

06/28/16

AMENDMENTS TO COUNCIL BILL 16-613
(1st Reader Copy)

By: Judiciary and Legislative Investigations Committee
{To be offered on the Council Floor}

Amendment No. 1

On page 1, in line 14, after “40-1(c)”, insert “and (f)”; and, on page 5, after line 17, insert:

“(f) Person.

“Person” means:

- (1) an individual;
- (2) a partnership, firm, association, corporation, governmental agency, or other entity of any kind; and
- (3) [(2)] a receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind.

COMMENT: Corrects misnumbering.”.

ADOPTED

Amendment No. 2

On page 2, in line 18, after “(d)”, strike “and” and substitute a comma; and, in the same line, after “6-27(5)”, insert “, and 6-38(a) and (b)”; and, on page 14, after line 27, insert:

“§ 6-38. Participation in procurement.

(a) Scope of section.

This section applies to:

- (1) any individual who, for a proposed City procurement, assists a City agency in the drafting, development, or issuance of specifications, an invitation for bids, a request for proposals, a request for qualifications, or any other document related to the procurement; and
- (2) any person who employs that individual.

(b) Prohibited conduct.

A person described in subsection (a) of this section may not:

- (1) submit a response for that procurement; or
- (2) directly or indirectly, assist or represent another person [who is] IN submitting a response for that procurement.

COMMENT: Clarifies, in conformity with the like prohibition in § 6-22 {"Post-employment restrictions"}, that subsection (b)(2) of this section extends only to assistance or representation in a specific matter that would itself constitute a conflict.".

Amendment No. 3

On page 2, after line 40, insert:

"BY repealing and reordaining, with amendments

Article 22 - Retirement Systems
Section(s) 9(a)(2)(i) and 9.2(m)(4)(v)(A)
Baltimore City Code
(Edition 2000)";

and, on page 18, after line 4, insert:

"Article 22. Retirement Systems

Subtitle – Employees' Retirement System

§ 9. Class C membership.

(a) General provisions.

(2) Commencement of membership.

(i) In general.

[An] EXCEPT AS PROVIDED IN §§ 9.1 AND 9.2 OF THIS SUBTITLE, AN employee whose employment with the City begins on or after July 1, 1979, with the exception of an employee who is required to join another City retirement plan, will become a Class C member of this System on the 1st annual anniversary of the date on which his or her employment began.

COMMENT: Under §§ 9.1 and 9.2, persons first employed or reemployed on or after July 1, 2014, are not eligible to become Class C members, though they do have the option of becoming Class D members. This amendment, then, is to provide a clarifying cross-reference.

§ 9.2. Class D membership.

(m) Non-line-of-duty death benefit.

(4) 40% survivorship death benefit.

(v) Qualifications and priorities of potential beneficiaries.

(A) The benefit shall be paid as follows:

1. to the member's designated beneficiary, if that designated beneficiary is:
 - a. the member's surviving spouse, to continue for the spouse's lifetime or until the spouse remarries before age 70; or
 - b. the member's minor children, to be paid to each child, in equal shares, until that child is no longer a minor, as defined in § 47(h) of this article;
2. if the designated beneficiary is not one of the persons listed in [sub-subparagraph (A) of this subparagraph] ITEM 1. OF THIS SUB-SUBPARAGRAPH and that beneficiary predeceases the member, or if there is no designated beneficiary, then to the member's surviving spouse, to continue for the spouse's lifetime or until the spouse remarries before age 70; or
3. if there is no qualifying surviving spouse under [sub-subparagraph (A) or (B) of this subparagraph] ITEM 1. OR 2. OF THIS SUB-SUBPARAGRAPH, or if the surviving spouse remarries before age 70 or dies, then to the member's minor children, to be paid to each child in equal shares until that child is no longer a minor, as defined in § 47(h) of this article.

COMMENT: Corrects internal cross-references."

Amendment No. 4

On page 3, in line 8, after "Section(s)", insert "10-8(e)(1)"; and, in the same line, after "(g)(2)(ii)(B)", insert a comma; and, on page 18, after line 26, insert:

"§ 10-8. Historic improvements, restorations, and rehabilitations.

(e) Amount of credit – In general.

(1) Calculation adjustments.

The calculations specified in paragraphs (2) and (3) of this subsection are subject to:

- (i) the reduction required by paragraph (5) of this subsection; and
- (ii) the limitations imposed by[: (A) paragraph (6) of this subsection; and (B) subsection (f) of this section] SUBSECTIONS (F) AND (F-2) OF THIS SECTION.

COMMENT: Ordinance 16-454 amended this section to, among other things, substitute a new subsection (f-2) for the like provisions of former subsections (e)(6) and (f)(5). This amendment corrects an overlooked (and now obsolete) cross-reference to former subsection (e)(6).”.

Amendment No. 5

On page 19, in line 28, strike “that is” and, in each of lines 29 and 30, after “(i)” and “(ii)”, respectively, insert “THAT IS”; and, in line 29, strike “or”; and, in line 30, strike the opening bracket; and, in line 31, strike “Any area”; and in line 32, strike the closing bracket; and, on page 20, strike beginning with “either” in line 3 through “(i)” in line 4; and, on the same page, in line 4, after “Desert”, insert “[Retail”]; and, on the same page, strike beginning with “or” in line 4 through the semicolon in line 6; and, on the same page, strike lines 14 through 17, in their entirety, and substitute:

“COMMENT: Corrects ambiguities and other errors in Ord. 15-434, for the most part generated by improperly drafted amendments submitted to and adopted by Committee (and, then, by the Council) without prior vetting by the Department of Legislative Reference.”.

Amendment No. 6

On page 3, in line 18, after the second comma, insert “and”; and, in the same line, strike “; and 31-1(d)(1)”]; and, on page 21, strike lines 19 through 25, in their entirety.

Amendment No. 7

On page 3, after line 23, insert:

“BY repealing and reordaining, with amendments Ordinance 14-257 Section 1(1) (Plan ¶B.2.a.(4)(f)(3rd par.)), Section 1(3) (Plan ¶B.2.b.(2)(c)), and Section 1(7) (Plan Exhibit 3)”;

and, on page 22, after line 17, insert:

“SECTION 3. AND BE IT FURTHER ORDAINED, That Sections 1(1), 1(3), and 1(7) of Ordinance 14-257 {“Urban Renewal - Jonestown - Amendment 9”} are amended to read as follows:

{Section 1(1) - Plan ¶B.2.a.(4)(f)(3rd par.), as amended by Ord. 14-257:}

The Floor Area Ratio (FAR) for Disposition Lots 33, 34, and 35 shall be 3.5. Building height for Disposition Lots 16, 36, and [59] 60 shall not exceed 95 feet, including mechanical equipment and all permitted appurtenances. Disposition Lot 37, original Hendler Building, is for rehabilitation only.

{Section 1(3) - Plan ¶B.2.b.(2)(c), as added by Ord. 14-257:}

The building height of the properties known as 1100 East Baltimore Street, 1110-1112 East Baltimore Street, 1101-1105 East Fayette Street, 1107-1133 East Fayette Street (Disposition Lot 36), the bed of Fairmount Avenue (Disposition Lot 16), and the bed of Aisquith Street (Disposition Lot [59] 60) shall not exceed 95 feet, including mechanical equipment and all permitted appurtenances.

{Section 1(7) - As amended by Ord. 14-257 to revise Plan Exhibit 3:}

(7) In the Plan, revise Exhibit 3, “Disposition”, to reflect change in the Disposition Lots. This Exhibit is also revised to add new Disposition Lot [59] 60, for a partial right-of-way of Aisquith, to the list of Disposition Lots as follows:

<u>LOT NO.</u>	<u>LAND USE</u>	<u>AREA SQ. FT.</u>
<u>[59] 60</u>	<u>COMMERCIAL</u>	<u>+/- 2,200</u>

COMMENT: Among other things, Ordinance 14-257 {“Urban Renewal - Jonestown - Amendment 9”} added a new Disposition Lot for a partial right-of-way of Asquith Street. In assigning number “59” to that Lot, however, the Department of Planning failed to account for an already existing Disposition Lot with the same number, previously added by Ordinance 99-567 {“Urban Renewal - Jonestown - Amendment 4”}. This amendment corrects the numbering sequence.”;

and, on the same page, in line 18 and in line 21, strike “3” and “4”, respectively, and substitute “4” and “5”, respectively.

