

MEMORANDUM

TO: City Council

FROM: John L. Fitzwater
Assistant City Manager

SUBJECT: *Status Report* DATE: October 12, 2017

Status Report

1. FY18 Hydrant Replacement Program

The Public Works Department Utilities Division is in need of hydrants and hydrant inserts as part of its FY18 Hydrant Replacement Program. The Public Works Department located a contract with Core & Main (previously HD Supply Waterworks, LTD) through the City of Rockville (RFP #20-12), upon which we will be able to piggyback. We intend to issue a purchase order to Core & Main in the amount of \$34,716. This is within the FY18 budgeted amount of \$35,000.

As provided in Section 62 of the City Charter, this will serve as the required seven (7) day notice of intent to purchase these hydrants and inserts.

2. Business Counseling from the Maryland Procurement Technical Assistance Center's (MD PTAC)

The City granted \$5,000 this fiscal year so that Bowie businesses can receive business counseling from the Maryland Procurement Technical Assistance Center (MD PTAC). The MD PTAC mission is to assist Maryland businesses to prepare for and engage in the procurement process with federal, state and local government agencies. Our program is funded in part by the Department of Defense through the Defense Logistics Agency's Office of Small Business Programs, the Maryland Department of Commerce, the University of Maryland, the City of Bowie, Hartford County and other local partners.

A business is eligible to receive counseling services from the MD PTAC, provided that it has a product or service that has a reasonable expectation of being procured under government contract. There is no cost to the business owner who receives counseling. Our services include but are not limited to: Information on federal/state/local procurement actions; Advice for obtaining and responding to solicitations; Market research to identify government agencies who buy your products or services; Help in identifying subcontracting opportunities and procurement resources; Assist in understanding government policies and regulations; Pre/post-award contract assistance; and Assistance with all government registrations.

The MD PTAC provides counseling staff every Tuesday to assist businesses with government contracting at the Bowie City Hall and at the Bowie Business Innovation Center (Bowie BIC) located at Bowie State University. For more information on how to register to become a client, go to the MD PTAC website: www.mdptac.org They are headquartered at the University of Maryland, 7100 Baltimore Avenue, Suite 303, College Park, MD 20740, Phone Number: 301-403-2740.

3. State Ethics Law Changes

During the 2017 Legislative Session, the General Assembly made changes to the State Ethics Law. Some of these changes will require action by the City Council to amend the City's Ethics Code. Attached is a letter from the State Ethics Commission that outlines these changes. Staff will refer this letter to the City's Ethics Commission for their recommendation to the City Council regarding this matter.

4. City Receives Environmentally Responsible Management Award for Allen Pond

The City of Bowie has been awarded an Environmentally Responsible Management Certification, by the Sports Turf Managers Association (STMA) for the natural grass athletic fields at Allen Pond Park. This award is the first in Maryland and one of 23 in the United States and Spain, showcasing ecological stewardship and sustainable best practices. This prestigious recognition is for the City's three natural turf fields at Allen Pond: Huston, Murtagh, and the Allen Pond Softball Field. Congratulations to Parks and Grounds Superintendent Ed Hall and his crews for this honor.

5. Computer Equipment Purchase

The FY18 Budget contains funding in the Information Technology Department budget to replace staff computers. The City is seeking to purchase 35 desktops, 35 monitors, and 5 laptops for the Police Department. After a careful analysis, it was determined that the City would utilize the State of Maryland Desktop, Laptop, and Tablet 2015 Master Contract (060B5400007) to purchase the equipment. Requests for quotes were sent to the 34 authorized State of Maryland Dell vendors and nine responses were received.

CDWGovernment	\$78,463.15
Star Computer Supply	\$86,075.00
DataNetworks	\$86,395.00
DSR, Inc.	\$86,707.90
Victory Global Solutions, Inc.	\$87,469.85
Zones	\$88,062.75
Applied Technology Services	\$89,370.00
Advanced Computer Concepts	\$89,583.65
Prosys Information Systems	\$90,124.00

As provided by Section 62 of the City Charter, this will serve as the required seven-day notice of intent to issue a purchase order to CDWGovernment in the amount of \$78,463.15.

6. Economic Development Committee (EDC)

The EDC received a briefing on the Bowie Golf Course from the Assistant City Manager and engaged in a lively discussion about the future of that Bowie amenity. The EDC will be gathering additional information and intends to meet with the current Bowie Golf Course management team to learn more about the 'golf business' in Bowie. The EDC is also considering recommendations to the City Council about the future of the golf course both as a business and as a real property.

The next regular meeting of the Bowie EDC is Wednesday November 8, 2017 at 7:30 AM at City Hall.

7. Whitemarsh (Jesuit) Property Rezoning Filed

Yesterday, The Maryland-National Capital Park and Planning Commission (M-NCPPC) officially accepted the rezoning application submitted by Bowie Whitemarsh Elm, LC (Zoning Map Amendment A-10039). Staff will post the primary application materials (Statement of Justification, Basic Plan, and Traffic Analysis) on the City website by the end of next week. There are no defined timeframes in the Zoning Ordinance requiring scheduling of a Basic Plan hearing. According to the developer, they are not requesting the scheduling of any County hearings at this time, in order to allow time for them to meet with City Council to ask your consideration of City water and sewer service for the project. A written request for an appearance before Council is expected to be received by Thanksgiving.

JLF/lfr

Attachment



COMMISSION MEMBERS:
JANET E. McHUGH, *Chair*
JAMES R. BENJAMIN, JR.
KIM L. COBLE
JACOB YOSEF MILIMAN
CRAIG D. ROSWELL

STATE ETHICS COMMISSION

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October 3, 2017

John L. Fitzwater
Assistant City Manager
The City of Bowie
15901 Excalibur Road
Bowie, MD 20716



Re: Local Government Ethics Update

Dear Mr. Fitzwater:

As you are aware, there were significant changes mandated to county and municipal ethics laws and county boards of education ethics regulations by legislation (SB315 – Chapter 277 of the Acts of 2010) enacted during the 2010 General Assembly session. The law became effective October 1, 2010. Counties and municipalities required to adopt a local ethics law must include conflict of interest and financial disclosure provisions for local elected officials that are at least equivalent to the State's provisions; financial disclosure provisions for candidates for local elected office that are at least equivalent to State provisions; conflict of interest and financial disclosure provisions for local employees and appointed officials that are similar to State provisions; and local lobbying provisions that are substantially similar to State provisions. The State Ethics Commission previously approved the City of Bowie's local Ethics Law as being in compliance with Subtitle 8 of the Maryland Public Ethics Law (Md. Code Ann., Gen. Prov., Title 5 (Supp. 2016)).

We are writing to notify the City of Bowie that the requirements under the State Ethics Law are changing. House Bill 879, enacted during the 2017 Legislative session, made multiple modifications to the State Ethics Law, some of which will change the requirements for local government ethics laws. Those changes include additional disclosures for State elected officials that local governments must incorporate into their Ethics Ordinances for their elected officials. However, a number of changes relax certain of the financial disclosure requirements, particularly for debt and stock holding disclosures, and make home addresses confidential from public disclosure. We have included an attachment describing the changes that need to be included in the new drafts of Ethics Law, highlighting the additional provisions that must be included in a law to be compliant with State law, and the changes that relax some requirements and may be adopted if desired by the City. In addition, we have also included our new model laws with the changes

highlighted on our website. Most of the changes take effect October 1, 2017 and our regulations implementing these changes are in the approval process.

Commission staff is available to provide guidance and assistance to the City of Bowie as you work through updating your law to incorporate the new changes. Please do not hesitate to contact us should you have any questions regarding the new local government ethics law requirements. As a reminder, any and all future changes to the ethics ordinance must be submitted to the Commission for review and approval in compliance with Subtitle 8 of the Maryland Public Ethics Law and COMAR 19A.04.

Finally, Section §5-807(b) of the Public Ethics Law requires each local jurisdiction to file the Local Government Ethics Law Annual Certification by October 1 of each year. Given the timing of these legislative changes, we do not anticipate 2017 certifications will include any of the changes discussed above. Our office has already received the City of Bowie's certification for 2017. Please contact our office if you have any questions regarding this matter.

Sincerely,

A handwritten signature in blue ink that reads "Kath P. Thompson".

Katherine P. Thompson
Assistant General Counsel

Enclosures

Changes that **must** be adopted for local government compliance with the requirements of Subtitle 8 of the Public Ethics Law or COMAR 19A.04.:

1. 5-504(d)(2). Precludes Governor, Lieutenant Governor, AG, Comptroller, Treasurer or a Member of the General Assembly from lobbying (legislative matters) for one calendar year after leaving office. *Needs to be added to the conflict of interest section covering local elected officials.*
2. 5-606(a)(3). Effective January 1, 2019, Commission may not provide public access to the portion of a financial disclosure statement that includes an individual's home address as identified by the individual (i.e. the Commission must redact the information before making it publicly available). Applies to all statements, whether posted on the Internet or viewable only in the Office. *Home addresses should be redacted from public disclosure. Local employees and elected officials don't have to worry about the public being able to see their home address on their filings submitted after January 1, 2019.*

Changes that **must** be adopted for local government compliance with the requirements of Subtitle 8 of the Public Ethics Law or COMAR 19A.04. for those local governments with lobbying provisions:

1. 5-501(a-1). Adds new subsection prohibiting former lobbyists who become a public official or State employee (i.e. take job with the State) from participating in a case, contract or other specific matter for 1 calendar year after terminating their registrations if they previously assisted or represented another party in the matter (a "reverse" post-employment restriction for lobbyists). Does not apply to uncompensated or minimally compensated (less than 25% of grade 16) board/commission members or elected officials. *ONLY FOR JURISDICTIONS WITH LOBBYING PROVISIONS. Needs to be added the conflict of interest provisions to cover employees compensated over a certain amount.*
2. 5-607(i). Adds another category to Schedule H – for a statement filed on or after January 1, 2019, if the filer's spouse is a regulated lobbyist, must disclose the entity that has engaged the spouse to lobby. *ONLY FOR JURISDICTIONS WITH LOBBYING PROVISIONS. Requires spouses of lobbyists to disclose the entities that engage the lobbyist spouse on their annual disclosure filings.*

Changes that **may** be adopted if the local government chooses:

1. 5-101(t). Removes "exchange-traded funds" from the definition of "interest". An ETF is a diversified collection of assets (like a mutual fund) that trades on an exchange (like a stock). *Now, as is the case with mutual funds, financial disclosure filers will no longer have to disclose interests they hold in ETFs.*
2. 5-506. Adds three specific circumstances that constitute violation of the prestige of office provision (influencing the award of a State or local contract to a specific person; initiating a solicitation for a person to retain the compensated services of a particular lobbyist or firm; using public resources or title to solicit a political contribution regulated in accordance with the Election Law Article). In the last situation, employees and public officials may not use title or public resources, State officials may not use public

resources. *The State Ethics Commission has already interpreted these kinds of actions to be in violation of the prestige of office provision. Local governments are able to include these specific circumstances in their law if they would like or any other for clarifying purposes.*

3. 5-607(g). Changes the Schedule F disclosure (indebtedness to entities doing business with the State) to indebtedness to entities doing business with or regulated by the individual's governmental unit. *Instead of disclosing all indebtedness to entities doing business with the local government, only debts with entities doing business with the specific governmental unit must be disclosed by filers.*
4. 5-606(a)(2). Effective January 1, 2019, Ethics Commission must provide Internet access, through an online registration program, to financial disclosure statements submitted by State officials, candidates for office as State officials, and Secretaries of a principal department of the Executive Branch. *Local governments can now decide to put the local disclosure forms online for public viewing.*
5. 5-704. Codifies disclosure requirements for lobbyists who serve on State boards and commissions. Also codifies a requirement for such a lobbyist who is disqualified from participating in a specific matter to file a statement of recusal with the board or commission. *ONLY FOR JURISDICTIONS WITH LOBBYING PROVISIONS. Requires lobbyists who serve on local boards to submit disclosure forms that mirror the forms for local elected officials.*