

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER
Tuesday, November 21, 2006**

Present: Commissioner President Thomas F. McKay
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
George G. Forrest, County Administrator
Betty Jean Pasko, Senior Admin. Coordinator (Recorder)

The meeting was called to order at 9:30 AM.

CHANGES TO AGENDA

Commissioner Jarboe moved, seconded by Commissioner Dement, to remove the Department of Land Use and Growth Management: Decision on Proposed Amendments to the Comprehensive Water & Sewer Plan for Grandview Haven, Phase II, Subdivision (#05-120-003) item from the agenda. Motion carried 5-0.

Added Land Use and Growth Management item to the main agenda to discuss the Consent Letter to the Maryland Department of the Environment regarding Partial Delegation of Authority – Sediment and Erosion Control Inspections.

APPROVAL OF CHECK REGISTER

Commissioner Raley moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register as presented. Motion carried 5-0.

APPROVAL OF MINUTES

Commissioner Raley moved, seconded by Commissioner Dement, to adopt the minutes of the Commissioners' meeting of November 14, 2006, as amended. Motion carried 5-0.

PROCLAMATION: EPILEPSY AWARENESS MONTH

Present: Robin Lincoln, Regional Associate, Epilepsy Foundation of the Chesapeake Region
Erik Emplit, citizen

The Board proclaimed the month of November as EPILEPSY AWARENESS MONTH and urged all citizens to support all efforts to help improve the quality of life for those with epilepsy.

COUNTY ADMINISTRATOR

1. Draft Agenda for December 5, 2006 (There is no meeting next Tuesday, November 28).

2. **Sheriff's Office** (*Sheriff David Zylak; Erin Shoemaker, Fiscal Manager*)

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the Budget Amendment de-obligating \$2,000 from the MVOC Project SAVE Grant, US0637, Project #MD0629, in alignment with the Governor's Office of Crime Control and Prevention Grant Adjustment Notice. Motion carried 5-0.

3. **Dept. of Public Safety** (*Tim Bennett, Manager, Emergency Mgmt. Division; Stanley Williams, Jr., Emergency Services Coordinator*)

Commissioner Mattingly moved, seconded by Commissioner Dement, to accept the Maryland Institute for Emergency Medical Services Advanced Life Support Training Grant, as awarded, for continuing education of paramedics in St. Mary's County and to approve and authorize the Commissioner President to sign the related Budget Amendment increasing the budgeted amount by \$300. Motion carried 5-0.

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Budget Amendment closing out the project budget for the Rural Access to Emergency Devices Grant due to un-availability of Federal funding for the grant. Motion carried 5-0.

4. **Department of Aging** (*Lori Jennings-Harris; Director; Peggy Maio, Fiscal Supervisor*)

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the Notification of Grant Award for the FY07 MD Department of Aging Older Americans Act Title III Grants, and the related Budget Amendment. Motion carried 5-0.

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Notification of Grant Award for the FY07 Senior Health Insurance Program, Medicare Part D, and the related Budget Amendment. Motion carried 5-0.

5. **Finance** (*Elaine Kramer, CFO*)

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and sign the MOU (Resolution No. 2006-79) between the Board of County Commissioners and the Board of Education for the Joint Solicitation and Contract for Health Benefits. Motion carried 5-0.

ST. MARY'S COUNTY ETHICS COMMISSION AND OFFICE OF THE COUNTY ATTORNEY: ADOPT AMENDMENTS TO THE ST. MARY'S COUNTY ETHICS ORDINANCE

Present: Christy Holt-Chesser, County Attorney
George Baroniak, President, St. Mary's County Ethics Commission

The Public Hearing was held on October 17, 2006.

Commissioner Raley moved, seconded by Commissioner Jarboe, that on Page 3 of the proposed Ordinance, Section 4 G, to eliminate the second sentence, "Also the Commission, on its own motion, may investigate perceived violations of the Ordinance upon majority vote of the Commission", and to eliminate "or upon its own motion" from the following sentence. Motion carried 5-0.

Discussion ensued regarding elected officials/employees representing themselves as a private citizen versus as a Board member (Page 6, Section E, 2). The Ordinance does prevent elected officials/employees from representing someone else (perceived political influence). Clarification was requested regarding an individual appearing before a Committee as a citizen, who as an elected official, was involved with selecting the Committee members. *Christy Holt-Chesser was directed to review case law in relation to appearing before committees that an individual, serving in an official role, appointed.*

Commissioner Raley moved, seconded by Commissioner Jarboe, to remove item 2C "Economic Development Council" from Page 7. Motion carried 5-0. The Economic Development Council is not appointed by the Board and should not be required to submit a financial disclosure statement.

The County Attorney was directed to make the requested revisions to the proposed Ordinance and return it to the Board for their signatures later in the meeting.

VOTE TO MOVE INTO EXECUTIVE SESSION

Commissioner Raley moved, seconded by Commissioner Dement, to enter into Executive Session for the purpose of discussing Litigation and Personnel. Motion carried 5-0.

SOUTHERN MARYLAND ELECTRIC COMPANY: INTRODUCTION OF NEW MEDIA RELATIONS DIRECTOR

Present: Dave Foggo, SMECO Government and Public Affairs Manager
Tom Dennison, SMECO Public and Media Relations Director

Dave Foggo introduced SMECO's new Public and Media Relations Director, Tom Dennison. Mr. Dennison will be the main contact person for the three Southern Maryland Boards of County Commissioners and for the business industry association groups; e.g., Chamber of Commerce. Hugh Voehl, SMECO's new Key Accounts Representative, was also present.

ADOPTION OF AMENDMENTS TO THE ETHICS ORDINANCE

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and adopt the Ordinance with 2006 amendments for the St. Mary's County Ethics

Ordinance, as amended today. Motion carried 5-0.

ST. MARY'S COUNTY HOUSING AUTHORITY: ROLE IN HOUSING PRESERVATION AND NEIGHBORHOOD REINVESTMENT & INTENT TO PURCHASE APARTMENTS TO MEET AFFORDABLE HOUSING NEEDS

Present: Dennis Nicholson, Executive Director
Jane Loughran, Vice Chair

Discussion included the background of the Housing Authority's role in purchasing property below the market rate to maintain affordable and quality workforce housing for St. Mary's County. The Housing Authority is currently seeking approval to purchase the Indian Bridge Apartments, which consists of 653 rental units.

\$10,000,000 is the ceiling on the total amount of outstanding bank qualified bonds that the Housing Authority can issue in any calendar year. These are non-recourse bonds, based on the rental revenue of the properties. The rental revenue stands behind the bonds; St. Mary's County Government does not. There is no impact on or liability to local government should there be a disaster.

Based on discussions, the Board agreed to sign the Consent Letter dated November 21, 2006, to Mr. Henry T. Waring.

FINANCE DEPARTMENT: ACCEPTANCE OF THE 2006 AUDIT

Present: Elaine Kramer, CFO
Timothy Murphy, Audit Partner, Murphy & Murphy
Dana Frazier, Auditor in Charge for the St. Mary's County Audit

Ms. Kramer recognized the efforts of the entire Finance and Accounting staff and reviewed her memo to the Board dated November 16, 2006, including information regarding:

- Maintaining the Bond and Credit rating,
- Emergency Reserves,
- Significant Undesignated Fund Balance,
- Property Tax Revenues, for the first time, significantly more than what was estimated

- BRAC reserve ('06)
- Budget savings (departments)

Mr. Murphy presented the Audit and reviewed the “Financial Highlights” and the “Overview of the Financial Statements.” Mr. Murphy reviewed strengths throughout the Audit, including Revenue by Source (65% taxes), sound financial Capital Assets and Cash investments, and Bonds with staggering maturities. Mr. Murphy added that “this is one of the cleaner audits that they’ve ever had” and “the best in St. Mary’s in seven years.”

Over \$11,000,000 will be passed on to the next budget year. Commissioner McKay requested that the Board allocate a portion of undesignated funds to allow the completion of Phase 3 of the Leonardtown Wharf project. Phase 3 of this capital project was scheduled for funding in 2008, but the bid for Phase 3

will expire soon.) The Town of Leonardtown Administrator indicated to Ms. Kramer that about \$600,000 will allow Leonardtown to proceed with the contract in the short-term. Two grants are pending for about \$500,000.

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve the Budget Amendment adjusting the general fund budget by \$600,000 and increasing Paygo for the Capital Projects by that amount for the Wharf project. Motion carried 5-0.

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve the Budget Amendment for \$600,000 to increase the Leonardtown Wharf Project appropriation. Motion carried 5-0. Commissioner Jarboe added “We, as a Board, are forward funding this without a guarantee of future State reimbursement.”

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Budget Amendments. Motion carried 5-0.

Commissioner Mattingly moved, seconded by Commissioner Dement, to direct staff to revise the MOU to reflect potential reimbursement should the town of Leonardtown obtain additional grant funding. Motion carried 5-0.

Commissioner Mattingly moved, seconded by Commissioner Raley, to accept the revised Audit Report with revisions and budget amendments as reflected. Motion carried 5-0. Audit report is accepted with the \$600,000 transaction reflected, which will change fund balances and unexpended balances.

DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT: DISCUSS CONSENT LETTER TO THE MARYLAND DEPARTMENT OF THE ENVIRONMENT REGARDING PARTIAL DELEGATION OF AUTHORITY – SEDIMENT AND EROSION CONTROL INSPECTIONS.

Present: Denis Canavan, Director, LU&GM
George Erichsen, Director, DPW&T
Bruce Young, Manager, Soil Conservation District

Due to budget implications, it was clarified that the Consent Letter only authorizes support for moving forward to pursue partial delegation of authority; i.e., the letter is non-committal.

Mr. Canavan added that there is a lot of work to do that, and that ultimately, it will result in changes to regulations. Mr. Canavan further clarified that the Consent Letter could be signed, and delegation could still not be pursued next year.

COMMISSIONERS' TIME

Commissioner Raley

Congratulated Evelyn Arnold and apologized for not being able to make her retirement reception.

Thanked Commissioner McKay for his work and highlighted three successes: Bridge to Excellence (concept of having a multi-year funding agreement in place with the Board of Education), the current Culture of County Government (reflecting on the audit report just received), and the elevated Government response, including post-storm response, to severe storms, specifically Isabelle.

Commissioner Dement

Attended Evelyn Arnold's retirement reception and also offered congratulations for her service. Echoed Commissioner Raley's comments regarding Commissioner McKay's service.

Commissioner Mattingly

Attended the State of Schools Luncheon, held at the Daugherty Conference Center, very well attended. Dr. Matirano made an excellent presentation. Presented, with Commissioner Dement, on behalf of the Board, a gift from the County Government to Evelyn Arnold. Congratulated and wished her well on her retirement. Represented Commissioner Raley at an Eagle Scout presentation for Darris Wallner. Yesterday afternoon, Health Share had a very successful dessert auction. Rodney Thompson was the auctioneer; he did a very nice job. Jack Russell, Commissioner President - elect, purchased his first cake at a dessert auction fundraiser as a County Commissioner. Visited CSM, Prince Frederick campus. They have organized a non-profit – the College Access Network. It's a grant that they received from the Jack Kent Cooke foundation to promote and encourage continuing education. Also congratulated and thanked Commissioner McKay on his four years of service to the County Government and wished him well.

Commissioner Jarboe

Over the weekend, the Three Notch Theater hosted a concert for Tri-County Youth Services; featured a lot of bands and was very successful. Reflected on Commissioner McKay's idea to foster a theater experience in the County. Reflected that over the past four years, the tenure of this Board was enjoyment; remarkable partnerships, and hopes this Board's partnerships will continue in years to come. Wished Commissioner McKay success with new projects in the future.

Commissioner McKay

Also congratulated Evelyn Arnold; apologized for not being there, attended the Knights of Columbus St. John's Council 25th Anniversary celebration. Presented a Proclamation on behalf of the Board. Reflected on his four years as the Commissioner President and thanked individual staff members and directors for their professionalism and support.

EXECUTIVE SESSION

Litigation

Present: Commissioner Thomas F. McKay, President
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.

Commissioner Daniel H. Raley
George Forrest, County Administrator
Christy Chesser, County Attorney
Donna Gebicke, Administrative Assistant to the BOCC, Recorder

Authority: Article 24, Section 4-210(a)8
Time Held: 1:10 pm – 1:20 pm
Action Taken: The Commissioners discussed pending litigation matter.

Personnel

Present: Commissioner Thomas F. McKay, President
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
George Forrest, County Administrator
Donna Gebicke, Administrative Assistant to the BOCC, Recorder

Authority: Article 24, Section 4-210(a)1
Time Held: 1:20 pm -1:30 pm
Action Taken: The Commissioners discussed personnel matter.

COMMUNITY DEVELOPMENT CORPORATION

The Commissioners departed the Governmental Center and reconvened at the Frank Knox Training Center, Patuxent Naval Air Station, where they received an update from the Community Development Corporation on the Lexington Manor Redevelopment Project. The presentation was followed by a windshield tour of the northern parcel of the former Lexington Manor Property.

ADJOURNMENT

The meeting adjourned at approximately 3:30 pm.

Minutes Approved by the Board of County Commissioners on _____

Betty Jean Pasko, Senior Administrative Coordinator