVCBD is a government. It levies a tax and spends the tax revenues. That is the act of a government, not of a nonprofit, not of a quasi-government. Adoption of the tax rate should require the affirmative votes of a majority of the authorized voting membership, i.e. it should require 10 votes. The 15 member Baltimore City Council needs 8 affirmative votes to set the tax rate, even if there are vacancies on the Council. We should expect the same from our CVCBD board.
3. To remove a member of the board should require cause and should require the votes of 3/4 of the authorized voting membership of the board (i.e. it should require 15 votes). It should not be possible for a mere majority to remove and then possibly replace a member without cause. The removal of a member of the

COMPT/BOE MAR 21 '11 PM 3:11

City Council requires cause and the affirmative votes of 3/4 of the authorized membership of the City Council.

4. Article IV Section 1B3 allowing someone who is neither a registered voter nor a property owner within the District to be a voting member of the board is contrary to both the State and City enabling legislation, and something similar has previously been rejected by the Board of Estimates. The State enabling legislation provides that whatever criteria were used to determine who would be allowed to vote in the referendum on creation of CVCBD would become the criteria for who would be allowed to serve as a voting member of the CVCBD board, and absent a change in the State enabling legislation, that can never change. I will not discuss whether it is desirable to allow a business owner who does not meet the criteria set forth in the law to be voting member of the board, because the fact is that CVCBD must operate within its enabling legislation.

5. Article IV Section 3B permits a resident or business owner within the District to nominate someone for a position as a quadrant representative on the board. It does not permit someone who owns property within the District but is not a resident to make a nomination, even though Section 3C of the same article permits that person to vote for a quadrant representative.

6. Article X makes it far too easy to amend the bylaws. Any amendment should require the affirmative votes of at least a majority of the authorized board members, i.e. 10 votes to submit a bylaws amendment to the Board of Estimates. Indeed, it takes the affirmative votes of 60% of the authorized membership of each house of the Maryland General Assembly to submit a constitutional amendment to the voters of Maryland. One could argue that it should take 12 affirmative votes to submit an amendment to the bylaws to the Board of Estimates.

7. Article IV Section 3B takes away from the voters of Charles Village the right to make nominations for quadrant representatives from the floor at the election meeting. Instead, it requires notice in advance to the leadership of CVCBD that someone is planning to run. Moreover, it leaves it to the honesty of the Chair of the Governance Committee to state whether a nomination has properly been submitted to him. And while it requires nominations to be submitted in advance, it does not require that a list of nominees appear on the CVCBD website in advance of the election meeting.

8. Several things are missing from the proposed bylaws. There is no provision to prohibit conflicts of interest. There is no provision to prohibit discrimination in the delivery of services based on whether the person requesting such services is or is not a supporter of CVCBD, despite a history of such discrimination. There is no requirement that a fiscal agent for CVCBD operate as though it were subject to the Open Meetings and Public Information Acts. These are things that should be covered in any bylaws.

If I were designing CVCBD from scratch, I would set it up based on the principle of one person one vote. Right now, depending on where one lives within the District, one may be a member of at most one, two or three of the community organizations represented on the board. And as is illustrated by the fact that there presently is only one person named to the board from the three business organizations represented on the board, it is not clear to what extent some of those organizations really exist and whom they actually represent. But there is a far better model for setting up a board for a government such as CVCBD, namely the New England town meeting. If CVCBD were set up that way, there would be a meeting every April, open to all residents of the District and to all owners of property subject to the surtax. At that meeting, the entire board (to keep up the analogy, the selectpersons) would be elected to take office immediately, and the budget and tax rate would be adopted by the meeting. I pick April because that would allow adequate time for the budget and tax rate to be transmitted to the Board of Estimates for its approval before the beginning of the July 1 to June 30 fiscal year. I realize that adoption of such a form of governance for CVCBD would require a change in the City enabling legislation (part of the City Code) and therefore cannot be adopted through amending the bylaws, but it would give CVCBD far more legitimacy within Charles Village. Right now, most Charles Villagers think, rightly in my view, that they can have little influence on CVCBD, and therefore they do not attend either of the two annual public meetings. My proposal would change that entirely.

Unfortunately, you the Board of Estimates cannot amend the City enabling legislation that created CVCBD. You can only accept or reject the proposed bylaws. I urge you to reject them. Having several years ago been a member of the CVCBD board for two years, I know that the leadership of the board of CVCBD is very adept at bullying the members of the board and that few members are willing to defy the leadership on any issue. But the proposed bylaws are an attempt by the leadership to grab even more power. They should be rejected.

Sincerely,

A handwritten signature in cursive script that reads "Stephen J. Gewirtz". The signature is written in black ink and is positioned above the typed name.

Stephen J. Gewirtz,
Homeowner and CVCBD taxpayer since the inception of CVCBD
And Coordinator of a Charles Village Court Watch program

MINUTES

PROPOSALS AND SPECIFICATIONS

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

1. Department of Public Works/
Department of Recreation
and Parks - RP 10854, Luckman Park Site
Improvements
BIDS TO BE RECV'D: 05/25/2011
BIDS TO BE OPENED: 05/25/2011

2. Department of General
Services - PB 11811, Former Ainsworth
Paint Factory - Demolition
3200 East Biddle Street
BIDS TO BE RECV'D: 05/25/2011
BIDS TO BE OPENED: 05/25/2011

3. Department of Transportation - TR 11011, City Wide Traffic
Calming - JOC
BIDS TO BE RECV'D: 06/08/2011
BIDS TO BE OPENED: 06/08/2011

MINUTES

REMARKS OF BOARD MEMBERS

President: "I am going to give any Board member an opportunity if they would like to say something in honor of Governor Schaefer, you can do it at this time."

City Solicitor: "As the one of the non elected members of the Board I have been sitting here looking at the portraits around the room and I cannot help but notice that the exquisite portrait painting of the Mayor Schaefer has the brightest background and the brightest -- an a clearing sky of all of the other portraits which I think is fitting an appropriate even though we are about to mourn his passing. He would pass from our presence with the background of clearing and optimistic sky."

Comptroller: "The William Donald Schaefer that I knew was a people person, who took the time to help and was concerned about the well being of all of our citizens. He was a fearless leader and a phenomenal human being, who made his life's work while the Mayor of Baltimore to make our City better. Baltimore citizens knew that they had an advocate Mayor Schaefer. His relentless pursuit in ensuring that our City and State were the best in the country is legendary, and we will deeply miss him."

President: "Anyone else? There being no more business before the Board, the meeting will --."

MINUTES

ACKNOWLEDGEMENT

City Solicitor: "I am sorry. One welcome that I would like to do before we adjourn."

President: "Oh, I forgot."

City Solicitor: "Is Dr. Stacy Spaulding here with us today? I hope and trust she is. Dr. Spaulding is from Towson University and she is here with members of her class in Journalism and New Media to see if we can generate any controversy today. I am sorry to have disappointed you. We had protests we put them off a week. Come back next week and you will be able to generate some interesting press next week, even if not this week. Thanks for joining us and on behalf of Mayor Rawlings-Blake, welcome to the Board of Estimates."

President: "Thank you, and I add my welcome as well. There being no more business before the Board, the meeting will recess until bid opening at twelve noon. Thank you."

* * * * *

MINUTES

Clerk: "The Board is now in session for the receiving and opening of bids."

BIDS, PROPOSALS AND CONTRACT AWARDS

Prior to the reading of bids received today and the opening of bids scheduled for today, the Clerk announced that the following agencies had issued an Addenda extending the dates for receipt and opening of bids on the following contracts. There were no objections.

- | | | |
|---------------------------------------|---|---|
| <u>Department of Transportation</u> | - | TR 07025R, Mt. Auburn
Cemetery Perimeter
Rehabilitation
<u>BIDS TO BE RECV'D: 05/04/2011</u>
<u>BIDS TO BE OPENED: 05/04/2011</u> |
| <u>Department of General Services</u> | - | GS 11814, 103 West Lexington
Street - Restoration
<u>BIDS TO BE RECV'D: 04/27/2011</u>
<u>BIDS TO BE OPENED: 04/27/2011</u> |
| <u>Bureau of Purchases</u> | - | B50001898 Services for Debris
Cleanup in Middle Branch,
Canton and Fells Point, etc
<u>BIDS TO BE RECV'D: 04/27/2011</u>
<u>BIDS TO BE OPENED: 04/27/2011</u> |

MINUTES

Thereafter, UPON MOTION duly made and seconded, the Board received, opened and referred the following bids to the respective departments for tabulation and report:

Bureau of Purchases

- B50001887, Inspection, Testing, Repair, Maintenance and Installation Services for UST and AST
-

Total Environmental
Concepts, LLC

Bureau of Purchases

- B50001903, Assorted Light Bars and Light Sets
-

R.C. Halloway Co.
East Coast Emergency Lighting
Winner Ford

MINUTES

There being no objections, the Board UPON MOTION duly made and seconded, the Board adjourned until its next regularly scheduled meeting on Wednesday, April 27, 2011.

A handwritten signature in black ink that reads "Joan M. Pratt, CPA". The signature is written in a cursive style with a large initial "J".

JOAN M. PRATT
Secretary