

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY
MEETING MINUTES FOR MONDAY, NOVEMBER 16, 2009

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Monday, November 16, 2009, at 9:00 a.m. Present were Commissioners David Gray, *Vice President*; Kai Hagen and John L. Thompson, Jr. Also present were Ron Hart, County Manager and Patti Morrow, Recording Secretary. Commissioner Charles Jenkins was absent from the meeting.

(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)

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 Thompson commented on an upcoming Frederick County Farm Bureau meeting to be held Wednesday, November 18, 2009.

Commissioner Thompson made a motion to direct staff to not attend the Frederick County Farm Bureau meeting. Commissioner Thompson withdrew his motion.

It was indicated Commissioner Hagen would attend the meeting with staff.

ADMINISTRATIVE BUSINESS

Continued from November 10, 2009 Meeting - #AT-09-04 – Proposed Ordinance to Amend Certain Sections for the Frederick County Adequate Public Facilities Ordinance (APFO) to Apply School Adequacy Testing Countywide, Including Municipalities – Kathy Mitchell, Office of the County Attorney

Ms. Mitchell reported that staff would recommend applying the provisions to newly annexed land within municipalities after a date specific. She indicated it would be more legally defensible under those conditions.

Commissioner Thompson moved to amend Section 5. Amendment and Revision of the APFO Section 1-20-3 – APFO:

(B) Except as provided in §1-20-62(b), the provisions of this chapter pertaining to schools shall also apply to all lands annexed into municipalities within the territorial limits of the county after June 23, 2009.

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Commissioner Hagen seconded the motion that passed 4-0 with Commissioner Jenkins absent.

Commissioner Thompson moved to amend Section 6. Enactment of new APFO Section 1-20-62:

(A) Except as provided in subsection (B) of this section, the school adequacy provisions of this chapter shall apply to all lands annexed into municipal corporations within the territorial limits of the county after June 23, 2009.

Commissioner Gray seconded the motion that passed 4-0 with Commissioner Jenkins absent.

By unanimous consent, the spelling of municipalities would be corrected.

John Mathias, County Attorney, commented on the retroactivity of the proposal.

Commissioner Thompson moved to strike Section 7 removing the retroactive application language and renumber Sections 8 and 9. Commissioner Gray seconded the motion that passed 4-0 with Commissioner Jenkins absent.

Commissioner Thompson moved to adopt the draft November 2, 2009, proposal as amended this day, recognizing the inclusion of the legislative findings in Section 4 of the ordinance with an effective date of November 16, 2009. It was certified approved and adopted this day by 2/3 majority of the authorized membership of the Board. Commissioner Gray seconded the motion that passed 4-0 with Commissioner Jenkins absent.

The ordinance would be presented for signature on Tuesday, November 17, 2009.

COMMISSIONERS' COMMENTS

None.

PUBLIC COMMENTS

None.

QUESTIONS - PRESS

- Meg Tully, The Frederick News-Post

ADJOURN

The meeting adjourned at 10:00 a.m.

Patricia A. Morrow
Recording Secretary