

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, OCTOBER 15, 2009**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Thursday, October 15, 2009, at 9:55 a.m. Present were Commissioners David Gray, *Vice President*; Kai Hagen, Charles Jenkins and John L. 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.FrederickCountyMD.gov](http://www.FrederickCountyMD.gov).)*

**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.**

**PLEDGE OF ALLEGIANCE**

The meeting began with the Pledge of Allegiance.

**COMMISSIONERS COMMENTS**

Commissioner Jenkins wished his son, Addison, a happy sixteenth birthday.

Commissioner Jenkins questioned the legal consistency of the actions taken by the Frederick County Planning Commission (FCPC) yesterday.

**AGENDA BRIEFING**

Staff briefed the Board on the following public hearing items scheduled for:

Tuesday, October 20, 2009, at 8:30 a.m.

**PUBLIC HEARING**

- 2009 Summer Cycle of Water and Sewerage Amendments - Tim Goodfellow, Planning Division

Tuesday, October 20, 2009, at 7:00 p.m.

**PUBLIC HEARING**

- 2010 Legislative Considerations - John Mathias, Office of the County Attorney and Ragen Cherney, Office of the County Manager

Thursday, October 22, 2009, at 7:00 p.m.

**PUBLIC HEARING**

- 2010 Federal and State Legislative Considerations – John Mathias, Office of the County Attorney and Regan Cherney, Office of the County Manager

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, OCTOBER 15, 2009**

**CONSENT AGENDA**

**BUDGET TRANSFER**

1. #BT-10-049, Office of Economic Development

**GRANTS**

1. 2010 Governor's Office of Crime Control and Prevention - Byrne Justice Recovery Act (BJRA) Grant Application - Paul Wolford, Circuit Court
2. 2010 Governor's Office of Crime Control and Prevention - Byrne Justice Recovery Act (BJRA) Program Grant Application - Marty Gallagher, Sheriff's Office

**EASEMENT**

1. Brunswick Library Deed of Easement/Maintenance Covenants and Agreement for Stormwater Management - Don Harper, Public Works Division

**CHANGE ORDER**

1. Stronghold Square Rehabilitation, Contract No. C29919-6, Change Order No. 1 - Chuck Nipe and Tom Meunier, Public Works Division

Commissioner Hagen moved approval of the consent agenda as presented. Commissioner Gray seconded the motion that passed 5-0.

**ADMINISTRATIVE BUSINESS**

**Approval of Board of County Commissioners' Meeting Minutes**

The meeting minutes were approved by unanimous consent.

**Request to Approve Revision of the Frederick County Purchasing Rules and Regulations - Hal Good, Finance Division**

Mr. Good presented revisions to the County's purchasing rules and regulations.

Mr. Good requested to delete "enterprise fund" language from Contents, Section 1-2-28.

Commissioner Gardner requested that "other members" be added to the consultant selection.

Commissioner Thompson moved for each construction contract \$30,000 and over to include a provision for liquidated damages for each breach with a penalty of \$1,000 for each illegal alien on the job. Commissioner Jenkins seconded the motion that passed 5-0.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, OCTOBER 15, 2009**

Commissioner Jenkins moved to amend the motion for the penalty amount to be \$2,500 per illegal alien on the job. The motion passed by unanimous consent.

Commissioner Gray moved to take the revisions to the county's purchasing rules and regulations with the amendments made today to public hearing. Commissioner Jenkins seconded the motion that passed 5-0.

**COMMISSIONERS COMMENTS**

Commissioner Thompson noted his concerns with the FCPC decisions made during their meeting yesterday.

Commissioner Gardner requested a letter be sent to the FCPC regarding members abstaining from votes.

**PUBLIC COMMENTS**

None.

**QUESTIONS – PRESS**

None.

**CLOSES SESSION**

Commissioner Gray moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a) (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals. Commissioner Hagen seconded the motion that passed 5-0.

**ADJOURN**

The meeting adjourned at 11:30 a.m.

Mary E. Baker  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, OCTOBER 15, 2009**

**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF THURSDAY, OCTOBER 15, 2009**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**State Government Article §10-508(a):**

(1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals.

**Motion:**

Commissioner Gray moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a) (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals. Commissioner Hagen seconded the motion that passed 5-0.

**Topic to be Discussed:**

To review the job applications received for a county position.

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Mary E. Baker  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, OCTOBER 15, 2009**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON THURSDAY, OCTOBER 15, 2009,  
FOLLOWING THE CLOSED MEETING OF THURSDAY, OCTOBER 15, 2009**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**State Government Article §10-508(a):**

(1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals.

**Motion:**

Commissioner Gray moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a) (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals. Commissioner Hagen seconded the motion that passed 5-0.

**Others in Attendance:**

R. Hart, B. Stanton, J. Mathias, M. Chomel, M. Hose, and M. Baker

**Topic Discussed:**

To review the job applications received for a county position.

**Action Taken:**

The Board provided direction to staff.

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Mary E. Baker  
Recording Secretary