

Baltimore Metropolitan Council



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Anne Arundel County
Baltimore City
Baltimore County
Carroll County
Harford County
Howard County

BMC BOARD OF DIRECTORS OCTOBER 23, 2007

MINUTES

MEMBERS PRESENT

John Leopold, Anne Arundel County Executive
Sheila Dixon, Mayor, Baltimore City
James T. Smith, Jr., Baltimore County Executive
Ken Ulman, Howard County Executive

OTHERS PRESENT

Lorraine Costello, Harford County
Alan Friedman, Anne Arundel County
Elaine Garven, Baltimore City
Joan Kennedy, Howard County
Steve Powell, Carroll County
Frank Principe, Baltimore County
Ed Cohen, Citizen

GUESTS

Kristen M. Mahoney, Executive Director, Governor's Office of Crime Control & Prevention
Neil Pederson, Administrator, Maryland State Highway Administration
Captain Thomas J. Wilson, Director, Emergency Management Division, Anne Arundel County Police Department

BMC STAFF

Larry Klimovitz, Executive Director
Bala Akundi
Harvey S. Bloom
Barbara Herron
Mary Logan
Ryan O'Doherty
Sandra Spears
Russ Ulrich

Call to Order

Howard County Executive and Vice-Chairman Ken Ulman called the meeting to order at 3:05 p.m.

Presentations

Urban Area Work Group (UAWG)

Vice-Chairman Ken Ulman introduced Captain Thomas J. Wilson, Director of the Emergency Management Division for the Anne Arundel County Police Department. Captain Wilson was filling in for Chief Goodwin. Captain Wilson updated the Board on the FY 2007 Urban Area Security Initiative (UASI) Spending Plan (see attachment). He reported that the State will pass thru 100% of UASI funding. He then reported on several of the approved projects. Captain Wilson stated that Baltimore UASI received a 100% score on the application that was submitted. He congratulated the staff who was responsible for doing the work. He stated that we were the model to be followed and that we received \$11.9 million in total award and it was passed directly to us. County Executive Ulman asked Captain Wilson to explain the split. Captain Wilson stated that in the past, the split was 20/80, but now the whole amount is passed through. Captain Wilson further stated that some of the projects on the attachment are new and some are continuing.

Captain Wilson then reported on the following:

- Public Safety Interoperable Grant – managed by the U.S. Department of Commerce and is \$22 million. UAWG is preparing the local proposal to utilize a regional share of funding in a coordinated fashion. The application date is due on December 3, 2007.
- Community Infrastructure – funding provided to non-profits to improve their fences, cameras, etc. for protection to their facilities.
- Homeland Security Fund - \$24 million available.
- Fireboat – located in Baltimore City – capabilities are fire fighting, emergency medical treatment, mobile command post and decontamination capabilities.
- Decontamination Drill – goal was to put 100 people through one decontamination truck and it was successful.

County Executive Ulman thanked Captain Wilson for his presentation.

State Highway Administration Challenges/Opportunities and Update on the Regional Highway Safety Campaign

County Executive Ulman introduced Mr. Neil Pederson, Administrator for the Maryland State Highway Administration. Mr. Pederson stated that he wanted to first express his appreciation for the great partnership with the BMC and BMC staff, particularly on traffic safety.

Mr. Pederson then stated that he also wanted to discuss bridge safety, revenue increases, and ADA. On traffic safety, the numbers of fatalities went in the wrong direction – from 614 to 652 statewide (See Attachment). The Baltimore Metropolitan area accounted for 37% of the fatalities. Mr. Pederson

stated that it is important that we look at this on a statewide as well as regional basis. He also reported that a Highway Safety Plan was developed last year on a State level. There was representation from MACO and MML in the development of the plan. It serves as a guide. Mr. Pederson stated that he is challenging each jurisdiction to develop their own strategic highway safety plan. To assist in this, there will be a traffic safety summit to be held on November 30 at the Maritime Institute just outside of the BWI Airport. The entire summit will be devoted to the development of local strategic highway safety plans. Mr. Pederson stated that the four "Es" of traffic safety are: Energy, Education, Enforcement and Emergency Medical Services and that we are looking for the top people in these areas to participate, as well as elected officials. The experience of doing this at the State level is as important as the plan itself and then ultimately the implementation is key as well. We are working with the BMC to get strategic data and police reports so we can look at where the problems are and address them.

The next topic that Mr. Pederson discussed was bridge safety. He stated that since the collapse in Minneapolis, bridge safety has received a lot of attention, including here locally. We have a bridge inspection program on a statewide program which includes the local jurisdictions. This is only the first part of addressing the issue. When an engineer identifies maintenance, rehabilitation, or replacement needs, we need to be assured that money is there. Federal money is made available to each jurisdiction. We try to target 30% of the Federal bridge money to be used by local jurisdictions. Mr. Pederson stated that he talks to county engineers and tries to make them see the priority and contribute money. He stated that he knows they also respond to the elected officials as well, so he was raising this to make it a policy priority in terms of addressing structurally deficient bridges. If we look at bridges on a statewide basis, half are on SHA system and half are on local jurisdiction system. If we look at the number of structurally deficient bridges, 130 are on the SHA system and 252 on the local system. On a percentage basis, almost twice as high a percentage is structurally deficient. He also explained guidelines used to make this determination. He also stated that from a State perspective, once a bridge is found to have a foundation or substructure deficiency, it will usually get attention before a deck problem.

The final point is that we have had double digit inflation rates over the last three years on the cost to doing bridge repairs. The first call on the revenue increase is going to be addressing our system preservation needs and the first priority within that area will be bridges. He stated that Secretary Porcari has addressed this with each of the elected officials. In addition to bridge preservation, we have significant pavement preservation needs and those costs have also experienced inflation. There are also costs related to traffic signals and signs. Our CHART Program also needs additional monies. There is also a communications tower being put in so that all of our local responders can communicate with one another.

The final area Mr. Pederson discussed was ADA. He stated that we have had significant complaints brought against SHA in issues associated with our sidewalks and traffic signals. The blind community brought the Department of Justice complaint of not having APS (Accessible Pedestrian Signals) put in rapidly enough. We have put in a ten year plan to replace all of the signals. As we have been talking to the ADA community, they have been complaining to us about the local jurisdictions, particularly Baltimore City. They are looking for the same long-term commitment that we have made, from the local jurisdiction. Mr. Pederson responded to Howard County Executive Ulman's question by saying that energy efficient signals are installed and that all of the new signals are now using LED. The other area we were cited on was not doing an adequate inventory on where our sidewalks were deficient and having a transition plan for converting sidewalks. We now have a GPS inventory of every sidewalk on State highway system statewide. Because standards have changed on ramps, we are going through prioritization to identify where we are going to do retrofits. We have an ADA Subcommittee and they are complaining as to why locals aren't addressing this. He stated that he is encouraging Secretary Porcari that each of the locals get 30% of the funding. Mr. Pederson thanked everyone for inviting him to speak.

Mr. Klimovitz reminded everyone of the BMC's involvement in the Highway Safety Plan. Mr. Pederson stated that he has recognized that political involvement is a key to reaching success in this area.

Status and Update on the Regional Pawnshop Database

County Executive Ulman introduced Ms. Kristen M. Mahoney, Executive Director with the Governor's Office of Crime Control and Prevention. Before Ms. Mahoney's presentation, Mr. Klimovitz briefed the Board on the history of the Pawnshop Database project. In 2007, BMC put in \$35,000 towards this. He then introduced Mr. Ryan O'Doherty who has been coordinating this effort for the BMC.

Mr. O'Doherty reported that the BMC Board came together for this issue and it was funded through a "kick-start" grant through the BMC operating budget. Baltimore City Police Department provided money for the hardware and software to get the system up and running. Also, the regional partners bought into this system, so there is a significant amount of investment in this project. It is important now to get the pawnshops and other second hand dealers to submit their reports electronically. At first, it wasn't thought that we would have to seek legislation to get them to do this. We thought they would voluntarily comply, but to date that hasn't happened to the extent we would like to see it happen. He then introduced Ms. Mahoney.

Ms. Mahoney stated that before her current role with the Governor's Office; she was with the City's Police Department as the Mayor's Criminal Justice Coordinator and Chief of Technical Services. At that time, she worked with the BMC to get this system up and running. We spoke to the two leaders in the pawnshop retail industry, Rick Sussman and Steve Samuelson and let them know that this is where the region is going, and that the Washington COG is already there. We explained that we would have one Maryland system and loop in Virginia and DC as well. Howard County has already changed their local law to require electronic reporting law. At that time, the Maryland Retailers agreed to comply, but now they are suggesting changing the statewide because they are not going to do this voluntarily. The Governor's Office will be pursuing an administrative bill. Ms. Mahoney asked for the Board's support and stated that she would be taking some of the police officers to Annapolis to explain the value.

This was followed by some discussion. Ms. Mahoney brought along some information for the Board and their staffs to review and get prepared. Mr. Klimovitz thanked Ms. Mahoney. He stated that when we embarked on this we piggybacked on what MWCOG did. The idea is that when we are up and running we can tie in with MWCOG's system and has a larger system. County Executive Ulman asked if MWCOG's system was up and running. She confirmed that it was. Mr. Klimovitz stated that MWCOG's system has boasted of solving a homicide.

County Executive Ulman asked if the Board should be asked to do anything to assist in the Pawnshop initiative, such as a letter. Mr. Klimovitz stated that he would draft a letter for County Executive Ulman's approval. It was agreed that the letter would be drafted and sent when legislation was initiated through the Governor's Office.

Report on Baltimore Metropolitan Council (BMC) FY 2007 Financial Statements and Audits

County Executive Ulman introduced Graylin Smith of SB & Company, LLC to report on this topic. Mr. Klimovitz first stated that this is one of the things that we ask the Board to do each year. What is presented is the FY 2007 financial audit, plus the single audit for the federal government OMB Circular. SB and Company staff was on-site at BMC for two weeks reviewing records and interviewing and questioning staff.

Mr. Smith stated that he completed the engagement and thanked the BMC for the opportunity to serve. He stated that SB & Company, LLC has issued an unqualified and clean opinion of financial statements. This means that the financial statements presented fairly represent the financial position of the organization as of the end of the fiscal year. He thanked management for their assistance in getting through the process. The books and records were in orderly fashion and we had complete access to them during the audit. BMC staff was able to answer all the questions we had. There were no transactions where there wasn't substance. During the audit we are required to look for fraud. There is nothing to report. There were no changes. We did have a discussion with management on "housekeeping" items. Management was already aware of them and we encouraged them to continue working on this. The only difference in this financial statement is the emergency reserve the Board approved to keep a certain percentage available for future operations. This is disclosed in the financial statements. Mr. Powell asked that judging by the opening remarks of Mr. Smith there apparently wasn't a management letter. Mr. Smith confirmed this.

Mr. Klimovitz stated that it is his practice if there are no management comments identified in a letter; he then asks the audit staff for observations in what we can do better. There were three things that they pointed out that we have underway: have in place a written IT security and back-up plan. At the present time, it's not in writing. Our payroll, etc. is done offsite by a private company, so there is no backup plan other than we have an agreement with Baltimore and Howard counties to provide those services if we would need them. I provide bulk storage for our backup tapes in a safe at my home. The auditors also asked that we have in written fashion a disposal plan for discarding fixed assets, such as broken furniture, computer donations, etc. Though we do a physical inventory every year, none of this is in writing. There are also some outstanding checks that have not been cashed by vendors. The Auditors asked that instead of rolling them over, they be set up in a separate account. Mr. Klimovitz stated that he would be remiss if he didn't point out that the auditors verified that we finished up the fiscal year 2007 with \$302,000 in net income opposed to \$66,000 that we budgeted. This would roll right over into our emergency fund.

Action Item – Acceptance and Approval of FY 2007 BMC Financial Audit – BMC Resolution No. 2007-3

County Executive Ulman called for approval of the FY 2007 BMC Financial Audit – Resolution No. 2007-3. The motion was made by County Executive Leopold and seconded by Mayor Dixon. As all were in favor, the motion carried unanimously.

Action Item – Approval of Minutes from July 10, 2007 Board Meeting

County Executive Ulman also called for the approval of the minutes from the July 10, 2007 meeting. The motion was made by County Executive Leopold and seconded by County Executive Smith. As all were in favor, the motion carried unanimously.

Action Item – BMC Resolution No. 2007-4 Concerning Maryland State Retirement and Pension System (MSRPS) Employer "Pickup" Program

Mr. Klimovitz reported that he recently received a communication concerning the State "pickup" program. He explained the program to the Board. Historically, in order to do that, the IRS required a letter from the employer attesting to their 501c3 status. In 2006, IRS dropped this requirement for a private letter ruling. Effective July, 2007, the General Assembly reflected this change of no need, but now instead requires a resolution in order for the employer to continue.

County Executive Ulman called for a motion to approve. The motion was made by County Executive Leopold and seconded by County Executive Smith. The motion was unanimously approved.

Program Updates

September, 2007 Financials

Mr. Klimovitz stated that these have already been seen by the Management Committee. He noted that we are 25% through the year and have collected 17% of our income which is where we should be. We're also where we should be with expenditures. We are halfway to our year end projection of net income.

FY 2008 CMAQ Funding

This is a program where we have been successful in getting MDOT to agree to allocate \$1 million over each of the next two years. This money will be used for projects that will reduce pollutants in the atmosphere (see attachment). The guidelines in the attachment illustrate who is qualified to apply. Earlier this morning, your BRTB reps approved these guidelines. County Executive Ulman asked when it gets divided. Mr. Bloom stated that the process would be started with an open solicitation conference in November. At that time, we will be taking applications from mid to late December and possibly January. After a review, we will go back to the Board in April with implementation shortly after.

Transportation Outlook 2035

Mr. Klimovitz stated that following the meeting on August 28th, after you got together with your BRTB reps, you requested that we go back to the drawing board to recast Transportation Outlook to fund fewer highways and allocate more money to transit. We had several work sessions with members of Management Committee, some BRTB reps, planning, etc. and others and came up with a revised executive summary that spoke more of a vision to change the paradigm. We put that out on the street for public comment beginning October 12th. It stays out there for 30 days. We have another public input meeting set for November 1st from 6:00 – 8:00 p.m. The BRTB reps will be attending and you are welcome to attend. If all goes well, it will be available for the BRTB reps to vote on at their November 22nd meeting

County Executive Ulman thanked the BMC staff and Harvey Bloom for working through this. He stated we did hear at the public hearings the consensus to have a regional transportation system that works. Knowing that we all have our own projects, but recognizing what happens somewhere else affects all of us. He stated that he was glad we are making progress to that goal. Hopefully, more State funding will be coming in to add to other projects.

Mr. Klimovitz pointed out that this document was fiscally constrained. We needed to come up with a document that was better allocated for those resources available.

BRCPC September, 2007

Mr. Klimovitz referenced the update contained in the Board packet. Regarding the electricity, effective June 1, 2007 electricity went up as a result of federal regulators allowing PGM and electrical suppliers to put a reliability quotient into the price structure. Mr. Klimovitz stated that he attended the recent "Reverse Trade Show" at Martin's West with all the local procurement staff, Boards of Education, vendors, etc. Vendors came to us to find out what we had to offer. There were over 500 people in attendance. It was a very successful event.

As there were no further comments, the meeting was adjourned at 4:00 p.m.

Respectfully submitted,

Larry W. Klimovitz
Executive Director