



FREDERICK COUNTY GOVERNMENT

OFFICE OF THE COUNTY EXECUTIVE

Jan H. Gardner
County Executive

Rick Harcum, Chief Administrative Officer

EXECUTIVE ORDER NO.: 03-2021

EFFECTIVE DATE: December 16, 2021

Local Management Board of Frederick County

Section 8-301 of the Human Services Article in the Annotated Code of Maryland requires the County to establish and maintain a local management board to ensure the implementation of a local interagency service delivery system for children, youth and families in Frederick County.

On May 16, 1998, the Board of County Commissioners designated the Local Management Board (LMB) of Frederick County as a unit of the local government for the purpose of implementing the policies of the State and County in compliance with State law.

On September 15, 2005, the Board of County Commissioners adopted Resolution No. 05-34 confirming the powers and duties of the LMB and specifying the composition of the LMB. The LMB's purpose was and is to promote a stable, safe and healthy environment for children, youth and families, thereby increasing self-sufficiency and family preservation. This requires a comprehensive, coordinated, interagency approach to provide a continuum of care that is family and child oriented and emphasizes prevention, early intervention and community-based services, with priority given to children and families most at risk.

On March 20, 2008, the Board of County Commissioners adopted Resolution No. 08-09, confirming the continuance of the LMB and its powers and duties to coordinate and monitor the delivery of children, youth, and family services along the full continuum of care at the local level and to ensure interagency collaboration to support the goals of the State's Office for Children or its successor agency.

On September 13, 2012, the Board of County Commissioners adopted Resolution No. 12-18, redefining the Board's composition of membership the number of members, the public and non-public agencies whom should designate a representative, the process of member appointment(s), and the meeting voting process.

On July 10, 2014, the Board of County Commissioners adopted Resolution No. 14-15, allowing at-large representation from the private sector, more clearly defined roles of the Chairperson and Vice-Chairperson, including their ability to resign and the process for their removal, amend the quorum requirement, update the contact phone number and allow a representative of an LMB member's agency to serve as Chair and/or Vice chair of an LMB Subcommittee/Ad Hoc Committee.

On May 7, 2018, the County Executive approved Executive Order No. 01-2018, allowing the change of “Board of County Commissioners” to “County Executive” where applicable, changed the membership to reflect ten (10) public agency representatives and seven (7) non-public agency representatives, with all 17 members serving as voting members, the Frederick County Department of Human Relations was added as an agency that could have a representative serve on the LMB, changed the quorum requirement from 25% to 50%, and deleted the section regarding the LMB meeting schedule.

On December 16, 2020, the County Executive approved revisions to the LMB bylaws to remove of the Mental Health Management Agency of Frederick County, Inc. and in its place add the Local Behavioral Health Authority, updated non-public agency members to be a bona fide resident of and a registered voter in Frederick County, and added a member who has served two full consecutive terms must wait a full year before they can be considered for membership again.

This Executive Order updates the LMB requirements in order to ensure that the LMB continues to meet State requirements.

NOW, THEREFORE, I, JAN H. GARDNER, COUNTY EXECUTIVE OF FREDERICK COUNTY, MARYLAND, PURSUANT TO THE AUTHORITY VESTED IN ME BY THE CHARTER OF FREDERICK COUNTY, MARYLAND, AND THE LAWS OF MARYLAND, HEREBY ISSUE THIS EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY.

SECTION 1 – CONFIRMATION OF ESTABLISHMENT OF THE LMB

The County Executive hereby confirms the establishment of the Local Management Board (LMB) for Frederick County with the functions, duties and powers previously employed and as provided in this Executive Order.

SECTION 2 – DUTIES AND RESPONSIBILITIES

A. The duties and responsibilities of the LMB are:

1. To develop plans for a results-based interagency service delivery system for children, youth and families.
2. To identify barriers to the development of the system and access to interagency services and create plans to overcome those barriers.
3. To provide for community involvement in service delivery, including involvement in the planning process and provision of financial and in-kind resources for services.
4. To review contracts for the provision of programs funded through local, state, federal or other funds.

- 5. To develop methods to measure for specific outcomes of programs.
- 6. To promote training for all involved parties, including LMB members, agency staff and the community to ensure an understanding of the goals of the interagency service delivery system.
- 7. To develop criteria to monitor and evaluate the implementation and quality of the interagency service delivery system.
- 8. To recommend changes to the use of federal, state, and county funding for the system and seek alternative sources of funding.
- 9. To recommend changes to the budget, mandate or mission of the system.
- 10. To receive and evaluate information from the public agencies represented on the LMB regarding service statistics, revenues, expenses and operating costs as they relate to children, youth and families.
- 11. To develop an integrated data collection capacity to evaluate the efficacy of interagency service delivery and provide for data collection.
- 12. To cooperate with the Maryland Governor's Office for Children or successor state agency.
- 13. To establish subcommittees, community-based advisory committees or focus groups comprised of members and non-members for the purpose of enlisting expertise, ensuring public input and fostering collaboration.
- 14. To foster partnerships between the public and private sectors in furtherance of the LMB's duties and responsibilities.
- 15. To adopt the Frederick County Office for Children and Families' policies and procedures manual for its governance and conduct of business.
- 16. To perform any other duties as assigned by the County Executive.

B. The LMB is a planning entity; it is not a provider of individual direct services. The LMB engages in identifying the needs of Frederick County residents and disseminating that information to policy makers and the general public in order to promote improvements in the interagency service delivery system for children, youth and families.

SECTION 3 – MEMBERSHIP

- A. The LMB members are appointed by the County Executive. The LMB must recommend appointees to the County Executive, but the County Executive is not required to appoint a member who has been considered or recommended for appointment by the LMB. All appointments are subject to confirmation by the County Council.
 1. The LMB membership is composed of 17 voting members nine (9) public agency representatives and eight (8) non-public agency representatives.
 2. Members serving on the LMB should either be a senior representative or department head for the following public agencies including, but not limited to:
Department of Juvenile Services
Department of Social Services
Family Partnership
Frederick City Police
Frederick County Citizens Services Division
Frederick County Finance Division
Frederick County Health Department
Frederick County Public Schools
Local Behavioral Health Authority
 3. Non-public agency members may be appointed from the following areas of representation, but are not limited to:
Civic or neighborhood organizations
Colleges
Community agencies
Early childhood education
Libraries
General public
Law enforcement
Parents/Consumers/Youth
Parks and recreation
Private providers of employment and/or vocational training
Religious or faith-based representatives
 4. City, county or state elected officials may serve on the LMB as ex officio members.
 5. The directors of public agency representatives may designate an agency employee to act on their behalf, provided that the designee is authorized to vote on LMB business.

6. Non-public agency members must be a bona fide resident of and a registered voter in Frederick County.
7. Public agency members serve unlimited terms.
8. Non-public agency members are appointed for a term of three years. Each non-public agency member is eligible to serve two full consecutive terms.
 - a. A person appointed to fill a vacancy serves the balance of the unexpired term.
 - b. Any member may resign at any time by giving written notice of the member's resignation to the County Executive.
 - c. The County Executive may remove a member at any time.
 - d. A member who has served two full consecutive terms must wait a full year before they can be considered for membership again.

B. Non-public agency members are appointed using the following process:

1. The County Executive's Office is notified of the vacancy.
2. The County Executive's Office advertises the opening and receives applications.
3. The LMB Chair and the Office for Children and Families (OCF) Director review applications and recommend applicants to the LMB. The LMB and OCF Director have the discretion to interview applicants before they make a recommendation to the County Executive.
4. The LMB votes on recommendations to be made to the County Executive.
5. The LMB Chair submits a letter to the County Executive with the LMB's recommendations.
6. After receipt of the LMB recommendations, the County Executive appoints the new LMB member and forwards the appointment to the County Council for confirmation.

SECTION 4 – OFFICERS

- A. Officers of the LMB shall be a Chair and a Vice Chair whom shall be elected from among the LMB membership on an annual or bi-annual basis.
- B. The terms of officers shall be two (2) years or until a successor shall be elected and qualified.

C. The Chair shall:

1. Preside at and conduct all meetings of the LMB and the Executive Committee;
2. Execute contracts, agreements and/or legal documents, after they have been approved by the LMB and/or County Executive;
3. Ensure that the Parliamentary Authority for all meetings of the LMB will be Robert's Rules of Order (The Modern Edition).

D. The Vice Chair shall:

1. Perform the duties of the Chair in the absence of the Chair.

E. An officer may resign at any time by providing written notice to the County Executive.

F. By a majority vote, the LMB may recommend removal of an officer, for cause, to the County Executive. A member being considered for removal by the LMB is entitled to notice of that consideration and the cause for such consideration prior to any recommendation being issued. Cause may include, but not be limited to, incapacity to serve, inadequate attendance, unethical or unlawful behavior, or unresolved conflict of interest.

SECTION 5 – QUORUM

A majority of the total number of members including at least 50% of the public sector members constitute a quorum for the transaction of business. When a quorum is present to convene a meeting, the meeting can continue only as long as a majority of members sufficient to maintain a quorum remain present.

SECTION 6 – MEETINGS / VOTING

- A. The LMB meetings are open to the public. With a few exceptions, the meetings are held on the fourth Monday of every other month beginning with the month of January. Those requiring special accommodations are requested to contact the OCF at least 48 hours prior to the meeting.
- B. Special meetings of the LMB may be called by the Chair and such call shall be issued whenever requested in writing by any two members.
- C. Written notice of all meetings shall be given by mail, facsimile, and/or e-mail. Notice shall be given at least seven (7) days in advance of all regular meetings.
- D. A quorum must be present in a meeting for the transaction of business.

- E. If less than a quorum is present for any duly noticed meeting, a majority of the member's present may adjourn the meeting until such time as a quorum may be had.
- F. Each member is entitled to one vote. Unless specified otherwise, all votes shall be by simple majority.
- G. Any one or more members of the LMB may participate in a meeting by means of a conference telephone or similar communications equipment allowing all persons participating in the meeting to hear each other at the same time. Participation by such means shall constitute presence in person at a meeting.
- H. All members, or in their absence their sworn designees, are expected to attend 70% of the regularly scheduled LMB meetings per fiscal year.
- I. The LMB, by a majority vote, may designate any issues to be voted on by written ballot which shall be sent, after discussion of the issue at one meeting, to each member. The results of the vote shall be recorded in the minutes at the next meeting.
- J. The LMB shall keep minutes of its meetings and a full and fair account of its transactions.

SECTION 7 – CONFLICTS OF INTEREST

- A. Members of the LMB are expected to act objectively without being or appearing to be motivated by private gain with respect to any action upon a matter before the LMB. It is the responsibility of every LMB member to disclose his/her interest in any matter before the LMB.
- B. A conflict of interest is defined as:
 - 1. Solicitation or acceptance of gratitudes, favors, services or anything of monetary value.
 - 2. Participation in the selection or award of a procurement or subgrant/grant for services where, to the member's knowledge, any of the following has a financial or other substantive interest in any organization which may be considered for an award:
 - a. The LMB member;
 - b. Any member of the LMB member's family;
 - c. A business partner of the LMB member; or
 - d. Any person or organization which employs any of the above or with whom any of the above has prospective employment.

3. Casting a vote on the provision of services to be provided by the LMB member or any organization that the LMB member directly represents.
4. Voting on any matter which would provide direct financial benefit to the LMB member.
5. Representatives from member agencies that receive funding from the LMB may not be considered for the Chair or Vice Chair seats.

C. Prior to discussion of any matter over which the LMB or any of its subcommittees has a review or on which it will take a vote, the following procedures will be followed:

1. The member shall disclose his/her interest in the matter.
2. Any person present at a meeting may raise a possible conflict of interest of any member and provide reasons for the claim. The LMB shall decide by a majority vote whether or not the claim raised constitutes a conflict of interest.
3. After an interest has been disclosed or raised and substantiated, the member shall not vote on the matter.

D. Members with actual or perceived conflicts of interest shall be prohibited from serving on any procurement, grant, and financial committees pertaining to the matter where the actual or perceived conflict exists.

E. Each LMB member shall sign a Conflict of Interest disclosure on an annual basis or as needed.

SECTION 8 – PARLIAMENTARY AUTHORITY

Robert's Rules of Order (Modern) shall govern all meetings of the LMB and any of the subcommittee meetings thereof in all cases to which they are applicable and to which they are not inconsistent with these guidelines.

SECTION 9 – UNETHICAL PRACTICES OR IMPROPER ACTS

A. If the LMB staff and/or LMB members suspects a grantee/subgrantee or any of its officers, partners, principals, or agents, or if any employee of grantee/subgrantee acting with grantee's/subgrantee's acquiescence commits improper practices in connection with the procurement of a LMB grant or the services or any payment under it, the LMB's Executive Committee will be informed by the OCF's director. The LMB's Executive Committee will make the determination of whether to notify subgrantee's board of directors or other appropriate authority. The rights and remedies set forth herein shall be in addition to, and the exercise thereof shall in no way be considered or construed a waiver of, any other rights or remedies granted or available to the County Executive.

- B. If grantee/subgrantee, or any of its officers, partners, principals, or agents, or if any employee of grantee/subgrantee acting with grantee's/subgrantee's acquiescence, is convicted of a crime arising out of or in connection with the procurement of a LMB grant or the services or any payment under it, the grant may be terminated at the option of the County Executive. In the event of a conviction occurring after the expiration or termination of this grant, grantee/subgrantee shall be liable for the refund of all fees or profit paid under the grant/subgrant. The rights and remedies set forth herein shall be in addition to, and the exercise thereof shall in no way be considered or construed a waiver of, any other rights or remedies granted or available to the County Executive.

SECTION 10 – LETTERS OF SUPPORT POLICY

- A. OCF's director has executive discretion in writing letters of support on behalf of the LMB when the request is simply for concept advocacy. However, if the letter of support is requesting \$10,000 or more, which is under the purview of the LMB, then the letter of support must be approved by a majority of votes by the LMB.
- B. If the time frame of the deadline for the letter of support occurs after the regularly scheduled LMB meeting, the vote will be taken at that regular meeting. However, if the deadline for the letter of support occurs prior to the next regularly scheduled LMB meeting, a phone, fax, or e-mail poll will be taken to determine approval or denial of the letter of support.
- C. All letters of support will be determined for approval or denial within eight weeks or less after receipt of the request.

SECTION 11 – LMB SUBCOMMITTEES

- A. The LMB shall have an Executive Committee that will convene on an as needed basis. The Chair of the LMB shall serve as the Chair of the Executive Committee. The members of the Executive Committee shall consist of the Chair of the LMB, the Vice Chair of the LMB, the OCF Director, and the Citizens Services Division Director. It shall be the duty of the Executive Committee to handle emergency matters, grievances and other such matters as may be assigned from time to time.
- B. The LMB may create standing and ad hoc subcommittees as deemed necessary. Each subcommittee shall include both public and private representatives. Subcommittees shall provide written/verbal reports to the LMB at regular meetings for inclusion in the minutes. Subcommittees shall include, but not be limited to, the following:
 1. Interagency Early Childhood Committee
 2. Local Care Team
 3. Other subcommittees may be formed at the discretion of the LMB

- C. The LMB shall encourage and make every effort to recruit non-LMB members to provide community participation on subcommittees, as appropriate. Subcommittees should strive to include a wide range of community stakeholders.

D. Subcommittee/Ad Hoc Committee – Membership

- 1. The Chair and/or Vice Chair of each subcommittee and ad hoc committee should be an LMB member or a representative of an LMB member's agency. In the absence of nominee from a member agency for Chair and/or Vice Chair, the subcommittee may nominate any subcommittee member to the LMB for consideration and approval.
- 2. Each member of the subcommittee and ad hoc committee shall be appointed by the subcommittee Chair.
- 3. A member may resign at any time from a subcommittee and ad hoc committee by giving written notice to the subcommittee Chair.
- 4. A member may be removed from a subcommittee and ad hoc committee at any time by a majority vote of the LMB. The subcommittee Chair shall keep a current list of members.
- 5. Only designated subcommittee members will be allowed to cast a vote.
- 6. A subcommittee member may designate someone to vote in their absence. This designation must be noted in the minutes.

E. Subcommittee/Ad Hoc Committee - Conflicts of Interest

- 1. Members of the subcommittees and/or ad hoc committees are expected to act objectively and without being or appearing to be motivated by private gain with respect to any action upon a matter before the subcommittee and ad hoc committee. It is the responsibility of each subcommittee and ad hoc committee member to disclose his/her interest in a matter before the subcommittee and ad hoc committee.
- 2. A conflict of interest is defined as:
 - a. Solicitation or acceptance of gratitudes, favors, services or anything of monetary value.

- b. Participation in the selection or award of a procurement or subgrant/grant for services where, to the member's knowledge, any of the following has a financial or other substantive interest in any organization, which may be considered for an award:
 - i. The subcommittee member;
 - ii. Any member of the subcommittee members' family;
 - iii. A business partner of the subcommittee member; or
 - iv. Any person or organization which employs any of the above or with whom any of the above has prospective employment.
 - c. Casting a vote on the provision of services to be provided by the subcommittee member or any organization that the subcommittee member directly represents.
 - d. Voting on any matter which would provide direct financial benefit to the subcommittee member.
3. Prior to discussion of any matter over which the subcommittee or any of its subcommittees has a review or on which it will take a vote, the following procedures will be followed:
 - a. The member shall disclose his/her interest in the matter.
 - b. Any person at a meeting may raise a possible conflict of interest of any member and provide reasons for the claim. The subcommittee shall decide by a majority vote whether or not the claim raised constitutes a conflict of interest.
 - c. After an interest has been disclosed or raised and substantiated, the member shall not vote on the matter.
4. Members with actual or perceived conflict of interest shall be prohibited from serving on any procurement, grant, or financial committees pertaining to the matter where the actual or perceived conflicts exist.

F. Roles/Responsibilities of Subcommittees

1. Interagency Early Childhood Subcommittee

This subcommittee conducts the activities of the Interagency Early Childhood Committee of the OCF's LMB whose mission is to promote healthy development and wellbeing of young children and their families through community collaboration.

Responsibilities/Duties:

- a. Addresses issues that affect Frederick County's families with children from birth to five years old.
- b. Promote a central clearinghouse of information on early childhood services for the community.

- c. Provide a networking forum for professionals to share needs and resources.
- d. Advocate for young children and their families.
- e. Review the Maryland State Results category of "Babies Born Healthy" and "Children Entering School Ready to Learn" This information will be used in guiding recommendations to the LMB.
- f. The subcommittee will ensure broad community collaboration and representation on the subcommittee.

2. Local Care Team

This subcommittee meets the mandates enacted in House Bill 840.

Responsibilities/Duties:

- a. Discuss all voluntary placement agreements for children with developmental disabilities or mental illness as required by Family Law Article 5-525.
- b. Be a forum for:
 - i. Families of children with intensive needs to receive assistance with the identification of individual needs and potential resources to meet identified needs; and
 - ii. Interagency discussions and problem solving for individual child and family needs and systemic needs.
- c. Refer families to available local and community resources.
- d. Provide training and technical assistance to local agency and community partners.
- e. Identify and share resource development needs through communication with the LMB, partner agencies, provider networks, family advocacy groups, and other Local Care Teams in surrounding jurisdictions.

SECTION 12 – INDEMNIFICATION

The County shall indemnify a director or officer of the LMB in connection with a proceeding to the fullest extent permitted by and in accordance with county policy and applicable state law.

SECTION 13 – FISCAL YEAR

The fiscal year of the LMB shall begin on the first day of July and end on the last day of June the following year.

SECTION 14 – AUTHORITY AND AMENDMENTS

- A. Proposed amendments to the bylaws must be submitted to the County Attorney's Office before the LMB takes a final vote to approve the amendments. After the County Attorney's Office approves the amendments for form and legality, the LMB may schedule a final vote on the amendments.
- B. The bylaws may be amended at any meeting of the LMB by an affirmative vote of at least two-thirds (2/3) of the members of the LMB, provided that the amendments have been submitted to the LMB members in writing at a previous meeting.
- C. The amendments to the bylaws approved by the LMB shall not take effect until approved by the County Executive.

This Executive Order is issued this 16th day of December, 2021, effective immediately, and shall remain in effect until changed by further Executive Order.



Rick Harcum
Chief Administrative Officer



Jan H. Gardner
Frederick County Executive


12-16-
2021