

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, OCTOBER 7, 2010**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, October 7, 2010, at 9:30 a.m. Present were Commissioners David Gray, *Vice President*; Kai Hagen, John L. Thompson, Jr., and Blaine Young. 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).)*

**PLEDGE OF ALLEGIANCE**

The meeting began with the Pledge of Allegiance.

**COMMISSIONERS COMMENTS**

Commissioner Thompson noted he would not be attending the BOCC meeting this evening.

Commissioner Young noted he would be attending the World Habitat Day event this evening.

Commissioner Gardner commented on the election article in *The Frederick News-Post*.

**AGENDA BREIFING**

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

Tuesday, October 12, 2010, at 8:30 a.m.

- 2010 Summer Cycle Water and Sewer Plan Amendments - Tim Goodfellow, Planning Division

**CONSENT AGENDA**

**GRANT**

1. Grant Application for "Fish Passage Restoration on Bear Branch of Bennett Creek" from Eastern Brook Trout Joint Venture - Shannon Moore, Public Works Division

Ms. Moore presented information regarding the grant.

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

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**ADMINISTRATIVE BUSINESS**

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

Commissioner Hagen moved approval of the following meeting minutes as presented. Commissioner Young seconded the motion that passed 5-0.

- ◆ Tuesday, August 31, 2010
- ◆ Tuesday, August 31, 2010, Closed Session
- ◆ Tuesday, August 31, 2010, Evening
- ◆ Thursday, September 2, 2010
- ◆ Tuesday, September 7, 2010
- ◆ Thursday, September 9, 2010
- ◆ Thursday, September 9, 2010, Closed Session
- ◆ Thursday, September 9, 2010, Evening
- ◆ Thursday, September 16, 2010
- ◆ Monday, September 20, 2010, Evening
- ◆ Tuesday, September 21, 2010
- ◆ Tuesday, September 21, 2010, Closed Session
- ◆ Tuesday, September 21, 2010, Evening
- ◆ Thursday, September 23, 2010, Closed Session

**Bid Award – Purchasing Memo #11-53, Approve Motorola as a Sole Source for  
Frederick County's Motorola Radio System Maintenance – Hal Good, Finance Division**

Mr. Good and Jack Markey, Emergency Management Division, presented the proposed purchasing memo.

Commissioner Gray moved approval of Purchasing Memo #11-53 as presented. Commissioner Young seconded the motion that passed 5-0.

**Memorandum of Understanding - Naval Services Facility, Thurmont - Jack Markey,  
Emergency Management Division**

Mr. Markey presented the proposed memorandum of understanding (MOU) for mutual aid assistance between Frederick County and the Naval Services Facility.

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

**Request to Install a Dog Exercise Area at the Shelter - Harold Domer, Animal Control  
Division**

Mr. Domer and Peggy Kelley, Volunteer, Animal Control Division, presented the request.

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Commissioner Hagen moved approval of the dog exercise area as presented. Commissioner Young seconded the motion that passed 5-0.

**Review of FY 2011 Operating Budget Process and Calendar - Mike Gastley, Finance  
Division**

Mr. Gastley presented the proposed calendar.

The Board approved the calendar as presented by unanimous consent.

**WORKSESSION**

**Annual Investment Performance Reports for the Frederick County Employees'  
Retirement Plan and the Frederick County Government and Frederick County Public  
Schools OPEB Investment Trusts – Carol Boykin, CFA, Bolton Partners Investment  
Consulting Group**

Ms. Boykin presented the reports.

No action was taken by the Board.

**Actuarial Valuation Report for the Plan Year Beginning July 1, 2010 – Kate Hoffman,  
Senior Associate, Mercer, Inc.**

Ms. Hoffman presented the report.

No action was taken by the Board.

**CLOSED SESSION**

Commissioner Hagen moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a)(7) To consult with counsel to obtain legal advice on a legal matter. Commissioner Gray seconded the motion that passed 5-0.

**COMMISSIONERS COMMENTS**

None.

**PUBLIC COMMENTS**

None.

**QUESTIONS - PRESS**

None.

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**ADJOURN**

The meeting adjourned at 11:35 a.m.

Mary E. Baker  
Recording Secretary

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**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF THURSDAY, OCTOBER 7, 2010**

**STATUTORY AUTHORITY TO CLOSE SESSION**

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

(7) To consult with counsel to obtain legal advice on a legal matter.

**Motion:**

In open session Commissioner Hagen moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a)(7) To consult with counsel to obtain legal advice on a legal matter. Commissioner Gray seconded the motion that passed 5-0.

**Time and Location:**

11:38 a.m. – Third Floor Meeting Room, Winchester Hall

**Topic to be Discussed:**

To obtain legal advice on existing litigation.

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Mary Baker  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON THURSDAY, OCTOBER 7, 2010  
FOLLOWING THE CLOSED MEETING OF THURSDAY, OCTOBER 7, 2010**

**STATUTORY AUTHORITY TO CLOSE SESSION**

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

(7) To consult with counsel to obtain legal advice on a legal matter.

**Motion:**

In open session Commissioner Hagen moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a)(7) To consult with counsel to obtain legal advice on a legal matter. Commissioner Gray seconded the motion that passed 5-0.

**Time and Location:**

11:38 a.m. – Third Floor Meeting Room, Winchester Hall

**Others in Attendance:**

R. Hart, B. Stanton, J. Mathias, W. Kearney, E. Soter, R. Santangelo and M. Baker

**Topic Discussed:**

To obtain legal advice on existing litigation.

**Action Taken:**

Staff was directed to take appropriate action.

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Mary Baker  
Recording Secretary