

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
GOVERNMENTAL CENTER**

**Tuesday, October 2, 2007**

**Present:** Commissioner President Francis Jack Russell  
Commissioner Kenneth R. Dement  
Commissioner Lawrence D. Jarboe  
Commissioner Thomas A. Mattingly, Sr.  
Commissioner Daniel H. Raley  
John Savich, County Administrator  
Betty Jean Pasko, Sr. Administrative Coordinator (Recorder)

**CALL TO ORDER**

Commissioner President Russell called the meeting to order at 9:00 AM.

**APPROVAL OF CHECK REGISTER**

**Commissioner Raley moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register dated October 2, 2007, as submitted. Motion carried 5-0.**

**APPROVAL OF MINUTES**

**Commissioner Jarboe moved, seconded by Commissioner Dement, to adopt the minutes of the Commissioners' meeting of September 25, 2007, as presented. Motion carried 5 -0.**

**PROCLAMATIONS:**

The Commissioners presented proclamations in recognition of the following:

**In Memory of Nancy Paige Smith**

**Present:** Barne Wheeler, Chair, Commission on the Environment, and other Commission on the Environment members  
Sandy Robbins, St. Mary's College, and other college staff members  
Brenna Savage, Ms. Smith's daughter, accepted the proclamation

**Retirement Recognition - Sgt. Andrew J. Cusick**

Present: Sheriff Tim Cameron, Capt. John Horne, and other members of the St. Mary's County Sheriff's Office

### **National Domestic Violence Awareness Month**

Present: Dr. Kathleen O'Brien, Chairperson of the SMC Family Violence Coordinating Council and Exec. Director Walden/Sierra, and other council/agency members Cynthia Brown, Community Services Div. Mgr., Rec, Parks & Comm. Services Marta Kelsey, Chairperson, Commission for Women

### **National Disabilities Employment Awareness Month**

Present: Jack Hormel, Chair, Commission for People with Disabilities Bill Nicholas, Cathy Zumbum, Mark Kalmus; Susan Erichsen, Paula Andreas, Margaret Ann Stewart, Sheral St. Clair; Pam Maine, Julie Randall, and Christi Bishop, Therapeutic Recreation Specialist/County ADA Coordinator

### **COUNTY ADMINISTRATOR**

1. Draft Agendas for October 9 and 16, 2007
2. **Dept. of Finance** (*Elaine Kramer, CFO; Jeannett Cudmore, Deputy Director*)

**Commissioner Mattingly moved, seconded by Commissioner Dement, to approve the budget calendar for the FY2009 as presented. Motion carried 5-0.**

3. **Office of the Sheriff** (*Sheriff Tim Cameron*)

**Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to sign the Federal FY07 Justice Assistance Grant (JAG) Award Acceptance from the Office of Justice accepting the \$25,755 for the Office of the Sheriff to procure equipment to support local law enforcement. Motion carried 5-0.**

4. **Department of Aging** (*Lori Jennings-Harris, Director; Peggy Maio, Fiscal Supervisor*)

**Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize Commissioner President Russell to sign the Notification of Grant Award for the Nutrition Services Incentive Program and the related Budget Amendment in the amount of \$11,038. Motion carried 5-0.**

**Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to sign the Notification of Grant Award on the Older Americans Act Title III's and the related Budget Amendment in the amount of \$1,562. Motion carried 5-0.**

5. **Dept. of Public Works and Transportation** (*George Erichsen, P.E., Director*)

**Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize Commissioner President Russell to sign the following Public Works Agreements, Public Works Agreement Addendum, and Sight Distance Easement Agreement, Items 1 through 4. Motion carried 5-0.** Items 1 through 4 were identified as: Public Works Agreement for Forrest Farm Subdivision, Phases 9 and 10, located in the 3rd Election District with an Expiration Date of July 1, 2008.

- (1) Public Works Agreement for Hunting Creek Subdivision, Section 2. Located in the 8th Election District with an Expiration Date of July 1, 2008; and a Sight Distance Easement along Willows Road as required for the construction of the entrance to the Hunting Creek Subdivision, Section 2.
- (2) Public Works Agreement for Pembroke Subdivision, Phases 3 and 4, located in the 8th Election District with an Expiration Date of October 1, 2008.
- (3) Public Works Agreement Addendum for Greenbrier Subdivision, Section 3, located in the 8th Election District with an Expiration Date of September 1, 2008.

**Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and sign the Resolution accepting Meadow Creek Drive and Watercrest Drive into the County Highway Maintenance System, and the Resolutions posting 25-mph speed limit and stop signs for said roads, located in the 8<sup>th</sup> Election District in the Abberly Farms Subdivision. Motion carried 5-0.**

**ST. MARY'S COUNTY PUBLIC SCHOOLS: PRESENTATION OF FY 2009  
STATE CAPITAL IMPROVEMENTS PROGRAM FOR REVIEW AND  
APPROVAL**

Present: Dr. Michael Martirano, Superintendent of Schools  
Brad Clements, Chief Operating Officer  
Kimberly Howe, Coordinating Supervisor of Capital Planning and Construction

The FY2009 State Capital Improvements Program was presented to the BOCC for their approval in preparation for submittal to the Public School Construction Program, which is due October 5, 2007.

Dr. Martirano began by announcing that the groundbreaking for the new school, Evergreen Elementary, will be October 29, 2007. Since the early 1990s, school renovations have been incorporating green design features (focusing on recycling, environmental, and energy management).

Mr. Clements provided a comprehensive review of the State Capital Improvement Program for St. Mary's County Public Schools, which included school enrollment projections versus state-rated capacity comparisons. Figures indicated growth in the elementary level, which will affect middle and high schools later on. Programs, such as

STEM, are used to help balance capacity without redistricting. Career centers are not used in school capacity projections, but are used in APF (Adequate Public Facilities).

Discussion ensued regarding school overcrowding and relocatables. The question was raised that with 72 relocatables in use, and considering the average class size, why doesn't that equate in the State's system as justification for a new school. It was clarified that relocatables are for short-term use during construction (1/2 students have to be in place before requesting a new school) and are also used to support program needs, such as art and music. Mr. Clements will break out the totals reflecting the 500 students in locatables; i.e., location and what they're used for.

It was discussed that St. Mary's County is at a disadvantage since it is rural, but also fast-growing relative to the State's capacity requirements. Referencing text on Page 7 of the "Shaping the Future State Capital Improvements Program FY2009 – FY2014," document...the school system working closely with the county government to potential forward funding design and/or construction..." Commissioner Raley stated that is not the answer and suggested that the State needs to re-look at the rules that they impose on the County. Commissioner Mattingly clarified the documentation indicates that the State pays about 50%, and the County 50% , which is approximately a 78% contribution for construction by the State. However, since 1999, out of a 188 million local and State school dollars, 110+ million has been County funding. A breakdown of funding levels for all of the counties was requested. FY2009 will most likely be the last time St. Mary's is eligible for 72% construction costs. 56% will be the baseline. The new construction funding level will be somewhere between 56% and 72%. Ms. Howe will provide data on what the current funding levels are and what the funding levels will be (new baseline) for each of the counties.

Ms. Howe provided a walk-through of the FY2009 projects, high-lighting financial changes, and projects for FY2010 through FY2014. Commissioner Russell requested that when a CIP related request is brought before the Board in the future, that the information is provided to the Board earlier for their review.

**Commissioner Raley moved, seconded by Commissioner Jarboe, to sign the letter of support for the State Capital Improvements Program submission for St. Mary's County Public Schools to be forwarded to the Public School Construction Program Office. Motion carried 5-0.**

*After the motion was made, Commissioner Raley noted that the letter makes no reference to forward funding. Commissioner Mattingly asked if it is advisable to go back to one school district versus three relative to APF. Ms. Howe said the Chamber group suggests that development be spread out in phases versus approving based on current, existing development needs and added that redistricting doesn't solve overcrowding.*

*High schools must have 600 students in relocatables to be considered overcrowded, elementary and middle schools need 646 students.*

**DEPT. OF LAND USE AND GROWTH MANAGEMENT:**

- 1. DECISION FOLLOWING PUBLIC HEARING ON PROPOSED ZONING TEXT AMENDMENTS TO THE COMPREHENSIVE ZONING ORDINANCE TO DELETE THE OFFICE BUSINESS PARK (OBP) ZONE FROM THE LIST OF ZONES WITHIN WHICH A RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) MAY BE LOCATED (SECTION 44.6)**

Present: Phil Shire, Deputy Director  
Jeff Jackman, Sr. Planner

Mr. Jackman stated that a public hearing was held by the BOCC on the proposed text amendment on September 18, 2007. No comments were received during the open record period. The Planning Commission considered the text amendment at their public hearing on September 10, 2007, and voted unanimously to recommend approval to the BOCC.

**Commissioner Raley moved, seconded by Commissioner Mattingly, to amend Chapter 44.6 of the St. Mary's County Comprehensive Zoning Ordinance Z-02-01 to prohibit residential uses in the OBP Zone as recommended by the Planning Commission. Motion carried 5-0.**

*After the motion was made, Commissioner Raley stated that the issue regarding potential residential uses in the OBP zone has been ongoing for some time, and while much has evolved during this time, the Board must vote to do what's best for St. Mary's County and protecting the mission of Pax River is very important to St. Mary's County.*

**2. DECISION FOLLOWING PUBLIC HEARING ON PROPOSED TEXT AMENDMENTS TO THE COMP. ZONING ORDINANCE FOR THE PURPOSES OF AMENDING THE AIR INSTALLATIONS COMPATIBILITY USE ZONE (AICUZ) TO RESTRICT NEW RESIDENTIAL SUBDIVISIONS IN THE ACCIDENT POTENTIAL ZONE-TWO (APZ-2) OVERLAY ZONE**

Present: Phil Shire, Deputy Director  
Jeff Jackman, Sr. Planner

Mr. Jackman stated that a public hearing was held by the BOCC on September 4, 2007. Mr. Jackman summarized that comments received during the public hearing pertained to time, scope, and fairness and elaborated on staff's response to those comments, which is included in the staff report dated September 26, 2007.

Timing: should the County wait for the results of a joint land use study (JLUS) before amending the Zoning Ordinance? Staff response: while additional amendments are very likely to be needed following completion of the JLUS, staff maintains that the report of the encroachment committee is sufficient reason to proceed with the amendments as proposed and as recommended by the Planning Commission. Furthermore, Commanding Officer Ives, in his correspondence of April 23, 2007, noted the following: "Encroachment is considered to be any action, either planned or executed, that inhibits, curtails, or possesses the potential to impede the performance of Navy activities. The number one encroachment challenge for the Naval Air Station Patuxent River complex is urban development, which is steadily growing toward the boundaries of the Naval Air Station and Outlying Field (OLF) Webster."

Scope: A) verify which properties are impacted, and what grandfathering is needed; B) explain whether the amendments are intended to accommodate noise impacts or accident

potential, and C) clarify the extent of the reduction of residential potential that would result from the amendments.

Staff response: A) the tables included in the public hearing staff report analyze all properties within the APZ-2 Overlay. The amendments provide grandfathering for unimproved lots and parcels of records and for plans of subdivisions submitted prior to the April 10, 2007 introduction of the amendments. B) The amendments are intended to accommodate both noise impacts and accident potential because both have adverse impacts on the health, safety and welfare of existing and future residences. C) The prohibition of future residences beyond the grandfathering language precludes the possible re-subdivision within all zones to allow a maximum of 2 dwelling per acre as presently allowed except in the OBP and Industrial Zones.

Fairness: do the amendments lead to regulatory taking of properties? Staff response: while new subdivisions and re-subdivisions would be precluded, staff concludes that no property within the APZ-2 Overlay Zone would be left without the prospect of a reasonable use as a result of the amendments. Where residential use is permitted, a vacant lot or parcel of record could be improved with a single residence. Subdivisions that are currently being reviewed for approval would be grandfathered. Permitted nonresidential uses would not be affected by the amendments.

Attention was called to the Figure 43.3.A, “Land Use Compatibility in Aircraft Accident Potential Zone” table regarding the footnote to “Single-family” residential, APZ-2 compatibility is “B” with a footnote delineating the maximum density as two dwelling units per acre.

Additionally, the proposed ordinance was supplemented, adding the following text:

*In the Key to Figure 43.3.A revise “C” to read as follows:*

*“C: Normally Incompatible, The exposure to noise or accident potential is significantly more severe so that unusual density restrictions are necessary for safety of life and property.*

Mr. Shire reviewed Mr. Denis Canavan’s memo to the BOCC, dated October 1, 2007, which elaborated on the supplements.

Ms. Chesser, County Attorney, said she had reviewed and is ok with the revised ordinance.

**Commissioner Raley moved, seconded by Commissioner Mattingly, to amend Chapter 43, Figure 43.3A, of the Comprehensive Zoning Ordinance Z-02-01 to restrict new residential subdivisions in the APZ-2 Overlay Zone as recommended by the Planning Commission and as modified by the Board of County Commissioners. Motion carried 5-0.**

**OFFICE OF THE COUNTY ATTORNEY: PRESENT 2008 LEGISLATIVE PROPOSALS AND REVIEW PROCESS**

Present: Colin Keohan, Deputy County Attorney

Mr. Keohan presented the draft 2008 St. Mary’s County Legislative Proposals to the Board and reviewed the 2008 legislative schedule. Two additional proposals (Citizens for the Preservation for Historic St. Mary’s City and Southern MD Wine Grape Growers COOP Board) were received after the deadline but will be added.

Schedule highlights:

- Legislative proposals to be sent to the Delegation – Friday, October 5, 2007.
- BOCC and Delegation Joint public meeting – Tuesday, October 23, 2007, at 6:30 PM.
- BOCC takes positions on 2008 Legislative Proposals – Tuesday, October 30, 2007.

Following is the list of the St. Mary’s County 2008 Legislative Proposals as presented, along with the comments from the Board.

**ST. MARY’S COUNTY 2008 LEGISLATIVE PROPOSALS**

Proposal #	Proposed by	Proposal Description	10/2/07 Discussion Notes / BOCC Requests
1	David and Lynn Lowe	<p>To require promoters of outdoor musical festivals in St. Mary’s County with 500 or more spectators in attendance to obtain a license for the event. Current law requires a license for 1,000 spectators or more.</p> <p>To require that promoters of outdoor musical festivals in St. Mary’s County provide both adequate security for persons affected by the outdoor musical festival and for their property. Currently, St. Mary’s County is exempt from this requirement.</p> <p>To require promoters of outdoor musical festivals in St. Mary’s County to post a cash bond with its application for a health permit. Currently, if the promoter owns the property, the cash bond requirement is waived.</p> <p>To require promoters of outdoor musical festivals in St. Mary’s County to post a cash bond versus pledging real or personal property.</p>	It was verified the cost to obtain (event) license is \$500.
2	Linda Vallandingham and Robert Jarboe	To repeal the legislation creating the Metropolitan Commission for St. Mary’s County and, if necessary, to authorize St. Mary’s County to create, within county government, a Sanitation Department.	Statistical/ (water & sewer) organizational structure data from other counties in the State was requested.
3	Mary Wood	To exempt agri-tourism operations in St. Mary’s County from the “Amusement Tax.”	<p>1. Work with Mr. &amp; Mrs. Wood, and with Donna Sasscer, to further define or refine proposal.</p> <p>2. Will there be a financial impact on St. Mary’s County?</p>
4	Walter Burch	To require that pound net fish traps be illuminated by lights, to reduce the amount of night-time boating injuries. Currently, pound nets are only required to be marked with reflective tape.	Recommended researching through DNR (probably a state-

			wide issue). Will this be a requirement just for St. Mary's County waters?
5	The Justice and Advocacy Council of St. Mary's County	To require the owner of a mobile home park to give the County, Housing Authority, and/or a tenant organization an opportunity to buy the mobile home park before it is sold in order to prevent the displacement of county residents from affordable housing.	
6	St. Mary's County Historical Society	Bond Bill in the amount of \$75,000 to repair, improve and upgrade the condition of historic Tudor Hall.	
7	Pathways, Inc.	Bond Bill in the amount of \$500,000 to improve service delivery and accessibility of mental health services offered.	
8	Alcohol Beverage Board of St. Mary's County, Maryland	Increase fine for alcoholic beverage sales violations from \$500 to \$1,000.	
9	Department of Public Safety for the Emergency Services Committee	To increase the percentage (from 75% to 90%) that the County is allowed to loan on the purchase price of new fire fighting, rescue and emergency medical services machinery and equipment.	1. Obtain comments from Ms. Kramer, e.g., impact on revolving loan fund. 2. Look at (clarify) the payback period, if it can be spread out.
10	St. Mary's County Sheriff's Office	To remove the residency requirements for Deputy Sheriffs from the Code of Public Laws of St. Mary's County.	Survey with other counties in the State (residency requirements).
11	St. Mary's County Sheriff's Office	To replace the rank name of Captain with "Assistant Sheriff"; to require that the "Assistant Sheriff" must have held two (2) preceding permanent ranks within the Sheriff's Office; that the salary of the "Assistant Sheriff" will be set by the County Commissioners.	
12	Department of Economic and Community Development	To alleviate the tax burden on property owners who place a restrictive conservation easement on their entire property.	1. Clarification – tax relief not for stripping TDRs off property. 2. Recommended obtaining clarification from the Tax Assessment Office about taxes on certain land under easements for utilities and various uses (assessing property tax on restricted land, re: letter from Carl Franzen). Determine if anything needs to be added to the proposal.
13	Department of Finance	To extend the termination date for St. Mary's County authority to impose a transfer tax from June 30, 2010 to June 30, 2020.	What is the financial impact (operating & capital) to St. Mary's County?
14	Department of Finance	To request authority to issue \$35 million in public facility bonds.	The Delegation, as well as BOCC, will probably have questions regarding the amount.
15	Commissioner Russell	To require that the Meningitis vaccination necessary for school enrollment be considered a reimbursable expense and covered by health insurance companies.	Clarification – primarily for college students.
16	Office of the County Attorney	To add language to the St. Mary's County Code of Public Laws concerning the responsibilities of a park owner in the event that a mobile home park is closed. To consider lengthening the lease notice termination period for displaced mobile home residents to further clarify what is to be included as part of a resident relocation plan upon a change in land use.	

## COMMISSIONERS' TIME

Commissioners reviewed County events and activities attended during the previous week and thanked all those involved for their service to the community.

**PUBLIC HEARING: PROPOSED AMENDMENTS TO THE COMPREHENSIVE WATER AND SEWERAGE PLAN FOR THE WILLOWS RUN SUBDIVISION, PHASE II, TO CHANGE THE SERVICE AREA CATEGORY FROM W-6 AND S-6 TO W-3D AND S-3D FOR 21.97 ACRES DESCRIBED AS TAX MAP 51, GRID 22, PARCEL 277, 8<sup>TH</sup> ELECTION DISTRICT**

Present: Jeff Jackman, Sr. Planner, Land Use and Growth Management

Mr. Jackman began by stating that the public hearing was advertised in the September 14 and 19, 2007, editions of the Enterprise; notice was also sent out to adjoining property owners and notice was posted on the property; and public hearing information was posted on the County's website.

Mr. Jackman reviewed the Public Hearing Staff Report. Property was described as follows:

Owner: James Simmons, Sr. / Kevin Gibbs Companies, LLC  
Agent: R. A. Barrett and Associates  
Location: Map 51, Grid 22, Parcel 277 in the 8<sup>th</sup> Election District  
Zoning: RL

The staff report indicates no conflicts with the St. Mary's County Comprehensive Plan planning and zoning issues (proposed development is permitted in the RL zoning district), population estimates (the project proposes 44 dwelling units, the Lexington Park water distribution system and the Marlay Taylor wastewater treatment plant are well able to provide service for the resulting additional population), engineering, economics, and state, regional and municipal plans. Technical Evaluation Committee comments (from the Health Department and Metropolitan Commission) were supportive; i.e., these agencies support the provision of community sewer service to the subject properties.

Mr. Jackman displayed an exhibit, excerpt from Map III-51, identifying the location of the proposed W-3D Willows Run subdivision, Phase II, and surrounding properties.

Following a public hearing on August 13, 2007, and by a unanimous vote, the Planning Commission authorized the Chair to sign PC Resolution 07-14 to convey to the BOCC its recommendation that the CWSP be amended as requested.

Commissioner President Russell opened the hearing for public comments at 11:45 AM. There were no names on the sign-in sheet and no one presented public comment. Commissioner President Russell closed the public hearing at 11:45 AM and declared the 10-day open record period.

**Commissioner Dement moved, seconded by Commissioner Jarboe, to close the Public Hearing. Motion carried 5-0.**

**ST. MARY'S COUNTY METROPOLITAN COMMISSION: PROJECT BRIEFING AND REQUEST FOR APPROVAL TO OBTAIN MD DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT LOAN FOR LONG TERM FINANCING OF IMPROVEMENTS**

Present: Frank Taylor, Chairman  
Steve King, Director

Rebecca Shick, CFO  
Jackie Mieser, Attorney for MetCom

The Commissioners were briefed on the projects included in the loan request and approval was requested to obtain a loan through the Maryland Department of Housing & Community Development (DHCD) for the long-term financing of these projects, and for the County to pledge its full faith and credit for that loan.

The presentation included a description of each project to be funded (including a detailed budget work sheet for each), loan repayment method (system improvement charge and capital contribution charge (at connection)), and the terms of the loan.

- There were 12 projects listed, totaling \$10,661,500.
- The system improvement charge is intended to fund the debt service cost of the upgrades and replacements of existing water and sewerage systems identified in FY2008 – 2012 Capital Improvement Budget (CIB). To recover cost to expand water supply, water distribution system, sewage collection system and sewage treatment capacity to serve anticipated growth and existing water and sewer problems, all new customers will be required to pay capital contribution charge(s), based on EDUs (equivalency dwelling units), at the time of connection. The system improvement and capital contribution charge amounts will be evaluated yearly for adequacy based on the following years CIB and adjusted accordingly.
- The terms of the loan are: 20 years at an estimated 4.6%, which means an annual debt service of approximately \$860,735, assuming total draws match the maximum authorized of \$11.1 million.

Discussion:

- **Great Mills Water Line** (estimate \$337,500)  
Purpose of line is to create loop back to Lexington Park. Cecil's Mill developers did pay into supply and storage fees, as required, but are not paying into creating the loop (they did pay into creating a line into the subdivision).
- **Chancellor's Run Road Water & Sewer Lines** (most expensive project, estimated at \$4,422,000). The law requires that all plumbing and sewer be connected. MetCom requirement is within six months. It was clarified that MetCom has agreements on a case by case basis. For example, new wells may not need to be abandoned for up to five years.
- Re: new rate structures -- can some projects that have been in the queue for some time or nearing the end be grandfathered? Mr. Taylor said that he is not aware of any, but will look at for the next meeting.
- MetCom is in negotiations with the Navy Base. It was clarified that the Navy will be 100% responsible for charges and the project will not be subsidized by taxpayers.
- Suggested looking at 'in-fill' development to make developments more marketable (eliminate sub-divisions). Will require a policy change and will need to be presented to the Planning Commission.

- Metropolitan Commission Maintenance Facility (second largest project, estimated at \$1,400,000; FY2009) – planned to move to Hollywood, property was appraised and the offer was rejected. Discussion ensued regarding the potential alternative plans, with statements by Mr. Taylor and Mr. King that this project would be brought back to the BOCC prior to expenditures, if there were any differences from the capital budget sheet in the submission.
- (BOCC) approval is “time sensitive,” drop dead date is 10/9/2007 to be included in the bond sale by DHCD. The BOCC requested that MetCom send future requests/documents to the BOCC earlier. MetCom replied that they were just advised of the deadline last week and they receive program input at the eleventh hour, i.e., input from Water Quality, MTE and DHCD, necessitating a quick internal review by MetCom.
- MetCom needs to inform the BOCC if funds are not used as they are originally intended.

**Commissioner Mattingly moved, seconded by Commissioner Raley, to authorize the issuance by the Commission of its St. Mary’s County Metropolitan Commission Infrastructure Bonds, 2007 Series B, in the maximum principal amount not to exceed \$11,100,000, to be issued on the full faith and credit of the County Commissioners of St. Mary’s County; and to authorize the County Commissioner President to sign Resolution 2007-35 evidencing this authority and pledge. Additionally, to authorize the Commissioner President, County Administrator, and County Attorney to execute related documents, within the authority granted previously, including the General Certificate, with respect to these bonds. And, to direct the Metropolitan Commission that this authority to borrow is limited, and that the use of proceeds on this bond is for the projects listed in their resolution 2007-03 or issuance costs associated with this transaction. Additional and/or alternative use of the bond proceeds shall be subject to pre-approval by the Board of County Commissioners. Motion carried 5-0.**

*It was reiterated that the use of proceeds on this bond is for the projects listed in MetCom’s Resolution 2007-03 or issuance costs associated with this transaction. Additional and/or alternative use of the bond proceeds shall be subject to pre-approval by the Board of County Commissioners, i.e., if funds are not going to be used for the original intent, MetCom is required to obtain the approval of the BOCC prior to executing a resolution for any change in the use of bond proceeds. Additionally, as it relates to the Maintenance Facility, listed in 2007-03, MetCom is required to obtain the approval of the BOCC before bond proceeds can be used.*

## **MOTION TO ENTER INTO EXECUTIVE SESSION**

**Commissioner Jarboe moved, seconded by Commissioner Dement, to enter into Executive Session for the purposes of discussing Real Property matters, specifically, potential parkland acquisitions; and Personnel matters that are not related to Board, Committees, or Commissions. Motion carried 5-0.**

**Commissioner Mattingly moved, seconded by Commissioner Raley, to enter into Executive Session for the purposes of discussing Personnel matters, specifically boards and committees. Motion carried 3-2 (Commissioners Jarboe and Dement voted against the motion).**

## **EXECUTIVE SESSION**

### **Real Property**

**Present:** Commissioner Francis Jack Russell, President  
Commissioner Kenneth R. Dement  
Commissioner Lawrence D. Jarboe  
Commissioner Thomas A. Mattingly, Sr.  
Commissioner Daniel H. Raley  
John Savich, County Administrator  
Christy Chesser, County Attorney  
Phil Rollins, Director, Recreation, Parks & Community Services  
Donna Sasscer, Agriculture Manager  
Liz Passarelli, Real Property Manager  
Donna Gebicke, Recorder

**Authority:** Article 24, Section 4-210(a)11

**Time Held:** 2:48 pm – 3:23 pm

**Action Taken:** Commissioners discussed potential parkland acquisitions.

### **Personnel**

**Present:** Commissioner Francis Jack Russell, President  
Commissioner Kenneth R. Dement  
Commissioner Lawrence D. Jarboe  
Commissioner Thomas A. Mattingly, Sr.  
Commissioner Daniel H. Raley  
John Savich, County Administrator  
Sue Sabo, HR Director  
Donna Gebicke, Recorder

**Authority:** Article 24, Section 4-210(a)1

**Time Held:** 3:24 pm – 4:16 pm

**Action Taken:** Commissioners discussed personnel matters.

### **Personnel**

**Present:** Commissioner Francis Jack Russell, President  
Commissioner Kenneth R. Dement  
Commissioner Lawrence D. Jarboe  
Commissioner Thomas A. Mattingly, Sr.  
Commissioner Daniel H. Raley  
John Savich, County Administrator  
Donna Gebicke, Recorder

**Authority:** Article 24, Section 4-210(a)1

**Time Held:** 4:16 pm – 4:34 pm

**Action Taken:** Commissioners discussed boards and committees.

**ACTION FROM EXECUTIVE SESSION**

**Commissioner Mattingly moved, seconded by Commissioner Dement, to approve staff recommendation from HR and to authorize staff to proceed as discussed during Executive Session. Motion carried 5-0.**

**ADJOURNMENT**

Minutes Approved by the Board of County Commissioners on \_\_\_\_\_

\_\_\_\_\_  
Betty Jean Pasko, Senior Administrative Coordinator