

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES FOR TUESDAY, AUGUST 18, 2009**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Tuesday, August 18, 2009, at 8:30 a.m. Present were Commissioners David Gray, *Vice President*; Kai Hagen and John L. Thompson, Jr. Also present were Ron Hart, County Manager and Mary Baker, Recording Secretary. Commissioner Charles Jenkins was absent.

*(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.**

**PLEDGE OF ALLEGIANCE**

The meeting began with the Pledge of Allegiance.

**COMMISSIONERS COMMENTS**

None.

**WORKSESSION**

**Women’s Month Proclamation**

Commissioner Gardner presented the proclamation.

**Bid Protest – Bid No. 09-CP-66, Public Safety Training Facility, Phase III – Board of County Commissioners**

Commissioner Gardner swore in all parties.

Mr. Richard McCain, Assistant County Attorney, noted the procedure for today’s agenda item requesting each party have 15 minutes to present their case.

Mr. McCain wished to go on record as noting there was a conflict of interest as the representative for Manekin Construction also represented the county for certain matters.

Mr. Robert Carney, Esquire, Whiteford and Taylor, and Mr. Craig West, Manekin Construction, presented information as to why Manekin Construction was protesting Bid No. 09-CP-66.

Mr. McCain, David Grossweiler and Chuck Nipe, Public Works Division and Hal Good and Bruce Johnson, Finance Division, presented information for the county.

Mr. Chris Brown and Ron Main, Warner Construction, commented.

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FOR TUESDAY, AUGUST 18, 2009**

Mr. Christopher Smith, Manekin Construction, was sworn in.

Each party was given five minutes for rebuttal.

At 10:15 a.m. the protest was closed.

Commissioner Thompson moved to have the Board authorize and direct Ms. Wendy Kearny, Deputy County Attorney, to prepare a memo of decision to deny the bid protest, Bid No. 09-CP-66, Public Safety Training Facility, Phase III. The Board was to review the memo of decision prior to submission. Commissioner Hagen seconded the motion that passed 4-0 with Commissioner Jenkins absent.

**COMMISSIONERS COMMENTS**

Commissioner Gardner commented on information received from the Maryland Association of Counties (MACO) noting the state was passing more budget cuts to the counties and requested the county manager and finance staff look at funding issues within the county to prepare for the county's share of the cuts.

**PUBLIC COMMENTS**

None.

**QUESTIONS – PRESS**

None.

**CLOSED SESSION**

Commissioner Gray moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article §10-508(a)(3) To consider the acquisition of real property for a public purpose and matters directly related thereto. Commissioner Hagen seconded the motion that passed 4-0 with Commissioner Jenkins absent.

**ADJOURN**

The meeting adjourned at 10:40 a.m.

Mary E. Baker  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR TUESDAY, AUGUST 18, 2009**

**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF TUESDAY, AUGUST 18, 2009**

**STATUTORY AUTHORITY TO CLOSE SESSION**

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

(3) To consider the acquisition of real property for a public purpose and matters directly related thereto.

**Motion:**

Commissioner Gray moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a)(3) To consider the acquisition of real property for a public purpose and matters directly related thereto. Commissioner Hagen seconded the motion that passed 4-0 with Commissioner Jenkins absent.

**Topic to be Discussed:**

To consider the lease of real property for the temporary relocation of a county facility.

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Mary E. Baker  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR TUESDAY, AUGUST 18, 2009**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON TUESDAY AUGUST 18, 2009,  
FOLLOWING THE CLOSED MEETING OF TUESDAY, AUGUST 18, 2009**

**STATUTORY AUTHORITY TO CLOSE SESSION**

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

(3) To consider the acquisition of real property for a public purpose and matters directly related thereto.

**Motion:**

Commissioner Gray moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a)(3) To consider the acquisition of real property for a public purpose and matters directly related thereto. Commissioner Hagen seconded the motion that passed 4-0 with Commissioner Jenkins absent.

Although Commissioner Hagen was present for the vote to go into closed session, he was not in attendance for the meeting.

**Others in Attendance:**

R. Hart, J. Mathias, R. McCain, A. Abraham, J. Kroll, D. Maminski, C. Nipe, W. Roach, R. Santangelo and M. Baker

**Topic Discussed:**

To consider the lease of real property for the temporary relocation of a county facility.

**Action Taken:**

The Board approved staff's recommendations.

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Mary E. Baker  
Recording Secretary