



Courthouse News

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The President Reports

Baltimore County Executive Jim Smith

Final Session Presiding Officers Meeting

The last of three MACo-coordinated Session meetings with the Presiding Officers, Senate President Mike Miller and House Speaker Mike Busch, was held on March 19. Attending the meeting were MACo President Jim Smith and Secretary Wayne Cooper, County Executives David Craig, Jack Johnson, Ike Leggett and John Leopold, and MACo Executive Director David Bliden.

President Smith inquired about the status of State budget deliberations. Speaker Busch noted that House and Senate budgets were "similar" with K-12 funding protected and the Geographic Cost of Education Index (GCEI) "in place." I "...don't see significant cuts."

"It's a strong capital budget... [which] puts people to work," observed Speaker Busch. President Smith suggested that, because of the county match, a State investment of \$333 million in school construction and renovation put "one-billion dollars into the economy."

President Miller explained that if the computer tax were repealed, \$200 million would have to be "made up. We will be looking at cutting unless we come up with alternatives."

"I don't see us...taking things out of the budget," continued Speaker Busch, noting that it "...really comes down...to three poisons," repealing the computer tax, imposing a higher income tax rate on high income earners, or transferring funds dedicated to transportation.

"Thank you for protecting us," said Charles County Commission President Cooper, explaining that his county is "still challenged [due to fiscal constraints] in opening a new high school." "I realize counties have a tough job," responded Speaker Busch, citing the decline in recordation and transfer tax revenues making the job "tougher. Counties have tough times."

"It was the hardest budget in five years," said County Executive Johnson, referring to the preparation of Prince George's County's FY 09 budget. The budget is "barebones" and "...assumes no further erosion in state contributions. I hope you think about that a lot."

It is "...pretty phenomenal..." and I "...compliment MACo," said

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Final Session Legislative Committee Meeting March 26 - 11:00 am

Guest Speakers:

Governor Martin O'Malley
State Treasurer Nancy Kopp
State Comptroller Peter Franchot

Sine Die Luncheon to Follow

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Important Dates!

August 13-16, 2008

Summer Conference, Ocean City

October 22-24, 2008

Adm./Attys. Fall Conference, Annapolis

January 7-9, 2009

Winter Conference, Hyatt, Cambridge

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Speaker Busch, referring to the resolution of county concerns with the Critical Area bill, that he originally felt could not be passed this Session. President Smith explained that "... a lot of work" was invested in the effort, with much cooperation from the Administration and the Critical Area Commission.

"The big issue will be money," advised President Miller, responding to President Smith's inquiry about the Interim focus. He explained that even with slots, there still remains a \$500 million shortfall until full implementation. "It's a long start up."

Minority Leaders Address Legislative Committee

Senate Minority Leader David Brinkley and House Minority Leader Tony O'Donnell addressed the MACo Legislative Committee on February 27. The Minority Leaders discussed the State budget, shifting teacher retirement costs from the State to the counties, slot machines, and the Administration's critical area legislation.

Senator Brinkley noted that it seemed there was still a "hangover" from the 2007 Special Session. "A lot of capital was spent when [the General Assembly] voted to raise taxes," he explained.

He cautioned that the fiscal estimates from the Special Session were "optimistic" and expected another State revenue write-down to be announced in March. He stated that the General Assembly was considering \$100 to \$300 million in budget reductions. He also expressed interest in repealing the sales tax on computer services enacted during the Special Session, citing concerns that computer vendors would leave Maryland for neighboring states.

Noting that 40% of the State budget goes towards local aid, the Senator also warned, "there is still a sentiment in the legislature that counties and municipalities should share in any [budget reduction] burden." He stated that Thornton education funding should be counted in the local share. "We have to count Thornton because we're writing the check for it," he argued.

Delegate O'Donnell stressed that while "we are all partners...we have some tough times ahead of us." He

argued that the State has drained both its reserves and tax capacity and is now facing an economic downturn, "a recipe for disaster." He stated, "[The General Assembly] can now only cut. The citizens of Maryland cannot bear any additional load from taxes."

Allegany County Commissioner Bob Hutcheson expressed concern about a proposal to shift responsibility for teacher retirement payments from the State to the counties, warning that such a shift would "break [Allegany County]." Delegate O'Donnell did not note a position on the shift, arguing that if a Republican plan to limit growth and try to capture more money from slot machine licenses had been adopted, the State would not have needed to consider the action. Senator Brinkley expressed support for the shift, noting that the calculation as to how much each county pays could be based on a local wealth formula, similar to that used by the Geographic Cost of Education Index. He also suggested that the shift could be limited to new liabilities only. "The fact is," he concluded, "we can't continue along the road we are going."

Baltimore City Council Member Rikki Spector questioned the minority leaders about their caucus' position on the slots referendum. Senator Brinkley responded that the Senate Republican caucus is split on the issue and has not taken a position. He noted that he was personally opposed to a slots referendum, believing that it was a budget decision that should be made by the General Assembly. He cited a lawsuit that has been brought challenging the constitutionality of the slots referendum and opined that slots interests in neighboring states would work hard to defeat the referendum. Delegate O'Donnell stated that the House Republican caucus had also not taken a position yet.

Wicomico County Executive Rick Pollitt asked the minority leaders for their opinion on the Administration's Critical Area legislation (HB 1253/SB 844). Delegate O'Donnell stated that the House Republican caucus was very concerned about centralizing land use authority with the State rather than authority remaining at the local level. He noted that the legislation was introduced late and has broad implications for both the State and local governments. He explained that while the legislation attempts to address an important public policy issue, the caucus disagreed with the bill's proposed methods. Senator Brinkley concurred, noting that the position of the Senate Republican caucus was similar.

Contact: Leslie Knapp Jr.

Governor Rescinds Local Health Department Billing

In a letter dated March 5, Governor Martin O'Malley expressed his intent to relieve local health departments of a substantial new billing, originally proposed to apportion costs of future retiree health care costs back to these locally-funded offices. The billing was anticipated to total \$10 million, but has been waived for FY 2009. The Governor's letter suggests an effort to work toward a resolution for FY 2010 and beyond.

Facing a massive new cost increase for existing State employees located in local health departments, county health officers raised concerns with both Department of Health and Mental Hygiene Secretary John Colmers and the Department of Budget and Management Secretary Eloise Foster. Following these concerns, Administration officials worked to address the unexpected cost increases, which threatened the funding for hundreds of public health professionals in most county health departments. The Governor's letter, recognizing the unique nature of local health department employees, completes the immediate efforts on the issue.

MACo had identified Local Health Department COLAs as a 2007 legislative initiative, and the postemployment benefit billing was actually an extension of a long-lived and continuing funding problem for local health departments. Due to the formula funding for the local health departments, each year their State funds fall far short of the actual costs of employee salaries and benefits.

The letter is available on the MACo home page at www.mdcounties.org.

Contact: Michael Sanderson

Critical Area Bill Passes House

The House of Delegates passed an amended version of HB 1253 on March 22. The Administration bill proposes implementing significant changes to Maryland's Critical Area law. MACo joined MML, the environmental community, and builders in supporting the amended version. The Senate has not acted on the cross-filed bill, SB 844, which was heard on February 28 before the Environmental Affairs Committee (EHE). The Committee plans to use the House bill as the foundation

for its deliberations.

MACo had previously testified that its support for the bill was contingent on amendments that would address four key areas of concern. If the four issues could not be addressed to MACo's satisfaction, then MACo would recommend that the bill be committed to summer study. The four areas included: (1) deleting the bill provisions allowing the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays (Commission) to overrule a local government's decision to grant an after-the-fact variance or mapping error; (2) defining the Commission's authority to adopt regulations within specific parameters; (3) modifying the factors considered by the Commission when deciding whether to grant a request to use growth allocation; and (4) recognition of the increased funding burdens placed on the counties by the bill.

At the House Environmental Matters Committee bill hearing on March 6, MACo President and Baltimore County Executive Jim Smith, MACo Executive Director David Bliden, and MACo Associate Director Leslie Knapp Jr. were joined by a panel of county planners and code enforcement personnel to testify that MACo's concerns were satisfied by bill amendments offered by the Commission. The compromise reflected many hours of intense negotiating with the Governor's legislative office and Commission in which MACo President Jim Smith was often personally engaged.

Key Provisions of the amendment legislation include:

- Granting the Commission authority to adopt regulations for specified purposes. The listed purposes were reviewed by county personnel and, in many instances, replace legally ambiguous guidelines that were previously issued by the Commission. Wherever possible, the Commission regulations must provide flexibility for local program variations. Any adopted regulations must go through the normal regulatory process, which includes a public comment period.
- Requiring local governments to provide enhanced notice to the Commission of variance or mapping mistake decisions and potential appeals, so that the Commission can make a more accurate determination of when to use its existing authority to intervene in a case or appeal. The Commission will not have the authority to overrule a county's decision to grant an after-the-fact variance or find a mapping error.

- Requiring local programs to include provisions for

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the consolidation and reconfiguration of certain grandfathered lots in existence before the critical area law was enacted to bring them into conformance with the existing law to the greatest extent possible.

-Providing that each calendar day that a critical area violation continues, constitutes a separate offense and for each offense, a person shall be subject to separate fines, orders, sanctions, and other penalties. The existing \$10,000 maximum fine for a single offense is not changed.

-Providing that prior to issuance of a permit, approval, variance, or special exception for a property subject to a Critical Area violation, the applicant must: (1) fully pay any administrative, civil, or criminal penalties for the violation; (2) prepare a restoration or mitigation plan approved by the local jurisdiction to abate impacts to water quality and natural resources as a result of the violation; and (3) perform the abatement. Local jurisdictions must assess an administrative or civil penalty before accepting an application for an after-the-fact variance.

-Authorizing the denial, suspension or revocation of licenses for contractors, homebuilders, and tree experts who violate Critical Area law.

-Providing for a right of entry by a local authority to identify or investigate a violation or potential violation of the Critical Area law. Unless otherwise authorized by the local jurisdiction, the local authority must make a reasonable effort to contact the property owner before obtaining access to the property and if denied by the property owner, may seek an injunction to enter the property.

-Altering the measurement that determines how much of a lot or parcel may be developed within the Critical Area from the amount of impervious surface on the lot or parcel to the total "lot coverage" that has been developed. The lot coverage measurement includes structures, accessory structures, parking areas, driveways and walkways, including areas covered by gravel, stone, shell, decking, or pavement. The lot coverage measurement does exclude stairways or walkways in the buffer that provide direct access to a community or private pier, certain fences, and wood mulch pathways. Lot coverage is limited to 15%, subject to certain exceptions.

-Requiring the Commission to consider certain factors when reviewing a map amendment or refinement involving the use of growth allocation. MACo

negotiated with the Commission and the Maryland Department of Planning to make sure these factors are specific and relate directly to water and habitat preservation in the Critical Area. The factors include:

(1) Consistency with a jurisdiction's adopted comprehensive plan and whether the growth allocation would implement the goals and objectives of the adopted plan;

(2) For a map amendment or refinement involving a new Intensely Developed Area (IDA), whether the development is: (i) to be served by a public wastewater system; (ii) to have an allowed average density of at least 3.5 units per acre; and (iii) for an IDA that is greater than 20 acres, to be located in a Priority Funding Area designated by the local government;

(3) For a map amendment or refinement involving a new limited development area, whether the development is: (i) to be served by a public wastewater system or septic system that uses the best available nitrogen removal technology; (ii) a completion of an existing subdivision; (iii) an expansion of an existing business; or (iv) to be clustered;

(4) The use of existing public infrastructure, where practical,

(5) Consistency with State and regional environmental protection policies concerning the protection of threatened and endangered species and species in need of conservation;

(6) Impacts on a priority preservation area;

(7) Environmental impacts associated with wastewater and stormwater management practices and discharges; and

(8) Environmental impacts associated with a location in a coastal hazard area or an increased risk of severe flooding attributable to the proposed development.

-Providing for a 300-foot buffer from tidal waters or wetlands for a specific class of properties within the Critical Area. Earlier language in the bill applying the 300-foot buffer to the entire Critical Area has been deleted. The enhanced buffer only applies to property within a Resource Conservation Area (RCA) that applies for subdivision or site plan approval and will remain a RCA. The 300-foot buffer may be reduced if it would preclude an intra-family transfer or subdivision of the property at a density of one dwelling unit per 20 acres.

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·Requiring the use of nonstructural “soft” shoreline erosion control and stabilization measures, including living shorelines and marsh plantings. A person may still use structural “hard” shoreline erosion control and stabilization measures, such as bulkheads or riprap, if a waiver is granted by the Maryland Department of the Environment.

·Providing for the remapping of the Critical Area maps using the Statewide Base Map as the new template. The remapping effort will start as a pilot project in at least two counties with approved local Critical Area program. At the conclusion of the pilot program, the remapping requirements will apply to all local jurisdictions with critical areas. Maps must be updated once every 12 years.

·Exempting development projects already “in the pipeline” from the bill’s provisions.

Contact: *Leslie Knapp Jr.*

Speed Cameras Going to Conference Committee

The cross-filed bills that authorize local governments to use speed cameras, HB 364 and SB 269, have passed the House and the Senate respectively, but with differing amendments that will likely require the bills to go to a conference committee, where differences are to be resolved. The bills are sponsored by the Administration and are a MACo 2008 legislative initiative.

The bills allow the placement of speed cameras in certain highway work zones and authorize local jurisdictions to place speed cameras on residential roads with a speed limit of 45 MPH or less and in school zones. Residential and school zone fines are limited to \$40, which is identical to the fine set under the existing authorized Montgomery County speed camera programs. Local governments seeking to implement a speed camera program must first hold a public hearing and pass an ordinance authorizing the use of speed cameras.

Law enforcement representatives from Baltimore City, Baltimore County, Howard County, Montgomery County, and the Cities of Gaithersburg, Laurel and Rockville joined MACo and MML in testifying in support of the bills. Also testifying in support were the Town of

Trappe, AAA, the MD Sheriff’s Association, the MD Chiefs of Police Association, the MD Fraternal Order of Police, the MD Highway Contractors Association, and the MD Asphalt Association.

Keys differences between the House and Senate bills include:

·HB 364 provides that any money earned by a local program above the costs necessary to operate the program must go towards related public safety purposes, including pedestrian safety programs. SB 269 provides that any excess local money must be annually remitted to the State General Fund.

·HB 364 provides that the speed cameras will only photograph vehicles traveling at a speed of at least 10 MPH above the posted speed limit. SB 269 sets the threshold at least 12 MPH above the posted speed limit.

·HB 364 provides for a 30-day warning period after a local jurisdiction first begins to use speed cameras. During that time period, only warnings may be issued for a violation. SB 269 sets the warning period at 5 months.

·HB 364 requires that before a county may use a speed camera on a State highway located within a municipality, the county must obtain permission from the State Highway Administration, notify the municipality of the approval, and grant the municipality 60 days to enact an ordinance authorizing the municipality instead of the county to use a speed camera at the location.

·HB 364 requires that if a speed camera is placed within 250 feet after the location of a speed limit sign that decreases the speed limit, the speed camera must be set to photograph vehicles traveling at least 10 MPH above the higher posted speed limit in effect before the location of the sign.

·SB 269 creates a defense for a person named in a speed camera citation, if the person was a volunteer for an ambulance, fire, or rescue company or a law enforcement agency who was responding to an emergency situation at the time of the violation.

SB 269 will be heard by the House Environmental Matters Committee on March 25. The Senate Judicial Proceedings Committee has not yet scheduled a hearing date for HB 364.

Contact: *Leslie Knapp Jr.*

Concerns About Standing Addressed

MACo has successfully opposed HB 1341/SB 596 and SB 687, bills that would have granted standing rights to nonprofit and community associations. The House Judiciary Committee gave an unfavorable report to HB 1341, followed by the Senate Judicial Proceedings Committee's unfavorable report on SB 596. SB 687 was withdrawn and did not receive a bill hearing. MML also opposed the three bills.

Bills dealing with association standing have been introduced every Session since 2005. MACo has traditionally opposed these bills as they would overturn well-established standing precedents and would likely increase the amount and cost of litigation for local governments.

Last December and January, MACo Associate Director Leslie Knapp negotiated extensively with representatives from the Falls Road Community Association (FRCA) to reach agreement on association standing. The FRCA was the primary proponent of standing bills introduced in the 2007 Session and they reintroduced the bills during the 2008 Session. FRCA representatives rejected a MACo proposal that would have granted associations standing to appeal an administrative decision to the Court of Special Appeals or Court of Appeals.

HB 1341/SB 596 would have applied the federal standards for standing to State and local administrative, judicial, and governmental proceedings, including those involving arbitration or mediation. Under the federal standard, a nonprofit association has standing in its own name if: (1) at least one member of the association has standing to assert a claim in their own right; (2) the interest that the association seeks to protect are germane to its purposes; and (3) neither the claim asserted nor the relief requested requires the participation of the member. The bills define "nonprofit association" as an organization that has a recognized group name and consists of two or more members and consists of two or more members joined by mutual consent for a common, nonprofit purpose.

A panel of county and municipal attorneys joined Mr. Knapp and MML Governmental Relations Director Candace Donoho in testifying in opposition to the bills. Mr. Knapp argued that the federal standards were inappropriate for local causes of action typically heard

at the county level. He characterized the standing standards and definition of nonprofit association as "overbroad". He also argued that the bills overturn the clear and established nexus requirements that currently exist.

MACo was also successful in amending HB 246. As introduced, the bill would have granted any taxpayer in a charter county standing to challenge a board of appeals decision or a zoning action of a local legislative body. The amended bill instead authorizes a charter county to expand standing to include a person who was not aggrieved by an appeals decision or zoning action, subject to terms and conditions established by the county. The amended version of HB 246 passed the House and will be heard by the Senate Education, Health and Environmental Affairs Committee on April 1.

Contact: Leslie Knapp Jr.

Bill Hearing Raises Concerns About State Land Revenue Sharing

House Bill 625 was introduced to eliminate a section of law requiring that the Department of Natural Resources distribute a share of its revenues from activities on State-owned parks and forests with the host county. At the March 7 hearing, several rural county representatives indicated concern for the local effects of such a diversion of funds.

Garrett County and Allegany County representatives detailed the local effects of the current law, and noted how the local distributions simply offset a part of the costs incurred locally to support the (in many cases) substantial lands deemed not taxable due to State ownership. MACo Legislative Director Michael Sanderson suggested that the distributions "are essentially like a payment in lieu of taxes, a common arrangement."

At the hearing, Committee Chair Maggie McIntosh assured the Garrett County representatives, "We're not going to do this to Garrett County," noting the bills' substantial fiscal effects on the rural jurisdictions, and most heavily Garrett. Thereafter, the Committee voted to reject the bill.

Contact: Michael Sanderson

Open Meetings Bill Sent to Summer Study

MACo Associate Director Leslie Knapp Jr. testified before the Health and Government Operations Committee's Subcommittee on Government Operations on March 17 against proposed amendments to House Bill 349 that would have required public bodies to make certain votes, traditionally taken in closed session, in open session. The Subcommittee rejected the bill, requesting that the Open Meetings Compliance Board (Board) consider the issue this summer.

As introduced, HB 349 would have required that all votes taken by a public body be done in public session, unless otherwise required by law. The voting requirements extended to issues that a public body could consider in a closed session.

Maryland's Open Meeting Act recognizes 14 issues that a public body may discuss in closed session. These issues include personnel issues, acquisition of real property, consultation with staff or others about pending or potential litigation, collective bargaining or contract negotiation strategies, investigation of actual or possible criminal conduct, and certain public security matters.

Mr. Knapp previously testified against the bill during its hearing before the full committee on February 14. The subcommittee initially rejected the bill, but reconsidered its decision after the bill's sponsor, Delegate Elizabeth Bobo, offered new amendments that narrowed the bill's scope. The amendments required that the final vote of a public body must be done in public for issues concerning property acquisition and contract negotiation.

Mr. Knapp argued that the amendments, while narrowing the bill's scope, still did not address the underlying problems. He noted that local governments must often acquire property for a public project in sections and requiring a public vote on the decision regarding the initial negotiation could obviously taint future negotiations. He also argued that the amendments did not address concerns raised by the Board concerning public confusion about a public body taking a vote in open session on a subject that was explained and debated in closed session.

MML also testified in opposition.

Contact: Leslie Knapp Jr.

Legislation for Flexible Investment Authority Supported

House Bill 1585 and Senate Bill 945 are two cross-filed bills introduced at MACo's request, to grant greater flexibility to local governments seeking to make investments toward their long term liabilities related to retiree health insurance and other post-employment benefits.

Testifying in support of the bill, MACo Legislative Director Michael Sanderson said, "the current State law allows one specific way to invest, but this bill would let each jurisdiction decide the best way to manage these investments."

The bill specifically authorizes "pooled" investments among multiple local governments, and contracts with third parties to oversee or manage the investments themselves. Mr. Sanderson also indicated interest in authorizing use of the MD Local Government Investment Pool as "a place to park these funds until a long-term trust is set up," and said he has worked with Committee staff on potential amendment language.

The House of Delegates has given the bill preliminary approval, with final approval likely.

Contact: Michael Sanderson

Tax Sale Bills Moving Through Legislature

Two bills altering multiple provisions of law governing tax sales have received preliminary approval in their legislative committees, and appear to be nearing passage. SB 854 and HB 1211 were heavily amended following extended work of many stakeholders, including MACo, to balance out interests of property owners and tax sale certificate purchasers.

The bill's main provisions will:

(1) Make it easier for a local collector to keep a relatively small bill (now up to \$250, previously \$100) from requiring a tax sale proceeding;

(2) Add more and clearer notices to the property owner and the mortgagee of record when a property has gone to tax sale, detailing the steps required to redeem

the property in advance of foreclosure; and

(3) Limit the legal fees and actual expenses incurred to redeem the property once a foreclosure suit has actually been filed.

As passed by the Senate Budget and Taxation Committee (SB 854) and the House Ways and Means Committee (HB 1211) the two bills are identical, representing the overall compromise among the varied stakeholders. MACo Legislative Director Michael Sanderson and tax collectors Stanley Milesky of Baltimore City and Stan Willis of Prince George's County also participated extensively in the discussions, and testified in support of the compromise legislation.

Contact: Michael Sanderson

Municipal and County Transfer Tax Authority Sought

House Bill 1424 is legislation jointly sought by MACo and MML to grant limited transfer tax authority to both municipal governments and to those counties who do not currently enjoy such tax authority. The bill is the product of the two organizations' recent cooperative efforts to avoid conflict on revenue matters.

Charles County Commission President Wayne Cooper testified at the bill's House Ways and Means Committee hearing on February 28, indicating, "Charles County has great needs with infrastructure, most especially school construction." HB 1424 would require that half of the local revenues generated be targeted to infrastructure needs.

The Committee has not yet voted on the bill.

Contact: Michael Sanderson

Lyme Disease Workers Compensation Presumption Opposed

MACo offered testimony in opposition to Senate Bill 743 and House Bill 855, cross-filed bills that would grant law enforcement officers a presumption of compensability in workers compensation claims when they contract Lyme disease. This presumption

presently applies to MD Department of Natural Resources (DNR) police.

Joining MACo Legislative Director Michael Sanderson for the February 20 House Economic Matters hearing were Paula Etting, Office of the County Attorney, Harford County and Suzanne Berger, Office of the County Attorney, Baltimore County. Joining Executive Director David Bliden for the February 26 Finance Committee hearing were Paula Etting and Wendy Karpel, Office of the County Attorney, Montgomery County. The attorneys were experienced in defending workers compensation cases for counties.

The State Fraternal Order of Police (FOP) supported the bill. It offered testimony about the severity of Lyme disease, providing personal perspectives through a panel including law enforcement officers who had suffered or were suffering with the disease.

In both hearings, MACo noted its longstanding opposition to existing presumptions for injuries to public safety workers for certain cancers arising from exposure to toxic substances, hypertension, and pulmonary disease, with the attorneys emphasizing, in practice, the presumptions are essentially irrefutable. The lack of a scientific foundation for the hypertension presumption was also raised.

Insofar as a new presumption for Lyme disease, the attorneys argued that the disease was not unique to law enforcement, but could result from unrelated activities such as hiking, or simply engaging in a "backyard barbeque." It was noted that in the Northeastern United States, the primary precipitator of Lyme disease is the deer tick, which is found in grassy areas, and in brushy and wooded sites. The prevalence of the disease in Maryland was highlighted in the context of the General Assembly staff citing a "...potentially significant increase in local expenditures."

Since the hearing, the Chairman of the House Economic Matters Committee, Derek Davis, who was the lead House sponsor, withdrew the bill. The Senate bill has yet to be voted.

Contact: David S. Bliden

Developer Rights and Responsibilities Agreements Law Remains Intact

The Environmental Matters Committee rejected House Bill 1192, which would have added objectionable provisions to the law authorizing Developer Rights and Responsibilities Agreements (DRRA). MACo Executive Director David Bliden offered testimony against the bill on March 5. The Maryland Homebuilders Association (MBA) offered testimony in support.

A bill enacted in 1995 authorizing DRRA's reflected negotiations between MACo and MBA. MBA was seeking a statutory adjustment in Maryland's vesting law, which essentially permits landuse regulation changes to apply to a project until footers for that project are poured. Builders and developers had been objecting to this late vesting for years.

DRRAs permit an agreement by which a developer could obtain a contractual assurance for a development's zoning. The process envisioned negotiation of responsibilities, such as infrastructure development. But, the 1995 law maintained a local government's ability to breach the agreement if "essential" for health, safety, and welfare. HB 1192 would upset the 1995 balance by limiting this ability to circumstances when the threat to health, safety, and welfare was "imminent."

In opposing this statutory adjustment Mr. Bliden not only argued the sanctity of the 1995 agreement, but also noted a possible legal infirmity arising from limiting a government's health, safety, and welfare discretion. He suggested that the MBA's agreement to this discretion in 1995 reflected concern that if it was restricted, a DRRA could be viewed as impermissible contract zoning. He also argued the proposed standard was illogical, since if the threat must be "imminent," such likely harm would ensue before the requested relief could be secured.

Contact David S. Bliden

False Alarm Legislation Defeated in Committee

The Economic Matters Committee heard HB 1305 on March 3, a bill introduced to require a "two call" verification system to reduce the incidence of false alarms. During the public hearing, MACo and other proponents were requested to resolve concerns raised by Maryland banks over the bill's application to financial institutions.

MACo coordinated the meeting to negotiate bill language. But before a resolution could be reached, the Committee brought up HB 1305 for a vote, and reported the bill unfavorably, defeating its chances for this legislative session.

Contact: Michael Sanderson

Expanded Pre-K Bills Opposed

MACo Associate Director Leslie Knapp Jr. testified in opposition to SB 912 before the Senate Education, Health and Environmental Affairs Committee and HB 1319 before the House Ways and Means Committee on March 18. The cross-filed bills would require local school systems to offer mandatory pre-kindergarten (pre-k) to children of certain military families.

Under current law, local school systems offer pre-k services to 4-year olds who are economically disadvantaged (*i.e.*, the family's income is at a level where the child would be eligible for free or reduced price meals if the child were in kindergarten). These pre-k students are not counted under State aid formulas, leaving counties to subsidize 100% of their cost.

The bills would expand pre-k requirements to include 4-year olds who have a parent who: (1) is an active duty member of the armed forces or reserves; or (2) was injured or killed while serving on active duty. The MD Department of Legislative Services fiscal note stated that the bill would cost local school systems \$5.7 million in FY 2009, assuming an 80% participation rate of eligible military families. The fiscal note also stated that some of the cost could be offset in future years by federal impact aid.

Mr. Knapp testified that while helping military families was a worthy goal, the bill imposed a significant

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unfunded mandate on counties at a time when many counties were struggling with their budgets. During the 2007 Special Session, county governments absorbed a net \$375 million loss in State budget reductions. He also noted that the national economy could slide further into a recession, putting future federal aid to local governments at risk.

Mr. Knapp explained that an estimated 30% of Maryland military families already qualified under the current economically disadvantaged requirement and suggested that a more appropriate way to assist military families would be to consider passage of SB 457/HB 784, a bill that would enact the Interstate Compact on Education Opportunity for Military Children (Compact). States passing the Compact are required to ease the difficulties of military children from transferring from one school jurisdiction to another.

The MD Association of Boards of Education (MABE) supported the bill with an amendment to require pre-k students to be counted under the State's education aid formula.

Contact: *Leslie Knapp Jr.*

Local Inmate Health Care Bill Supported

MACo has supported HB 359/SB 225, which would reduce the costs that counties pay for local inmate health care. Both bills have passed their respective Houses with friendly amendments but are being challenged by representatives for emergency room doctors and medical specialists.

The bills provide that the cost for any health care services provided to a local inmate outside of the local correctional facility would be set at the Medicaid rate, unless counties chose to negotiate a higher rate. The bill provides immediate benefits for counties who pay directly for inmate health care services. Counties who provide health care services through a contractor will not see an immediate benefit as the bill does not impact existing contracts but can use the benefit of the lower rates as an incentive for better terms when a contract is renegotiated.

The Medicaid rate is a "floor" and counties may choose to negotiate for higher rates in order to receive specialty care services or to accommodate for a lack of

certain health care providers in their geographic area. Under current law, counties are typically charged the highest rate possible for inmate health care services, even though many of the inmates who are receiving the treatment are indigent and would be eligible for Medicaid themselves were they not incarcerated.

Bill amendments addressed concerns raised by hospitals regulated under the Health Services Cost Review Commission. But, lobbyists representing emergency room doctors and specialists made additional challenges after both bills had been voted out by their respective committees.

HB 359 is scheduled for a hearing in the Senate Finance Committee and SB 255 is scheduled for a hearing by the House Appropriations Committee, both on March 26.

Contact: *Leslie Knapp Jr.*

Briefly

MCCMA Conference at Rocky Gap

The MD City/County Management Association (MCCMA) Spring Conference is scheduled April 30 - May 2, 2008 at the Rocky Gap Lodge and Golf Resort. The Conference will focus on Risk Management and Performance Measurement and will feature topics such as "The Safety Ramifications of The Aging Workforce"; "Leadership, Management & the Role of Performance Measurement"; and "The Basics of Risk Management". The "Idea Exchange" and a discussion about the emerging MD Performance Consortium is scheduled. For additional conference information or MD City/County Management Association membership information, please contact: Jeff Rhodes, Director of Administrative Services, City of Cumberland at 301-759-6434 or at jrhodes@allconet.org

Job Openings

FISCAL TEAM LEADER (MANAGER III) - DEPT. OF HEALTH AND HUMAN SERVICES -

MONTGOMERY COUNTY - Requisition #3040 - \$60,680 - \$110,910 - Job Summary Description: Employee will direct the fiscal section of the Financial Operations Office, Dept. of Health and Human Services (DHHS). Duties include: supervising revenue, general ledger/benefits, and contract payments, grant

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reporting, and fiscal compliance teams; in conjunction with County Finance Department, developing business practices to ensure the security and appropriate management of an annual budget of \$280 M in federal, state, and county resources; engaging in business process reengineering to ensure that DHHS business practices are effective, efficient, and in compliance with all county, state, and federal regulations; participating in planning and implementation of financial systems; developing management tools to ensure timely and accurate financial reporting data, including managing the reporting and reconciliation of expenditures relating to state funding; and serving as the financial liaison with agencies that provide funding for DHHS. As a manager/ supervisor of unionized employees, this position has a responsibility for fostering a positive labor relations environment based on mutual trust, respect, and cooperation. Minimum Qualifications: Education: Possession of a Bachelor's Degree from an accredited college or university. Experience: Five (5) years experience of progressively responsible professional experience in accounting, auditing, and other types of complex financial management activities. Equivalency: An equivalent combination of education and experience may be substituted. Preferred Criteria: Resumes should include information specific to the preferred criteria listed: 1. Possession of a Bachelor's Degree in Business Administration with emphasis on accounting or finance; 2. Experience in and extensive knowledge of governmental accounting principles, practices, and methods; 3. Experience in planning, organization and direction of business and finance related services; 4. Experience in evaluating the effectiveness of administrative functions and instituting procedural changes to maintain organizational efficiency and effectiveness; 5. Financial management experience in complex environments with multiple funding sources (prefer budget experience managing at least \$100 million dollars); and 6. Experience participating in system development and business process documentation and mapping. If selected for consideration for this position, you may be required to demonstrate and/or provide verification of your possession of the knowledge, skills, and abilities indicated in your submission. The selection process for this position will include an evaluation of core leadership competencies such as Customer Service Orientation; Commitment to Diversity; Communication and Persuasion Skills; Teamwork, Cooperation, and Collaboration; and Balanced Risk Taking and Innovation. To apply on-line, please visit our website at

www.montgomerycountymd.gov/careers then view job posting under "Managerial/Executive." You may apply online or submit your resume by **COB 4/10/08** to Montgomery Co. Office of Human Resources, 101 Monroe Street, 7th Floor, Rockville, MD 20850. EOE. 240-777-5000. TTY: 240-777-5126.

INTERNAL AUDITOR - WICOMICO COUNTY - Fulltime Salary Negotiable DOQ. Full range of benefits. Duties: Responsible for audits of a variety of funds and programs; evaluates internal controls; prepares data for studies, reports, and recommendations; determines compliance with funding source requirements; reviews and evaluates programs and services. This position serves at the pleasure of the County Council Requirements: Graduation from a college or university with a Bachelor's degree in Accounting. Minimum of three years of audit experience. Required: Certified Public Accountant certification and experience in financial management including internal auditing. Experience in forensic auditing a plus. An excellent opportunity to develop the internal audit function for a growing county government, reporting directly to the County Council. Working knowledge of Microsoft Office suite of PC programs. Capable of maintaining highly professional and confidential work atmosphere. Closing Date: Applications will be accepted **until the position is filled**. To Apply: 1. Obtain County Application and complete Job Description from: www.wicomicocounty.org (Click "Employment"). 2. Complete: (a) County Application; (b) Detailed Resume (describe how applicant qualifies for the position); and (c) a cover letter. 3. Send County Application, Detailed Resume and cover letter by mail: to: Wicomico Co. Council Office, Attention: Council Administrator 125 N. Division Street Salisbury, MD 21803-0870. Questions may be directed to Matthew Creamer, 410-548-4696 Fax: 410 548-7872 email: mcreamer@wicomicocounty.org EOE

PLANNING OFFICER, TALBOT COUNTY - The Talbot Co. Planning Office is responsible for the administration of the overall countywide planning program, and planning for the physical development and growth of the County. This responsibility includes comprehensive planning; implementation of County zoning, subdivision and Critical Area regulations; commercial/industrial site plan review and approval; residential building permit review and coordination; floodplain review (FEMA), State Forest Conservation implementation; agricultural land preservation programs; State Rural Legacy Program administration;

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and County wide addressing program coordination. Requirements: Degree in planning or related field, 5 years of planning and supervisory experience. Excellent verbal and written communication skills and ability to work well with the public. Salary range \$75,112 - \$90,744 with full benefits. County residence required after appointment. Send resume with cover letter to: Talbot County Gov't., Administrative Services, 11 N. Washington St., Easton, MD 21601. 410-770-8012. Deadline **March 24, 2008**. EOE

CABLE ADMINISTRATOR - HOWARD COUNTY -

The Cable Administrator is appointed by and reports to the County Executive and confirmed by the County Council. The Cable Administrator is responsible for the day-to-day administration of cable communication operations within Howard County. This position is primarily charged with managing the cable television / franchise administration in accordance with federal law and regulations and County ordinances and perform related duties. The Cable Administrator will have liaison responsibilities to the County Council and established community access organizations, the Cable Advisory Committee and other related neighborhood groups. (For a more detailed job description, please contact Eileen Weber at 410-313-2013.) Salary Range: \$59,238-\$95,555; Deadline: **March 31, 2008**. Please submit resume with cover letter to: Howard Co. Gov't., c/o Human Resources, 3430 Court House Drive, Ellicott City, MD 21043

GENERAL ROADS SUPERINTENDENT – ROADS DEPT. - GARRETT COUNTY -

This is an executive position for the administration of the daily operation of the Garrett Co. Roads Dept. consisting of 130 employees. Essential Duties and Responsibilities: Administer daily operation of Co. Roads Dept.; Develop and implement policies/procedures to improve operations; Effectively provide management of Human Resources; Develop/implement long range goals and objectives to ensure longevity of County Roads Systems and Bridge structures, as well as a replacement program for equipment; Prepare County Roads fiscal budget and insure compliance within the approved budget through provisions of the cost estimates and analysis; Knowledge and development of financial reports for Board of County Commissioners and County Administrator; Determine and plan for the most cost effective method of construction and maintenance for County Roads, Bridge Structures, and Equipment; Address public concerns and complaints via oral or written form; Assist County Administrator in

negotiation of the Union Contract; Provide for application of terms within the bargaining unit agreement; Conduct informative meetings conducive to addressing and resolving concerns with the County Roads workforce; Strong knowledge of construction management to supervise and/or understand various road and bridge projects; and other duties may be assigned. Qualifications: To perform this job successfully, an individual must be able to perform each essential duty exceptionally. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. Education and/or Experience: Bachelor's degree (B.A or B.S) from a four-year college or university in Engineering, Business Administration, or related discipline is required; and Ten (10) years Management experience (outside of government) dealing with non-union/union personnel is preferred. Work Environment: This position requires outdoor activities approximately 75% of the time during a workday. Outside conditions will vary widely depending upon weather conditions. Weather conditions encountered will be extreme heat, cold, snow, ice, rain, wet/humid, dry/dusty, wind, sunshine, and various odors. Work tasks may be performed in close proximity to moving equipment, vehicles and parts with times of noisy conditions. Safety of staff and the public is first priority. The work environment characteristics described are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. Application Process: A Garrett Co. government application along with a letter of interest and resume is required. Qualified individuals may apply by forwarding all required documentation to Garrett County Government, Office of Human Resources, 203 South Fourth Street, Room 206, Oakland, MD 21550. Applications are available at this address or will be mailed by calling (301) 334-8975. Applications are also available on our website at www.garrettcounty.org. Deadline for application is **March 28, 2008**. EOE. Qualified applicants are considered without regard to race, color, creed, religion, gender, national origin, age, marital status, or the presence of a non-job related medical condition or handicap.

ENGINEER II (SOLID WASTE) BUREAU OF SOLID WASTE MANAGEMENT, DEPT. OF PUBLIC WORKS, BALTIMORE COUNTY -

Min. Qualifications: Bachelor's Degree in Engineering and two

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years engineering experience (Qualifying education may be substituted for experience) or P.E. license. Various and diverse office and field duties involving engineering, environmental monitoring, and regulatory compliance associated with operations and construction projects at one active sanitary landfill, as well as at closed landfills and other solid waste facilities. 35 hour work week.

\$46,684 to \$58,032, with longevity steps to \$74,142.

Open until filled. For more information about County benefits, or to obtain a job description and/or an application, please visit our website at <http://www.baltimorecountymd.gov/Agencies/humanresources/jobs/index.html> Contact Stephen G. Lippy, P.E., DEE, 410-887-2009, or email slippy@baltimorecountymd.gov (r7/08)

Legislative Committee Action Report

February 27, 2008

TAXES AND REVENUES

SB 495 - HOMESTEAD PROPERTY TAX CREDIT – FARM OR AGRICULTURAL USE LAND (Senator Haines, et al) (Budget and Taxation) – OPPOSE

FINANCE AND ADMINISTRATION

HB 676/SB 561 - COUNTY PROPERTY TAXES – CLASSES OF PROPERTY AND SPECIAL RATES (Delegate Carr, et al) (Ways and Means) – SUPPORT

SB 911 - LAND BANK AUTHORITIES – ESTABLISHMENT BY COUNTIES (Senator McFadden) (Senate Rules) – NO POSITION

SB 945 - LOCAL GOVERNMENTS – POSTEMPLOYMENT BENEFITS – INVESTMENT OF FUNDS (Senator Kasemeyer) (Senate Rules) – SUPPORT

EMPLOYEE BENEFITS

SB 487 - TEACHERS' PENSION SYSTEM – INELIGIBLE POSITIONS – TRANSFERRING MEMBERSHIP (Senator McFadden (Chair, Joint Committee on Pensions), et al) (Budget and Taxation) – NO POSITION

ENVIRONMENT

HB 1509 - MARYLAND ENVIRONMENTAL SERVICE – ENERGY GENERATION PROJECTS (Chair, Economic Matters Committee and Chair, Environmental Matters Committee (By Request – Departmental – Environmental Service, Maryland)) (House Rules and Executive Nominations) – SUPPORT

PARKS & RECREATION

SB 915 - TASK FORCE ON THE FUTURE CONSERVATION OF MARYLAND'S OPEN SPACE AND FARMLAND (Senator Middleton) (Senate Rules) – NO POSITION

PLANNING & ZONING

HB 1253/ SB 844 - CHESAPEAKE AND ATLANTIC COASTAL BAYS CRITICAL AREA PROTECTION PROGRAM – ADMINISTRATIVE AND ENFORCEMENT PROVISIONS (The Speaker (By Request – Administration), et al) (Environmental Matters) (The President (By Request – Administration), et al) (Senate Rules) – SUPPORT WITH AMENDMENT

Impact Bills

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NOTES: - The summaries of the bills listed below are taken directly from the synopsis provided by the Department of Legislative Services. When reporting on specific bills to the Legislative Committee, staff will make clarifications to the synopsis. MACo refines the list each week, consistent with the organization's by-laws, to bring before the Legislative Committee a list of Action Bills that represent opportunities for county input and effect. Visit www.mdcounties.org for daily updates about legislation impacting county government.

FINANCE AND ADMINISTRATION

SB 760 - HOMESTEAD PROPERTY TAX – RESIDENCE OF HOMEOWNER'S FAMILY MEMBER (Senator Stone) (Budget and Taxation) - Altering the definition of a dwelling that qualifies for the homestead property tax credit to include specified homes that are the only residence of a family member of the homeowner; providing that a dwelling must be occupied by a specified day to qualify for the homestead property tax credit; providing that a homeowner may claim a homestead property tax credit for two dwellings under specified circumstances; etc. Preliminary analysis: local government mandate EFFECTIVE JUNE 1, 2008

EDUCATION

HB 649 - BALTIMORE CITY COMMUNITY COLLEGE – PERSONNEL (Chair, Ways and Means Committee (By Request – Departmental – Baltimore City Community College)) (Ways and Means - Authorizing the Board of Trustees of the Baltimore City Community College to create any position, to the extent that the cost of the position, including fringe benefit costs, is funded from existing funds. EFFECTIVE JULY 1, 2008

ENVIRONMENT

HB 581/ SB 831 - ENVIRONMENT – BAY RESTORATION FUND – AUTHORIZED USES OF FUND (Delegate Costa) (Environmental Matters) (Senator Colburn) (Education Health and Environmental Affairs - Authorizing specified fee revenue collected for the Bay Restoration Fund to be used to award grants to local governments for the costs of connecting communities located in the Chesapeake and Atlantic Coastal Bays Critical Area and that have failing onsite sewage disposal systems and holding tanks to sewerage systems. EFFECTIVE OCTOBER 1, 2008

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PUBLIC SAFETY & CORRECTIONS

HB 6/ SB 76 - CRIMINAL PROCEDURE – CUSTODIAL INTERROGATION – ELECTRONIC RECORDATION (Delegate Anderson, et al) (Judiciary) (Senator Conway, et al) (Judicial Proceeding - Establishing that it is the public policy of the State that custodial interrogations of criminal suspects be recorded whenever practicable; requiring that an electronic recording be made of specified custodial interrogations except under specified circumstances; establishing that the State shall bear the burden of proving, by a preponderance of the evidence, that a specified exception to the requirement to record a custodial interrogation is applicable; requiring the State to file a specified notice under specified circumstances; etc. Preliminary analysis: local government mandate EFFECTIVE OCTOBER 1, 2010

HB 108 - PUBLIC SAFETY – ELECTRONIC WEAPONS – PROHIBITION (Delegate Branch, et al) (Judiciary - Prohibiting a person from possessing, using, selling, distributing, offering to sell or distribute, or transporting into the State an electronic weapon; establishing penalties; requiring the Police Training Commission to require specified training in the proper use of electronic weapons; etc. EFFECTIVE OCTOBER 1, 2008



Annual Winter Conference

January 7-9, 2009

Hyatt Regency Chesapeake Hotel
Cambridge - Dorchester County

Statewide Hearing Schedule

WEDNESDAY, MARCH 26

1:00 p.m. ENV – SB 213 – Chesapeake Bay 2010 Trust Fund and Nonpoint Source Fund

1:00 p.m. FIN – HB 235 – MD Medical Assistance Program – Emergency Service Transporters - Payments

THURSDAY, MARCH 27

1:00 p.m. EHE – HB 865 – Procurement – eMaryland Marketplace – Use

1:00 p.m. W&M – SB 239 – Homestead Property Tax Credit

TUESDAY, APRIL 1

1:00 p.m. EHE – HB 246 – Charter Counties – Land Use Appeals - Standing



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