

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR TUESDAY, NOVEMBER 29, 2011**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Tuesday, November 29, 2011, at 10:00 a.m. Present were Commissioners C. Paul Smith, *Vice President*, Billy Shreve, David Gray, and Kirby Delauter. Also present were Mr. Dave Dunn, County Manager and Ms. Patti Morrow, 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.)

INVOCATION AND PLEDGE OF ALLEGIANCE

The meeting began with the invocation followed by the Pledge of Allegiance.

COMMISSIONER COMMENTS

Commissioner Smith provided an update on a recent letter sent by the Board to various county officials regarding the proposed stormwater management regulations.

Commissioner Smith reported he had met with the Frederick County Agricultural Preservation Advisory Board. They were interested in looking at finding alternatives for preserving land for less money. Ms. Anne Bradley, Community Development Division, would run different scenarios to present.

Commissioner Delauter reported that according to an article in The Frederick News-Post the Walter Marks Road repair was a developer funded project.

Update of Board of County Commissioners' Administrative Actions – Commissioner Blaine R. Young and Dave Dunn, Office of the County Manager

Commissioner Young and Mr. Dunn briefed the public on the Board's recent administrative actions.

Business Updates – Ron Tobin, Office of the County Manager

Mr. Tobin gave a report on the businesses in Frederick County.

AGENDA BRIEFING

Commissioner Young noted the following item was scheduled for a public hearing on Tuesday, December 6, 2011, at 7:00 p.m.:

- Proposed Ordinance to Establish Reduced Benefit Assessments upon Certain Lots in the Lake Linganore Planned Unit Development for Water and/or Sanitary Sewer Improvements – Brenda Teach, Utilities and Solid Waste Management Division

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CONSENT AGENDA

The following items were presented on the consent agenda:

BUDGET TRANSFER

1. #BT-12-086, Department of Aging, Citizens Services Division

GRANT

- FFY 2012 Advanced Life Support Training Grant **and** Attached Budget Transfer – Doug Brown, Fire and Rescue Services Division

Commissioner Smith moved to approve the consent agenda as presented. Commissioner Gray seconded the motion that passed 5-0.

ADMINISTRATIVE BUSINESS

Bid Award – Purchasing Memo #12-078 – SOQ/RFP#12-CSC-01. Recommendation for Award of Construction Management and Inspection Services IDQ - Hal Good, Finance Division

Commissioner Shreve moved to approve Purchasing Memo #12-078. Commissioner Smith seconded the motion that passed 5-0.

Fort Detrick Right of Entry – John Mathias, Office of the County Attorney

Mr. Mathias presented a request from Fort Detrick to approve a right of entry agreement to allow Fort Detrick officials and their contractors to drill wells and investigate possible remedial efforts on the Montevue campus.

Mr. Mathias indicated he had received another request for a similar right of entry onto another county property.

Commissioner Gray moved to authorize Commissioner Young to sign the Right of Entry Agreement as presented with further authorization to allow Commissioner Young to sign other similar Right of Entry Agreements after review and approval by the Office of the County Attorney. Commissioner Smith seconded the motion that passed 5-0.

Decision on Proposed Changes to the Frederick County Personnel Rules (Public hearing held 11/15/11) – Mitch Hose, Human Resources Division

Mr. Hose and Ms. Sophia Dobransky, Human Resources Division, summarized the comments made during the recent public hearing.

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Commissioner Young moved to adopt the ordinance that would change the personnel rules with the following changes and amendments:

- Current extended sick leave would be reduced to six-months;
- Reinstate sick leave donor program to 30 working days at 100% pay;
- Elimination of Good Friday holiday and give an extra day of annual leave;
- Elimination of the Columbus Day and Presidents Day holidays and keep the General Election holiday;
- Employee education program – reimburse county employees for only job related classes;
- Begin a defined contribution plan for non-uniformed employees hired on or after July 1, 2012.

Commissioner Smith seconded the motion that passed 5-0.

(A copy of the approved/adopted ordinance can be obtained in the County Manager's Office or from the county's website, www.FrederickCountyMD.gov.)

WORKSESSION**Discussion with the Interagency Internal Audit Authority (IAA) Members – Board of County Commissioners**

Mr. Timothy Pollak and Mr. Allan Joseph, IAA, addressed the Board regarding the request for proposal for the outsourcing of certain internal audit functions.

Mr. Larry Dyckman, Office of Internal Audit, Montgomery County, Maryland, commented on the audit functions in Montgomery County.

Public comment was heard from:

- Bonnie Bailey-Baker
- Margaret Hyndman

No action was taken as this item was informational.

Purchasing Memo #12-079 - Request to Approve Conducting Solicitation and Evaluation Process Utilizing a Request for Proposal (RFP) – Hal Good, Finance Division

Mr. Good presented the request to the Board.

Commissioner Young moved to approve conducting a solicitation and evaluation process to determine if it would be economically and operationally advantageous to outsource and / or co-source certain internal audit functions in addition to the Interagency Information Technologies Division (IIT) audit services currently being outsourced utilizing an RFP process in conjunction with the IAA and there would be no change in the IAA roll and/or authority. Commissioner Smith seconded the motion that passed 3-2 with Commissioners Smith and Gray opposed.

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PUBLIC COMMENTS

- Bonnie Bailey-Baker

QUESTIONS – PRESS

- Bethany Rogers, The Frederick News-Post

CLOSED SESSION

Commissioner Smith moved to go into closed session under the Maryland Annotated Code State Government Article § 10-508(a) (7) To consult with counsel to obtain legal advice on a legal matter and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Shreve seconded the motion that passed 5-0.

ADJOURN

The meeting adjourned at 12:45 p.m.

Patricia A. Morrow
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF TUESDAY, NOVEMBER 29, 2011**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(7) To consult with counsel to obtain legal advice on a legal matter and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

Motion:

Commissioner Smith moved to go into closed session under the Maryland Annotated Code State Government Article § 10-508(a) (7) To consult with counsel to obtain legal advice on a legal matter and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Shreve seconded the motion that passed 5-0.

Time and Location:

12:45 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To discuss pending litigation and related issues with the county attorneys and staff.

Patricia Morrow
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON THURSDAY DECEMBER 6, 2011,
FOLLOWING THE CLOSED MEETING OF TUESDAY, NOVEMBER 29, 2011**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(7) To consult with counsel to obtain legal advice on a legal matter and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

Motion:

Commissioner Smith moved to go into closed session under the Maryland Annotated Code State Government Article § 10-508(a) (7) To consult with counsel to obtain legal advice on a legal matter and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Shreve seconded the motion that passed 5-0.

Time and Location:

12:45 p.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

D. Dunn, J. Mathias, E. Soter, J. Gugel and P. Morrow.

Topic Discussed:

To discuss pending litigation and related issues with the county attorneys and staff.

Action Taken:

No action was taken.

Patricia Morrow
Recording Secretary