

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR TUESDAY, APRIL 14, 2009**

Commissioner Jan Gardner, *President*, reconvened a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Tuesday, April 14, 2009, at 1:00 p.m. Present were Commissioners David Gray, *Vice President*; Kai Hagen, Charles Jenkins and John Thompson, Jr. Also present were Ron Hart, County Manager, and Mary Baker, Recording Secretary.

*(Official minutes of the Board of County Commissioners' meetings are kept on file in the County Manager's Office; the meetings are also video recorded. Approved minutes are available on the County's website. To receive a copy of meetings recorded on videotape or DVD, please contact the Board of County Commissioners at 301-600-1100 or visit the County's website at [www.co.frederick.md.us](http://www.co.frederick.md.us))*

**NOTE: Copies of all staff reports are available in the OnBase system. If you need assistance with the OnBase system, please contact the recording secretary.**

**COMMISSIONER COMMENTS**

None.

**ADMINISTRATIVE BUSINESS****FY 2010 Operating Budget – Mike Gastley, Finance Division**

On March 31, 2009, the Board sent a letter requesting a maintenance of effort (MOE) waiver of \$9 million dollars from the Maryland State Department of Education.

Frederick County Board of Education staff sent a letter to the Maryland State Department of Education in response to the MOE waiver expressing opposition to it.

County staff was directed to draft a response letter which was presented to the Board for review. The Board requested the letter not begin with other post employment benefits (OPEB) information and to prioritize bond rating information. The Board also requested the letter clarify the way in which OPEB related to bond ratings. The Board directed staff to file the response letter to the Maryland State Department of Education by 5:00 p.m. Wednesday, April 15, 2009, to include the changes as noted.

The Board requested a discussion on tax equity program funds, including the municipalities share of highway users, be scheduled for Thursday, April 16, 2009, during the Board/County Municipalities meeting.

Commissioner Gardner moved to take to public hearing an amendment to the Bond Rating Enhancement Reserve Ordinance that would allow the Board to expend the reserve up to a certain amount.

(Commissioner Thompson left the meeting and returned.)

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Commissioner Gardner inquired if the state increased or decreased funding to Frederick Community College (FCC).

Mr. Gastley noted he was uncertain as of this week.

The Board requested a meeting with the FCC Board at 3:00 p.m. on Tuesday, April 21, 2009, to discuss the budget.

(Commissioner Hagen left the meeting and returned.)

Jack Markey, Emergency Management Division, requested to fill the vacant communications positions in exchange for the systems manager positions (the systems manager positions would be permanently frozen) leaving a difference in \$20,000, which he requested the difference in funds be placed in reserve.

There was Board consensus to approve Mr. Markey's request.

(Commissioner Gardner left the meeting and returned.)

(Commissioner Jenkins left the meeting and returned.)

There was Board consensus to eliminate two (2) seasonal positions and approve the vacant park ranger position for the Parks and Recreation Division. It was also noted there was no opposition of part-time staff filling the park ranger position, which would result in funding being reduced from \$48,566 to \$29,213.

(Commissioner Thompson left the meeting and returned.)

On line 30 of the FY 2010 preliminary appeals spreadsheet, there was Board consensus to approve the continued use of a pool vehicle through FY 2010 by the County Fire Marshall's Office. This item would be reevaluated in a later year. Commissioner Thompson was opposed.

There was unanimous opposition to the urban fire tax district item.

There was a 4-1 vote with Commissioner Thompson opposed, in favor of the suburban fire tax district items, which included the lease purchase of one (1) pumper, two (2) tankers, radios and equipment for the vehicles, and the purchase of two (2) life-pak 15's as presented.

Staff reviewed the state requirements to access/use bond rating enhancement funds.

Staff advised the state required maintenance of the bond rating enhancement fund once it was established.

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In order to access the bond rating enhancement funds, the issue must go to public hearing. The hearing was to include a review and possible amendments to the county's ordinance, and an understanding that the withdrawn amount must be restored.

The Board requested "*exigent*" circumstances be redefined to "*extreme*" circumstances as determined by the Board.

Commissioner Gardner passed the gavel to Commissioner Gray.

Commissioner Gardner moved to take the bond rating enhancement fund item and the proposed amended ordinance (Section 1-8-405c), which was to state "*or to address budget needs as determined by the Board,*" to public hearing. Commissioner Hagen seconded the motion that passed 3-1-1 with Commissioner Thompson opposed and Commissioner Jenkins abstained.

Commissioner Hagen moved to remove Section D and replace with "*restore funds as deemed appropriate by the Board.*" Commissioner Gray seconded the motion that passed 4-1 with Commissioner Thompson opposed.

Commissioner Gray passed the gavel to Commissioner Gardner.

Commissioner Gray moved to remove Sections C and D from the ordinance. Commissioner Hagen seconded the motion that passed 4-1 with Commissioner Thompson opposed.

The Board directed staff to resume the budget discussion on Thursday, April 23, 2009.

Commissioner Gray moved to take the tax status report fee increase from \$10 to \$20 to public hearing. Commissioner Gardner seconded the motion that passed 5-0.

Commissioner Gardner requested a daytime worksession meeting to discuss a change in the hotel tax full administration fee recovery from three-percent (3%) to five-percent (5%). The Board approved the request by unanimous consent.

**COMMISSIONERS COMMENTS**

None.

**PUBLIC COMMENTS**

None.

**QUESTIONS – PRESS**

None.

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**ADJOURN**

The meeting adjourned at 3:35 p.m.

Respectfully submitted,

Mary E. Baker  
Recording Secretary