

MEMORANDUM

TO: City Council

FROM: David J. Deutsch
City Manager

SUBJECT: ***Status Report***

DATE: April 25, 2013

1. Buckingham at Belair Preliminary Subdivision Plan

The City has received the referral of this Preliminary Subdivision Plan, which proposes to create three (3) new residential lots: one (1) containing an existing single-family dwelling; and, two (2) new building lots. The subject property contains 32,494 sq. ft., is zoned R-55 and has frontage on Belair Drive, Bartlett Lane and Beaverdale Lane. A Stakeholders Meeting for this case has been scheduled for Tuesday, May 7th at 7:00 p.m. in the Council Chambers. No other public hearing dates have been set yet. Council will be advised of the schedule of this application in the near future.

2. Rain Barrel Workshop

On Saturday, April 27, 2013, the City and the Bowie Lions Club will host the 5th annual rain barrel workshop at City Hall at 10:00 a.m. in Training Room 243. After a brief introduction to stormwater and watersheds by Planning Department staff, the Lions Club President will present the benefits of rain barrels and will teach attendees how to install and care for their rain barrel. The Lions Club will have completely assembled, ready-to-install 55-gallon rain barrels for sale at a cost of \$75 each. All proceeds go to support Bowie Lions Club activities. Registration is not required. For more information, contact the City's Watershed Manager, Tiffany Wright, at 301-809-3043 or by email at twright@cityofbowie.org. Please feel free to pass this along to your constituents and to join us this Saturday morning!

3. WMATA On-Time Performance Information

As requested by Councilmember Trouth at the April 15th WMATA presentation, attached are the pages from the Technical Memorandum that identify on-time performance for the B-routes. As Mr. Requa explained, the acceptable standard is two (2) minutes early to seven (7) minutes late. All of the run time deficiencies identified on the attached Table 15 are within WMATA standards. Based on the data collected, only the B-25 route did not meet the 80% all day, on-time threshold, since the route

experiences some issues with on-time performance due to mid-day and PM peak periods. This route travels Annapolis Road (MD 450), Moylan Drive, Millstream Drive, Belair Drive, Tulip Grove Drive and Collington Road (MD 197). A solution would be to increase the run times on this route.

4. City Public Ethics Code - Lobbying

Section 2-73A of the City Code (copy attached) states that, “any person or entity who engages in lobbying before the Council ... shall file a lobbying registration with the Commission.” This provision is part of the City’s Public Ethics Code that was adopted by City Council in September 2011. The State of Maryland requires this provision in local ethic ordinances and therefore the enforcement of the lobbying provisions are mandated by the State. The City Public Ethics Commission has adopted the following attached documents pertaining to the implementation of this requirement:

- General Information About Lobbying
- Lobbying Registration Form
- Statement for the City Council on Lobbying Requirements

The Chairman of the City Ethics Commission, Mr. Benjamin Woolery, appeared before City Council at your meeting of March 18, 2013 requesting that City Council begin the implementation of this requirement and that the Mayor read the attached announcement at the beginning of each meeting to inform those attending the meeting that they may be subject to the lobbying requirements and need to fill out a Lobbying Registration Form. Staff would suggest that City Council begin implementation of these provisions at your May 6, 2013 City Council Meeting and continue this practice at each City Council meeting thereafter. Please let me know if you have any questions about the implementation of this requirement.

5. Bowie BIC (BBIC) Company Named Awards Finalist

Organizers on Wednesday announced the 23 finalists for the 13th Annual Maryland Incubator Company of the Year Awards, to be presented June 13 in Baltimore. The awards annually honor the top current and graduate companies from Maryland's network of incubators. Finalists and incubators include: ADASHI Systems (ETC), Biologics Resources (GIC), Blue Wave Semiconductors (UMBC), Boss Medical (ETC), Clear Guide Medical (JHU), Creatv MicroTech (SGIC), Curiosityville (ETC), DSPlogic (GIC), GCC Technologies (GIEC), KoolSpan (UMBC), Light Point Security (UMBC), Maryland Energy and Sensor Technologies (MTECH), Mosaic Power (FITC, MCE), Plasmonix (UMBC), Rehabtics (ETC), Riskive (Betamore), Foodem.com/RKA Enterprises (ETC), Savenia Labs (BGBI), Social Growth Technologies (MCE), SOL VISTA (SSIC), Unbound Concepts (MCE), Vasoptic Medical (MCE) and **Vertical Wind Ventures (BBIC)**. Awards website: <http://www.mdincubatoraward.com/>.

5.0 On-Time Performance and Actual Run Time versus Scheduled Run Time

The data in this section outline the Bowie Lines weekday on-time performance by time of day and also shows actual run times versus scheduled run times for the purpose of identifying potential schedule issues on the lines.

Table 14: Weekday On-Time Performance - % of Trips On-Time by Time of Day

Weekday On-Time Performance - % of Trips On Time					
	AM Peak	Mid-Day	PM Peak	Evening	All Day
B21	88%	93%	95%	86%	91%
B22	84%	90%	82%	85%	85%
B24	90%	89%	73%	80%	84%
B25	82%	70%	79%	92%	76%
B27	98%	NA	96%	85%	95%
B29	93%	NA	74%	NA	80%
B31	NA	NA	NA	86%	85%

Source: WMATA On-Time Performance Report

Note: On Time defined as: Trip arrives between two minutes before scheduled arrival time and seven minutes after scheduled arrival time

The data in **Table 14** above shows a number of on-time performance issues on the Bowie Lines relative to the WMATA guidelines for on-time performance, which states that service should be on-time a minimum of 80% of the time. Based on this guideline, the B25 is the one route where on-time performance appears to be an issue due to issues during the mid-day and PM peak periods. Other routes that do not meet the on-time performance standard include the B24 and B29 during the PM peak.

Weekday scheduled run time versus actual run time for the Bowie Lines is shown in **Table 15**.

Table 15: Bowie Lines – Average Difference Between Scheduled Run Time and Actual Run Time – By Time of Day

Route Pattern	Direction	Average Difference – Actual vs. Scheduled (minutes)
AM Peak (6:00-9:00 AM)		
B22	Westbound	-0.3
B24	Westbound	3.4
B27	Southbound	1.0
B29	Westbound	0.1
B21	Eastbound	6.6
B25	Eastbound	4.3
B27	Northbound	1.9
B29	Eastbound	3.8
Mid-Day (9:00 AM-3:00PM)		
B21	Westbound	0.5
B22	Westbound	-0.2
B24	Westbound	3.1
B21	Eastbound	3.7
B22	Eastbound	-0.3
B25	Eastbound	7.7
PM Peak (3:00-7:00PM)		
B21	Westbound	1.2
B24	Westbound	3.7
B27	Southbound	1.3
B29	Westbound	-0.2
B22	Eastbound	-0.8
B24	Eastbound	3.9
B25	Eastbound	5.7
B27	Northbound	2.5
B29	Eastbound	3.9

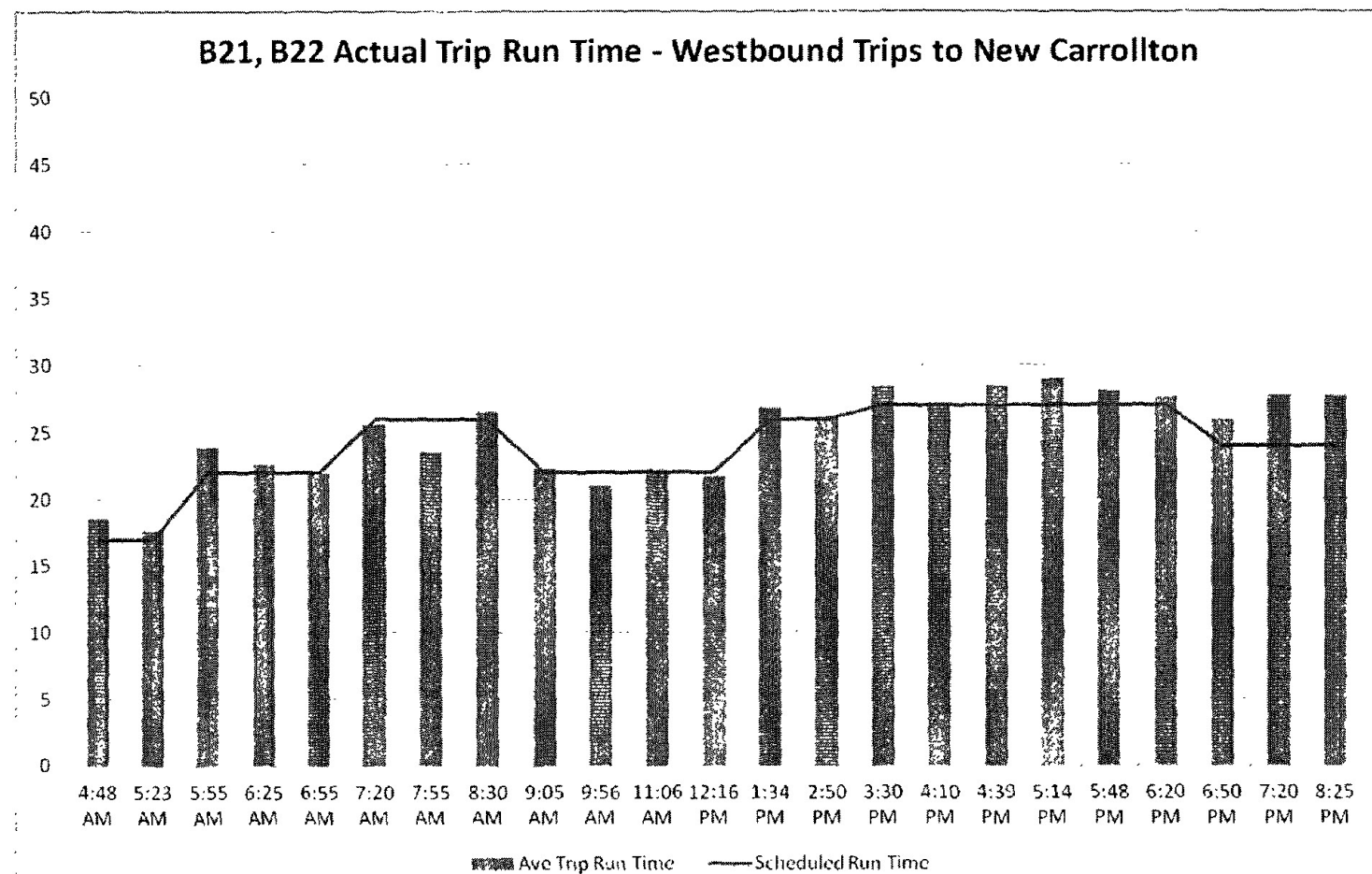
Source: WMATA Run Time Summary Median Arrival Times (Sept.-Nov. 2012)

Note: On Time defined as: Trip arrives between two minutes before scheduled arrival time and seven minutes after scheduled arrival time

The data in **Table 15** shows differences in actual run time versus scheduled run time. Run time differences of over 5 minutes are found along the B21 eastbound during the AM peak and the B25 eastbound during the midday and PM peak. Other run times of over 3 minutes include the B24 westbound throughout the day, the B25 eastbound AM peak, and the B29 eastbound during the AM and PM peaks. All of these run time discrepancies are within WMATA's on-time definition (2 minutes early to 7 minutes late).

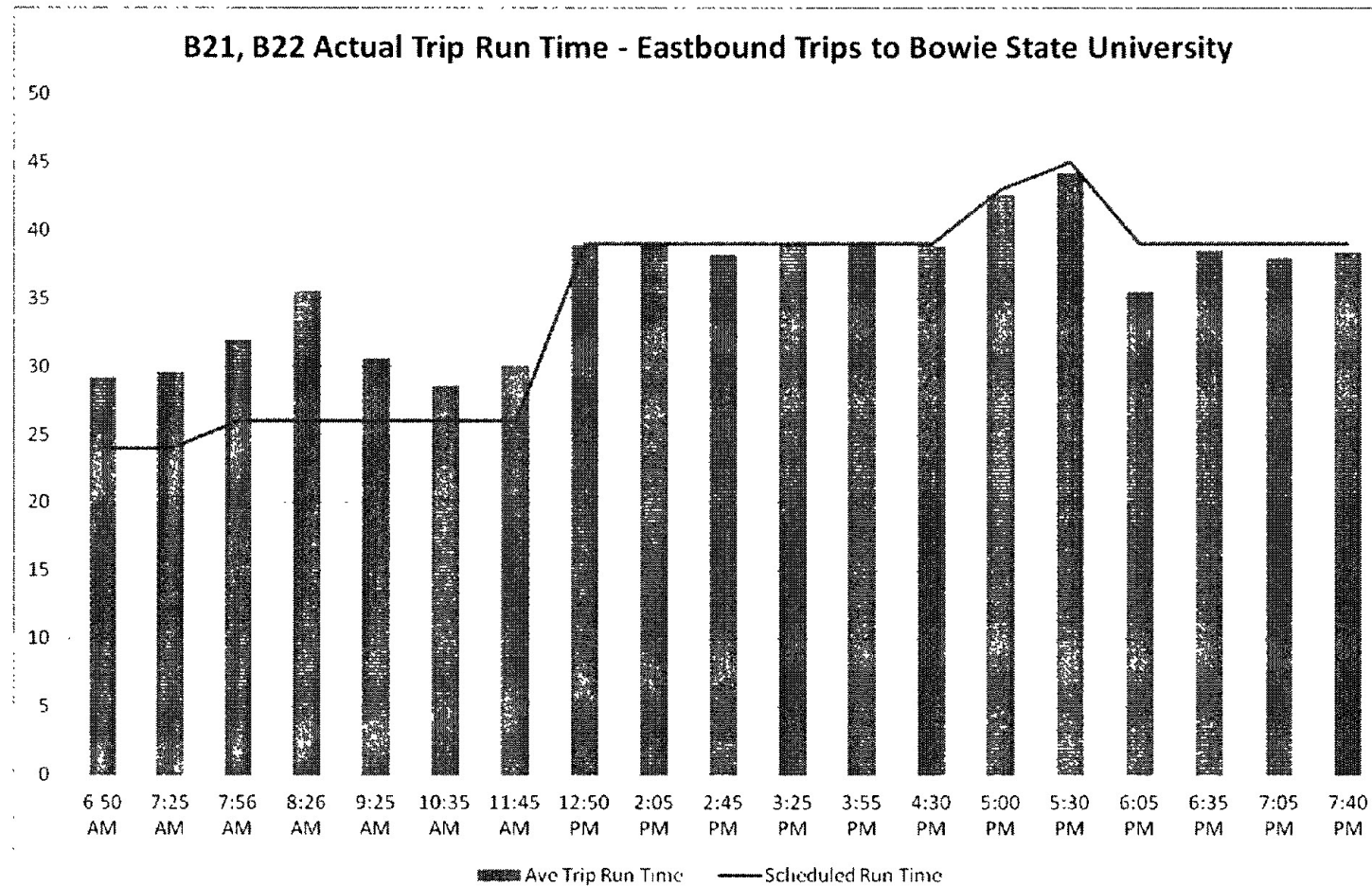
Figures 56-63 show actual weekday trip times, compared to scheduled trip times by time of days. These graphical representations of trip times underscore the differences in average actual run times versus scheduled run times as shown in **Table 15**.

Figure 56: B21, B22 Actual Trip Run Time – Westbound Direction – Trips to New Carrollton



Source: WMATA Run Time Summary Median Arrival Times (Sept.-Nov. 2012)

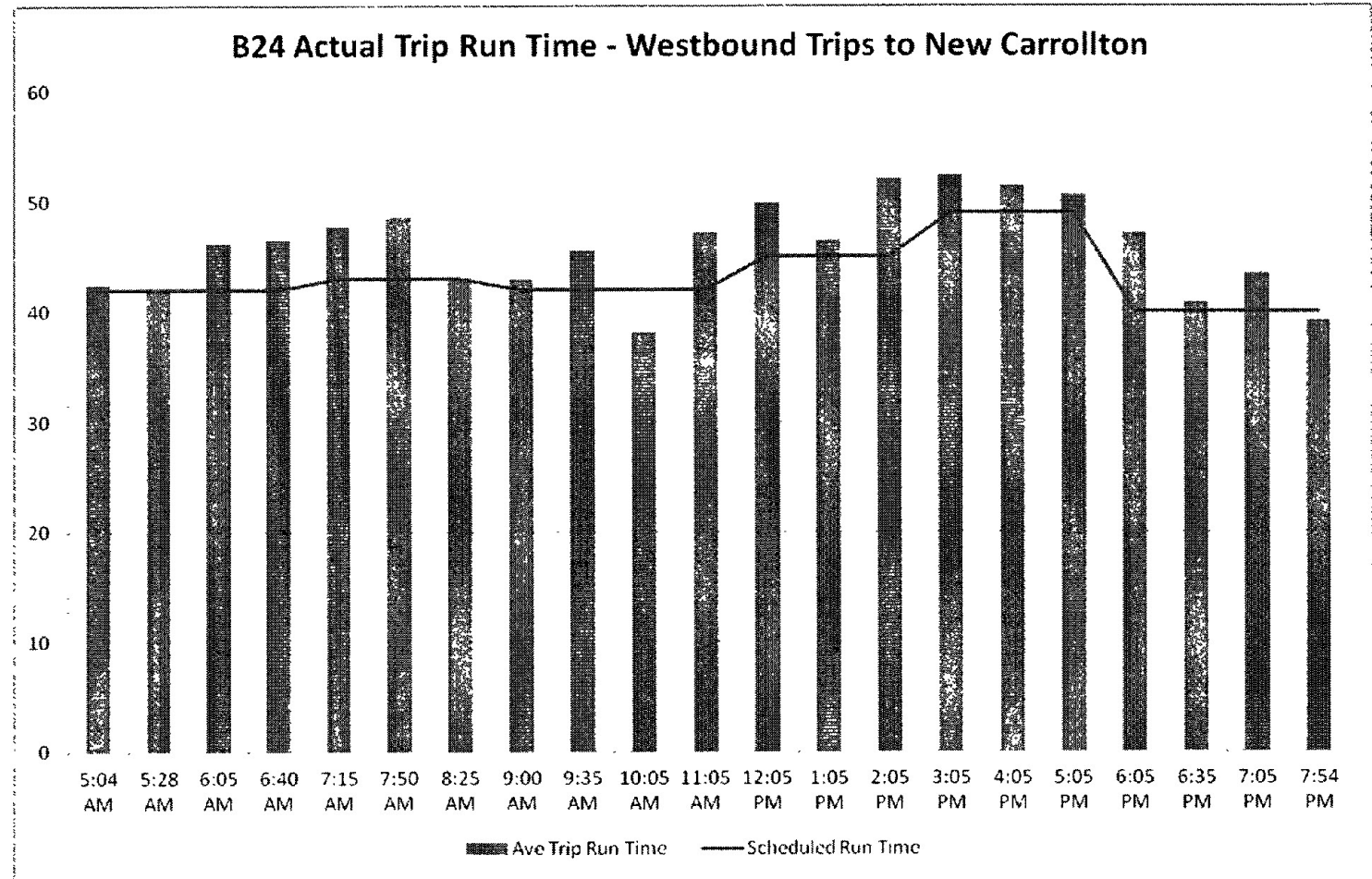
Figure 57: B21, B22 Actual Trip Run Time – Eastbound Direction – Trips to Bowie State University*



Source: WMATA Run Time Summary Median Arrival Times (Sept.-Nov. 2012)

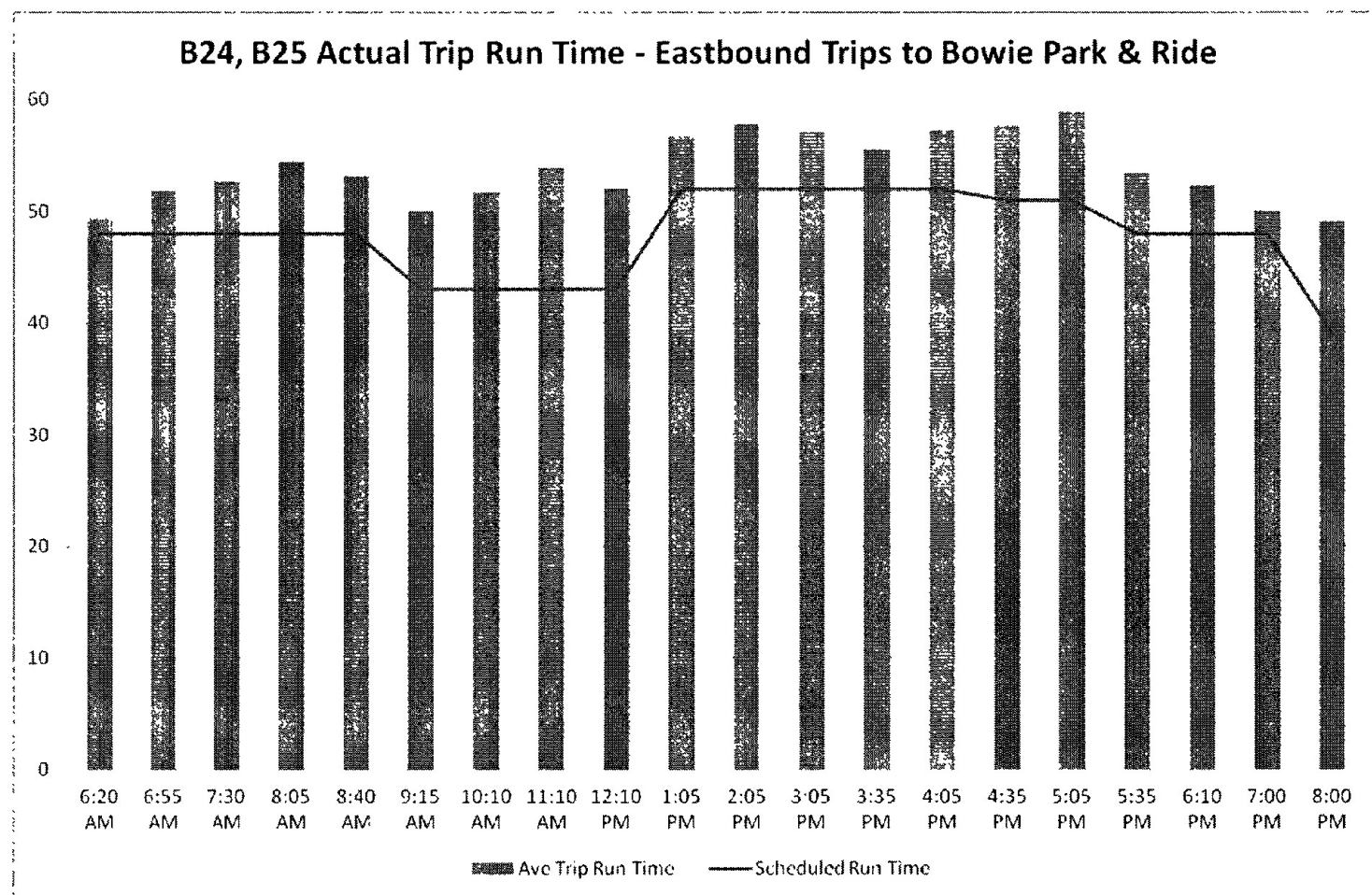
*8:56 AM Trip Data Missing

Figure 58: B24 Actual Trip Run Time – Westbound Direction – Trips to New Carrollton



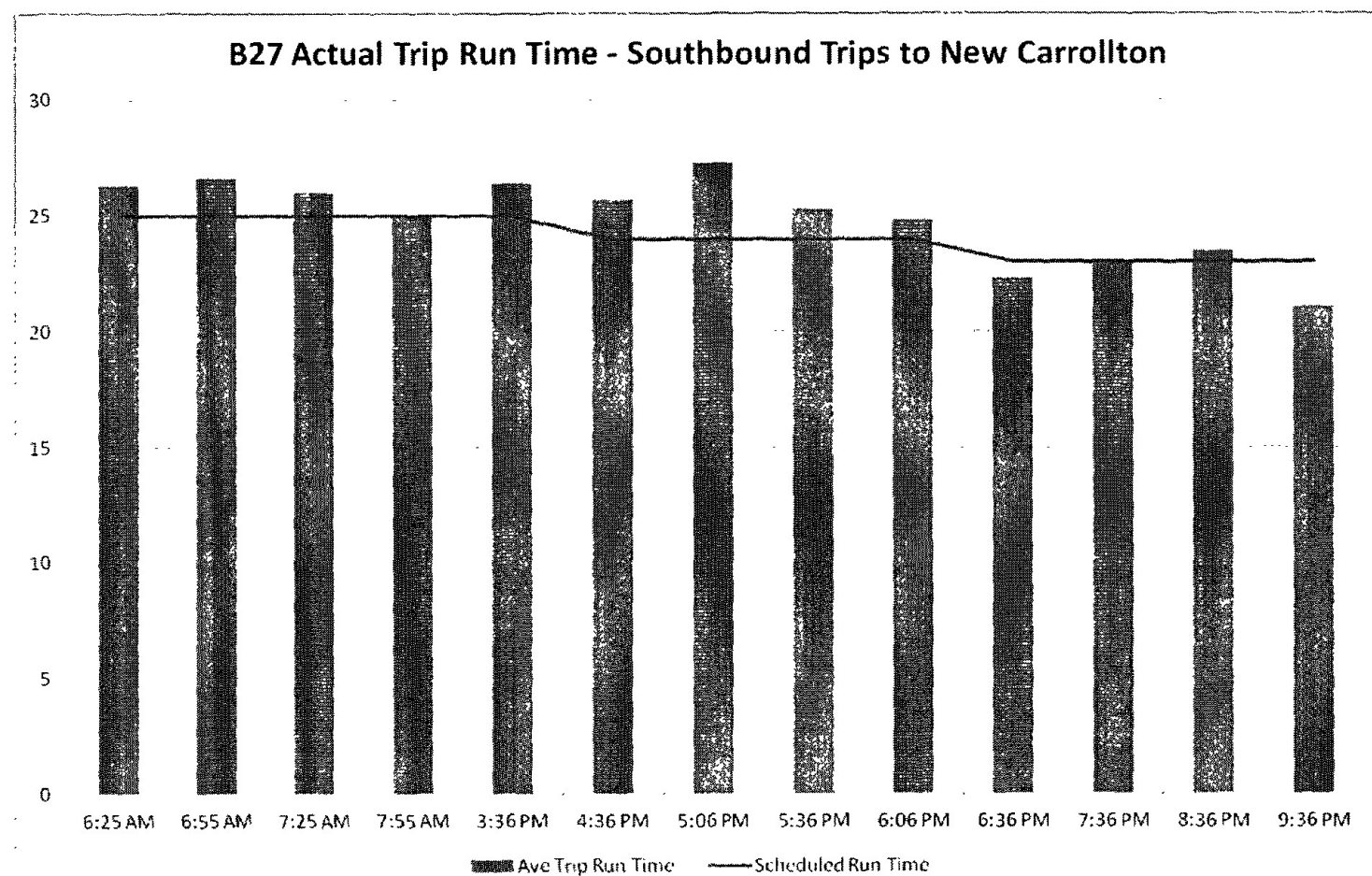
Source: WMATA Run Time Summary Median Arrival Times (Sept.-Nov. 2012)

Figure 59: B24, B25 Actual Trip Run Time – Eastbound Direction – Trips to Bowie Park & Ride

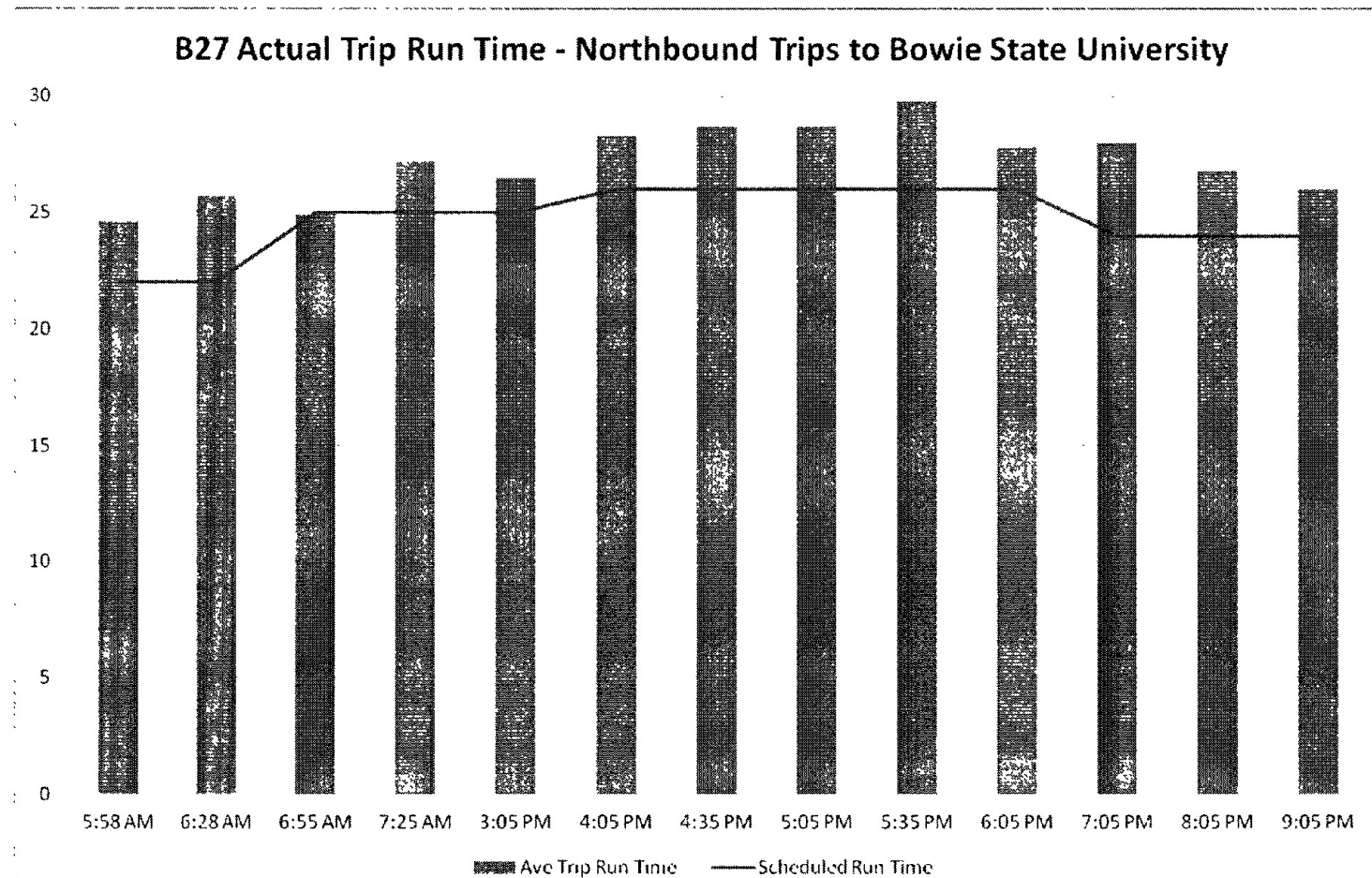


Source: WMATA Run Time Summary Median Arrival Times (Sept.-Nov. 2012)

Figure 60: B27 Actual Trip Run Time – Southbound Direction – Trips to New Carrollton

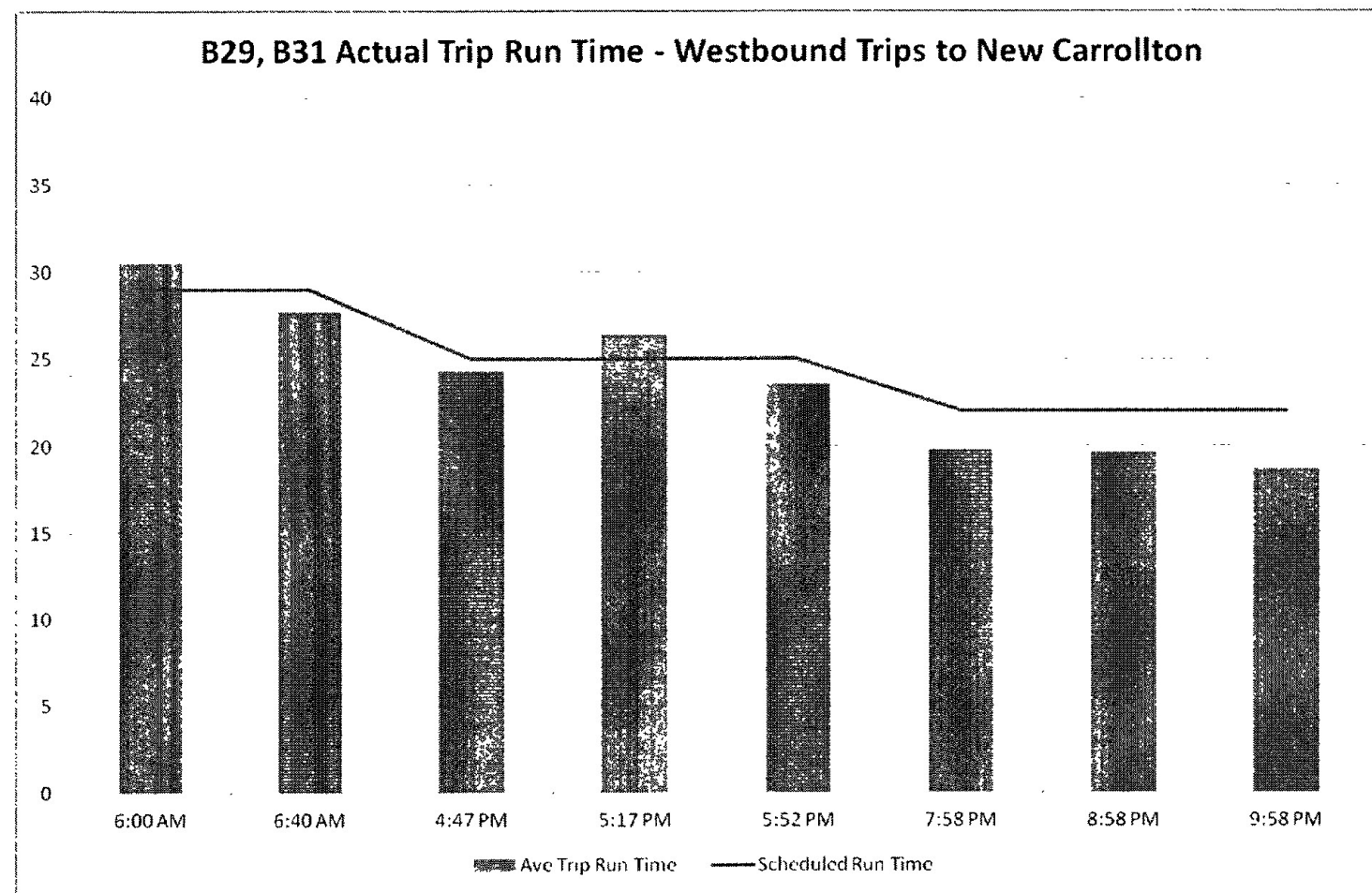


Source: WMATA Run Time Summary Median Arrival Times (Sept.-Nov. 2012)

Figure 61: B27 Actual Trip Run Time – Northbound Direction – Trips to Bowie State University

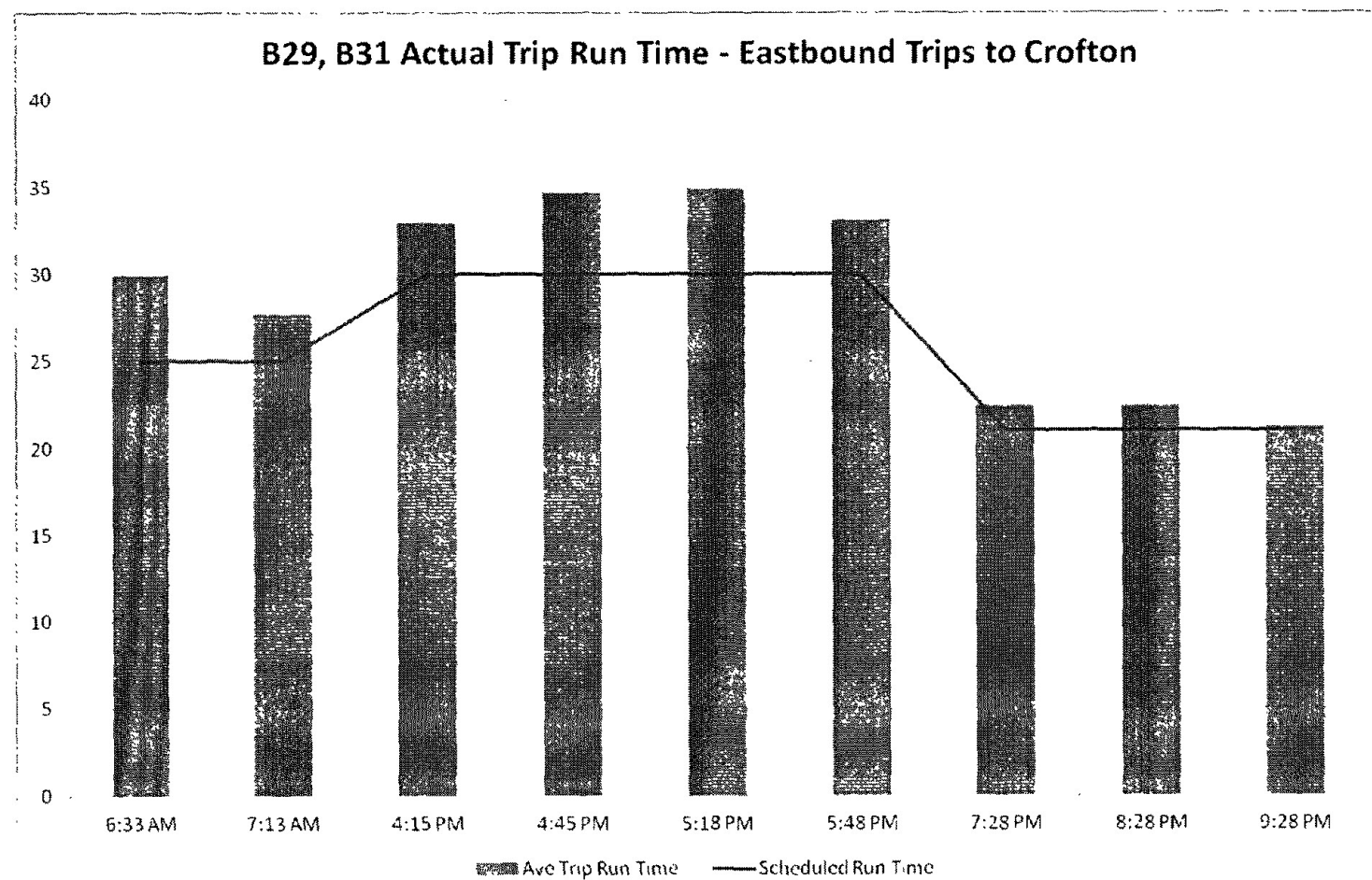
Source: WMATA Run Time Summary Median Arrival Times (Sept.-Nov. 2012)

Figure 62: B29, B31 Actual Trip Run Time – Westbound Direction – Trips to New Carrollton



Source: WMATA Run Time Summary Median Arrival Times (Sept.-Nov. 2012)

Figure 63: B29, B31 Actual Trip Run Time – Eastbound Direction – Trips to Crofton



Source: WMATA Run Time Summary Median Arrival Times (Sept.-Nov. 2012)

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C. On or before February 15 of each year during which an official or employee holds office, an official or employee shall file a statement disclosing gifts received during the preceding calendar year from any person that contracts with or is regulated by the City, including the name of the donor of the gift and the approximate value at the time of receipt.

D. An official or employee shall disclose employment and interests that raise conflicts of interest in connection with a specific proposed action by the employee or official sufficiently in advance of the action to provide adequate disclosure to the public.

E. The Commission shall maintain all disclosure statements filed under this section as public records available for public inspection and copying as provided for in Sec. 2-71E of this Article.

Sec. 2-73A. Lobbying.

A. Except as provided for in subsections M and N of this section, any person or entity who engages in lobbying before the Council, or who acts as a lobbyist as defined in Section 2-68, shall file a lobbying registration with the Commission, on or before the beginning of the calendar year in which a person expects to lobby or before engaging in lobbying activities, if this person or entity, during the calendar year:

1. Expends, exclusive of personal travel and subsistence expenses in excess of Two Hundred and Fifty Dollars (\$250) in furtherance of this activity; or

2. Is compensated in excess of One Hundred Dollars (\$100) in connection with this activity.

B. The registration filed pursuant to this section shall be dated and on a form developed by the Commission with the assistance of the City Attorney, and shall include the following:

1. The lobbyist's full and legal name and permanent address;

2. The full and legal name and address, and nature of business of any person or entity on whose behalf the lobbyist acts;

3. The written authorization of any person or entity on whose behalf the lobbyist acts or an authorized officer or agent, other than the lobbyist, of the person or entity on whose behalf the lobbyist acts;

4. A statement of whether the person or entity on whose behalf the lobbyist acts is exempt from registration pursuant to subsection N of this section;

5. The identification by formal designation if known of matters on which the lobbyist expects to act;

6. The identification of the period of time within a single calendar year during which the lobbyist is authorized to engage in these activities, unless sooner terminated; and

7. The full legal signature of the lobbyist and, when appropriate, the person or entity on whose behalf he acts, or an agent or authorized officer thereof.

C. A lobbyist shall file a separate registration for each such person or entity that has engaged or employed the lobbyist for lobbying purposes.

D. A lobbyist may terminate his registration by providing written notice to the Commission. Any outstanding reports and registrations must be submitted with this notification. Termination shall be effective thirty (30) days after receipt by the Commission of this notice properly filed.

E. No person or entity may engage in lobbying activities on behalf of another person or entity for compensation, the payment of which is contingent upon the passage or defeat of any action by the City Council or the outcome of any executive action.

F. Each lobbyist shall file with the Commission one (1) report concerning the lobbyist's lobbying activities covering the period beginning January 1 through June 30, filed by July 31, and one report covering the period beginning July 1 through December 31, filed by January 31. If the lobbyist is not an individual, an authorized officer or agent of the entity shall sign the form. A separate activity report shall be filed for each person on whose behalf the lobbyist acts. The report shall include:

1. A complete and current statement of the information required to be supplied with the lobbyist's registration form.

2. Total expenditures on lobbying activities in each of the following categories:

- a. Total compensation paid to the lobbyist not including expenses reported under Items B-I of this subsection.

- b. Office expenses of the lobbyist;

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- c. Professional and technical research and assistance not reported in subparagraph 1 of this subsection;
- d. Publications which expressly encourage persons to communicate with City officials or employees;
- e. Names of witnesses, and the fees and expenses paid to each;
- f. Meals and beverages for City officials or employees;
- g. Reasonable expenses for food, lodging, and scheduled entertainment of City officials or employees at a meeting given in return for the official or employee's participation in a panel or speaking engagement at the meeting;
- h. Other gifts to or for officials or employees or their spouses or dependent children; and
- i. Other expenses.

G. With the six-month activity report required under subsection F about, a lobbyist shall report, except for gifts reported in Paragraphs F.2.g above, gifts from the lobbyist with a cumulative value of seventy five dollars (\$75) or more during the reporting period to an official, employee, or member of the immediate family of an official or employee, whether or not the gift was given in connection with the lobbyist's lobbying activities.

H.

1. If any report filed under this section contains the name of an official or employee or member of his immediate family, the Commission shall notify the official or employee within thirty (30) days. The Commission shall keep the report confidential for sixty (60) days following receipt by the Commission.

2. Following notification of the inclusion of his name in a report filed by a lobbyist an official or employee shall have thirty (30) days to file a written exception to the inclusion in the report of his name or the name of a member of the immediate family of the official or employee.

I. The Commission may require a lobbyist to submit other reports as it deems necessary.

J. All registrations and reports filed pursuant to this section shall be maintained by the Commission, or the City Clerk. The Commission shall make lobbying registrations and reports available during normal office hours for examination and copying by the public, subject to such reasonable fees and administrative procedures as may be established by the City Council or by the Commission. The forms shall be retained for four (4) years from the date of receipt.

K. The registration and reports filed pursuant to this section shall be reviewed by the Commission for compliance with the provisions of this section, and persons engaging in lobbying activities shall be notified of any omissions or deficiencies. The Commission may take appropriate enforcement action to ensure compliance with this section.

L. The Commission shall compute and make available a subtotal under each of the nine required categories in subparagraph F.2 above. The Commission shall compute and make available the total amount reported by all lobbyists for their lobbying activities during the reporting period.

M. The following activities are exempt from regulation under this section:

1. Professional services in drafting bills or in advising and rendering opinions to clients as to the construction and effect of proposed or pending City Council actions when these services do not otherwise constitute lobbying activities.

2. Appearances before the City Council upon its specific invitation or request, but only if the person or entity engages in no further or other activities in connection with the passage or defeat of City Council actions.

3. Appearances as part of the official duties of a duly elected or appointed official or employee of the State or a political subdivision of the State, or of the United States and not on behalf of any other entity.

4. Actions of a publisher or working member of the press, radio, or television in the ordinary course of business of disseminating news or making editorial comment to the general public who does not engage in further or other lobbying that would directly and specifically benefit the economic, business, or professional interests of the person or entity or the employer of the person or entity.

5. Appearances by an individual before the City Council at the specific invitation or request of a registered lobbyist if the person performs no other lobbying act and notifies the City Council that the person or entity is testifying at the request of the lobbyist.

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6. Appearances by an individual before a government agency as the specific invitation or request of a registered lobbyist if the person or entity performs no other lobbying act and notifies the agency that the person or entity is testifying at the request of the lobbyist.

7. The representation of a bona fide religious organization solely for the purpose of protecting the right of its own members to practice the doctrine of the organization.

8. Appearances as part of the official duties of an officer, director, member, or employee of an association engaged exclusively in lobbying for counties and municipalities and not in behalf of any other entity.

N. A person or entity who compensates one or more lobbyists and who would otherwise be required to register as a lobbyist and submit reports pursuant to this section is not required to file a registration and file lobbying reports if he reasonably believes that all expenses incurred in connection with his lobbying activities will be reported by a properly registered person or entity acting of his behalf. The authorization required by subsection B3 of this section shall be completed by these individuals as to persons acting on their behalf. Persons or entities exempted herein, however, become subject to the provisions of this section immediately upon failure of the lobbyist to report any information required by this section.

Sec. 2-73B. Enforcement.

A. Upon a finding of a violation of any provision of this Article, the Commission may:

1. Issue an order of compliance directing the respondent to cease and desist from the violation;

2. Issue a reprimand; or

3. Recommend to the City Council other appropriate discipline of the respondent, including censure or removal if that discipline is authorized by law.

B. If the commission finds that a respondent has violated Section 2-73A of this Article, the Commission may:

1. Require a respondent who is a registered lobbyist to file any additional reports or information that reasonably related to the information that is required under Section 2-73A of this Article;

2. Suspend the registration of an individual registered lobbyist if the Commission finds that the lobbyist has knowingly and willfully violated Section 2-73A of this Article or has been convicted of a criminal offense arising from lobbying activities.

C. Upon request of the City Council, the City Attorney may file a petition for injunctive or other relief in the Circuit Court for Prince George's County, or in any other court having proper venue for the purpose of requiring compliance with provisions of this Article. The City Attorney may seek:

1. To have the Court issue an order to cease and desist from the violation; or

2. To void an official action taken by an official or employee with a conflict of interest prohibited by this Article when the action arises from or concerns the subject matter of the conflict, and if the legal action is brought within ninety (90) days of the occurrence of the official action, if the Court deems voiding the action to be in the best interest of the public, provided however, that the Court may not void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidences of public obligation; or

3. To impose a fine of up to Five Thousand Dollars (\$5,000) for any violation of the provisions of this Article, with each day upon which the violation occurs constituting a separate offense.

D. Any person who knowingly and willfully violates the provisions of Section 2-72 of this Article is guilty of a misdemeanor, and upon conviction, is subject to a fine of not more than One Thousand Dollars (\$1,000) or imprisonment for not more than one year, or both. If the person is a business entity and not a natural person, each officer and partner of the business entity who knowingly authorized or participated in the violation is guilty of a misdemeanor and, upon conviction, each is subject to the same penalties as the business entity.

E. In addition to any other enforcement provisions in this Article a person who the Commission or a court of competent jurisdiction finds has violated this Article is subject to termination or such other disciplinary action as may be warranted, and may be suspended from receiving payment of salary or other compensation pending full compliance with the terms of an order of the Commission or a court.



City of Bowie Ethics Commission
15901 Excalibur Road, Bowie, MD 20716
P: 301-809-3075
F: 301-809-2302
www.cityofbowie.org

General Information About Lobbying

“Lobbying” is defined in §2-68K of the Bowie Public Ethics Ordinance, as:

1. Communicating in the presence of a City official or employee with the intent to influence any official action of that official or employee; or
2. Soliciting others to communicate with a City official or employee with the intent to influence that official or employee.

“Lobbyist” is defined in §2-68L as “a person or entity that engages in lobbying.”

“Lobbying registration” is required under §2-73A, of any person who engages in lobbying before the City Council, or who acts as a lobbyist, if that person:

1. Spends, exclusive of personal travel and subsistence expenses, a minimum of \$200 during the calendar year in furtherance of lobbying activities; or
2. Receives compensation in excess of \$100 in connection with lobbying activities during the calendar year.

Exemptions to the registration requirement, under §2-73M, are provided for the following activities:

1. Professional services in drafting bills or in advising and rendering opinions to clients as to the construction and effect of proposed or pending City Council actions when these services do not otherwise constitute lobbying activities.
2. Appearances before the City Council upon its specific invitation or request, but only if the person or entity engages in no further or other activities in connection with the passage or defeat of City Council actions.
3. Appearances as part of the official duties of a duly elected or appointed official or employee of the State or a political subdivision of the State, or of the United States and not on behalf of any other entity.

4. Actions of a publisher or working member of the press, radio, or television in the ordinary course of business of disseminating news or making editorial comment to the general public who does not engage in further or other lobbying that would directly and specifically benefit the economic, business, or professional interests of the person or entity or the employer of the person or entity.
5. Appearances by an individual before the City Council at the specific invitation or request of a registered lobbyist if the person performs no other lobbying act and notifies the City Council that the person or entity is testifying at the request of the lobbyist.
6. Appearances by an individual before a government agency as the specific invitation or request of a registered lobbyist if the person or entity performs no other lobbying act and notifies the agency that the person or entity is testifying at the request of the lobbyist.
7. The representation of a bona fide religious organization solely for the purpose of protecting the right of its own members to practice the doctrine of the organization.
8. Appearances as part of the official duties of an officer, director, member, or employee of an association engaged exclusively in lobbying for counties and municipalities and not in behalf of any other entity.

An additional exemption from the registration requirement is provided under §2-73N where:

A person or entity who compensates one or more lobbyists and who would otherwise be required to register as a lobbyist and submit reports pursuant to this section is not required to file a registration and file lobbying reports if he reasonably believes that all expenses incurred in connection with his lobbying activities will be reported by a properly registered person or entity acting of his behalf. The authorization required by subsection B3 of this section shall be completed by these individuals as to persons acting on their behalf. Persons or entities exempted herein, however, become subject to the provisions of this section immediately upon failure of the lobbyist to report any information required by this section.

Failure to comply with lobbying registration and reporting requirements may result in the imposition of late fees (§2-69M).

If you have any questions about registration or reporting requirements please contact the ethics commission or the assistant city manager.



City of Bowie Ethics Commission
15901 Excalibur Road, Bowie, MD 20716
P: 301-809-3075
F: 301-809-2302
www.cityofbowie.org

(Note: Please type or print front and back legibly or the form will not be accepted.)

LOBBYIST REGISTRATION FORM - 2013

[Authority: §2-73A, Public Ethics Ordinance]

1. Provide the name, permanent address, telephone number, fax, and e-mail address of the lobbyist:*

2. Provide the name, address, and telephone numbers of person(s) or entity on whose behalf the lobbyist will act (the employer/client of the lobbyist):

3. Describe the nature or type of the business or the interest of the employer/client of the lobbyist:

4. The employer/client of the lobbyist is (check one): exempt __ not exempt __
from filing a lobbyist registration, under §2-73N. [Note: The employer/client of a lobbyist is exempted from filing a separate registration if the employer/client reasonably believes that all expenses incurred by the lobbying activities of the employer/client will be reported by the undersigned registered lobbyist.]

5. Identify the subject matter(s) on which the lobbyist expects to represent this employer/client, including the formal designation of any proposed legislation or other matters, if known:

* The ethics law does not require disclosure of the lobbyist's phone, fax, or e-mail address. This information is needed to permit efficient communications between the ethics commission and the lobbyist. If you do not want to make this information publicly available, please check this box ☐ and the information will be redacted from the public file.

6. This registration will be effective from the date upon which it is signed until (choose one): December 31, 2013 _____ or _____, 2013, unless terminated earlier upon written notice.

Date: _____ Signature of Lobbyist: _____

AUTHORIZATION

I hereby authorize the above-named lobbyist to act on my behalf according to the information contained in this registration form.

Signature of Employer/Client if an individual: _____

Signature and Title of authorized officer or
Agent if the Employer/Client is a corporation: _____

Printed Name of person signing: _____

The Ethics Commission has requested me to advise you that under certain circumstances, members of the public may qualify as lobbyists when they testify before the City Council. If so, the Bowie Ethics Ordinance requires that certain information be filed with the Ethics Commission. Please review the information about lobbying that is provided with the City Clerk. If you have any questions about lobbying, please contact the Ethics Commission or the Assistant City Manager.