

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
Tuesday, May 25, 2010**

**Present:** Commissioner President Francis Jack Russell  
Commissioner Kenneth R. Dement  
Commissioner Lawrence D. Jarboe  
Commissioner Thomas A. Mattingly, Sr.  
Commissioner Daniel H. Raley  
John Savich, County Administrator  
Donna Gebicke (Recorder)

**CALL TO ORDER**

Commissioner President Russell called the meeting to order at 9:02 am.

**APPROVAL OF CHECK REGISTER**

**Commissioner Raley moved, seconded by Commissioner Mattingly, that the bills for May 25, 2010, be approved as submitted by staff. Motion carried 4-1.** Commissioner Jarboe voted no.

**APPROVAL OF MINUTES**

**Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the minutes of the meeting of Tuesday, May 18, 2010, as presented. Motion carried 5-0.**

**Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the minutes of the Public Hearing of Wednesday, May 19, 2010, as presented. Motion carried 5-0.**

**Commissioner Dement moved, seconded by Commissioner Jarboe, to approve the minutes of the Public Hearing of Thursday, May 20, 2010, as presented. Motion carried 5-0.**

**PROCLAMATIONS WERE PRESENTED IN RECOGNITION OF  
JANE ROBESON'S AND CORPORAL KEVIN D. SOMERVILLE'S,  
RETIREMENT AND FOR NATIONAL SAFE BOATING WEEK**

**COUNTY ADMINISTRATOR**

1. Draft Agendas for June 1 and 8, 2010

**2. Sheriff's Office** (*Sheriff Timothy K Cameron, Erin K Shoemaker, Fiscal Manager*)

**Commissioner Mattingly moved, seconded by Commissioner Jarboe, to accept the LGIT Training Grant, OT1006, from LGIT on behalf of the Sheriff's Office, in the amount of \$4,400, and authorize the Commissioner President to execute the related budget amendment increasing revenues and expenses in accordance with the award from the Supplemental Reserve. Motion carried 5-0.**

*Mr. Tim Ailsworth, Executive Director of the Local Government Insurance Trust (LGIT) presented the check to the Commissioners, Sheriff Cameron and Pamela McKay.*

**Commissioner Jarboe moved, seconded by Commissioner Dement, to authorize the Sheriff's Office staff to submit the grant application documents electronically for the Bullet Proof Vest Partnership Grant, US1116, from The Bureau of Justice in the amount of \$9,690, with the hard copy to be submitted for review at the award stage. Motion carried 5-0.**

**Commissioner Raley moved, seconded by Commissioner Dement, to authorize the Sheriff's Office staff to submit the grant application documents electronically for the Edward Byrne Memorial Justice Assistance (JAG) Program FY2010 Local Solicitation Grant, US1136, in the amount of \$29,055 consistent with the grant solicitation with full document review at the award stage. Motion carried 5-0.**

**Commissioner Mattingly moved, seconded by Commissioner Jarboe, to accept the Child Support Cooperative Reimbursement Incentive Grants, Project US1026, from the Maryland Department of Human Resources, on behalf of the St. Mary's County Sheriff's Office, in the amount of \$3,241, and to authorize the Commissioner President to execute the related budget amendment aligning the budget with the award amount. Motion carried 5-0.**

**Commissioner Jarboe moved, seconded by Commissioner Dement, to authorize the Sheriff's Office staff to submit the grant application documents electronically for the 2010 COPS Hiring Program, USRA11, from The Bureau of Justice in the amount of \$525,926 with the hard copy to be submitted for review at the award stage. Motion carried 5-0.**

**3. Dept. of Human Services** (*Cynthia Brown, Interim Director, Dept. of Human Resources; Julie A. Ohman, Mental Health Coordinator*)

**Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to execute the FY2011 Shelter Plus Care Grant (Agreement MH 488 OTH) Memorandum of Understanding related to project # US 1196 from the Maryland Mental Hygiene Administration on behalf of the St. Mary's County Department of Human Services for the Shelter Plus Care Housing Program in the amount of \$149,504. Motion carried 5-0.**

**Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to execute the FY2011 PATH Grant Memorandum of Understanding, project # US1189, from the Maryland Mental Hygiene Administration in the amount of \$45,950, and the related sub recipient agreement between St. Mary's County and Three Oaks Center. Motion carried 5-0.**

**Commissioner Raley moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to execute the FY2011 Five County Crownsville Project: Jail Services and Administration Letter of Agreement and contract proposal documents, project #s MD1153 and MD1192, from the Anne Arundel County Mental Health Agency on behalf of the Department of Human Services in the amount of \$78,222, to support the development, enhancement and maintenance of community based services. Motion carried 5-0.**

*(Kelsey R. M. Bush, Youth and LMB Coordinator; Joan Gelrud, Chair, Human Services Council)*

**Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to execute the FY2010 Mini-Grant Agreements between St. Mary's County and each of the three selected Grantees: Greenwell Foundation, Inc., Southern Maryland Center for Independent Living, and United Cerebral Palsy of Southern Maryland, Inc., for the amounts and purposes as specified in each individual agreement and to sign the related budget amendment to realign \$7,000 to the individual accounts for these entities. Motion carried 5-0.**

**4. Dept. of Economic & Community Development** *(Bob Schaller, Director)*

**Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President to execute the budget amendment reducing the Land Preservation AP1001 capital project by \$1,000,000 and returning these funds to the FIN10 Capital Reserve. Motion carried 5-0.**

**5. Department of Public Works & Transportation** *(Jacqueline Fournier, DPW&T Transportation Manager)*

**Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to execute the Job Access Reverse Commute I and II, Memorandums of Agreement, Project # US1172, with the Maryland Department of Human Resources and Department of Social Services in the amount of \$20,000 each, and the Certification of Lobbying. Motion carried 5-0.**

**Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to execute the JARC III grant Memorandum of Agreement, Project # MD1176, with the Maryland Department of Human Resources and the Department of Social Services in the amount of \$40,000. Motion carried 5-0.**

**Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to execute the budget amendment using \$16,760 of the Supplemental Reserve to increase the Department of Public Works & Transportation's FY2010 Public Transportation project due to the revenue generated from the sale of buses at public auction. Motion carried 5-0.**

#### **APPROVE FINAL FISCAL YEAR 2011 BUDGET AND SET TAX RATES**

Present: Elaine Kramer, Chief Financial Officer  
Jeannett Cudmore, Deputy Finance Director

The final budget package for fiscal year beginning July 1, 2010 and ending June 30, 2011, was summarized by Ms. Kramer.

**Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and sign the proposed Revenue Ordinance we have here before us today, which sets the tax rates for St. Mary's County for the upcoming Fiscal Year 2011. Motion carried 4-1.** Commissioner Jarboe voted nay.

**Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and sign the Appropriations Ordinance for FY 2011, which identifies the appropriations. Motion carried 4-1.** Commissioner Jarboe voted nay.

**Commissioner Mattingly moved, seconded by Commissioner Raley, to approve the FY 2011 Budget, as set forth in the schedules and documents included in the submission, and to execute the "Budget Signature" page evidencing approval of the itemized Budget. Motion carried 4-1.** Commissioner Jarboe voted nay.

#### **COMMISSIONER'S TIME**

The Commissioners highlighted upcoming events and those attended over the past week.

Commissioner Jarboe provided the County Administrator with a letter he was given from a local barber shop that was concerned about the letter's content. The letter, which was sent to the business by the Department of Assessments and Taxation, St. Mary's County, stated that certain personal information must be provided, and if not received, the property owner's right to challenge the assessment would be revoked. Mr. Savich will look into the matter with the Department of Assessments.

Commissioner Mattingly asked if there has been an assessment as to how the new state restriction on burning permits for open air burning of land clearing debris will impact the County landfills and community at-large and requested a report from the Health Officer on plans for managing this new state policy. Dr. Icenhower has responded to the state's

mandate with a proposed plan for implementation of the new regulations and will provide the Board of County Commissioners with a briefing once a response is received from the state.

**COMMISSIONERS ATTENDED THE ANNUAL “LUNCH WITH THE COMMISSIONERS” AT THE GARVEY SENIOR CENTER, 41780 BALDRIDGE ST., LEONARDTOWN**

**PUBLIC HEARING ON NURSING CENTER PROPOSAL OF PROPERTY TRANSFER HELD AT THE ST. MARY’S NURSING CENTER, 21585 PEABODY STREET, LEONARDTOWN, MD**

Present: Nursing Center Governing Board of Trustees President James Farrell and Wayne Reeves, Vice President  
Donald E. Lewis, Administrator; and William M. Holman, CFO

Commissioner President Russell opened the public hearing at 1:30 p.m.

*Commissioner Mattingly announced that he was recusing himself from the discussion and any vote on this matter due to his service as an ex-officio member of the St. Mary’s Nursing Center Board of Trustees.*

Mr. Farrell presented a proposal from The St. Mary’s Nursing Center’s Governing Board of Trustees requesting a transfer of property and the building currently occupied by SMNCI. This real property is currently titled to the St. Mary’s County Building Authority Commission and was funded through bonds issued from this Commission that will not retire until July 15, 2016. SMNCI proposes to use the real property as collateral to secure commercial financing to provide the County with the approximately \$3.5 million outstanding balance owed on the bonds. The funds paid to St. Mary’s County would be placed in escrow and paid to the bond holders as they come due.

Mr. Holman described SMNCI’s current situation. A decline in patient days beginning in 2004 and state budget cuts to the Medicaid program beginning in 2006 continue. Annual debt service repayment is approximately \$650,000.

Mr. Reeves described the benefits of the proposal to both SMNCI and the County. For SMNCI, the proposal puts a viable asset on the Corporation books to be used as collateral, removes uncertainty with regard to ownership in 2016, and increases cash flow to fund reserves and meet future reimbursement cuts. For St. Mary’s County, the proposal removes a potential liability from its books, pays \$3.5 million in advance, which may be used to retire the bonds early, and helps create an environment for SMNCI to grow and complete its strategic goals.

Commissioner President Russell opened the hearing for public comments:

Public Comment (*comments noted below are intended as highlights of testimony given and are not verbatim*)

Susan Dudley, 45109 Mill Creek Way, Hollywood, MD

Support property transfer. Father is James "Matt" Blair. Has dementia. Transferred to SMNC after being at a "top notch" nursing facility in Sykesville. Sykesville could take lessons from SMNCI. I have watched them struggle in this economy to provide the highest level of care under difficult circumstances. Patient care has never been compromised. The proposal will improve cash flow to allow them to maintain excellent care and operations and to make improvements. It's a win-win for all involved. The best care is what Dad receives and it is what he deserves.

Clare Whitbeck, 40502 Port Place, Leonardtown, MD

Do not support proposal. I'm puzzled by the decline in numbers at SMNCI. It is a four-star facility. They are doing the job the way it should be done. People need to know that the facility is not full and to get their applications in. It's a matter of communication. We need to tell people what we have here. My concerns: SMNCI has demonstrated its inability to maintain revenue sufficient to repay the bonds as scheduled and maintain the building while doing so. "Restructuring" the debt may not necessarily provide the additional working capital needed to keep the facility able to make its loan payments as the facility may not even be able to maintain even its proposed lowered debt service. The state appraised the property in 2008 40% higher than the one appraisal provided by SMNCI. We should spend a little to know what we're giving away. What if SMNCI is not able to pay off a commercial loan. If revenue doesn't improve, it will have to sell the property, most likely to a for-profit. Nonprofits generally provide better care than for-profits. If SMNCI fails, private companies will be lining up to come in. They are cash cows - - predators. SMNCI needs a very aggressive marketing plan to include meetings with discharge planners in hospitals; County collaboration with Social Services to assist with processing of Medicaid applications. There is not a firm offer to finance the commercial loan at a known rate. With all the risks, I ask that you be very prudent. I advocate for residents and this won't benefit them.

Kim Oliver, 23304 Oliver Lane, Clements, MD

Support the proposal. As a business owner, I realize the importance of having collateral necessary to obtain loans which puts you in a much better financial situation and provides access to capital for future needs. Proposal will ensure viable long-term facility with the same quality care that has been provided for last 45 years. SMNCI has been independent of the County and hasn't requested funds to sustain their operation.

Commissioner President Russell closed the public hearing and noted that the record will be kept open for an additional ten days for written comments from the public.

**ADJOURN**

The meeting of the Board of County Commissioners adjourned at 2:09 pm.

Minutes Approved by the Board of County Commissioners on \_\_\_\_\_

\_\_\_\_\_  
Donna M. Gebicke, Administrative Assistant (Recorder)