

Introduced by: The Council President *Middkton*
At the request of: Department of Legislative Reference

Prepared by: Department of Legislative Reference

Date: September 11, 2017

Referred to: JUDICIARY AND LEGISLATIVE INVESTIGATIONS Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL *17-0115*

A BILL ENTITLED

AN ORDINANCE concerning

Corrective Bill 2017

FOR the purpose of correcting certain technical errors and omissions in the City Code; repealing certain obsolete, obsolescent, or otherwise preempted, superseded, or superfluous provisions; correcting, clarifying, and conforming certain language; and providing for a special effective date.

BY repealing and reordaining, with amendments
Article 1 - Mayor, City Council, and Municipal Agencies
Section 56-2
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments
Article 5 - Finance, Property, and Procurement
Sections 28-13(d), 28-96(h)(2), 28-103(c), 28-106(a)(3), 28-107(a)(1) and (b),
28-114(a)(1) and (b)(1), 28-117(c)(2) and (e)(3)(intro), and 28-118(a)(1)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments
Article 8 - Ethics
Sections 2-17(b) and 3-21(a)(intro)
Baltimore City Code
(Edition 2000)

****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

<input type="checkbox"/>	Baltimore City Public School System	<input type="checkbox"/>	Department of Public Works
<input checked="" type="checkbox"/>	Baltimore Development Corporation	<input type="checkbox"/>	Department of Real Estate
<input checked="" type="checkbox"/>	City Solicitor	<input type="checkbox"/>	Department of Recreation and Parks
<input type="checkbox"/>	Comptroller's Office	<input type="checkbox"/>	Department of Transportation
<input checked="" type="checkbox"/>	Department of Audits	<input type="checkbox"/>	Fire Department
<input type="checkbox"/>	Department of Finance	<input type="checkbox"/>	Health Department
<input type="checkbox"/>	Department of General Services	<input type="checkbox"/>	Mayor's Office of Employment Development
<input checked="" type="checkbox"/>	Department of Housing and Community Development	<input type="checkbox"/>	Mayor's Office of Human Services
<input type="checkbox"/>	Department of Human Resources	<input type="checkbox"/>	Mayor's Office of Information Technology
<input type="checkbox"/>	Department of Planning	<input type="checkbox"/>	Office of the Mayor
<input checked="" type="checkbox"/>	Other: <i>Minor + 3 Women's Business</i>	<input type="checkbox"/>	Police Department
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	Other: _____
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	Other: _____
<input type="checkbox"/>	Board of Estimates	<input type="checkbox"/>	Environmental Control Board
<input checked="" type="checkbox"/>	Board of Ethics	<input checked="" type="checkbox"/>	Fire & Police Employees' Retirement System
<input type="checkbox"/>	Board of Municipal and Zoning Appeals	<input type="checkbox"/>	Labor Commissioner
<input type="checkbox"/>	Comm. for Historical and Architectural Preservation	<input type="checkbox"/>	Parking Authority Board
<input type="checkbox"/>	Commission on Sustainability	<input type="checkbox"/>	Planning Commission
<input checked="" type="checkbox"/>	Employees' Retirement System	<input type="checkbox"/>	Wage Commission
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	Other: _____
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	Other: _____
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	Other: _____

Boards and Commissions

<input type="checkbox"/>	Board of Estimates	<input type="checkbox"/>	Environmental Control Board
<input checked="" type="checkbox"/>	Board of Ethics	<input checked="" type="checkbox"/>	Fire & Police Employees' Retirement System
<input type="checkbox"/>	Board of Municipal and Zoning Appeals	<input type="checkbox"/>	Labor Commissioner
<input type="checkbox"/>	Comm. for Historical and Architectural Preservation	<input type="checkbox"/>	Parking Authority Board
<input type="checkbox"/>	Commission on Sustainability	<input type="checkbox"/>	Planning Commission
<input checked="" type="checkbox"/>	Employees' Retirement System	<input type="checkbox"/>	Wage Commission
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	Other: _____
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	Other: _____

CITY OF BALTIMORE
ORDINANCE **17.068**
Council Bill 17-0115

Introduced by: The Council President, Councilmember Middleton
At the request of: Department of Legislative Reference
Introduced and read first time: September 11, 2017
Assigned to: Judiciary and Legislative Investigations Committee
Committee Report: Favorable
Council action: Adopted
Read second time: October 16, 2017

AN ORDINANCE CONCERNING

Corrective Bill 2017

1
2 FOR the purpose of correcting certain technical errors and omissions in the City Code; repealing
3 certain obsolete, obsolescent, or otherwise preempted, superseded, or superfluous provisions;
4 correcting, clarifying, and conforming certain language; and providing for a special effective
5 date.

6 BY repealing and reordaining, with amendments

7 Article 1 - Mayor, City Council, and Municipal Agencies
8 Section 56-2
9 Baltimore City Code
10 (Edition 2000)

11 BY repealing and reordaining, with amendments

12 Article 5 - Finance, Property, and Procurement
13 Sections 28-13(d), 28-96(h)(2), 28-103(c), 28-106(a)(3), 28-107(a)(1) and (b),
14 28-114(a)(1) and (b)(1), 28-117(c)(2) and (e)(3)(intro), and 28-118(a)(1)
15 Baltimore City Code
16 (Edition 2000)

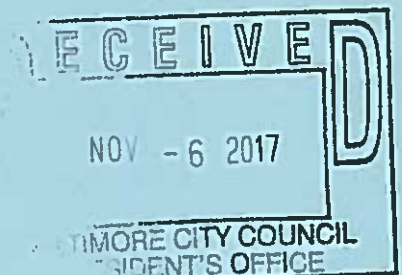
17 BY repealing and reordaining, with amendments

18 Article 8 - Ethics
19 Sections 2-17(b) and 3-21(a)(intro)
20 Baltimore City Code
21 (Edition 2000)

22 BY repealing and reordaining, with amendments

23 Article 13 - Department of Housing and Community Development
24 Sections 2-1(c)(3), 2-6(d)(7), and 4-1(e)(2)
25 Baltimore City Code
26 (Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
Strike-out indicates matter stricken from the bill by
amendment or deleted from existing law by amendment.



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1 BY repealing and reordaining, with amendments

2 Article 14 - Special Benefits Districts
3 Section 19-4(a)
4 Baltimore City Code
5 (Edition 2000)

6 BY repealing and reordaining, with amendments

7 Article 22 - Retirement Systems
8 Sections 5(b)(ii)3.A(intro) and 33(b)(9)(ii)3.A(intro)
9 Baltimore City Code
10 (Edition 2000)

11 BY repealing and reordaining, with amendments

12 Article 22A - Retirement Savings Plan
13 Section 2-20(b)(4)(i)(intro)
14 Baltimore City Code
15 (Edition 2000)

16 BY repealing and reordaining, with amendments

17 Article 26 - Surveys, Streets, and Highways
18 Section 16-3(c)
19 Baltimore City Code
20 (Edition 2000)

21 BY repealing and reordaining, with amendments

22 Article 28 - Taxes
23 Sections 10-17(d)(1)(intro), 10-18(d)(1)(intro), and 24-1(d)
24 Baltimore City Code
25 (Edition 2000)

26 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
27 Laws of Baltimore City read as follows:

28 **Baltimore City Code**

29 **Article 1. Mayor, City Council, and Municipal Agencies**

30 **Subtitle 56. Citizens Advisory Commission for Public Safety**

31 **§ 56-2. Commission composition.**

32 (c) *Ex officio members.*

33 The ex officio members are as follows:

34 (1) the Chair of the City Council's Public Safety Committee [(or the Chair's
35 designee)] or OF any City Council Committee succeeding to the duties of the City
36 Council's Public Safety Committee (OR THE CHAIR'S DESIGNEE);

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1 (2) the Police Commissioner (or the Commissioner's designee); and

2 (3) the Director of the Office of Civil Rights and Wage Enforcement [(or the
3 Director's designee)] or OF any office or agency succeeding to the duties of the
4 Office of Civil Rights and Wage Enforcement relevant to duties of the Citizens
5 Advisory Commission for Public Safety (OR THE DIRECTOR'S DESIGNEE).

6 COMMENT: Corrects misplaced modifiers.

7 **Article 5. Finance, Property, and Procurement**

8 **Subtitle 28. Minority and Women's Business Enterprises;**
9 **SMALL LOCAL BUSINESS ENTERPRISES**

10 COMMENT: Corrects subtitle's name to reflect major expansion added by Ord. 16-695.

11 ***Chapter 2. MBE/WBE Subcontracting Requirements***

12 **§ 28-13. Definitions.**

13 (d) *Certified business enterprise.*

14 "Certified business enterprise" means a minority or women's business enterprise that
15 has been certified by the Minority and Women's Business Opportunity Office as
16 meeting the criteria for certification under this [subtitle] CHAPTER.

17 COMMENT: Corrects reference to specify applicable statutory unit.

18 ***Chapter 3. Small Local Business Enterprise Procurement Requirements***

19 **§ 28-96. Definitions.**

20 (h) *Professional services.*

21 (2) The term "professional services" as used in this chapter is not intended to be restricted
22 to those professional services [which] THAT are exempted from formal advertising
23 requirements pursuant to Article VI, § 11, of the City Charter or competitive bidding
24 requirements pursuant to Article VII, § 17, of the City Charter.

25 COMMENT: Corrects grammatical-cum-usage error.

26 **§ 28-103. Program performance review.**

27 (c) *Periodic City review.*

28 The Board of Estimates, or its designee, must periodically review the SLBE Program to
29 determine whether the various contracting procedures used to enhance SLBE contract

Council Bill 17-0115

1 participation need to be adjusted or used more or less aggressively in future years to
2 achieve the goals stated IN § 28-97 {"Purpose; Scope"} and § 28-98 {"Program
3 objectives"} of this chapter.

4 COMMENT: Inserts missing preposition.

5 **§ 28-106. Certification or decertification as an SLBE.**

6 (a) *In general.*

7 In order to apply for certification or recertification as an SLBE, an enterprise must
8 provide the Office with:

- 9
10 (3) a signed affidavit stating that it meets all of the SLBE eligibility criteria [as] set
11 forth in § 28-105 {"Eligibility for SLBE Program"}.

12 COMMENT: Deletes extraneous adverb.

13 **§ 28-107. Certification or decertification as an Emerging SLBE.**

14 (a) *Eligibility.*

15 A firm is eligible for certification as an Emerging SLBE if it meets the following
16 eligibility criteria:

- 17 (1) the firm complies with ALL OF THE SLBE criteria [as specified] SET FORTH in
18 § 28-105 {"Eligibility for SLBE Program"};

19

20 (b) *Application.*

21 In order to apply for certification or recertification as an Emerging SLBE, an enterprise
22 must provide the Office with:

- 23 (1) a completed application for certification OR RECERTIFICATION in the form
24 [specified] REQUIRED by the Office;
- 25 (2) all supporting documentation required by the Office; and
- 26 (3) a signed affidavit stating that it meets all of the eligibility criteria SET FORTH in
27 subsection (a) of this section.

28 COMMENT: Corrects and conforms language to usage elsewhere

29 **§ 28-114. Bonding or insurance waiver.**

30 (a) *Public works contracts.*

- 31 (1) Subject to applicable federal and state law, as well as the City Charter, and applicable
32 regulations, policies, and procedures, the Board of Estimates, on the recommendation
33 of the contracting agency, may waive or reduce the bonding or insurance requirements

Council Bill 17-0115

1 for public works contracts, depending on the type of contract and whether the
2 contracting agency determines that the bonding or insurance requirements would deny
3 an SLBE, or Emerging SLBE, an opportunity to perform a contract [which] THAT the
4 SLBE or Emerging SLBE has shown itself otherwise capable of performing.

5 (b) *All other contracts.*

- 6 (1) Subject to applicable federal and state law, as well as the City Charter, and applicable
7 regulations, policies, and procedures, the Board of Estimates, on the recommendation
8 of the Department of Finance, may waive or reduce the bonding or insurance
9 requirements, depending on the type of contract and whether the Department
10 determines that the bonding or insurance requirements would deny an SLBE or
11 Emerging SLBE an opportunity to perform a contract [which] THAT the SLBE or
12 Emerging SLBE has shown itself otherwise capable of performing.

13 COMMENT: Corrects grammatical-cum-usage errors.

14 § 28-117. **Mandatory subcontracting.**

15 (c) *Required bidder submissions.*

- 16 (2) At the time of bidding, a bidder may request a full or partial waiver of this mandatory
17 subcontracting requirement from the Chief for good cause, by submitting an SLBE
18 unavailability certification to the Chief along WITH adequate documentation of good
19 faith efforts to obtain SLBE participation, in the form required by the Office.

20 COMMENT: Inserts missing preposition.

21 (e) *Failure to satisfy SLBE subcontracting goals.*

- 22 (3) A Contractor commits a material breach of contract if it fails to notify and obtain
23 written approval from the Chief in advance of any negative change [is] IN usage of a
24 designated SLBE or Emerging SLBE subcontractor, including any:

25
26 COMMENT: Corrects typographical error.

27 § 28-118. **Sheltered Market Program.**

28 (a) *Eligible contracts.*

- 29 (1) The Chief and a contracting agency may select certain contracts [which] THAT have a
30 contract value of \$250,000 or less for award to a certified SLBE, or a joint venture
31 with a certified SLBE, through the Sheltered Market Program.

32 COMMENT: Corrects grammatical-cum-usage error.

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Article 8. Ethics

Subtitle 2. Definitions; General Provisions

§ 2-17. "Gift".

(b) Exclusions.

"Gift" does not include the solicitation, acceptance, receipt, or disposition of a political contribution that is regulated under State [Code Article 33] ELECTION LAW ARTICLE, Title 13 {"Campaign Finance"}, or under any other state law that regulates the conduct of elections or the receipt of political contributions.

COMMENT: Updates obsolete cross-reference.

Subtitle 3. Administration

§ 3-21. Conflicts affidavit.

(a) Officials to file.

Each official must, within 6 months of his or her INITIAL appointment to office, complete and file with the Ethics Board and with that official's appointing authority, an affidavit that certifies, under penalties of perjury, that the official:

....

COMMENT: Amends language to clarify, as per the Ethics Board's understanding and long-time practice, that this filing is generally but a one-time requirement, triggered by one's *initial* "appointment to office" – unlike, for example, the training requirement in § 3-20(b)(1), which is expressly triggered anew on an official's "appointment *or* reappointment to office".

Article 13. Housing and Urban Renewal

Subtitle 2. Department of Housing and Community Development

§ 2-1. Determinations, declarations, and definitions.

(c) Definitions.

(3) Zoning change.

In this subtitle, "zoning change":

- (i) means [a zoning map amendment] ANY "LEGISLATIVE AUTHORIZATION", as [described] DEFINED in Baltimore City Zoning Code [Title 5, Subtitle 5 {"Legislative Authorizations"}], § 5-501 {"LEGISLATIVE AUTHORIZATION DEFINED"}; [and] BUT

Council Bill 17-0115

1 (ii) does not include any use or bulk regulation restriction that is imposed by a
2 Renewal Plan or Conservation Plan.

3 COMMENT: Corrects cross-reference; clarifies conjunction.

4 **§ 2-6. Adoption and approval of plan.**

5 (d) *Enabling ordinances.*

6 (7) Any zoning change proposed by a Renewal Plan or a Conservation Plan must be
7 approved by an ordinance enacted in accordance [with Article 66B of] the State
8 [Code] LAND USE ARTICLE AND THE BALTIMORE CITY ZONING CODE.

9 COMMENT: Updates obsolete cross-reference; adds reference to City Zoning Code.

10 **Subtitle 4. Registration of Non-Owner-Occupied Dwellings,**
11 **Rooming Houses, and Vacant Structures**

12 **§ 4-1. Definitions.**

13 (e) *Non-owner-occupied dwelling unit.*

14 (2) *Qualifications.*

15 For purposes of this definition:

16 (i) an owner may only have one owner-occupied dwelling in Baltimore City; and

17 (ii) an owner-occupied unit must be [title] TITLED to a natural person.

18 COMMENT: Corrects typographical error.

19 **Article 14. Special Benefits District**

20 **Subtitle 19. South Baltimore Gateway Community Impact District**

21 **§ 19-4. Powers and functions of Authority.**

22 (a) *Governmental body.*

23 To the greatest extent allowable by law, the Authority is and shall [ee] BE deemed to be a
24 governmental body, both politic and corporate, exercising only those powers as are
25 provided for in this subtitle.

26 COMMENT: Corrects typographical error.

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Article 22. Retirement Systems

Subtitle – Employees' Retirement System

§ 5. Administration; Board of Trustees.

(b) *Members.*

(5)(ii)3.A. Notwithstanding City Code Article 8 {"Ethics"}, § 6-28(3) {"Gifts: Qualified exemptions; travel, etc., expenses"} [or § 6-30 {"Honoraria"}], no Trustee or Board employee may accept any gift or any payment, free admission, or expense reimbursement for attendance at a conference, seminar, or similar meeting, or for related food, travel, lodging, or entertainment, if the gift or the payment, free admission, or reimbursement is, directly or indirectly, from:

....

COMMENT: Deletes reference to repealed section.

Subtitle – Fire and Police Employees' Retirement System

§ 33. Administration.

(b) *Members.*

(9)(ii)3.A. Notwithstanding City Code Article 8 {"Ethics"}, § 6-28(3) {"Gifts: Qualified exemptions; travel, etc., expenses"} [or § 6-30 {"Honoraria"}], no Trustee or Board employee may accept any gift or any payment, free admission, or expense reimbursement for attendance at a conference, seminar, or similar meeting, or for related food, travel, lodging, or entertainment, if the gift or the payment, free admission, or reimbursement is, directly or indirectly, from:

....

COMMENT: Deletes reference to repealed section.

Article 22A. Retirement Savings Plan

Subtitle 2. Administration

§ 2-20. Conflicts of interest.

(b) *Additional standards and requirements.*

(4) *Gifts, payments, free admissions, expense reimbursements.*

(i) Notwithstanding City Code Article 8 {"Ethics"}, § 6-28(3) {"Gifts: Qualified exemptions; travel, etc., expenses"} [or § 6-30 {"Honoraria"}], no trustee or Board

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1 employee may accept any gift or any payment, free admission, or expense
2 reimbursement for attendance at a conference, seminar, or similar meeting, or for
3 related food, travel, lodging, or entertainment, if the gift or the payment, free
4 admission, or reimbursement is, directly or indirectly, from:
5

6 **COMMENT:** Deletes reference to repealed section.

7 **Article 26. Surveys, Streets, and Highways**

8 **Subtitle 16. Pavement Protection**

9 **§ 16-3. Concrete; oil products; weight on asphalt.**

10 (c) *Weight-bearing devices on asphalt.*

11 Nor shall it be lawful to place any stick, trestle, or other supporting device bearing any
12 weight whatsoever, for any purpose, upon any sheet asphalt or other bituminous
13 pavement on any street, lane, or alley in the City, unless the said stick, trestle, or other
14 supporting device shall have a [fiat] FLAT base resting upon the pavement of not less than
15 12 inches square.

16 **COMMENT:** Corrects typographical error.

17 **Article 28. Taxes**

18 **Subtitle 10. Credits**

19 **§ 10-17. High-performance market-rate rental housing – Targeted areas.**

20 (d) *Amount of credit.*

21 (1) The amount of the credit shall equal a percentage, as specified in paragraph (2) of this
22 subsection, of 1 OR ANOTHER OF THE FOLLOWING:
23

24 **COMMENT:** Adds clarifying phrasing.

25 **§ 10-18. High-performance market-rate rental housing – Citywide.**

26 (d) *Amount of credit.*

27 (1) The amount of the credit shall equal a percentage, as specified in paragraph (2) of this
28 subsection, of 1 OR ANOTHER OF THE FOLLOWING:
29

30 **COMMENT:** Adds clarifying phrasing.

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Subtitle 24. Passenger-for-Hire Services

§ 24-1. Definitions.

(d) Passenger-for-hire service.

(1) In general.

"Passenger-for-hire service" means any taxicab service, limousine service, [or] sedan service, OR TRANSPORTATION NETWORK SERVICE that, for [a fee] FOR REMUNERATION, transports passengers within, from, or to Baltimore City.

(2) Supplemental definitions.

"Taxicab service", "limousine service", [and] "sedan service", "TRANSPORTATION NETWORK SERVICE", AND "REMUNERATION" have the meanings stated in the State Public Utilities Article § 10-101.

COMMENT: Modifies subsection to reflect recent changes made to State Public Utilities Article § 10-101.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect when it is enacted.

Certified as duly passed this ___ day of OCT 30 2017, 20__

[Signature of President]
President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this ___ day of OCT 30 2017, 20__

[Signature of Chief Clerk]
Chief Clerk

Approved this 3 day of November, 2017

[Signature of Mayor]
Mayor, Baltimore City

Approved For Form and Legal Sufficiency
This 2nd Day of November 2017

[Signature of Chief Solicitor]
Chief Solicitor

BALTIMORE CITY COUNCIL
JUDICIARY AND LEGISLATIVE INVESTIGATIONS COMMITTEE
VOTING RECORD

BILL#: CC-17-0115 DATE: 9/26/17

BILL TITLE: Corrective Bill 2017

MOTION BY: SCOTT SECONDED BY: CLARKE

- FAVORABLE FAVORABLE WITH AMENDMENTS
 UNFAVORABLE WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Costello, E., Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarke, M., Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bullock, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pinkett, L.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reisinger, E.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott, B.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stokes, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOTALS	7	0	0	0

CHAIRPERSON: C-G-ATA
 COMMITTEE STAFF: D'Paul S. Nibber, Initials: DN



HEARING NOTES

Bill: 17-0115

Corrective Bill 2017

Committee: Judiciary and Legislative Investigations
Chaired By: Councilmember Eric Costello

Hearing Date: September 26, 2017
Time (Beginning): 10:00 a.m.
Time (Ending): 10:10 a.m.
Location: Clarence "Du" Burns Chamber
Total Attendance: ~60
Committee Members in Attendance:
Eric Costello Mary Pat Clarke Brandon Scott
Leon Pinkett Edward Reisinger Robert Stokes John Bullock

Bill Synopsis in the file? yes no n/a
Attendance sheet in the file? yes no n/a
Agency reports read? yes no n/a
Hearing televised or audio-digitally recorded? yes no n/a
Certification of advertising/posting notices in the file? yes no n/a
Evidence of notification to property owners? yes no n/a
Final vote taken at this hearing? yes no n/a
Motioned by: **Councilman Scott**
Seconded by: **Councilwoman Clarke**
Final Vote: **Favorable, 7-0**

Major Speakers

(This is not an attendance record.)

- Avery Aisenstark, Department of Legislative Reference
- Victor Tervalá, Law Department

Major Issues Discussed

1. Chairman Costello introduced the proceedings, explained the purpose of 17-0115, and requested that all agency representatives present their positions on the Bill. Each agency stood by their respective reports.

Further Study

Was further study requested?

Yes No

If yes, describe. N/A

Committee Vote:

E. Costello: Yea
M. Clarke: Yea
J. Bullock: Yea
L. Pinkett: Yea
E. Reisinger: Yea
B. Scott: Yea
R. Stokes: Yea

D'Paul Nibber

D'Paul Nibber, Committee Staff

Date: October 13, 2017

cc: Bill File
OCS Chrono File



**BALTIMORE CITY COUNCIL
JUDICIARY AND LEGISLATIVE INVESTIGATIONS
COMMITTEE**

Mission Statement

On behalf of the Citizens of Baltimore City, the mission of the Judiciary and Legislative Investigations Committee is to investigate and study the continuing operations, efficiency, and functions of Baltimore City government in accordance with the laws of Baltimore City, the State of Maryland, and the United States.

As a result of its investigations and studies, the Committee will recommend and oversee reforms to improve the operations of Baltimore City's government through legislative, administrative, and/or budgetary processes.

**The Honorable Eric T. Costello
Chairman**

PUBLIC HEARING

**Tuesday, September 26, 2017
10:00 AM**

CLARENCE "DU" BURNS COUNCIL CHAMBERS

***Council Bill 17-0115
Corrective Bill 2017***

CITY COUNCIL COMMITTEES

BUDGET AND APPROPRIATIONS

Eric Costello – Chair
Leon Pinkett – Vice Chair
Bill Henry
Sharon Green Middleton
Brandon M. Scott
Isaac "Yitzy" Schleifer
Shannon Sneed
Staff: Marguerite Murray

EDUCATION AND YOUTH

Zeke Cohen – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Kristerfer Burnett
Ryan Dorsey
Staff: D'Paul Nibber

EXECUTIVE APPOINTMENTS

Robert Stokes – Chair
Kristerfer Burnett – Vice Chair
Mary Pat Clarke
Zeke Cohen
Isaac "Yitzy" Schleifer
Staff: Jennifer Coates

HOUSING AND URBAN AFFAIRS

John Bullock – Chair
Isaac "Yitzy" Schleifer – Vice Chair
Kristerfer Burnett
Bill Henry
Shannon Sneed
Zeke Cohen
Ryan Dorsey
Staff: Richard Krummerich

JUDICIARY AND LEGISLATIVE INVESTIGATIONS

Eric Costello – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Leon Pinkett
Ed Reisinger
Brandon Scott
Robert Stokes
Staff: D'Paul Nibber

LABOR

Shannon Sneed – Chair
Robert Stokes – Vice Chair
Eric Costello
Bill Henry
Mary Pat Clarke
Staff: Marguerite Murray

LAND USE AND TRANSPORTATION

Edward Reisinger – Chair
Sharon Green Middleton – Vice Chair
Mary Pat Clarke
Eric Costello
Ryan Dorsey
Leon Pinkett
Robert Stokes
Staff: Marshall Bell

PUBLIC SAFETY

Brandon Scott – Chair
Ryan Dorsey – Vice Chair
Kristerfer Burnett
Shannon Sneed
Zeke Cohen
Leon Pinkett
Isaac "Yitzy" Schleifer
Staff: Marshall Bell

TAXATION, FINANCE AND ECONOMIC DEVELOPMENT

Sharon Green Middleton – Chair
Leon Pinkett – Vice Chair
Erick Costello
Edward Reisinger
Robert Stokes
Staff: Jennifer Coates
- Larry Greene (pension only)

CITY OF BALTIMORE

CATHARINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
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BILL SYNOPSIS

Committee: Judiciary and Legislative Investigations

Bill 17-0115

Corrective Bill 2017

Sponsor: *President Young (Administration), et al*
Introduced: *September 11, 2017*

Purpose:

For the purpose of correcting certain technical errors and omissions in the City Code; repealing certain obsolete, obsolescent, or otherwise preempted, superseded, or superfluous provisions; correcting, clarifying, and conforming certain language; and providing for a special effective date.

Effective: Upon the date it is enacted.

Hearing Date/Time/Location: September 26, 2017/10:00 a.m./Clarence "Du" Burns Chamber

Agency Reports

Law Department	Favorable
Minority and Women's Business Opportunity Office	No Objections
Board of Ethics	Favorable
Department of Housing and Community Development	Favorable
Employees' Retirement System	No Objections
Fire and Police Employees' Retirement System	No Objections
Department of Finance	No Objections

ANALYSIS

Current Law

- Article 1 § 56-2 of the Baltimore City Code relates to ex officio members of the Citizens Advisory Commission for Public Safety.
- Article 5 §§ 28-13(d), 28-96(h)(2), 28-103(c), 28-106(a)(3), 28-107(a)(1) and (b), 28-114(a)(1) and (b)(1), 28-117(c)(2) and (e)(3)(intro), and 28-118(a)(1) of the Baltimore City Code relate to various provisions of the Minority/Women's Business Enterprise subcontracting requirements including definitions, performance review, certification or decertification, bonding or insurance waivers, mandatory subcontracting, and the sheltered market program.
- Article 8 §§ 2-17(b) and 3-21(a)(intro) of the Baltimore City Code relate to the City's ethics provisions including definitions and administration.
- Article 13 §§ 2-1(c)(3), 2-6(d)(7), and 4-1(e)(2) of the Baltimore City Code relates to the Department of Housing and Community Development and the registration of non-owner-occupied dwellings, rooming houses, and vacant structures, specifically definitions along with the adoption and approval of plans.
- Article 14 § 19-4(a) of the Baltimore City Code relates to the powers and functions of the governing body of the South Baltimore Gateway Community Impact District.
- Article 22 § 5(b)(ii)3.A(intro) and 33(b)(9)(ii)3.A(intro) of the Baltimore City Code relate to the membership of the Board of Trustees of the Employees' Retirement System and the Fire and Police Employees' Retirement System.
- Article 22A § Section 2-20(b)(4)(i)(intro) of the Baltimore City Code relates to conflicts of interests amongst the administration of the retirement savings plan.
- Article 26 § 16-3(c) of the Baltimore City Code relates to pavement protection, specifically weight-bearing devices on asphalt.
- Article 28 §§ 10-17(d)(1)(intro), 10-18(d)(1)(intro), and 24-1(d) of the Baltimore City Code relate to certain credits and the definition of passenger-for-hire services under the City's tax article.

Background

Council Bill 17-0115 is intended to make minor technical revisions to the Baltimore City Code to ensure its clarity, completeness, conformity, and accuracy. Certain language has been removed or modified, and certain typographical/grammatical errors have been fixed. The Law Department has approved this Bill for form and legal sufficiency. The Board of Ethics and Department of Housing and Community Development have provided favorable reports. Additionally, the following agencies have no objections to 17-0115: Minority and Women's Business Opportunity Office, Employees' Retirement System, Fire and Police Employees' Retirement System, and Department of Finance.

Additional Information

Fiscal Note: Not Available

Information Source(s): Law Department; Minority and Women's Business Opportunity Office; Board of Ethics; Department of Housing and Community Development; Employees' Retirement System; Fire and Police Employees' Retirement System; Department of Finance

Analysis by: *D'Paul & Nibber* D'Paul S. Nibber Direct Inquiries to: (410) 396-1268
Analysis Date: September 22, 2017

**CITY OF BALTIMORE
COUNCIL BILL 17-0115
(First Reader)**

Introduced by: The Council President, Councilmember Middleton

At the request of: Department of Legislative Reference

Introduced and read first time: September 11, 2017

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Minority and Women's Business Opportunity Office, Board of Ethics, Department of Housing and Community Development, Employees' Retirement System, Fire and Police Employees' Retirement System, Department of Finance

A BILL ENTITLED

1 AN ORDINANCE concerning

Corrective Bill 2017

2
3 FOR the purpose of correcting certain technical errors and omissions in the City Code; repealing
4 certain obsolete, obsolescent, or otherwise preempted, superseded, or superfluous provisions;
5 correcting, clarifying, and conforming certain language; and providing for a special effective
6 date.

7 BY repealing and reordaining, with amendments

8 Article 1 - Mayor, City Council, and Municipal Agencies

9 Section 56-2

10 Baltimore City Code

11 (Edition 2000)

12 BY repealing and reordaining, with amendments

13 Article 5 - Finance, Property, and Procurement

14 Sections 28-13(d), 28-96(h)(2), 28-103(c), 28-106(a)(3), 28-107(a)(1) and (b),

15 28-114(a)(1) and (b)(1), 28-117(c)(2) and (e)(3)(intro), and 28-118(a)(1)

16 Baltimore City Code

17 (Edition 2000)

18 BY repealing and reordaining, with amendments

19 Article 8 - Ethics

20 Sections 2-17(b) and 3-21(a)(intro)

21 Baltimore City Code

22 (Edition 2000)

23 BY repealing and reordaining, with amendments

24 Article 13 - Department of Housing and Community Development

25 Sections 2-1(c)(3), 2-6(d)(7), and 4-1(e)(2)

26 Baltimore City Code

27 (Edition 2000)

**EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.**

Council Bill 17-0115

1 **BY repealing and reordaining, with amendments**

2 **Article 14 - Special Benefits Districts**
3 **Section 19-4(a)**
4 **Baltimore City Code**
5 **(Edition 2000)**

6 **BY repealing and reordaining, with amendments**

7 **Article 22 - Retirement Systems**
8 **Sections 5(b)(ii)3.A(intro) and 33(b)(9)(ii)3.A(intro)**
9 **Baltimore City Code**
10 **(Edition 2000)**

11 **BY repealing and reordaining, with amendments**

12 **Article 22A - Retirement Savings Plan**
13 **Section 2-20(b)(4)(i)(intro)**
14 **Baltimore City Code**
15 **(Edition 2000)**

16 **BY repealing and reordaining, with amendments**

17 **Article 26 - Surveys, Streets, and Highways**
18 **Section 16-3(c)**
19 **Baltimore City Code**
20 **(Edition 2000)**

21 **BY repealing and reordaining, with amendments**

22 **Article 28 - Taxes**
23 **Sections 10-17(d)(1)(intro), 10-18(d)(1)(intro), and 24-1(d)**
24 **Baltimore City Code**
25 **(Edition 2000)**

26 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the**
27 **Laws of Baltimore City read as follows:**

28 **Baltimore City Code**

29 **Article 1. Mayor, City Council, and Municipal Agencies**

30 **Subtitle 56. Citizens Advisory Commission for Public Safety**

31 **§ 56-2. Commission composition.**

32 **(c) *Ex officio members.***

33 **The ex officio members are as follows:**

Council Bill 17-0115

1 (1) the Chair of the City Council's Public Safety Committee [(or the Chair's
2 designee)] or OF any City Council Committee succeeding to the duties of the City
3 Council's Public Safety Committee (OR THE CHAIR'S DESIGNEE);

4 (2) the Police Commissioner (or the Commissioner's designee); and

5 (3) the Director of the Office of Civil Rights and Wage Enforcement [(or the
6 Director's designee)] or OF any office or agency succeeding to the duties of the
7 Office of Civil Rights and Wage Enforcement relevant to duties of the Citizens
8 Advisory Commission for Public Safety (OR THE DIRECTOR'S DESIGNEE).

9 COMMENT: Corrects misplaced modifiers.

10 **Article 5. Finance, Property, and Procurement**

11 **Subtitle 28. Minority and Women's Business Enterprises;**
12 **SMALL LOCAL BUSINESS ENTERPRISES**

13 COMMENT: Corrects subtitle's name to reflect major expansion added by Ord. 16-695.

14 ***Chapter 2. MBE/WBE Subcontracting Requirements***

15 **§ 28-13. Definitions.**

16 (d) *Certified business enterprise.*

17 "Certified business enterprise" means a minority or women's business enterprise that
18 has been certified by the Minority and Women's Business Opportunity Office as
19 meeting the criteria for certification under this [subtitle] CHAPTER.

20 COMMENT: Corrects reference to specify applicable statutory unit.

21 ***Chapter 3. Small Local Business Enterprise Procurement Requirements***

22 **§ 28-96. Definitions.**

23 (h) *Professional services.*

24 (2) The term "professional services" as used in this chapter is not intended to be restricted
25 to those professional services [which] THAT are exempted from formal advertising
26 requirements pursuant to Article VI, § 11, of the City Charter or competitive bidding
27 requirements pursuant to Article VII, § 17, of the City Charter.

28 COMMENT: Corrects grammatical-cum-usage error.

Council Bill 17-0115

1 **§ 28-103. Program performance review.**

2 (c) *Periodic City review.*

3 The Board of Estimates, or its designee, must periodically review the SLBE Program to
4 determine whether the various contracting procedures used to enhance SLBE contract
5 participation need to be adjusted or used more or less aggressively in future years to
6 achieve the goals stated IN § 28-97 {"Purpose; Scope"} and § 28-98 {"Program
7 objectives"} of this chapter.

8 COMMENT: Inserts missing preposition.

9 **§ 28-106. Certification or decertification as an SLBE.**

10 (a) *In general.*

11 In order to apply for certification or recertification as an SLBE, an enterprise must
12 provide the Office with:

13 . . .

14 (3) a signed affidavit stating that it meets all of the SLBE eligibility criteria [as] set
15 forth in § 28-105 {"Eligibility for SLBE Program"}.

16 COMMENT: Deletes extraneous adverb.

17 **§ 28-107. Certification or decertification as an Emerging SLBE.**

18 (a) *Eligibility.*

19 A firm is eligible for certification as an Emerging SLBE if it meets the following
20 eligibility criteria:

21 (1) the firm complies with ALL OF THE SLBE criteria [as specified] SET FORTH in
22 § 28-105 {"Eligibility for SLBE Program"};

23

24 (b) *Application.*

25 In order to apply for certification or recertification as an Emerging SLBE, an enterprise
26 must provide the Office with:

27 (1) a completed application for certification OR RECERTIFICATION in the form
28 [specified] REQUIRED by the Office;

29 (2) all supporting documentation required by the Office; and

30 (3) a signed affidavit stating that it meets all of the eligibility criteria SET FORTH in
31 subsection (a) of this section.

32 COMMENT: Corrects and conforms language to usage elsewhere

Council Bill 17-0115

1 **§ 28-114. Bonding or insurance waiver.**

2 (a) *Public works contracts.*

- 3 (1) Subject to applicable federal and state law, as well as the City Charter, and applicable
4 regulations, policies, and procedures, the Board of Estimates, on the recommendation
5 of the contracting agency, may waive or reduce the bonding or insurance requirements
6 for public works contracts, depending on the type of contract and whether the
7 contracting agency determines that the bonding or insurance requirements would deny
8 an SLBE, or Emerging SLBE, an opportunity to perform a contract [which] THAT the
9 SLBE or Emerging SLBE has shown itself otherwise capable of performing.

10 (b) *All other contracts.*

- 11 (1) Subject to applicable federal and state law, as well as the City Charter, and applicable
12 regulations, policies, and procedures, the Board of Estimates, on the recommendation
13 of the Department of Finance, may waive or reduce the bonding or insurance
14 requirements, depending on the type of contract and whether the Department
15 determines that the bonding or insurance requirements would deny an SLBE or
16 Emerging SLBE an opportunity to perform a contract [which] THAT the SLBE or
17 Emerging SLBE has shown itself otherwise capable of performing.

18 COMMENT: Corrects grammatical-cum-usage errors.

19 **§ 28-117. Mandatory subcontracting.**

20 (c) *Required bidder submissions.*

- 21 (2) At the time of bidding, a bidder may request a full or partial waiver of this mandatory
22 subcontracting requirement from the Chief for good cause, by submitting an SLBE
23 unavailability certification to the Chief along WITH adequate documentation of good
24 faith efforts to obtain SLBE participation, in the form required by the Office.

25 COMMENT: Inserts missing preposition.

26 (e) *Failure to satisfy SLBE subcontracting goals.*

- 27 (3) A Contractor commits a material breach of contract if it fails to notify and obtain
28 written approval from the Chief in advance of any negative change [is] IN usage of a
29 designated SLBE or Emerging SLBE subcontractor, including any:

30 COMMENT: Corrects typographical error.

31 **§ 28-118. Sheltered Market Program.**

32 (a) *Eligible contracts.*

- 33 (1) The Chief and a contracting agency may select certain contracts [which] THAT have a
34 contract value of \$250,000 or less for award to a certified SLBE, or a joint venture
35 with a certified SLBE, through the Sheltered Market Program.
36

Council Bill 17-0115

1 (i) means [a zoning map amendment] ANY "LEGISLATIVE AUTHORIZATION", as
2 [described] DEFINED in Baltimore City Zoning Code [Title 5, Subtitle 5
3 {"Legislative Authorizations"}], § 5-501 {"LEGISLATIVE AUTHORIZATION"
4 DEFINED"}; [and] BUT

5 (ii) does not include any use or bulk regulation restriction that is imposed by a
6 Renewal Plan or Conservation Plan.

7 COMMENT: Corrects cross-reference; clarifies conjunction.

8 **§ 2-6. Adoption and approval of plan.**

9 (d) *Enabling ordinances.*

10 (7) Any zoning change proposed by a Renewal Plan or a Conservation Plan must be
11 approved by an ordinance enacted in accordance [with Article 66B of] the State
12 [Code] LAND USE ARTICLE AND THE BALTIMORE CITY ZONING CODE.

13 COMMENT: Updates obsolete cross-reference; adds reference to City Zoning Code.

14 **Subtitle 4. Registration of Non-Owner-Occupied Dwellings,**
15 **Rooming Houses, and Vacant Structures**

16 **§ 4-1. Definitions.**

17 (e) *Non-owner-occupied dwelling unit.*

18 (2) *Qualifications.*

19 For purposes of this definition:

20 (i) an owner may only have one owner-occupied dwelling in Baltimore City; and

21 (ii) an owner-occupied unit must be [title] TITLED to a natural person.

22 COMMENT: Corrects typographical error.

23 **Article 14. Special Benefits District**

24 **Subtitle 19. South Baltimore Gateway Community Impact District**

25 **§ 19-4. Powers and functions of Authority.**

26 (a) *Governmental body.*

27 To the greatest extent allowable by law, the Authority is and shall [ee] BE deemed to be a
28 governmental body, both politic and corporate, exercising only those powers as are
29 provided for in this subtitle.

30 COMMENT: Corrects typographical error.

Council Bill 17-0115

Article 22. Retirement Systems

Subtitle – Employees' Retirement System

§ 5. Administration; Board of Trustees.

(b) *Members.*

(5)(ii)3.A. Notwithstanding City Code Article 8 {"Ethics"}, § 6-28(3) {"Gifts: Qualified exemptions; travel, etc., expenses"} [or § 6-30 {"Honoraria"}], no Trustee or Board employee may accept any gift or any payment, free admission, or expense reimbursement for attendance at a conference, seminar, or similar meeting, or for related food, travel, lodging, or entertainment, if the gift or the payment, free admission, or reimbursement is, directly or indirectly, from:

....

COMMENT: Deletes reference to repealed section.

Subtitle – Fire and Police Employees' Retirement System

§ 33. Administration.

(b) *Members.*

(9)(ii)3.A. Notwithstanding City Code Article 8 {"Ethics"}, § 6-28(3) {"Gifts: Qualified exemptions; travel, etc., expenses"} [or § 6-30 {"Honoraria"}], no Trustee or Board employee may accept any gift or any payment, free admission, or expense reimbursement for attendance at a conference, seminar, or similar meeting, or for related food, travel, lodging, or entertainment, if the gift or the payment, free admission, or reimbursement is, directly or indirectly, from:

....

COMMENT: Deletes reference to repealed section.

Article 22A. Retirement Savings Plan

Subtitle 2. Administration

§ 2-20. Conflicts of interest.

(b) *Additional standards and requirements.*

(4) *Gifts, payments, free admissions, expense reimbursements.*

(i) Notwithstanding City Code Article 8 {"Ethics"}, § 6-28(3) {"Gifts: Qualified exemptions; travel, etc., expenses"} [or § 6-30 {"Honoraria"}], no trustee or Board employee may accept any gift or any payment, free admission, or expense reimbursement for attendance at a conference, seminar, or similar meeting, or for related food, travel, lodging, or entertainment, if the gift or the payment, free admission, or reimbursement is, directly or indirectly, from:

Council Bill 17-0115

1

2 **COMMENT:** Deletes reference to repealed section.

3 **Article 26. Surveys, Streets, and Highways**

4 **Subtitle 16. Pavement Protection**

5 **§ 16-3. Concrete; oil products; weight on asphalt.**

6 (c) *Weight-bearing devices on asphalt.*

7 Nor shall it be lawful to place any stick, trestle, or other supporting device bearing any
8 weight whatsoever, for any purpose, upon any sheet asphalt or other bituminous
9 pavement on any street, lane, or alley in the City, unless the said stick, trestle, or other
10 supporting device shall have a [fiat] FLAT base resting upon the pavement of not less than
11 12 inches square.

12 **COMMENT:** Corrects typographical error.

13 **Article 28. Taxes**

14 **Subtitle 10. Credits**

15 **§ 10-17. High-performance market-rate rental housing – Targeted areas.**

16 (d) *Amount of credit.*

17 (1) The amount of the credit shall equal a percentage, as specified in paragraph (2) of this
18 subsection, of 1 OR ANOTHER OF THE FOLLOWING:

19

20 **COMMENT:** Adds clarifying phrasing.

21 **§ 10-18. High-performance market-rate rental housing – Citywide.**

22 (d) *Amount of credit.*

23 (1) The amount of the credit shall equal a percentage, as specified in paragraph (2) of this
24 subsection, of 1 OR ANOTHER OF THE FOLLOWING:

25

26 **COMMENT:** Adds clarifying phrasing.

Council Bill 17-0115

Subtitle 24. Passenger-for-Hire Services

§ 24-1. Definitions.

(d) *Passenger-for-hire service.*

(1) *In general.*

“Passenger-for-hire service” means any taxicab service, limousine service, [or] sedan service, OR TRANSPORTATION NETWORK SERVICE that, for [a fee] FOR REMUNERATION, transports passengers within, from, or to Baltimore City.

(2) *Supplemental definitions.*

“Taxicab service”, “limousine service”, [and] “sedan service”, “TRANSPORTATION NETWORK SERVICE”, AND “REMUNERATION” have the meanings stated in the State Public Utilities Article § 10-101.

COMMENT: Modifies subsection to reflect recent changes made to State Public Utilities Article § 10-101.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect when it is enacted.

JUDICIARY AND LEGISLATIVE INVESTIGATIONS COMMITTEE

Council Bill 17-0115

Hearing Date: September 26, 2017

Agency Reports:

- **Law Department**
 - **Favorable**
- **Minority and Women's Business Opportunity Office**
 - **No Objections**
- **Board of Ethics**
 - **Favorable**
- **Department of Housing and Community Development**
 - **Favorable**
- **Employees' Retirement System**
 - **No Objections**
- **Fire and Police Employees' Retirement System**
 - **No Objections**
- **Department of Finance**
 - **No Objections**

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

101 City Hall
Baltimore, Maryland 21202

September 20, 2017

The Honorable President and Members
of the Baltimore City Council
Attn: Natawna B. Austin, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 17-0115 - Corrective Bill 2017

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 16-0613 and approves it for form and legal sufficiency. The bill corrects technical errors and omissions in the City Code and repeals obsolete, pre-empted, superseded or superfluous provisions. The bill corrects, clarifies and provides certain conforming language. The bill also provides for an immediate effective date.

Sincerely,

Victor K. Tervala
Chief Solicitor

cc: Andre Davis, City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Jennifer Landis, Assistant Solicitor

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



**MINORITY AND WOMEN'S BUSINESS
OPPORTUNITY OFFICE**

Room 101, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202
Phone: 410-396-4355
Fax: 410-396-1457

September 21, 2017

Honorable President and Members
of the City Council of Baltimore
Attn: Natawna B. Austin, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 17-0115

Dear President and City Council Members:


City Council Bill #17-0115 is for the purpose of correcting certain technical errors and omissions in the City Code; repealing certain obsolete, obsolescent, or otherwise preempted, superseded, or superfluous provisions; correcting, clarifying, and conforming certain language; and providing for a special effective date. As such, the Minority and Women's Business Opportunity Office has no objections or comments regarding the proposed changes to Article 5, Subtitle 28.

Sincerely,

Courtney M. Billups, Chief
Minority & Women's Business Opportunity Office

CMB:smd

cc: Kyron Banks, Legislative Liaison ✓
Andre M. Davis, Solicitor
Elena R. DiPietro, Chief Solicitor

FROM	NAME & TITLE	Avery Aisenstark, Director <i>AA</i>	CITY OF BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Dep't of Legislative Reference / Ethics Board		
	SUBJECT	Report on Bill 17-0115 {"Corrective Bill 2017"}		

DATE

TO

The Honorable President and Members
of the Baltimore City Council
Fourth Floor, City Hall
Baltimore, Maryland 21202
c/o: Natawna Austin, Executive Secretary

September 13, 2017

Bill 17-115 is the latest in a series of periodic corrective bills intended, as indicated in its title, to "correct] ... technical errors and omissions in the City Code; repea[l] ... obsolete ... or otherwise preempted, superseded, or superfluous provisions; [and] correct[, clarif[y], and confor[m related] language".

For each correction made, a "COMMENT" is appended to explain the reason for that correction. In all cases, care has been taken to assure that the change does not implicate policy decisions of the Mayor and City Council.

The Department of Legislative Reference and (as to corrections in Articles 8, 22, and 22A that deal with the Ethics Code) the Ethics Board recommend the passage of Bill 17-115.

xc: The Honorable Eric Costello
Kyrn Banks, Mayor's Legislative Liaison

Tel: (410) 396-4730 ☎ Fax: (410) 396-8483

✉ E-mail: averya@baltimorecity.gov ✉

The Baltimore City Department of
**HOUSING & COMMUNITY
DEVELOPMENT**

MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Housing Commissioner 

Date: September 21, 2017

Re: City Council Bill 17-0115 – Corrective Bill 2017

The Department of Housing and Community Development (HCD) has reviewed City Council Bill 17-0115, for the purpose of correcting certain technical errors and omissions in the City Code; repealing certain obsolete, obsolescent, or otherwise preempted, superseded, or superfluous provisions; correcting, clarifying, and conforming certain language; and providing for a special effective date.

If enacted, this bill would correct cross-references, clarify conjunction and add a reference to City Zoning Code in Article 13, Subtitle 2 (Housing and Urban Renewal, Department of Housing and Community Development) and corrects a typographical error in Article 13 Subtitle 4 (Registration of Non-Owner-Occupied Dwellings, Rooming Houses, and Vacant Structures).

The Department of Housing and Community Development supports the passage of City Council Bill 17-0115.

MB:sd

cc: Ms. Karen Stokes, *Mayor's Office of Government Relations*
Mr. Kyron Banks, *Mayor's Office of Government Relations*

Roselyn H. Spencer

FROM	NAME & TITLE	Roselyn H. Spencer, Executive Director
	AGENCY NAME & ADDRESS	Employees' & Elected Officials' Retirement System Retirement Savings Plan
	SUBJECT	7 East Redwood Street, 12 th Floor <i>City Council Bill 17-0115</i>

CITY OF
BALTIMORE
MEMO



DATE: September 14, 2017

TO

The Honorable Members
of the Judiciary and Legislative Investigations Committee
of the Baltimore City Council
City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Dear City Council Members:

On behalf of the Board of Trustees of the Employees' Retirement System ("ERS Board") and the Board of Trustees of the Retirement Savings Plan ("RSP Board"), I hereby submit the following response to City Council Bill 17-0115 (the "Bill"). A summary of the Bill and the recommendation of the Boards are as follows:

Summary of the Bill

The only provision of the Bill that relates to the ERS is an amendment to City Code Article 22, § 5(b)(5)(ii)3.A. That amendment deletes a reference to City Code Article 8, § 6-30, a section that has been repealed.


Similarly, the only provision of the Bill that relates to the RSP is an amendment to City Code Article 22A, § 2-20(b)(4)(i). That amendment makes the same deletion to the reference to City Code Article 8, § 6-30.

Board recommendation

The ERS Board and the RSP Board **take no position** on the Bill.

I would be pleased to answer any questions about City Council Bill 17-0115.

- cc: Kyron Banks, Mayor's Legislative Liaison to City Council
- Henry J. Raymond, Director of Finance and RSP Board Chair
- The Honorable Joan M. Pratt, City Comptroller
- Deborah Moore-Carter, Labor Commissioner and ERS Board Chair
- Avery Aisenstark, Dept. of Legislative Reference
- Ian Berger, ERS and RSP General Counsel

FROM	NAME & TITLE	N. Anthony Calhoun, Executive Director <i>NA</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Fire and Police Employees' Retirement System 7 E. Redwood Street, 18 th Floor		
	SUBJECT	City Council Bill 17-00115		

DATE: September 19, 2017

TO

The Honorable President and Members
of the Baltimore City Council
Attn: Natawna Austin, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 17-0115 – Corrective Bill 2017


Dear Mr. President and City Council Members:

City Council Bill 17-0115 has been referred to the Fire and Police Employees' Retirement System ("F&P") for comment. The Bill's stated purpose is to correct certain technical errors in the Baltimore City Code, including the deletion of an obsolete cross-reference set forth in the current version F&P law.

At their meeting of September 19, 2017, the F&P Board of Trustees resolved to **not oppose** the legislation.

I will be available to provide testimony, if necessary, at the hearing scheduled for CC Bill 17-0115. Please call me at 410.497.7929 if you would like additional information.

Andrew Kleine

FROM	NAME & TITLE	Andrew Kleine, Chief	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432, City Hall (410) 396-4941		
	SUBJECT	City Council Bill #17-0115 – Corrective Bill 2017		

TO

DATE:

The Honorable President and
Members of the City Council
Room 400, City Hall

September 13, 2017

Attention: Ms. Natawna Austin

City Council Bill 17-0115 seeks to correct certain technical errors and omissions in the City Code; repeal certain obsolete, obsolescent, or otherwise preempted, superseded, or superfluous provisions; correct, clarify, and conform certain language; and provide for a special effective date.

The Finance Department has no objection to this bill.

cc: Henry Raymond
Kyron Banks

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



**MINORITY AND WOMEN'S BUSINESS
OPPORTUNITY OFFICE**

Room 101, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202
Phone: 410-396-4355
Fax: 410-396-1457

September 21, 2017

Honorable President and Members
of the City Council of Baltimore
Attn: Natawna B. Austin, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 17-0115

Dear President and City Council Members:

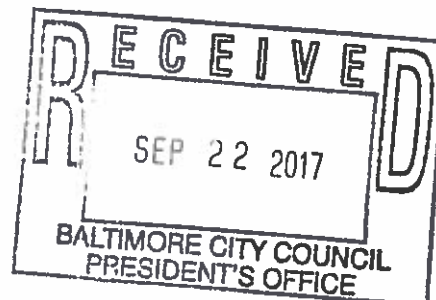
City Council Bill #17-0115 is for the purpose of correcting certain technical errors and omissions in the City Code; repealing certain obsolete, obsolescent, or otherwise preempted, superseded, or superfluous provisions; correcting, clarifying, and conforming certain language; and providing for a special effective date. As such, the Minority and Women's Business Opportunity Office has no objections or comments regarding the proposed changes to Article 5, Subtitle 28.

Sincerely,

Courtney M. Billups, Chief
Minority & Women's Business Opportunity Office

CMB:smd

cc: Kyron Banks, Legislative Liaison
Andre M. Davis, Solicitor
Elena R. DiPietro, Chief Solicitor



CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

101 City Hall
Baltimore, Maryland 21202

September 21, 2017

The Honorable President and Members
of the Baltimore City Council
Attn: Natawna B. Austin, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 17 – 0115 - Corrective Bill 2017

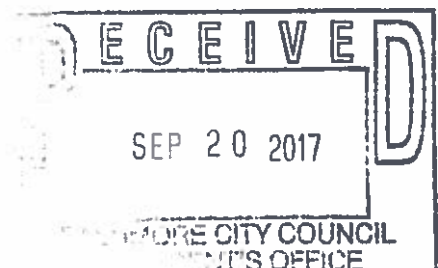
Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0115 and approves it for form and legal sufficiency. The bill corrects technical errors and omissions in the City Code and repeals obsolete, pre-empted, superseded or superfluous provisions. The bill corrects, clarifies and provides certain conforming language. The bill also provides for an immediate effective date.

Sincerely,

Victor K. Tervala
Chief Solicitor

cc: Andre Davis, City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Jennifer Landis, Assistant Solicitor



Roselyn H. Spencer

FROM	NAME & TITLE	Roselyn H. Spencer, Executive Director
	AGENCY NAME & ADDRESS	Employees' & Elected Officials' Retirement System Retirement Savings Plan
	SUBJECT	7 East Redwood Street, 12 th Floor <i>City Council Bill 17-0115</i>

CITY OF
BALTIMORE
MEMO



DATE September 14, 2017

TO

The Honorable Members
of the Judiciary and Legislative Investigations Committee
of the Baltimore City Council
City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Dear City Council Members:

On behalf of the Board of Trustees of the Employees' Retirement System ("ERS Board") and the Board of Trustees of the Retirement Savings Plan ("RSP Board"), I hereby submit the following response to City Council Bill 17-0115 (the "Bill"). A summary of the Bill and the recommendation of the Boards are as follows:

Summary of the Bill

The only provision of the Bill that relates to the ERS is an amendment to City Code Article 22, § 5(b)(5)(ii)3.A. That amendment deletes a reference to City Code Article 8, § 6-30, a section that has been repealed.

Similarly, the only provision of the Bill that relates to the RSP is an amendment to City Code Article 22A, § 2-20(b)(4)(i). That amendment makes the same deletion to the reference to City Code Article 8, § 6-30.

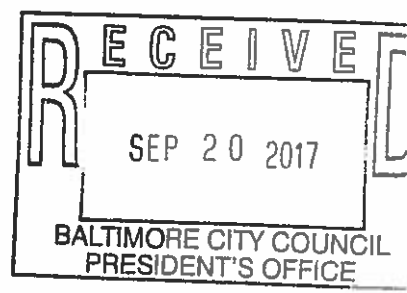
Board recommendation


The ERS Board and the RSP Board take no position on the Bill.

I would be pleased to answer any questions about City Council Bill 17-0115.

- cc: Kyron Banks, Mayor's Legislative Liaison to City Council
- Henry J. Raymond, Director of Finance and RSP Board Chair
- The Honorable Joan M. Pratt, City Comptroller
- Deborah Moore-Carter, Labor Commissioner and ERS Board Chair
- Avery Aisenstark, Dept. of Legislative Reference
- Ian Berger, ERS and RSP General Counsel

No position



FROM	NAME & TITLE	N. Anthony Calhoun, Executive Director <i>NA</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Fire and Police Employees' Retirement System 7 E. Redwood Street, 18 th Floor		
	SUBJECT	City Council Bill 17-00115		

DATE: September 19, 2017

TO

The Honorable President and Members
of the Baltimore City Council
Attn: Natawna Austin, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

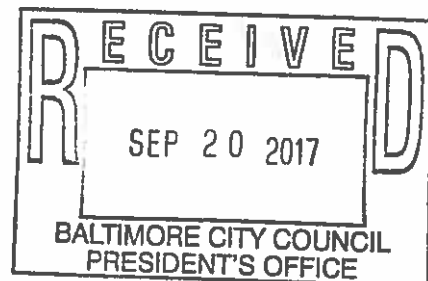
Re: City Council Bill 17-0115 – Corrective Bill 2017

Dear Mr. President and City Council Members:

City Council Bill 17-0115 has been referred to the Fire and Police Employees' Retirement System ("F&P") for comment. The Bill's stated purpose is to correct certain technical errors in the Baltimore City Code, including the deletion of an obsolete cross-reference set forth in the current version F&P law.


At their meeting of September 19, 2017, the F&P Board of Trustees resolved to **not oppose** the legislation.

I will be available to provide testimony, if necessary, at the hearing scheduled for CC Bill 17-0115. Please call me at 410.497.7929 if you would like additional information.



*Not
opposed*

Andrew Klein

FROM	NAME & TITLE	Andrew Kleine, Chief	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432, City Hall (410) 396-4941		
	SUBJECT	City Council Bill #17-0115 – Corrective Bill 2017		

TO

DATE:

The Honorable President and
Members of the City Council
Room 400, City Hall

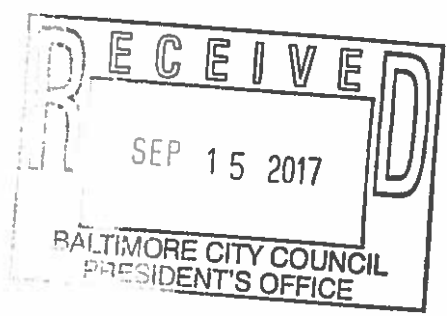
September 13, 2017

Attention: Ms. Natawna Austin


City Council Bill 17-0115 seeks to correct certain technical errors and omissions in the City Code; repeal certain obsolete, obsolescent, or otherwise preempted, superseded, or superfluous provisions; correct, clarify, and conform certain language; and provide for a special effective date.

The Finance Department has no objection to this bill.

cc: Henry Raymond
Kyrn Banks



No obj

FROM	NAME & TITLE	Avery Aisenstark, Director <i>A.A.</i>	CITY OF BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Dep't of Legislative Reference / Ethics Board		
	SUBJECT	Report on Bill 17-0115 {"Corrective Bill 2017"}		

DATE

TO

The Honorable President and Members
of the Baltimore City Council
Fourth Floor, City Hall
Baltimore, Maryland 21202
c/o: Natawna Austin, Executive Secretary

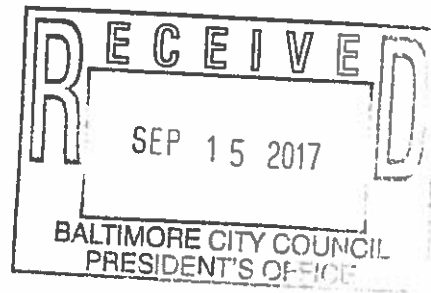
September 13, 2017

Bill 17-115 is the latest in a series of periodic corrective bills intended, as indicated in its title, to "correc[t] ... technical errors and omissions in the City Code; repea[l] ... obsolete ... or otherwise preempted, superseded, or superfluous provisions; [and] correc[t], clarif[y], and confor[m related] language".

For each correction made, a "COMMENT" is appended to explain the reason for that correction. In all cases, care has been taken to assure that the change does not implicate policy decisions of the Mayor and City Council.

The Department of Legislative Reference and (as to corrections in Articles 8, 22, and 22A that deal with the Ethics Code) the Ethics Board recommend the passage of Bill 17-115.

xc: The Honorable Eric Costello
Kyron Banks, Mayor's Legislative Liaison



A

Tel: (410) 396-4730 ☎ Fax: (410) 396-8483
✉ E-mail: averya@baltimorecity.gov ✉

**CITY OF BALTIMORE
COUNCIL BILL 17-0115
(First Reader)**

Introduced by: The Council President, Councilmember Middleton

At the request of: Department of Legislative Reference

Introduced and read first time: September 11, 2017

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Minority and Women's Business Opportunity Office, Board of Ethics, Department of Housing and Community Development, Employees' Retirement System, Fire and Police Employees' Retirement System, Department of Finance

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Corrective Bill 2017**

3 FOR the purpose of correcting certain technical errors and omissions in the City Code; repealing
4 certain obsolete, obsolescent, or otherwise preempted, superseded, or superfluous provisions;
5 correcting, clarifying, and conforming certain language; and providing for a special effective
6 date.

7 BY repealing and reordaining, with amendments

8 Article 1 - Mayor, City Council, and Municipal Agencies

9 Section 56-2

10 Baltimore City Code

11 (Edition 2000)

12 BY repealing and reordaining, with amendments

13 Article 5 - Finance, Property, and Procurement

14 Sections 28-13(d), 28-96(h)(2), 28-103(c), 28-106(a)(3), 28-107(a)(1) and (b),

15 28-114(a)(1) and (b)(1), 28-117(c)(2) and (e)(3)(intro), and 28-118(a)(1)

16 Baltimore City Code

17 (Edition 2000)

18 BY repealing and reordaining, with amendments

19 Article 8 - Ethics

20 Sections 2-17(b) and 3-21(a)(intro)

21 Baltimore City Code

22 (Edition 2000)

23 BY repealing and reordaining, with amendments

24 Article 13 - Department of Housing and Community Development

25 Sections 2-1(c)(3), 2-6(d)(7), and 4-1(e)(2)

26 Baltimore City Code

27 (Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 17-0115

1 BY repealing and reordaining, with amendments
2 Article 14 - Special Benefits Districts
3 Section 19-4(a)
4 Baltimore City Code
5 (Edition 2000)

6 BY repealing and reordaining, with amendments
7 Article 22 - Retirement Systems
8 Sections 5(b)(ii)3.A(intro) and 33(b)(9)(ii)3.A(intro)
9 Baltimore City Code
10 (Edition 2000)

11 BY repealing and reordaining, with amendments
12 Article 22A - Retirement Savings Plan
13 Section 2-20(b)(4)(i)(intro)
14 Baltimore City Code
15 (Edition 2000)

16 BY repealing and reordaining, with amendments
17 Article 26 - Surveys, Streets, and Highways
18 Section 16-3(c)
19 Baltimore City Code
20 (Edition 2000)

21 BY repealing and reordaining, with amendments
22 Article 28 - Taxes
23 Sections 10-17(d)(1)(intro), 10-18(d)(1)(intro), and 24-1(d)
24 Baltimore City Code
25 (Edition 2000)

26 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the**
27 **Laws of Baltimore City read as follows:**

Baltimore City Code

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 56. Citizens Advisory Commission for Public Safety

31 **§ 56-2. Commission composition.**

32 (c) *Ex officio members.*

33 The ex officio members are as follows:

Council Bill 17-0115

1 (1) the Chair of the City Council’s Public Safety Committee [(or the Chair’s
2 designee)] or OF any City Council Committee succeeding to the duties of the City
3 Council’s Public Safety Committee (OR THE CHAIR’S DESIGNEE);

4 (2) the Police Commissioner (or the Commissioner’s designee); and

5 (3) the Director of the Office of Civil Rights and Wage Enforcement [(or the
6 Director’s designee)] or OF any office or agency succeeding to the duties of the
7 Office of Civil Rights and Wage Enforcement relevant to duties of the Citizens
8 Advisory Commission for Public Safety (OR THE DIRECTOR’S DESIGNEE).

9 COMMENT: Corrects misplaced modifiers.

10 **Article 5. Finance, Property, and Procurement**

11 **Subtitle 28. Minority and Women’s Business Enterprises;**
12 **SMALL LOCAL BUSINESS ENTERPRISES**

13 COMMENT: Corrects subtitle’s name to reflect major expansion added by Ord. 16-695.

14 ***Chapter 2. MBE/WBE Subcontracting Requirements***

15 **§ 28-13. Definitions.**

16 (d) *Certified business enterprise.*

17 “Certified business enterprise” means a minority or women’s business enterprise that
18 has been certified by the Minority and Women’s Business Opportunity Office as
19 meeting the criteria for certification under this [subtitle] CHAPTER.

20 COMMENT: Corrects reference to specify applicable statutory unit.

21 ***Chapter 3. Small Local Business Enterprise Procurement Requirements***

22 **§ 28-96. Definitions.**

23 (h) *Professional services.*

24 (2) The term “professional services” as used in this chapter is not intended to be restricted
25 to those professional services [which] THAT are exempted from formal advertising
26 requirements pursuant to Article VI, § 11, of the City Charter or competitive bidding
27 requirements pursuant to Article VII, § 17, of the City Charter.

28 COMMENT: Corrects grammatical-cum-usage error.

Council Bill 17-0115

1 § 28-103. Program performance review.

2 (c) *Periodic City review.*

3 The Board of Estimates, or its designee, must periodically review the SLBE Program to
4 determine whether the various contracting procedures used to enhance SLBE contract
5 participation need to be adjusted or used more or less aggressively in future years to
6 achieve the goals stated IN § 28-97 {"Purpose; Scope"} and § 28-98 {"Program
7 objectives"} of this chapter.

8 COMMENT: Inserts missing preposition.

9 § 28-106. Certification or decertification as an SLBE.

10 (a) *In general.*

11 In order to apply for certification or recertification as an SLBE, an enterprise must
12 provide the Office with:

- 13 ...
14 (3) a signed affidavit stating that it meets all of the SLBE eligibility criteria [as] set
15 forth in § 28-105 {"Eligibility for SLBE Program"}.

16 COMMENT: Deletes extraneous adverb.

17 § 28-107. Certification or decertification as an Emerging SLBE.

18 (a) *Eligibility.*

19 A firm is eligible for certification as an Emerging SLBE if it meets the following
20 eligibility criteria:

- 21 (1) the firm complies with ALL OF THE SLBE criteria [as specified] SET FORTH in
22 § 28-105 {"Eligibility for SLBE Program"};

23

24 (b) *Application.*

25 In order to apply for certification or recertification as an Emerging SLBE, an enterprise
26 must provide the Office with:

- 27 (1) a completed application for certification OR RECERTIFICATION in the form
28 [specified] REQUIRED by the Office;
- 29 (2) all supporting documentation required by the Office; and
- 30 (3) a signed affidavit stating that it meets all of the eligibility criteria SET FORTH in
31 subsection (a) of this section.

32 COMMENT: Corrects and conforms language to usage elsewhere

Council Bill 17-0115

1 § 28-114. Bonding or insurance waiver.

2 (a) *Public works contracts.*

3 (1) Subject to applicable federal and state law, as well as the City Charter, and applicable
4 regulations, policies, and procedures, the Board of Estimates, on the recommendation
5 of the contracting agency, may waive or reduce the bonding or insurance requirements
6 for public works contracts, depending on the type of contract and whether the
7 contracting agency determines that the bonding or insurance requirements would deny
8 an SLBE, or Emerging SLBE, an opportunity to perform a contract [which] THAT the
9 SLBE or Emerging SLBE has shown itself otherwise capable of performing.

10 (b) *All other contracts.*

11 (1) Subject to applicable federal and state law, as well as the City Charter, and applicable
12 regulations, policies, and procedures, the Board of Estimates, on the recommendation
13 of the Department of Finance, may waive or reduce the bonding or insurance
14 requirements, depending on the type of contract and whether the Department
15 determines that the bonding or insurance requirements would deny an SLBE or
16 Emerging SLBE an opportunity to perform a contract [which] THAT the SLBE or
17 Emerging SLBE has shown itself otherwise capable of performing.

18 COMMENT: Corrects grammatical-cum-usage errors.

19 § 28-117. Mandatory subcontracting.

20 (c) *Required bidder submissions.*

21 (2) At the time of bidding, a bidder may request a full or partial waiver of this mandatory
22 subcontracting requirement from the Chief for good cause, by submitting an SLBE
23 unavailability certification to the Chief along WITH adequate documentation of good
24 faith efforts to obtain SLBE participation, in the form required by the Office.

25 COMMENT: Inserts missing preposition.

26 (e) *Failure to satisfy SLBE subcontracting goals.*

27 (3) A Contractor commits a material breach of contract if it fails to notify and obtain
28 written approval from the Chief in advance of any negative change [is] IN usage of a
29 designated SLBE or Emerging SLBE subcontractor, including any:

30
31 COMMENT: Corrects typographical error.

32 § 28-118. Sheltered Market Program.

33 (a) *Eligible contracts.*

34 (1) The Chief and a contracting agency may select certain contracts [which] THAT have a
35 contract value of \$250,000 or less for award to a certified SLBE, or a joint venture
36 with a certified SLBE, through the Sheltered Market Program.

Council Bill 17-0115

1 (i) means [a zoning map amendment] ANY "LEGISLATIVE AUTHORIZATION", as
2 [described] DEFINED in Baltimore City Zoning Code [Title 5, Subtitle 5
3 {"Legislative Authorizations"}], § 5-501 {"LEGISLATIVE AUTHORIZATION"
4 DEFINED"}; [and] BUT

5 (ii) does not include any use or bulk regulation restriction that is imposed by a
6 Renewal Plan or Conservation Plan.

7 COMMENT: Corrects cross-reference; clarifies conjunction.

8 **§ 2-6. Adoption and approval of plan.**

9 (d) *Enabling ordinances.*

10 (7) Any zoning change proposed by a Renewal Plan or a Conservation Plan must be
11 approved by an ordinance enacted in accordance [with Article 66B of] the State
12 [Code] LAND USE ARTICLE AND THE BALTIMORE CITY ZONING CODE.

13 COMMENT: Updates obsolete cross-reference; adds reference to City Zoning Code.

14 **Subtitle 4. Registration of Non-Owner-Occupied Dwellings,**
15 **Rooming Houses, and Vacant Structures**

16 **§ 4-1. Definitions.**

17 (c) *Non-owner-occupied dwelling unit.*

18 (2) *Qualifications.*

19 For purposes of this definition:

20 (i) an owner may only have one owner-occupied dwelling in Baltimore City; and

21 (ii) an owner-occupied unit must be [title] TITLED to a natural person.

22 COMMENT: Corrects typographical error.

23 **Article 14. Special Benefits District**

24 **Subtitle 19. South Baltimore Gateway Community Impact District**

25 **§ 19-4. Powers and functions of Authority.**

26 (a) *Governmental body.*

27 To the greatest extent allowable by law, the Authority is and shall [ee] BE deemed to be a
28 governmental body, both politic and corporate, exercising only those powers as are
29 provided for in this subtitle.

30 COMMENT: Corrects typographical error.

Council Bill 17-0115

Article 22. Retirement Systems

Subtitle – Employees’ Retirement System

§ 5. Administration; Board of Trustees.

(b) Members.

(5)(ii)3.A. Notwithstanding City Code Article 8 {“Ethics”}, § 6-28(3) {“Gifts: Qualified exemptions; travel, etc., expenses”} [or § 6-30 {“Honoraria”}], no Trustee or Board employee may accept any gift or any payment, free admission, or expense reimbursement for attendance at a conference, seminar, or similar meeting, or for related food, travel, lodging, or entertainment, if the gift or the payment, free admission, or reimbursement is, directly or indirectly, from:

....

COMMENT: Deletes reference to repealed section.

Subtitle – Fire and Police Employees’ Retirement System

§ 33. Administration.

(b) Members.

(9)(ii)3.A. Notwithstanding City Code Article 8 {“Ethics”}, § 6-28(3) {“Gifts: Qualified exemptions; travel, etc., expenses”} [or § 6-30 {“Honoraria”}], no Trustee or Board employee may accept any gift or any payment, free admission, or expense reimbursement for attendance at a conference, seminar, or similar meeting, or for related food, travel, lodging, or entertainment, if the gift or the payment, free admission, or reimbursement is, directly or indirectly, from:

....

COMMENT: Deletes reference to repealed section.

Article 22A. Retirement Savings Plan

Subtitle 2. Administration

§ 2-20. Conflicts of interest.

(b) Additional standards and requirements.

(4) Gifts, payments, free admissions, expense reimbursements.

(i) Notwithstanding City Code Article 8 {“Ethics”}, § 6-28(3) {“Gifts: Qualified exemptions; travel, etc., expenses”} [or § 6-30 {“Honoraria”}], no trustee or Board employee may accept any gift or any payment, free admission, or expense reimbursement for attendance at a conference, seminar, or similar meeting, or for related food, travel, lodging, or entertainment, if the gift or the payment, free admission, or reimbursement is, directly or indirectly, from:

Council Bill 17-0115

1

2 **COMMENT:** Deletes reference to repealed section.

3 **Article 26. Surveys, Streets, and Highways**

4 **Subtitle 16. Pavement Protection**

5 **§ 16-3. Concrete; oil products; weight on asphalt.**

6 (c) *Weight-bearing devices on asphalt.*

7 Nor shall it be lawful to place any stick, trestle, or other supporting device bearing any
8 weight whatsoever, for any purpose, upon any sheet asphalt or other bituminous
9 pavement on any street, lane, or alley in the City, unless the said stick, trestle, or other
10 supporting device shall have a [fiat] FLAT base resting upon the pavement of not less than
11 12 inches square.

12 **COMMENT:** Corrects typographical error.

13 **Article 28. Taxes**

14 **Subtitle 10. Credits**

15 **§ 10-17. High-performance market-rate rental housing – Targeted areas.**

16 (d) *Amount of credit.*

17 (1) The amount of the credit shall equal a percentage, as specified in paragraph (2) of this
18 subsection, of 1 OR ANOTHER OF THE FOLLOWING:

19

20 **COMMENT:** Adds clarifying phrasing.

21 **§ 10-18. High-performance market-rate rental housing – Citywide.**

22 (d) *Amount of credit.*

23 (1) The amount of the credit shall equal a percentage, as specified in paragraph (2) of this
24 subsection, of 1 OR ANOTHER OF THE FOLLOWING:

25

26 **COMMENT:** Adds clarifying phrasing.

Council Bill 17-0115

1 Subtitle 24. Passenger-for-Hire Services

2 § 24-1. Definitions.

3 (d) *Passenger-for-hire service.*

4 (1) *In general.*

5 "Passenger-for-hire service" means any taxicab service, limousine service, [or] sedan
6 service, OR TRANSPORTATION NETWORK SERVICE that, for [a fee] FOR REMUNERATION,
7 transports passengers within, from, or to Baltimore City.

8 (2) *Supplemental definitions.*

9 "Taxicab service", "limousine service", [and] "sedan service", "TRANSPORTATION
10 NETWORK SERVICE", AND "REMUNERATION" have the meanings stated in the State
11 Public Utilities Article § 10-101.

12 COMMENT: Modifies subsection to reflect recent changes made to State Public Utilities
13 Article § 10-101.

14 SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance
15 are not law and may not be considered to have been enacted as a part of this or any prior
16 Ordinance.

17 SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect when it is
18 enacted.

BY repealing and reordaining, with amendments

Article 13 - Department of Housing and Community Development
Sections 2-1(c)(3), 2-6(d)(7), and 4-1(e)(2)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 14 - Special Benefits Districts
Section 19-4(a)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 22 - Retirement Systems
Sections 5(b)(ii)3.A(intro) and 33(b)(9)(ii)3.A(intro)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 22A - Retirement Savings Plan
Section 2-20(b)(4)(i)(intro)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 26 - Surveys, Streets, and Highways
Section 16-3(c)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 28 - Taxes
Sections 10-17(d)(1)(intro), 10-18(d)(1)(intro), and 24-1(d)
Baltimore City Code
(Edition 2000)

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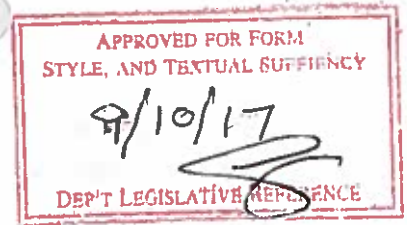
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INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____



Introduced by: The Council President
At the request of: Department of Legislative Reference

A BILL ENTITLED

AN ORDINANCE concerning

Corrective Bill 2017

FOR the purpose of correcting certain technical errors and omissions in the City Code; repealing certain obsolete, obsolescent, or otherwise preempted, superseded, or superfluous provisions; correcting, clarifying, and conforming certain language; and providing for a special effective date.

BY repealing and reordaining, with amendments

Article 1 - Mayor, City Council, and Municipal Agencies
Section 56-2
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 5 - Finance, Property, and Procurement
Sections 28-13(d), 28-96(h)(2), 28-103(c), 28-106(a)(3), 28-107(a)(1) and (b),
28-114(a)(1) and (b)(1), 28-117(c)(2) and (e)(3)(intro), and 28-118(a)(1)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 8 - Ethics
Sections 2-17(b) and 3-21(a)(intro)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 13 - Department of Housing and Community Development
Sections 2-1(c)(3), 2-6(d)(7), and 4-1(e)(2)
Baltimore City Code
(Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

BY repealing and reordaining, with amendments

Article 14 - Special Benefits Districts
Section 19-4(a)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 22 - Retirement Systems
Sections 5(b)(ii)3.A(intro) and 33(b)(9)(ii)3.A(intro)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 22A - Retirement Savings Plan
Section 2-20(b)(4)(i)(intro)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 26 - Surveys, Streets, and Highways
Section 16-3(c)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 28 - Taxes
Sections 10-17(d)(1)(intro), 10-18(d)(1)(intro), and 24-1(d)
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 56. Citizens Advisory Commission for Public Safety

§ 56-2. Commission composition.

(c) *Ex officio members.*

The ex officio members are as follows:

- (1) the Chair of the City Council's Public Safety Committee [(or the Chair's designee)] or OF any City Council Committee succeeding to the duties of the City Council's Public Safety Committee (OR THE CHAIR'S DESIGNEE);
- (2) the Police Commissioner (or the Commissioner's designee); and

- (3) the Director of the Office of Civil Rights and Wage Enforcement [(or the Director's designee)] or OF any office or agency succeeding to the duties of the Office of Civil Rights and Wage Enforcement relevant to duties of the Citizens Advisory Commission for Public Safety (OR THE DIRECTOR'S DESIGNEE).

COMMENT: Corrects misplaced modifiers.

Article 5. Finance, Property, and Procurement

Subtitle 28. Minority and Women's Business Enterprises; SMALL LOCAL BUSINESS ENTERPRISES

COMMENT: Corrects subtitle's name to reflect major expansion added by Ord. 16-695.

Chapter 2. MBE/WBE Subcontracting Requirements

§ 28-13. Definitions.

- (d) *Certified business enterprise.*

"Certified business enterprise" means a minority or women's business enterprise that has been certified by the Minority and Women's Business Opportunity Office as meeting the criteria for certification under this [subtitle] CHAPTER.

COMMENT: Corrects reference to specify applicable statutory unit.

Chapter 3. Small Local Business Enterprise Procurement Requirements

§ 28-96. Definitions.

- (h) *Professional services.*

(2) The term "professional services" as used in this chapter is not intended to be restricted to those professional services [which] THAT are exempted from formal advertising requirements pursuant to Article VI, § 11, of the City Charter or competitive bidding requirements pursuant to Article VII, § 17, of the City Charter.

COMMENT: Corrects grammatical-cum-usage error.

§ 28-103. Program performance review.

- (c) *Periodic City review.*

The Board of Estimates, or its designee, must periodically review the SLBE Program to determine whether the various contracting procedures used to enhance SLBE contract participation need to be adjusted or used more or less aggressively in future years to achieve the goals stated IN § 28-97 {"Purpose; Scope"} and § 28-98 {"Program objectives"} of this chapter.

COMMENT: Inserts missing preposition.

§ 28-106. Certification or decertification as an SLBE.

(a) *In general.*

In order to apply for certification or recertification as an SLBE, an enterprise must provide the Office with:

- ...
- (3) a signed affidavit stating that it meets all of the SLBE eligibility criteria [as] set forth in § 28-105 {"Eligibility for SLBE Program"}.

COMMENT: Deletes extraneous adverb.

§ 28-107. Certification or decertification as an Emerging SLBE.

(a) *Eligibility.*

A firm is eligible for certification as an Emerging SLBE if it meets the following eligibility criteria:

- (1) the firm complies with ALL OF THE SLBE criteria [as specified] SET FORTH in § 28-105 {"Eligibility for SLBE Program"};

....

(b) *Application.*

In order to apply for certification or recertification as an Emerging SLBE, an enterprise must provide the Office with:

- (1) a completed application for certification OR RECERTIFICATION in the form [specified] REQUIRED by the Office;
- (2) all supporting documentation required by the Office; and
- (3) a signed affidavit stating that it meets all of the eligibility criteria SET FORTH in subsection (a) of this section.

COMMENT: Corrects and conforms language to usage elsewhere

§ 28-114. Bonding or insurance waiver.

(a) *Public works contracts.*

- (1) Subject to applicable federal and state law, as well as the City Charter, and applicable regulations, policies, and procedures, the Board of Estimates, on the recommendation of the contracting agency, may waive or reduce the bonding or insurance requirements for public works contracts, depending on the type of contract and whether the contracting agency determines that the bonding or insurance requirements would deny an SLBE, or Emerging SLBE, an opportunity to perform a contract [which] THAT the SLBE or Emerging SLBE has shown itself otherwise capable of performing.

(b) *All other contracts.*

- (1) Subject to applicable federal and state law, as well as the City Charter, and applicable regulations, policies, and procedures, the Board of Estimates, on the recommendation of the Department of Finance, may waive or reduce the bonding or insurance requirements, depending on the type of contract and whether the Department determines that the bonding or insurance requirements would deny an SLBE or Emerging SLBE an opportunity to perform a contract [which] THAT the SLBE or Emerging SLBE has shown itself otherwise capable of performing.

COMMENT: Corrects grammatical-cum-usage errors.

§ 28-117. Mandatory subcontracting.

(c) *Required bidder submissions.*

- (2) At the time of bidding, a bidder may request a full or partial waiver of this mandatory subcontracting requirement from the Chief for good cause, by submitting an SLBE unavailability certification to the Chief along WITH adequate documentation of good faith efforts to obtain SLBE participation, in the form required by the Office.

COMMENT: Inserts missing preposition.

(e) *Failure to satisfy SLBE subcontracting goals.*

- (3) A Contractor commits a material breach of contract if it fails to notify and obtain written approval from the Chief in advance of any negative change [is] IN usage of a designated SLBE or Emerging SLBE subcontractor, including any:

COMMENT: Corrects typographical error.

§ 28-118. Sheltered Market Program.

(a) *Eligible contracts.*

- (1) The Chief and a contracting agency may select certain contracts [which] THAT have a contract value of \$250,000 or less for award to a certified SLBE, or a joint venture with a certified SLBE, through the Sheltered Market Program.

COMMENT: Corrects grammatical-cum-usage error.

Article 8. Ethics

Subtitle 2. Definitions; General Provisions

§ 2-17. "Gift".

(b) *Exclusions.*

"Gift" does not include the solicitation, acceptance, receipt, or disposition of a political contribution that is regulated under State [Code Article 33] ELECTION LAW ARTICLE,

Title 13 {"Campaign Finance"}, or under any other state law that regulates the conduct of elections or the receipt of political contributions.

COMMENT: Updates obsolete cross-reference.

Subtitle 3. Administration

§ 3-21. Conflicts affidavit.

(a) *Officials to file.*

Each official must, within 6 months of his or her INITIAL appointment to office, complete and file with the Ethics Board and with that official's appointing authority, an affidavit that certifies, under penalties of perjury, that the official:

....

COMMENT: Amends language to clarify, as per the Ethics Board's understanding and long-time practice, that this filing is generally but a one-time requirement, triggered by one's *initial* "appointment to office" – unlike, for example, the training requirement in § 3-20(b)(1), which is expressly triggered anew on an official's "appointment or reappointment to office".

Article 13. Housing and Urban Renewal

Subtitle 2. Department of Housing and Community Development

§ 2-1. Determinations, declarations, and definitions.

(c) *Definitions.*

(3) *Zoning change.*

In this subtitle, "zoning change":

- (i) means [a zoning map amendment] ANY "LEGISLATIVE AUTHORIZATION", as [described] DEFINED in Baltimore City Zoning Code [Title 5, Subtitle 5 {"Legislative Authorizations"}], § 5-501 {"LEGISLATIVE AUTHORIZATION' DEFINED"}; [and] BUT
- (ii) does not include any use or bulk regulation restriction that is imposed by a Renewal Plan or Conservation Plan.

COMMENT: Corrects cross-reference; clarifies conjunction.

§ 2-6. Adoption and approval of plan.

(d) *Enabling ordinances.*

- (7) Any zoning change proposed by a Renewal Plan or a Conservation Plan must be approved by an ordinance enacted in accordance [with Article 66B of] the State [Code] LAND USE ARTICLE AND THE BALTIMORE CITY ZONING CODE.

COMMENT: Updates obsolete cross-reference; adds reference to City Zoning Code.

**Subtitle 4. Registration of Non-Owner-Occupied Dwellings,
Rooming Houses, and Vacant Structures**

§ 4-1. Definitions.

(e) *Non-owner-occupied dwelling unit.*

(2) *Qualifications.*

For purposes of this definition:

- (i) an owner may only have one owner-occupied dwelling in Baltimore City; and
- (ii) an owner-occupied unit must be [title] TITLED to a natural person.

COMMENT: Corrects typographical error.

Article 14. Special Benefits District

Subtitle 19. South Baltimore Gateway Community Impact District

§ 19-4. Powers and functions of Authority.

(a) *Governmental body.*

To the greatest extent allowable by law, the Authority is and shall [ee] BE deemed to be a governmental body, both politic and corporate, exercising only those powers as are provided for in this subtitle.

COMMENT: Corrects typographical error.

Article 22. Retirement Systems

Subtitle – Employees' Retirement System

§ 5. Administration; Board of Trustees.

(b) *Members.*

(5)(ii)3.A. Notwithstanding City Code Article 8 {"Ethics"}, § 6-28(3) {"Gifts: Qualified exemptions; travel, etc., expenses"} [or § 6-30 {"Honoraria"}], no Trustee or Board employee may accept any gift or any payment, free admission, or expense reimbursement for attendance at a conference, seminar, or similar meeting, or for related food, travel, lodging, or entertainment, if the gift or the payment, free admission, or reimbursement is, directly or indirectly, from:

....

COMMENT: Deletes reference to repealed section.

Subtitle – Fire and Police Employees' Retirement System

§ 33. Administration.

(b) Members.

- (9)(ii)3.A. Notwithstanding City Code Article 8 {"Ethics"}, § 6-28(3) {"Gifts: Qualified exemptions; travel, etc., expenses"} [or § 6-30 {"Honoraria"}], no Trustee or Board employee may accept any gift or any payment, free admission, or expense reimbursement for attendance at a conference, seminar, or similar meeting, or for related food, travel, lodging, or entertainment, if the gift or the payment, free admission, or reimbursement is, directly or indirectly, from:

....

COMMENT: Deletes reference to repealed section.

Article 22A. Retirement Savings Plan

Subtitle 2. Administration

§ 2-20. Conflicts of interest.

(b) Additional standards and requirements.

(4) Gifts, payments, free admissions, expense reimbursements.

- (i) Notwithstanding City Code Article 8 {"Ethics"}, § 6-28(3) {"Gifts: Qualified exemptions; travel, etc., expenses"} [or § 6-30 {"Honoraria"}], no trustee or Board employee may accept any gift or any payment, free admission, or expense reimbursement for attendance at a conference, seminar, or similar meeting, or for related food, travel, lodging, or entertainment, if the gift or the payment, free admission, or reimbursement is, directly or indirectly, from:

....

COMMENT: Deletes reference to repealed section.

Article 26. Surveys, Streets, and Highways

Subtitle 16. Pavement Protection

§ 16-3. Concrete; oil products; weight on asphalt.

(c) Weight-bearing devices on asphalt.

Nor shall it be lawful to place any stick, trestle, or other supporting device bearing any weight whatsoever, for any purpose, upon any sheet asphalt or other bituminous pavement on any street, lane, or alley in the City, unless the said stick, trestle, or other supporting device shall have a [fiat] FLAT base resting upon the pavement of not less than 12 inches square.

COMMENT: Corrects typographical error.

Article 28. Taxes

Subtitle 10. Credits

§ 10-17. High-performance market-rate rental housing – Targeted areas.

(d) *Amount of credit.*

- (1) The amount of the credit shall equal a percentage, as specified in paragraph (2) of this subsection, of I OR ANOTHER OF THE FOLLOWING:

....

COMMENT: Adds clarifying phrasing.

§ 10-18. High-performance market-rate rental housing – Citywide.

(d) *Amount of credit.*

- (1) The amount of the credit shall equal a percentage, as specified in paragraph (2) of this subsection, of I OR ANOTHER OF THE FOLLOWING:

....

COMMENT: Adds clarifying phrasing.

Subtitle 24. Passenger-for-Hire Services

§ 24-1. Definitions.

(d) *Passenger-for-hire service.*

- (1) *In general.*

“Passenger-for-hire service” means any taxicab service, limousine service, [or] sedan service, OR TRANSPORTATION NETWORK SERVICE that, for [a fee] FOR REMUNERATION, transports passengers within, from, or to Baltimore City.

- (2) *Supplemental definitions.*

“Taxicab service”, “limousine service”, [and] “sedan service”, “TRANSPORTATION NETWORK SERVICE”, AND “REMUNERATION” have the meanings stated in the State Public Utilities Article § 10-101.

COMMENT: Modifies subsection to reflect recent changes made to State Public Utilities Article § 10-101.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect when it is enacted.



ACTION BY THE CITY COUNCIL

SEP 11 2017

FIRST READING (INTRODUCTION) _____ 20 _____

PUBLIC HEARING HELD ON SEPTEMBER 16 20 17

COMMITTEE REPORT AS OF OCTOBER 16 20 17

FAVORABLE UNFAVORABLE FAVORABLE AS AMENDED WITHOUT RECOMMENDATION

C. F. [Signature]

Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on: OCT 16 2017

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING _____ OCT 30 2017 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ 20 _____

WITHDRAWAL _____ 20 _____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

[Signature]

President

[Signature]

Chief Clerk

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



MINORITY AND WOMEN'S BUSINESS
OPPORTUNITY OFFICE

Room 101, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202
Phone: 410-396-4355
Fax: 410-396-1457

September 21, 2017

Honorable President and Members
of the City Council of Baltimore
Attn: Natawna B. Austin, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 17-0115

Dear President and City Council Members:

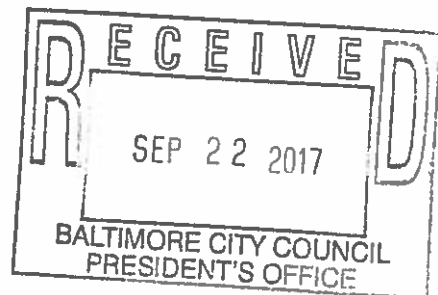
City Council Bill #17-0115 is for the purpose of correcting certain technical errors and omissions in the City Code; repealing certain obsolete, obsolescent, or otherwise preempted, superseded, or superfluous provisions; correcting, clarifying, and conforming certain language; and providing for a special effective date. As such, the Minority and Women's Business Opportunity Office has no objections or comments regarding the proposed changes to Article 5, Subtitle 28.

Sincerely,

Courtney M. Billups, Chief
Minority & Women's Business Opportunity Office

CMB:smd

cc: Kyron Banks, Legislative Liaison ✓
Andre M. Davis, Solicitor
Elena R. DiPietro, Chief Solicitor



No obj

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

101 City Hall
Baltimore, Maryland 21202

September 21, 2017

The Honorable President and Members
of the Baltimore City Council
Attn: Natawna B. Austin, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 17 – 0115 - Corrective Bill 2017

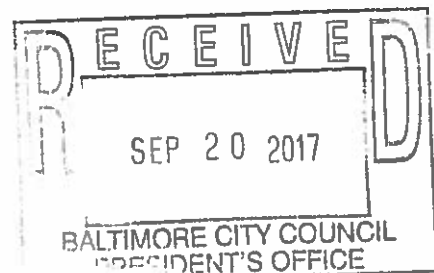
Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0115 and approves it for form and legal sufficiency. The bill corrects technical errors and omissions in the City Code and repeals obsolete, pre-empted, superseded or superfluous provisions. The bill corrects, clarifies and provides certain conforming language. The bill also provides for an immediate effective date.

Sincerely,

Victor K. Tervala
Chief Solicitor

cc: Andre Davis, City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Jennifer Landis, Assistant Solicitor



Roselyn H. Spencer

FROM	NAME & TITLE	Roselyn H. Spencer, Executive Director
	AGENCY NAME & ADDRESS	Employees' & Elected Officials' Retirement System Retirement Savings Plan
	SUBJECT	7 East Redwood Street, 12 th Floor <i>City Council Bill 17-0115</i>

CITY OF
BALTIMORE
MEMO



DATE: September 14, 2017

TO

The Honorable Members
of the Judiciary and Legislative Investigations Committee
of the Baltimore City Council
City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Dear City Council Members:

On behalf of the Board of Trustees of the Employees' Retirement System ("ERS Board") and the Board of Trustees of the Retirement Savings Plan ("RSP Board"), I hereby submit the following response to City Council Bill 17-0115 (the "Bill"). A summary of the Bill and the recommendation of the Boards are as follows:

Summary of the Bill

The only provision of the Bill that relates to the ERS is an amendment to City Code Article 22, § 5(b)(5)(ii)3.A. That amendment deletes a reference to City Code Article 8, § 6-30, a section that has been repealed.

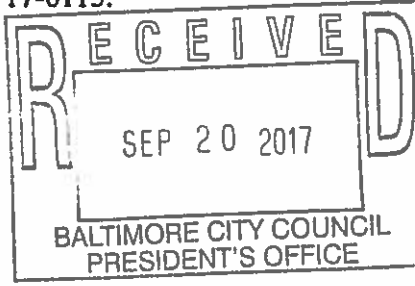
Similarly, the only provision of the Bill that relates to the RSP is an amendment to City Code Article 22A, § 2-20(b)(4)(i). That amendment makes the same deletion to the reference to City Code Article 8, § 6-30.

Board recommendation

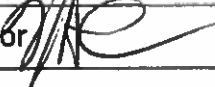

The ERS Board and the RSP Board take no position on the Bill.

I would be pleased to answer any questions about City Council Bill 17-0115.

- cc: Kyron Banks, Mayor's Legislative Liaison to City Council
- Henry J. Raymond, Director of Finance and RSP Board Chair
- The Honorable Joan M. Pratt, City Comptroller
- Deborah Moore-Carter, Labor Commissioner and ERS Board Chair
- Avery Aisenstark, Dept. of Legislative Reference
- Ian Berger, ERS and RSP General Counsel



no position

FROM	NAME & TITLE	N. Anthony Calhoun, Executive Director 	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Fire and Police Employees' Retirement System 7 E. Redwood Street, 18 th Floor		
	SUBJECT	City Council Bill 17-00115		

DATE: September 19, 2017

TO

The Honorable President and Members
of the Baltimore City Council
Attn: Natawna Austin, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

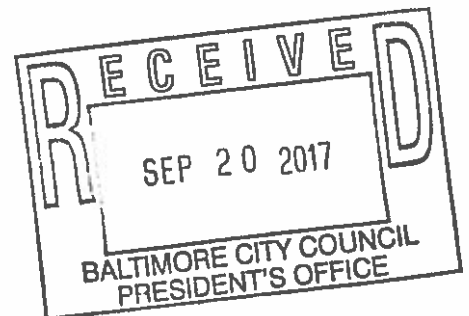
Re: City Council Bill 17-0115 – Corrective Bill 2017

Dear Mr. President and City Council Members:

City Council Bill 17-0115 has been referred to the Fire and Police Employees' Retirement System ("F&P") for comment. The Bill's stated purpose is to correct certain technical errors in the Baltimore City Code, including the deletion of an obsolete cross-reference set forth in the current version F&P law.


At their meeting of September 19, 2017, the F&P Board of Trustees resolved to **not oppose** the legislation.

I will be available to provide testimony, if necessary, at the hearing scheduled for CC Bill 17-0115. Please call me at 410.497.7929 if you would like additional information.



*Not
opposed*

Andrew Klein

FROM	NAME & TITLE	Andrew Kleine, Chief	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432, City Hall (410) 396-4941		
	SUBJECT	City Council Bill #17-0115 – Corrective Bill 2017		

TO

DATE:

The Honorable President and
Members of the City Council
Room 400, City Hall

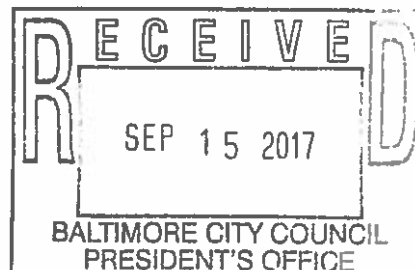
September 13, 2017

Attention: Ms. Natawna Austin


City Council Bill 17-0115 seeks to correct certain technical errors and omissions in the City Code; repeal certain obsolete, obsolescent, or otherwise preempted, superseded, or superfluous provisions; correct, clarify, and conform certain language; and provide for a special effective date.

The Finance Department has no objection to this bill.

cc: Henry Raymond
Kyron Banks



*No
obj*

FROM	NAME & TITLE	Avery Aisenstark, Director <i>A.A.</i>	CITY OF BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Dep't of Legislative Reference / Ethics Board		
	SUBJECT	Report on Bill 17-0115 {"Corrective Bill 2017"}		

DATE

TO

The Honorable President and Members
of the Baltimore City Council
Fourth Floor, City Hall
Baltimore, Maryland 21202
c/o: Natawna Austin, Executive Secretary

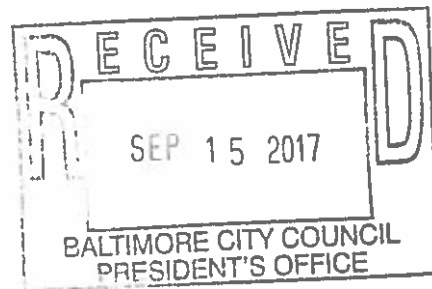
September 13, 2017

Bill 17-115 is the latest in a series of periodic corrective bills intended, as indicated in its title, to "correc[t] ... technical errors and omissions in the City Code; repea[l] ... obsolete ... or otherwise preempted, superseded, or superfluous provisions; [and] correc[t], clarif[y], and confor[m related] language".

For each correction made, a "COMMENT" is appended to explain the reason for that correction. In all cases, care has been taken to assure that the change does not implicate policy decisions of the Mayor and City Council.

The Department of Legislative Reference and (as to corrections in Articles 8, 22, and 22A that deal with the Ethics Code) the Ethics Board recommend the passage of Bill 17-115.

xc: The Honorable Eric Costello
Kyron Banks, Mayor's Legislative Liaison



A

Tel: (410) 396-4730 ☎ Fax: (410) 396-8483
✉ E-mail: averya@baltimorecity.gov ✉

**CITY OF BALTIMORE
COUNCIL BILL 17-0115
(First Reader)**

Introduced by: The Council President, Councilmember Middleton

At the request of: Department of Legislative Reference

Introduced and read first time: September 11, 2017

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Minority and Women's Business Opportunity Office, Board of Ethics, Department of Housing and Community Development, Employees' Retirement System, Fire and Police Employees' Retirement System, Department of Finance

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Corrective Bill 2017**

3 FOR the purpose of correcting certain technical errors and omissions in the City Code; repealing
4 certain obsolete, obsolescent, or otherwise preempted, superseded, or superfluous provisions;
5 correcting, clarifying, and conforming certain language; and providing for a special effective
6 date.

7 BY repealing and reordaining, with amendments

8 Article 1 - Mayor, City Council, and Municipal Agencies

9 Section 56-2

10 Baltimore City Code

11 (Edition 2000)

12 BY repealing and reordaining, with amendments

13 Article 5 - Finance, Property, and Procurement

14 Sections 28-13(d), 28-96(h)(2), 28-103(c), 28-106(a)(3), 28-107(a)(1) and (b),

15 28-114(a)(1) and (b)(1), 28-117(c)(2) and (e)(3)(intro), and 28-118(a)(1)

16 Baltimore City Code

17 (Edition 2000)

18 BY repealing and reordaining, with amendments

19 Article 8 - Ethics

20 Sections 2-17(b) and 3-21(a)(intro)

21 Baltimore City Code

22 (Edition 2000)

23 BY repealing and reordaining, with amendments

24 Article 13 - Department of Housing and Community Development

25 Sections 2-1(c)(3), 2-6(d)(7), and 4-1(e)(2)

26 Baltimore City Code

27 (Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 17-0115

1 BY repealing and reordaining, with amendments
2 Article 14 - Special Benefits Districts
3 Section 19-4(a)
4 Baltimore City Code
5 (Edition 2000)

6 BY repealing and reordaining, with amendments
7 Article 22 - Retirement Systems
8 Sections 5(b)(ii)3.A(intro) and 33(b)(9)(ii)3.A(intro)
9 Baltimore City Code
10 (Edition 2000)

11 BY repealing and reordaining, with amendments
12 Article 22A - Retirement Savings Plan
13 Section 2-20(b)(4)(i)(intro)
14 Baltimore City Code
15 (Edition 2000)

16 BY repealing and reordaining, with amendments
17 Article 26 - Surveys, Streets, and Highways
18 Section 16-3(c)
19 Baltimore City Code
20 (Edition 2000)

21 BY repealing and reordaining, with amendments
22 Article 28 - Taxes
23 Sections 10-17(d)(1)(intro), 10-18(d)(1)(intro), and 24-1(d)
24 Baltimore City Code
25 (Edition 2000)

26 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the**
27 **Laws of Baltimore City read as follows:**

Baltimore City Code

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 56. Citizens Advisory Commission for Public Safety

31 **§ 56-2. Commission composition.**

32 (c) *Ex officio members.*

33 The ex officio members are as follows:

Council Bill 17-0115

1 (1) the Chair of the City Council's Public Safety Committee [(or the Chair's
2 designee)] or OF any City Council Committee succeeding to the duties of the City
3 Council's Public Safety Committee (OR THE CHAIR'S DESIGNEE);

4 (2) the Police Commissioner (or the Commissioner's designee); and

5 (3) the Director of the Office of Civil Rights and Wage Enforcement [(or the
6 Director's designee)] or OF any office or agency succeeding to the duties of the
7 Office of Civil Rights and Wage Enforcement relevant to duties of the Citizens
8 Advisory Commission for Public Safety (OR THE DIRECTOR'S DESIGNEE).

9 COMMENT: Corrects misplaced modifiers.

10 **Article 5. Finance, Property, and Procurement**

11 **Subtitle 28. Minority and Women's Business Enterprises;**
12 **SMALL LOCAL BUSINESS ENTERPRISES**

13 COMMENT: Corrects subtitle's name to reflect major expansion added by Ord. 16-695.

14 ***Chapter 2. MBE/WBE Subcontracting Requirements***

15 **§ 28-13. Definitions.**

16 (d) *Certified business enterprise.*

17 "Certified business enterprise" means a minority or women's business enterprise that
18 has been certified by the Minority and Women's Business Opportunity Office as
19 meeting the criteria for certification under this [subtitle] CHAPTER.

20 COMMENT: Corrects reference to specify applicable statutory unit.

21 ***Chapter 3. Small Local Business Enterprise Procurement Requirements***

22 **§ 28-96. Definitions.**

23 (h) *Professional services.*

24 (2) The term "professional services" as used in this chapter is not intended to be restricted
25 to those professional services [which] THAT are exempted from formal advertising
26 requirements pursuant to Article VI, § 11, of the City Charter or competitive bidding
27 requirements pursuant to Article VII, § 17, of the City Charter.

28 COMMENT: Corrects grammatical-cum-usage error.

Council Bill 17-0115

1 § 28-103. Program performance review.

2 (c) *Periodic City review.*

3 The Board of Estimates, or its designee, must periodically review the SLBE Program to
4 determine whether the various contracting procedures used to enhance SLBE contract
5 participation need to be adjusted or used more or less aggressively in future years to
6 achieve the goals stated IN § 28-97 {"Purpose; Scope"} and § 28-98 {"Program
7 objectives"} of this chapter.

8 COMMENT: Inserts missing preposition.

9 § 28-106. Certification or decertification as an SLBE.

10 (a) *In general.*

11 In order to apply for certification or recertification as an SLBE, an enterprise must
12 provide the Office with:

- 13
14 (3) a signed affidavit stating that it meets all of the SLBE eligibility criteria [as] set
15 forth in § 28-105 {"Eligibility for SLBE Program"}.

16 COMMENT: Deletes extraneous adverb.

17 § 28-107. Certification or decertification as an Emerging SLBE.

18 (a) *Eligibility.*

19 A firm is eligible for certification as an Emerging SLBE if it meets the following
20 eligibility criteria:

- 21 (1) the firm complies with ALL OF THE SLBE criteria [as specified] SET FORTH in
22 § 28-105 {"Eligibility for SLBE Program"};

23

24 (b) *Application.*

25 In order to apply for certification or recertification as an Emerging SLBE, an enterprise
26 must provide the Office with:

- 27 (1) a completed application for certification OR RECERTIFICATION in the form
28 [specified] REQUIRED by the Office;
- 29 (2) all supporting documentation required by the Office; and
- 30 (3) a signed affidavit stating that it meets all of the eligibility criteria SET FORTH in
31 subsection (a) of this section.

32 COMMENT: Corrects and conforms language to usage elsewhere

Council Bill 17-0115

1 § 28-114. Bonding or insurance waiver.

2 (a) *Public works contracts.*

3 (1) Subject to applicable federal and state law, as well as the City Charter, and applicable
4 regulations, policies, and procedures, the Board of Estimates, on the recommendation
5 of the contracting agency, may waive or reduce the bonding or insurance requirements
6 for public works contracts, depending on the type of contract and whether the
7 contracting agency determines that the bonding or insurance requirements would deny
8 an SLBE, or Emerging SLBE, an opportunity to perform a contract [which] THAT the
9 SLBE or Emerging SLBE has shown itself otherwise capable of performing.

10 (b) *All other contracts.*

11 (1) Subject to applicable federal and state law, as well as the City Charter, and applicable
12 regulations, policies, and procedures, the Board of Estimates, on the recommendation
13 of the Department of Finance, may waive or reduce the bonding or insurance
14 requirements, depending on the type of contract and whether the Department
15 determines that the bonding or insurance requirements would deny an SLBE or
16 Emerging SLBE an opportunity to perform a contract [which] THAT the SLBE or
17 Emerging SLBE has shown itself otherwise capable of performing.

18 COMMENT: Corrects grammatical-cum-usage errors.

19 § 28-117. Mandatory subcontracting.

20 (c) *Required bidder submissions.*

21 (2) At the time of bidding, a bidder may request a full or partial waiver of this mandatory
22 subcontracting requirement from the Chief for good cause, by submitting an SLBE
23 unavailability certification to the Chief along WITH adequate documentation of good
24 faith efforts to obtain SLBE participation, in the form required by the Office.

25 COMMENT: Inserts missing preposition.

26 (c) *Failure to satisfy SLBE subcontracting goals.*

27 (3) A Contractor commits a material breach of contract if it fails to notify and obtain
28 written approval from the Chief in advance of any negative change [is] IN usage of a
29 designated SLBE or Emerging SLBE subcontractor, including any:

30
31 COMMENT: Corrects typographical error.

32 § 28-118. Sheltered Market Program.

33 (a) *Eligible contracts.*

34 (1) The Chief and a contracting agency may select certain contracts [which] THAT have a
35 contract value of \$250,000 or less for award to a certified SLBE, or a joint venture
36 with a certified SLBE, through the Sheltered Market Program.

Council Bill 17-0115

1 **COMMENT:** Corrects grammatical-cum-usage error.

2 **Article 8. Ethics**

3 **Subtitle 2. Definitions; General Provisions**

4 **§ 2-17. "Gift".**

5 (b) *Exclusions.*

6 "Gift" does not include the solicitation, acceptance, receipt, or disposition of a political
7 contribution that is regulated under State [Code Article 33] ELECTION LAW ARTICLE,
8 Title 13 {"Campaign Finance"}, or under any other state law that regulates the conduct of
9 elections or the receipt of political contributions.

10 **COMMENT:** Updates obsolete cross-reference.

11 **Subtitle 3. Administration**

12 **§ 3-21. Conflicts affidavit.**

13 (a) *Officials to file.*

14 Each official must, within 6 months of his or her INITIAL appointment to office, complete
15 and file with the Ethics Board and with that official's appointing authority, an affidavit
16 that certifies, under penalties of perjury, that the official:

17

18 **COMMENT:** Amends language to clarify, as per the Ethics Board's understanding and
19 long-time practice, that this filing is generally but a one-time requirement, triggered by
20 one's *initial* "appointment to office" – unlike, for example, the training requirement in
21 § 3-20(b)(1), which is expressly triggered anew on an official's "appointment *or*
22 *reappointment* to office".

23 **Article 13. Housing and Urban Renewal**

24 **Subtitle 2. Department of Housing and Community Development**

25 **§ 2-1. Determinations, declarations, and definitions.**

26 (c) *Definitions.*

27 (3) *Zoning change.*

28 In this subtitle, "zoning change":

Council Bill 17-0115

1 (i) means [a zoning map amendment] ANY “LEGISLATIVE AUTHORIZATION”, as
2 [described] DEFINED in Baltimore City Zoning Code [Title 5, Subtitle 5
3 {“Legislative Authorizations”}], § 5-501 {““LEGISLATIVE AUTHORIZATION”
4 DEFINED”}; [and] BUT

5 (ii) does not include any use or bulk regulation restriction that is imposed by a
6 Renewal Plan or Conservation Plan.

7 COMMENT: Corrects cross-reference; clarifies conjunction.

8 **§ 2-6. Adoption and approval of plan.**

9 (d) *Enabling ordinances.*

10 (7) Any zoning change proposed by a Renewal Plan or a Conservation Plan must be
11 approved by an ordinance enacted in accordance [with Article 66B of] the State
12 [Code] LAND USE ARTICLE AND THE BALTIMORE CITY ZONING CODE.

13 COMMENT: Updates obsolete cross-reference; adds reference to City Zoning Code.

14 **Subtitle 4. Registration of Non-Owner-Occupied Dwellings,**
15 **Rooming Houses, and Vacant Structures**

16 **§ 4-1. Definitions.**

17 (e) *Non-owner-occupied dwelling unit.*

18 (2) *Qualifications.*

19 For purposes of this definition:

20 (i) an owner may only have one owner-occupied dwelling in Baltimore City; and

21 (ii) an owner-occupied unit must be [title] TITLED to a natural person.

22 COMMENT: Corrects typographical error.

23 **Article 14. Special Benefits District**

24 **Subtitle 19. South Baltimore Gateway Community Impact District**

25 **§ 19-4. Powers and functions of Authority.**

26 (a) *Governmental body.*

27 To the greatest extent allowable by law, the Authority is and shall [ee] BE deemed to be a
28 governmental body, both politic and corporate, exercising only those powers as are
29 provided for in this subtitle.

30 COMMENT: Corrects typographical error.

Council Bill 17-0115

Article 22. Retirement Systems

Subtitle – Employees’ Retirement System

§ 5. Administration; Board of Trustees.

(b) *Members.*

(5)(ii)3.A. Notwithstanding City Code Article 8 {“Ethics”}, § 6-28(3) {“Gifts: Qualified exemptions; travel, etc., expenses”} [or § 6-30 {“Honoraria”}], no Trustee or Board employee may accept any gift or any payment, free admission, or expense reimbursement for attendance at a conference, seminar, or similar meeting, or for related food, travel, lodging, or entertainment, if the gift or the payment, free admission, or reimbursement is, directly or indirectly, from:

....

COMMENT: Deletes reference to repealed section.

Subtitle – Fire and Police Employees’ Retirement System

§ 33. Administration.

(b) *Members.*

(9)(ii)3.A. Notwithstanding City Code Article 8 {“Ethics”}, § 6-28(3) {“Gifts: Qualified exemptions; travel, etc., expenses”} [or § 6-30 {“Honoraria”}], no Trustee or Board employee may accept any gift or any payment, free admission, or expense reimbursement for attendance at a conference, seminar, or similar meeting, or for related food, travel, lodging, or entertainment, if the gift or the payment, free admission, or reimbursement is, directly or indirectly, from:

....

COMMENT: Deletes reference to repealed section.

Article 22A. Retirement Savings Plan

Subtitle 2. Administration

§ 2-20. Conflicts of interest.

(b) *Additional standards and requirements.*

(4) *Gifts, payments, free admissions, expense reimbursements.*

(i) Notwithstanding City Code Article 8 {“Ethics”}, § 6-28(3) {“Gifts: Qualified exemptions; travel, etc., expenses”} [or § 6-30 {“Honoraria”}], no trustee or Board employee may accept any gift or any payment, free admission, or expense reimbursement for attendance at a conference, seminar, or similar meeting, or for related food, travel, lodging, or entertainment, if the gift or the payment, free admission, or reimbursement is, directly or indirectly, from:

Council Bill 17-0115

1

2 **COMMENT:** Deletes reference to repealed section.

3 **Article 26. Surveys, Streets, and Highways**

4 **Subtitle 16. Pavement Protection**

5 **§ 16-3. Concrete; oil products; weight on asphalt.**

6 (c) *Weight-bearing devices on asphalt.*

7 Nor shall it be lawful to place any stick, trestle, or other supporting device bearing any
8 weight whatsoever, for any purpose, upon any sheet asphalt or other bituminous
9 pavement on any street, lane, or alley in the City, unless the said stick, trestle, or other
10 supporting device shall have a [fiat] FLAT base resting upon the pavement of not less than
11 12 inches square.

12 **COMMENT:** Corrects typographical error.

13 **Article 28. Taxes**

14 **Subtitle 10. Credits**

15 **§ 10-17. High-performance market-rate rental housing – Targeted areas.**

16 (d) *Amount of credit.*

17 (1) The amount of the credit shall equal a percentage, as specified in paragraph (2) of this
18 subsection, of 1 OR ANOTHER OF THE FOLLOWING:

19

20 **COMMENT:** Adds clarifying phrasing.

21 **§ 10-18. High-performance market-rate rental housing – Citywide.**

22 (d) *Amount of credit.*

23 (1) The amount of the credit shall equal a percentage, as specified in paragraph (2) of this
24 subsection, of 1 OR ANOTHER OF THE FOLLOWING:

25

26 **COMMENT:** Adds clarifying phrasing.

Council Bill 17-0115

Subtitle 24. Passenger-for-Hire Services

§ 24-1. Definitions.

(d) *Passenger-for-hire service.*

(1) *In general.*

“Passenger-for-hire service” means any taxicab service, limousine service, [or] sedan service, OR TRANSPORTATION NETWORK SERVICE that, for [a fee] FOR REMUNERATION, transports passengers within, from, or to Baltimore City.

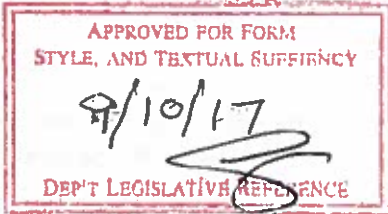
(2) *Supplemental definitions.*

“Taxicab service”, “limousine service”, [and] “sedan service”, “TRANSPORTATION NETWORK SERVICE”, AND “REMUNERATION” have the meanings stated in the State Public Utilities Article § 10-101.

COMMENT: Modifies subsection to reflect recent changes made to State Public Utilities Article § 10-101.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect when it is enacted.



INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL 17-0115

Introduced by Council President
At the request of Department of Legislative Reference

AN ORDINANCE concerning
A BILL ENTITLED
JLI
Law

Corrective Bill 2017

FOR the purpose of correcting certain technical errors and omissions in the City Code; repealing certain provisions that are obsolete, preempted, superseded, or superfluous; and conforming certain language; and providing for a special effective date.

BY repealing and reenacting, with amendments
Article 1 - City Council, and Municipal Agencies
Section 5 - Baltimore City Code
(Edition 2000)

MWB00
Board of Ethics
HCD
ERS
F&PRS
Finance

BY repealing and reenacting, with amendments
Article 5 - Property, and Procurement
Sections 28-114(a)(1), 28-114(a)(2), 28-103(c), 28-106(a)(3), 28-107(a)(1) and (b), 28-117(c)(2) and (e)(3)(intro), and 28-118(a)(1)
Baltimore City Code
(Edition 2000)

BY repealing and reenacting, with amendments
Article 8 - Ethics
Sections 2-1(a)(intro)
Baltimore City Code
(Edition 2000)

BY repealing and reenacting, with amendments
Article 13 - Department of Housing and Community Development
Sections 2-1(c), and 4-1(e)(2)
Baltimore City Code
(Edition 2000)

NOTE: CAPITALS indicate matter added to existing law.
[brackets] indicate matter deleted from existing law.
THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

§ 28-106. Certification or decertification as an SLBE.

(a) *In general.*

In order to apply for certification or recertification as an SLBE, an enterprise must provide the Office with:

- (3) a signed affidavit stating that it meets all of the SLBE eligibility criteria [as] set forth in § 28-105 {"Eligibility for SLBE Program"}.

COMMENT: Deletes extraneous adverb.

§ 28-107. Certification or decertification as an Emerging SLBE.

(a) *Eligibility.*

A firm is eligible for certification as an Emerging SLBE if it meets the following eligibility criteria:

- (1) the firm complies with ALL OF THE SLBE criteria [as specified] SET FORTH in § 28-105 {"Eligibility for SLBE Program"};

....

(b) *Application.*

In order to apply for certification or recertification as an Emerging SLBE, an enterprise must provide the Office with:

- (1) a completed application for certification OR RECERTIFICATION in the form [specified] REQUIRED by the Office;
- (2) all supporting documentation required by the Office; and
- (3) a signed affidavit stating that it meets all of the eligibility criteria SET FORTH in subsection (a) of this section.

COMMENT: Corrects and conforms language to usage elsewhere

§ 28-114. Bonding or insurance waiver.

(a) *Public works contracts.*

- (1) Subject to applicable federal and state law, as well as the City Charter, and applicable regulations, policies, and procedures, the Board of Estimates, on the recommendation of the contracting agency, may waive or reduce the bonding or insurance requirements for public works contracts, depending on the type of contract and whether the contracting agency determines that the bonding or insurance requirements would deny an SLBE, or Emerging SLBE, an opportunity to perform a contract [which] THAT the SLBE or Emerging SLBE has shown itself otherwise capable of performing.

(b) *All other contracts.*

- (1) Subject to applicable federal and state law, as well as the City Charter, and applicable regulations, policies, and procedures, the Board of Estimates, on the recommendation of the Department of Finance, may waive or reduce the bonding or insurance requirements, depending on the type of contract and whether the Department determines that the bonding or insurance requirements would deny an SLBE or Emerging SLBE an opportunity to perform a contract [which] THAT the SLBE or Emerging SLBE has shown itself otherwise capable of performing.

COMMENT: Corrects grammatical-cum-usage errors.

§ 28-117. Mandatory subcontracting.

(c) *Required bidder submissions.*

- (2) At the time of bidding, a bidder may request a full or partial waiver of this mandatory subcontracting requirement from the Chief for good cause, by submitting an SLBE unavailability certification to the Chief along WITH adequate documentation of good faith efforts to obtain SLBE participation, in the form required by the Office.

COMMENT: Inserts missing preposition.

(e) *Failure to satisfy SLBE subcontracting goals.*

- (3) A Contractor commits a material breach of contract if it fails to notify and obtain written approval from the Chief in advance of any negative change [is] IN usage of a designated SLBE or Emerging SLBE subcontractor, including any:

COMMENT: Corrects typographical error.

§ 28-118. Sheltered Market Program.

(a) *Eligible contracts.*

- (1) The Chief and a contracting agency may select certain contracts [which] THAT have a contract value of \$250,000 or less for award to a certified SLBE, or a joint venture with a certified SLBE, through the Sheltered Market Program.

COMMENT: Corrects grammatical-cum-usage error.

Article 8. Ethics

Subtitle 2. Definitions; General Provisions

§ 2-17. "Gift".

(b) *Exclusions.*

"Gift" does not include the solicitation, acceptance, receipt, or disposition of a political contribution that is regulated under State [Code Article 33] ELECTION LAW ARTICLE,

Title 13 {"Campaign Finance"}, or under any other state law that regulates the conduct of elections or the receipt of political contributions.

COMMENT: Updates obsolete cross-reference.

Subtitle 3. Administration

§ 3-21. Conflicts affidavit.

(a) *Officials to file.*

Each official must, within 6 months of his or her INITIAL appointment to office, complete and file with the Ethics Board and with that official's appointing authority, an affidavit that certifies, under penalties of perjury, that the official:

....

COMMENT: Amends language to clarify, as per the Ethics Board's understanding and long-time practice, that this filing is generally but a one-time requirement, triggered by one's *initial* "appointment to office" – unlike, for example, the training requirement in § 3-20(b)(1), which is expressly triggered anew on an official's "appointment *or* reappointment to office".

Article 13. Housing and Urban Renewal

Subtitle 2. Department of Housing and Community Development

§ 2-1. Determinations, declarations, and definitions.

(c) *Definitions.*

(3) *Zoning change.*

In this subtitle, "zoning change":

(i) means [a zoning map amendment] ANY "LEGISLATIVE AUTHORIZATION", as [described] DEFINED in Baltimore City Zoning Code [Title 5, Subtitle 5 {"Legislative Authorizations"}], § 5-501 {"LEGISLATIVE AUTHORIZATION DEFINED"}; [and] BUT

(ii) does not include any use or bulk regulation restriction that is imposed by a Renewal Plan or Conservation Plan.

COMMENT: Corrects cross-reference; clarifies conjunction.

§ 2-6. Adoption and approval of plan.

(d) *Enabling ordinances.*

(7) Any zoning change proposed by a Renewal Plan or a Conservation Plan must be approved by an ordinance enacted in accordance [with Article 66B of] the State [Code] LAND USE ARTICLE AND THE BALTIMORE CITY ZONING CODE.

COMMENT: Updates obsolete cross-reference; adds reference to City Zoning Code.

**Subtitle 4. Registration of Non-Owner-Occupied Dwellings,
Rooming Houses, and Vacant Structures**

§ 4-1. Definitions.

(e) *Non-owner-occupied dwelling unit.*

(2) *Qualifications.*

For purposes of this definition:

- (i) an owner may only have one owner-occupied dwelling in Baltimore City; and
- (ii) an owner-occupied unit must be [title] TITLED to a natural person.

COMMENT: Corrects typographical error.

Article 14. Special Benefits District

Subtitle 19. South Baltimore Gateway Community Impact District

§ 19-4. Powers and functions of Authority.

(a) *Governmental body.*

To the greatest extent allowable by law, the Authority is and shall [ee] BE deemed to be a governmental body, both politic and corporate, exercising only those powers as are provided for in this subtitle.

COMMENT: Corrects typographical error.

Article 22. Retirement Systems

Subtitle – Employees' Retirement System

§ 5. Administration; Board of Trustees.

(b) *Members.*

(5)(ii)3.A. Notwithstanding City Code Article 8 {"Ethics"}, § 6-28(3) {"Gifts: Qualified exemptions; travel, etc., expenses"} [or § 6-30 {"Honoraria"}], no Trustee or Board employee may accept any gift or any payment, free admission, or expense reimbursement for attendance at a conference, seminar, or similar meeting, or for related food, travel, lodging, or entertainment, if the gift or the payment, free admission, or reimbursement is, directly or indirectly, from:

....

COMMENT: Deletes reference to repealed section.

Subtitle – Fire and Police Employees' Retirement System

§ 33. Administration.

(b) Members.

- (9)(ii)3.A. Notwithstanding City Code Article 8 {"Ethics"}, § 6-28(3) {"Gifts: Qualified exemptions; travel, etc., expenses"} [or § 6-30 {"Honoraria"}], no Trustee or Board employee may accept any gift or any payment, free admission, or expense reimbursement for attendance at a conference, seminar, or similar meeting, or for related food, travel, lodging, or entertainment, if the gift or the payment, free admission, or reimbursement is, directly or indirectly, from:

....

COMMENT: Deletes reference to repealed section.

Article 22A. Retirement Savings Plan

Subtitle 2. Administration

§ 2-20. Conflicts of interest.

(b) Additional standards and requirements.

(4) Gifts, payments, free admissions, expense reimbursements.

- (i) Notwithstanding City Code Article 8 {"Ethics"}, § 6-28(3) {"Gifts: Qualified exemptions; travel, etc., expenses"} [or § 6-30 {"Honoraria"}], no trustee or Board employee may accept any gift or any payment, free admission, or expense reimbursement for attendance at a conference, seminar, or similar meeting, or for related food, travel, lodging, or entertainment, if the gift or the payment, free admission, or reimbursement is, directly or indirectly, from:

....

COMMENT: Deletes reference to repealed section.

Article 26. Surveys, Streets, and Highways

Subtitle 16. Pavement Protection

§ 16-3. Concrete; oil products; weight on asphalt.

(c) Weight-bearing devices on asphalt.

Nor shall it be lawful to place any stick, trestle, or other supporting device bearing any weight whatsoever, for any purpose, upon any sheet asphalt or other bituminous pavement on any street, lane, or alley in the City, unless the said stick, trestle, or other supporting device shall have a [fiat] FLAT base resting upon the pavement of not less than 12 inches square.

COMMENT: Corrects typographical error.

Article 28. Taxes

Subtitle 10. Credits

§ 10-17. High-performance market-rate rental housing – Targeted areas.

(d) Amount of credit.

- (1) The amount of the credit shall equal a percentage, as specified in paragraph (2) of this subsection, of 1 OR ANOTHER OF THE FOLLOWING:

....

COMMENT: Adds clarifying phrasing.

§ 10-18. High-performance market-rate rental housing – Citywide.

(d) Amount of credit.

- (1) The amount of the credit shall equal a percentage, as specified in paragraph (2) of this subsection, of 1 OR ANOTHER OF THE FOLLOWING:

....

COMMENT: Adds clarifying phrasing.

Subtitle 24. Passenger-for-Hire Services

§ 24-1. Definitions.

(d) Passenger-for-hire service.

(1) In general.

“Passenger-for-hire service” means any taxicab service, limousine service, [or] sedan service, OR TRANSPORTATION NETWORK SERVICE that, for [a fee] FOR REMUNERATION, transports passengers within, from, or to Baltimore City.

(2) Supplemental definitions.

“Taxicab service”, “limousine service”, [and] “sedan service”, “TRANSPORTATION NETWORK SERVICE”, AND “REMUNERATION” have the meanings stated in the State Public Utilities Article § 10-101.

COMMENT: Modifies subsection to reflect recent changes made to State Public Utilities Article § 10-101.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect when it is enacted.

CITY OF BALTIMORE
ORDINANCE
Council Bill 17-0115

Introduced by: The Council President, Councilmember Middleton
At the request of: Department of Legislative Reference
Introduced and read first time: September 11, 2017
Assigned to: Judiciary and Legislative Investigations Committee

Committee Report: Favorable
Council action: Adopted
Read second time: October 16, 2017

AN ORDINANCE CONCERNING

1 **Corrective Bill 2017**

2 FOR the purpose of correcting certain technical errors and omissions in the City Code; repealing
3 certain obsolete, obsolescent, or otherwise preempted, superseded, or superfluous provisions;
4 correcting, clarifying, and conforming certain language; and providing for a special effective
5 date.

6 BY repealing and reordaining, with amendments

7 Article 1 - Mayor, City Council, and Municipal Agencies
8 Section 56-2
9 Baltimore City Code
10 (Edition 2000)

11 BY repealing and reordaining, with amendments

12 Article 5 - Finance, Property, and Procurement
13 Sections 28-13(d), 28-96(h)(2), 28-103(c), 28-106(a)(3), 28-107(a)(1) and (b),
14 28-114(a)(1) and (b)(1), 28-117(c)(2) and (e)(3)(intro), and 28-118(a)(1)
15 Baltimore City Code
16 (Edition 2000)

17 BY repealing and reordaining, with amendments

18 Article 8 - Ethics
19 Sections 2-17(b) and 3-21(a)(intro)
20 Baltimore City Code
21 (Edition 2000)

22 BY repealing and reordaining, with amendments

23 Article 13 - Department of Housing and Community Development
24 Sections 2-1(c)(3), 2-6(d)(7), and 4-1(e)(2)
25 Baltimore City Code
26 (Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

Council Bill 17-0115

1 BY repealing and reordaining, with amendments

2 Article 14 - Special Benefits Districts

3 Section 19-4(a)

4 Baltimore City Code

5 (Edition 2000)

6 BY repealing and reordaining, with amendments

7 Article 22 - Retirement Systems

8 Sections 5(b)(ii)3.A(intro) and 33(b)(9)(ii)3.A(intro)

9 Baltimore City Code

10 (Edition 2000)

11 BY repealing and reordaining, with amendments

12 Article 22A - Retirement Savings Plan

13 Section 2-20(b)(4)(i)(intro)

14 Baltimore City Code

15 (Edition 2000)

16 BY repealing and reordaining, with amendments

17 Article 26 - Surveys, Streets, and Highways

18 Section 16-3(c)

19 Baltimore City Code

20 (Edition 2000)

21 BY repealing and reordaining, with amendments

22 Article 28 - Taxes

23 Sections 10-17(d)(1)(intro), 10-18(d)(1)(intro), and 24-1(d)

24 Baltimore City Code

25 (Edition 2000)

26 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the**
27 **Laws of Baltimore City read as follows:**

28 **Baltimore City Code**

29 **Article 1. Mayor, City Council, and Municipal Agencies**

30 **Subtitle 56. Citizens Advisory Commission for Public Safety**

31 **§ 56-2. Commission composition.**

32 **(c) *Ex officio members.***

33 **The ex officio members are as follows:**

34 **(1) the Chair of the City Council's Public Safety Committee [(or the Chair's**
35 **designee)] or OF any City Council Committee succeeding to the duties of the City**
36 **Council's Public Safety Committee (OR THE CHAIR'S DESIGNEE);**

Council Bill 17-0115

1 (2) the Police Commissioner (or the Commissioner's designee); and

2 (3) the Director of the Office of Civil Rights and Wage Enforcement [(or the
3 Director's designee)] or OF any office or agency succeeding to the duties of the
4 Office of Civil Rights and Wage Enforcement relevant to duties of the Citizens
5 Advisory Commission for Public Safety (OR THE DIRECTOR'S DESIGNEE).

6 **COMMENT:** Corrects misplaced modifiers.

7 **Article 5. Finance, Property, and Procurement**

8 **Subtitle 28. Minority and Women's Business Enterprises;**
9 **SMALL LOCAL BUSINESS ENTERPRISES**

10 **COMMENT:** Corrects subtitle's name to reflect major expansion added by Ord. 16-695.

11 ***Chapter 2. MBE/WBE Subcontracting Requirements***

12 **§ 28-13. Definitions.**

13 (d) *Certified business enterprise.*

14 "Certified business enterprise" means a minority or women's business enterprise that
15 has been certified by the Minority and Women's Business Opportunity Office as
16 meeting the criteria for certification under this [subtitle] CHAPTER.

17 **COMMENT:** Corrects reference to specify applicable statutory unit.

18 ***Chapter 3. Small Local Business Enterprise Procurement Requirements***

19 **§ 28-96. Definitions.**

20 (h) *Professional services.*

21 (2) The term "professional services" as used in this chapter is not intended to be restricted
22 to those professional services [which] THAT are exempted from formal advertising
23 requirements pursuant to Article VI, § 11, of the City Charter or competitive bidding
24 requirements pursuant to Article VII, § 17, of the City Charter.

25 **COMMENT:** Corrects grammatical-cum-usage error.

26 **§ 28-103. Program performance review.**

27 (c) *Periodic City review.*

28 The Board of Estimates, or its designee, must periodically review the SLBE Program to
29 determine whether the various contracting procedures used to enhance SLBE contract

Council Bill 17-0115

1 participation need to be adjusted or used more or less aggressively in future years to
2 achieve the goals stated IN § 28-97 {"Purpose; Scope"} and § 28-98 {"Program
3 objectives"} of this chapter.

4 COMMENT: Inserts missing preposition.

5 **§ 28-106. Certification or decertification as an SLBE.**

6 (a) *In general.*

7 In order to apply for certification or recertification as an SLBE, an enterprise must
8 provide the Office with:

9
10 (3) a signed affidavit stating that it meets all of the SLBE eligibility criteria [as] set
11 forth in § 28-105 {"Eligibility for SLBE Program"}.

12 COMMENT: Deletes extraneous adverb.

13 **§ 28-107. Certification or decertification as an Emerging SLBE.**

14 (a) *Eligibility.*

15 A firm is eligible for certification as an Emerging SLBE if it meets the following
16 eligibility criteria:

17 (1) the firm complies with ALL OF THE SLBE criteria [as specified] SET FORTH in
18 § 28-105 {"Eligibility for SLBE Program"};

19

20 (b) *Application.*

21 In order to apply for certification or recertification as an Emerging SLBE, an enterprise
22 must provide the Office with:

23 (1) a completed application for certification OR RECERTIFICATION in the form
24 [specified] REQUIRED by the Office;

25 (2) all supporting documentation required by the Office; and

26 (3) a signed affidavit stating that it meets all of the eligibility criteria SET FORTH in
27 subsection (a) of this section.

28 COMMENT: Corrects and conforms language to usage elsewhere

29 **§ 28-114. Bonding or insurance waiver.**

30 (a) *Public works contracts.*

31 (1) Subject to applicable federal and state law, as well as the City Charter, and applicable
32 regulations, policies, and procedures, the Board of Estimates, on the recommendation
33 of the contracting agency, may waive or reduce the bonding or insurance requirements

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1 for public works contracts, depending on the type of contract and whether the
2 contracting agency determines that the bonding or insurance requirements would deny
3 an SLBE, or Emerging SLBE, an opportunity to perform a contract [which] THAT the
4 SLBE or Emerging SLBE has shown itself otherwise capable of performing.

5 (b) *All other contracts.*

- 6 (1) Subject to applicable federal and state law, as well as the City Charter, and applicable
7 regulations, policies, and procedures, the Board of Estimates, on the recommendation
8 of the Department of Finance, may waive or reduce the bonding or insurance
9 requirements, depending on the type of contract and whether the Department
10 determines that the bonding or insurance requirements would deny an SLBE or
11 Emerging SLBE an opportunity to perform a contract [which] THAT the SLBE or
12 Emerging SLBE has shown itself otherwise capable of performing.

13 COMMENT: Corrects grammatical-cum-usage errors.

14 **§ 28-117. Mandatory subcontracting.**

15 (c) *Required bidder submissions.*

- 16 (2) At the time of bidding, a bidder may request a full or partial waiver of this mandatory
17 subcontracting requirement from the Chief for good cause, by submitting an SLBE
18 unavailability certification to the Chief along WITH adequate documentation of good
19 faith efforts to obtain SLBE participation, in the form required by the Office.

20 COMMENT: Inserts missing preposition.

21 (e) *Failure to satisfy SLBE subcontracting goals.*

- 22 (3) A Contractor commits a material breach of contract if it fails to notify and obtain
23 written approval from the Chief in advance of any negative change [is] IN usage of a
24 designated SLBE or Emerging SLBE subcontractor, including any:

25
26 COMMENT: Corrects typographical error.

27 **§ 28-118. Sheltered Market Program.**

28 (a) *Eligible contracts.*

- 29 (1) The Chief and a contracting agency may select certain contracts [which] THAT have a
30 contract value of \$250,000 or less for award to a certified SLBE, or a joint venture
31 with a certified SLBE, through the Sheltered Market Program.

32 COMMENT: Corrects grammatical-cum-usage error.

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Article 8. Ethics

Subtitle 2. Definitions; General Provisions

§ 2-17. "Gift".

(b) *Exclusions.*

"Gift" does not include the solicitation, acceptance, receipt, or disposition of a political contribution that is regulated under State [Code Article 33] ELECTION LAW ARTICLE, Title 13 {"Campaign Finance"}, or under any other state law that regulates the conduct of elections or the receipt of political contributions.

COMMENT: Updates obsolete cross-reference.

Subtitle 3. Administration

§ 3-21. Conflicts affidavit.

(a) *Officials to file.*

Each official must, within 6 months of his or her INITIAL appointment to office, complete and file with the Ethics Board and with that official's appointing authority, an affidavit that certifies, under penalties of perjury, that the official:

....

COMMENT: Amends language to clarify, as per the Ethics Board's understanding and long-time practice, that this filing is generally but a one-time requirement, triggered by one's *initial* "appointment to office" – unlike, for example, the training requirement in § 3-20(b)(1), which is expressly triggered anew on an official's "appointment or reappointment to office".

Article 13. Housing and Urban Renewal

Subtitle 2. Department of Housing and Community Development

§ 2-1. Determinations, declarations, and definitions.

(c) *Definitions.*

(3) *Zoning change.*

In this subtitle, "zoning change":

- (i) means [a zoning map amendment] ANY "LEGISLATIVE AUTHORIZATION", as [described] DEFINED in Baltimore City Zoning Code [Title 5, Subtitle 5 {"Legislative Authorizations"}], § 5-501 {"LEGISLATIVE AUTHORIZATION" DEFINED"}; [and] BUT

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1 (ii) does not include any use or bulk regulation restriction that is imposed by a
2 Renewal Plan or Conservation Plan.

3 COMMENT: Corrects cross-reference; clarifies conjunction.

4 **§ 2-6. Adoption and approval of plan.**

5 (d) *Enabling ordinances.*

6 (7) Any zoning change proposed by a Renewal Plan or a Conservation Plan must be
7 approved by an ordinance enacted in accordance [with Article 66B of] the State
8 [Code] LAND USE ARTICLE AND THE BALTIMORE CITY ZONING CODE.

9 COMMENT: Updates obsolete cross-reference; adds reference to City Zoning Code.

10 **Subtitle 4. Registration of Non-Owner-Occupied Dwellings,**
11 **Rooming Houses, and Vacant Structures**

12 **§ 4-1. Definitions.**

13 (e) *Non-owner-occupied dwelling unit.*

14 (2) *Qualifications.*

15 For purposes of this definition:

16 (i) an owner may only have one owner-occupied dwelling in Baltimore City; and

17 (ii) an owner-occupied unit must be [title] TITLED to a natural person.

18 COMMENT: Corrects typographical error.

19 **Article 14. Special Benefits District**

20 **Subtitle 19. South Baltimore Gateway Community Impact District**

21 **§ 19-4. Powers and functions of Authority.**

22 (a) *Governmental body.*

23 To the greatest extent allowable by law, the Authority is and shall [ee] BE deemed to be a
24 governmental body, both politic and corporate, exercising only those powers as are
25 provided for in this subtitle.

26 COMMENT: Corrects typographical error.

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Article 22. Retirement Systems

Subtitle – Employees' Retirement System

§ 5. Administration; Board of Trustees.

(b) *Members.*

(5)(ii)3.A. Notwithstanding City Code Article 8 {"Ethics"}, § 6-28(3) {"Gifts: Qualified exemptions; travel, etc., expenses"} [or § 6-30 {"Honoraria"}], no Trustee or Board employee may accept any gift or any payment, free admission, or expense reimbursement for attendance at a conference, seminar, or similar meeting, or for related food, travel, lodging, or entertainment, if the gift or the payment, free admission, or reimbursement is, directly or indirectly, from:

....

COMMENT: Deletes reference to repealed section.

Subtitle – Fire and Police Employees' Retirement System

§ 33. Administration.

(b) *Members.*

(9)(ii)3.A. Notwithstanding City Code Article 8 {"Ethics"}, § 6-28(3) {"Gifts: Qualified exemptions; travel, etc., expenses"} [or § 6-30 {"Honoraria"}], no Trustee or Board employee may accept any gift or any payment, free admission, or expense reimbursement for attendance at a conference, seminar, or similar meeting, or for related food, travel, lodging, or entertainment, if the gift or the payment, free admission, or reimbursement is, directly or indirectly, from:

....

COMMENT: Deletes reference to repealed section.

Article 22A. Retirement Savings Plan

Subtitle 2. Administration

§ 2-20. Conflicts of interest.

(b) *Additional standards and requirements.*

(4) *Gifts, payments, free admissions, expense reimbursements.*

(i) Notwithstanding City Code Article 8 {"Ethics"}, § 6-28(3) {"Gifts: Qualified exemptions; travel, etc., expenses"} [or § 6-30 {"Honoraria"}], no trustee or Board

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1 employee may accept any gift or any payment, free admission, or expense
2 reimbursement for attendance at a conference, seminar, or similar meeting, or for
3 related food, travel, lodging, or entertainment, if the gift or the payment, free
4 admission, or reimbursement is, directly or indirectly, from:
5

6 COMMENT: Deletes reference to repealed section.

7 **Article 26. Surveys, Streets, and Highways**

8 **Subtitle 16. Pavement Protection**

9 **§ 16-3. Concrete; oil products; weight on asphalt.**

10 (c) *Weight-bearing devices on asphalt.*

11 Nor shall it be lawful to place any stick, trestle, or other supporting device bearing any
12 weight whatsoever, for any purpose, upon any sheet asphalt or other bituminous
13 pavement on any street, lane, or alley in the City, unless the said stick, trestle, or other
14 supporting device shall have a [fiat] FLAT base resting upon the pavement of not less than
15 12 inches square.

16 COMMENT: Corrects typographical error.

17 **Article 28. Taxes**

18 **Subtitle 10. Credits**

19 **§ 10-17. High-performance market-rate rental housing – Targeted areas.**

20 (d) *Amount of credit.*

21 (1) The amount of the credit shall equal a percentage, as specified in paragraph (2) of this
22 subsection, of 1 OR ANOTHER OF THE FOLLOWING:

23

24 COMMENT: Adds clarifying phrasing.

25 **§ 10-18. High-performance market-rate rental housing – Citywide.**

26 (d) *Amount of credit.*

27 (1) The amount of the credit shall equal a percentage, as specified in paragraph (2) of this
28 subsection, of 1 OR ANOTHER OF THE FOLLOWING:

29

30 COMMENT: Adds clarifying phrasing.

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Subtitle 24. Passenger-for-Hire Services

§ 24-1. Definitions.

(d) Passenger-for-hire service.

(1) In general.

“Passenger-for-hire service” means any taxicab service, limousine service, [or] sedan service, OR TRANSPORTATION NETWORK SERVICE that, for [a fee] FOR REMUNERATION, transports passengers within, from, or to Baltimore City.

(2) Supplemental definitions.

“Taxicab service”, “limousine service”, [and] “sedan service”, “TRANSPORTATION NETWORK SERVICE”, AND “REMUNERATION” have the meanings stated in the State Public Utilities Article § 10-101.

COMMENT: Modifies subsection to reflect recent changes made to State Public Utilities Article § 10-101.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect when it is enacted.

Certified as duly passed this ____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this ____ day of _____, 20__

Chief Clerk

Approved this ____ day of _____, 20__

Mayor, Baltimore City