



Courthouse News

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of Counties

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Message from the President

MACo is saddened by the loss of our dear and dedicated colleague, Becky Black, who served us for nearly five years. During her almost yearlong battle with cancer, she showed great courage and resilience, being a true inspiration to us all. Our condolences go out to Becky's family - her husband Wayne and two sons, Christopher and Jonathan.

Staff members and county officials alike got much joy from Becky. Aside from being a tireless worker, who always shouldered more than her fair share, she had a great wit and consistently warm presence. Becky also got much solace and joy from MACo.

Upon returning to work for the first time after her condition and treatment permitted, she told her colleagues it was the first day "she had felt human" for some time. And, despite her weakened condition, she insisted that her husband Wayne bring her to our Sine Die Legislative Committee festivities, where she really enjoyed visiting with her MACo friends. She was particularly thrilled that Governor O'Malley took time to speak with her, having wished her well in his previous Summer and Winter Conference remarks.

Wilson Parran and I joined the staff in visiting with the family last week. MACo hosted a celebration-of-life luncheon at staff member Karen Lowe's home after the funeral. Many family members, friends, and staff gathered for the luncheon. Becky will be greatly missed.

The post-Session MACo press conference and luncheon, convened to thank the General Assembly for its support, was great. Your leadership team was well represented at the press conference that morning, and there was a good turnout of General Assembly members for the luncheon afterwards.

I asked Chairmen Mac Middleton and Norm Conway to offer Session perspectives at lunch, and they were both complimentary about MACo's efforts and presence. We are fortunate to have good relationships with leaders such as Senator Middleton and Delegate Conway, both of whom have experience as local elected officials.

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Legislative Committee
Next Meeting: July 23
Watch your email for details



2009 Legislative Initiative Ideas
Due June 6

Send Ideas to:
msanderson@mdcounties.org

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dcraig@harfordcountymd.gov
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Treasurer Robert M. Hutcheson
rhutcheson@allconet.org

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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The tough challenges we faced recently motivated your leadership to promote a more visible MACo presence. I know you share my experience in hearing from General Assembly members that local elected officials do not sufficiently appreciate the tough decisions they had to make during the session.

Obviously, the “tough decisions” to which many refer center on legislative action to raise revenue while at the same time cutting expenditures. This action prevented additional cuts to county funding, like shifting the funding responsibility for teacher retirement benefits to the locals. During the press conference we offered a very public “thank you” to Governor O’Malley, President Miller, Speaker Busch, and to members of the General Assembly.

Let’s continue to recognize our local delegations, where recognition is amply deserved. We need to continue to enhance the foundation for our partnership with our General Assembly colleagues.

As Senator Middleton noted during his luncheon comments, there are many General Assembly members who do not understand local government. He commended MACo for its outreach efforts, but emphasized the need to work closely with state elected officials.

We are all looking forward to getting our budgets behind us. The deliberations have been tough, but just imagine the challenges we would have faced if some of the “doomsday” scenarios had become reality. I continue to fear a replay of these scenarios if the slots referendum fails, a possibility that we also discussed at the press conference.

As you can see from this *Courthouse News*, MACo staff has been on the road, carrying the county message to a variety of forums. This participation not only enhances our advocacy, but also reflects MACo’s credibility and the respect the staff has earned. There is a true interest in hearing the MACo perspective.

I am looking forward to my county road trips with Executive Director David Bliden, that begin right after the Memorial Day Weekend. We have a great State with dedicated county leaders. Visiting you in your own county and hearing your viewpoints will give David and me a valuable perspective. Getting our Executive Director away from Annapolis is always a plus.

An information-packed Summer Conference program is coming together on the theme, “Promoting

County Government Through Technology”. I hope that you will attend and encourage fellow elected officials and professional staff to do the same. The conference program, exhibitor information, and on-line registration are available at www.mdcounties.org. This information is also being emailed monthly to you. The education programming itself offers the most compelling justification for broad county participation.

Best Regards,



Jim Smith
President

In loving memory **Becky Black**

MACo administrative specialist, Becky Black, 48, passed away at a hospice facility on May 10, after nearly a yearlong battle with cancer.

Becky joined the MACo staff five years ago with a background in paralegal studies and General Assembly work. At MACo, she managed in-house meetings, county official appointments, and conference registration and provided administrative assistance during the General Assembly session.



Becky is survived by her husband, Wayne, and sons, Christopher and Jonathan, and siblings. In lieu of flowers, donations may be made to the [American Cancer Society](http://www.americancancer.org) in her memory. Expressions of sympathy may be sent to Wayne Black, 13705 Old Chapel Road, Bowie, Maryland 20720.

Contact: *Ellen Clarke*

State Thanked At MACo Press Conference

MACo President Jim Smith and other MACo leaders held a press conference in Annapolis on April 24 to thank Governor Martin O'Malley and the General Assembly for their support of counties during the 2008 Session. The officials also reiterated MACo's position of support for the November slots referendum.

County Executive Smith stated that the Governor and General Assembly faced the challenge of a lingering structural deficit while preserving State programs, including needed aid to local governments. "MACo believes a great deal was achieved [last Session]," he commented while thanking the Governor, Senate President, House Speaker, and members of the General Assembly.

He noted that MACo was successful in three out of four of its legislative priorities, including protecting county budgets during the 2008 Session. He thanked the State for acknowledging the \$375 million in cuts to counties during the 2007 Special Session and not making further reductions during the regular session.

The county executive also reiterated MACo's position on slot machines, explaining that the position was set during the prior administration of Governor Robert Ehrlich and has not changed. That position acknowledges slot machines as an appropriate component of a comprehensive budget solution. (*See www.mdcounties.org for MACo position on slots*).

Since the General Assembly has made slots part of its budget solution, President Smith stated that MACo will support the slots referendum in November, stressing the importance of the passage of the referendum to education funding. "Without [slots]," he warned, "Maryland will either be faced with a new structural deficit, higher taxes, or a reduction in education funding." Charles County Commissioner Edith Patterson stated that she was "proud of our slots position" and also stressed the importance of slots funding to education.

Calvert County Board of County Commissioners President Wilson Parran thanked the State for passing legislation that would grant counties increased flexibility to fund their Other Post-Employment Benefits (OPEB). The passage of OPEB legislation was a MACo initiative.

Referencing the critical area legislation passed during the 2008 Session, Wicomico County Executive Rick Pollitt stated, "It was an honor this year to work with the Governor's staff, [MACo], and the Maryland Municipal League." He characterized the critical area bill as a "true partnership." The County Executive also thanked the State for its commitment to school construction.

Saint Mary's County Commissioner Tom Mattingly stressed the "strong commitment" of the Governor and General Assembly to include funding for community colleges. He also noted, "the Administration and General Assembly took [BRAC] head on."

Garrett County Commissioner Fred Holliday highlighted the importance of State highway user funds to the counties and also thanked the General Assembly for gypsy moth control funding. Charles County Board of County Commissioner's President Wayne Cooper thanked the Governor for supporting MACo's speed camera initiative. Even though it was the one MACo initiative that did not pass, he had "big hopes that it will pass next year."

Contact: *Leslie Knapp Jr.*

Growth Task Force Discusses State Land Plan

The Task Force on the Future for Growth and Development held its fourth meeting in Baltimore City on May 7. The Task Force discussed potential components of the State Development Plan and how it should interact with local land use plans, and also established workgroups to address infrastructure issues and the *Terrapin Run* case.

HB 1141 of 2006 created the Task Force and HB 773 of 2007 further expanded its charge and role. The Task Force is now charged with examining both the State and local roles in land use planning and Smart Growth implementation. Frederick County Commission President Jan Gardner and Worcester County Planning Director Sandy Coyman are the MACo representatives on the Task Force.

The Task Force is required to report its findings to the Governor and General Assembly by December 1. Its findings will likely play a key role in shaping future Smart Growth and land use reform legislation.

At the May 7 meeting, the Task Force primarily considered the parameters for a State Development Plan, which would be analogous to a county comprehensive plan. The Maryland Department of Planning is required to create a State Plan under Title 5, Subtitle 6 of the State Finance and Procurement Article, but to date has not done so. The Task Force members discussed whether the State Plan should be a compilation of local plans or whether it should reflect the State's vision for land use and development. The members also debated whether local governments should be required to follow the State Plan. Several members advocated that the State Plan should not usurp local authority, but that the State should use its funding requirements to achieve its goals.

The Task Force also decided to establish two workgroups – one to assess infrastructure needs and potential funding mechanisms, and one to assess the impact of the recently filed opinion by the Maryland Court of Appeals on the *Terrapin Run* case. See *David Trail, et al. v. Terrapin Run, LLC, et al*, No. 44, September Term, 2007 (filed March 11, 2008). The case dealt with whether a board of appeals may grant a special zoning exception if the proposed use does not conform to a jurisdiction's comprehensive plan. MACo is appointing representatives to both workgroups.

The next meeting of the Task Force is scheduled for June 5.

Contact: Leslie Knapp Jr.

State Bar Hears Local Government Session Perspective

MACo Executive Director David S. Bliden joined Governor O'Malley's Senior Policy and Legislative Advisor, Joe Bryce, and Maryland Municipal League (MML) Executive Director Scott Hancock to present a legislative update to the State and Local Government Institute on May 9. The State and Local Government Law section of the Maryland State Bar Association coordinates the Institute annually.

Mr. Bryce presented a broad perspective of Governor O'Malley's legislative agenda, noting the Governor's first Session was foundational to addressing tough challenges later. He explained that the success of

the November Special Session in confronting the structural deficit resulted from the foundation established during that first Session. With the budget challenge almost resolved he observed that this past Session provided the Governor the opportunity to focus on policy priorities such as public safety with the DNA bill, and the environment with the Critical Area bill. He warned that failure of the slots referendum would result in a \$700 million deficit, requiring additional local government participation in a solution.

Executive Director Bliden highlighted two Session issues, local government liability and critical areas. He tied the specific Session bills addressing these issues to broader issues.

HB 16, as passed by the House and the Senate Judicial Proceedings Committee despite MACo and MML opposition, could have created greater county exposure to lawsuits by extending the required notice to a local government of intent to bring a lawsuit from six months to one-year. The bill came to the Senate floor on the last day of Session and was likely not voted because of concerns about debate arising from the MACo and MML opposition. (See *Courthouse News* January 28 - 30-02)

Mr. Bliden explained the challenge in defeating the bill reflected a broader concern about General Assembly attitude toward local government liability. He attributed that concern to a change of balance in the General Assembly, where claimant lawyer influence had likely increased, and a failure to appreciate the delicate balance reflected in the Local Government Tort Claims Act (LGTCa), which essentially controls State tort actions against counties. That Act was enacted in 1986 and, as Mr. Bliden noted, time has rendered the balance by which local governments sacrificed absolute immunity from lawsuits in certain instances for liability caps has become a "mirage."

"A good story reflecting true collaboration," observed Mr. Bliden, explaining the joint Administration, MML, and MACo effort in securing passage of a consensus Critical Area bill. He explained the bill in the context of local government abhorrence to infringement on local landuse autonomy, raising concerns about anticipated 2009 Session initiatives focusing on growth management. He said he was hopeful that the Critical Area collaboration was not an "aberration" and that it would prevail on this issue as well.

Executive Director Hancock raised the unsuccessful joint MACo-MML effort to secure transfer tax authority for municipalities and the seven counties, which presently lack the authority. He attributed the proposal's failure to General Assembly tax fatigue, reflected in the inability to even secure a Senate bill sponsor. A bill establishing a statutory fund for appropriations for municipal parks and playgrounds was also noted as securing the institutionalization of a prior program, which had not been funded recently and had no formal statutory recognition.

Mr. Bryce and Executive Directors Bliden and Hancock raised the extraordinary collaboration with the Administration that prevailed during 2008 Session. Mr. Bliden observed that during his over 20 years working with the General Assembly on behalf of county government, there had never been more collaboration.

The panelists did raise their shared disappointment with the failure of the Administration's speed camera bill on which MACo and MML worked closely with the Administration. "It was really about just leaving something for Joe, Scott, and I to work on next Session," quipped Mr. Bliden, noting, "We look forward to that."

Contact: David S. Bliden

Public Finance Officers Hear County Perspective

At their April 25 spring conference, the Maryland Public Finance Officers Association welcomed MACo Legislative Director Michael Sanderson to join the General Assembly's Director of the Office of Policy Analysis Warren Deschenaux for an overview of the legislative session. Mr. Deschenaux presented highlights from both the Special Session of 2007 and the 2008 regular session, noting the irony in the term "highlights" during a period of difficult budget reductions and revenue increases. Mr. Sanderson discussed issues of interest to local governments, including several specific bills passed affecting local finances.

Mr. Sanderson discussed tax sale legislation, reworking many components of the laws governing that process, while noting the bill "is in effect for this spring," as an emergency measure. MACo has since posted a bulletin on its web page that covers the relevant sections of that legislation.

He also noted legislation created to enable "BRAC zones" in or around areas that are anticipating growth pressures related to military base realignment. "For those among you who manage enterprise zones, and other targeted development measures, this is another option for you," he observed. That bill would provide supplementary State funding to assist local governments in providing infrastructure investments needed for base-related community expansions.

Mr. Sanderson has presented, along with Mr. Deschenaux, at this well-attended conference for several years. The "legislative review" is an annual component of the group's spring conference just after the end of the General Assembly's deliberations, and before most local governments enter their own final budget deliberations for the coming fiscal year.

Contact: Michael Sanderson

Election Officials Hear MACo Perspective

At the Maryland Association of Election Officials' (MAEO) Spring Conference in Ocean City, MACo Legislative Director Michael Sanderson joined a presentation reviewing election-related legislation from the 2008 session on May 5. He joined Delegate Jon Cardin, chairman of the House subcommittee that oversees election issues, on the panel.

Mr. Sanderson reviewed issues raised by the General Assembly, including concerns over voter identification (at the polling place) and misleading campaign practices. He highlighted the "important role" of election administrators in assisting policymakers' judgment on such issues. "If another agency runs into an administrative problem, maybe people don't get the level of service they want," he observed, "but if a [policy] interferes with the running of an election, you can have people basically losing their franchise. That's a really big deal."

He also commented on the State's move toward a new voting system, noting, "the money is in the budget" for FY 2009. But, he suggested uncertainty – as the Board of Public Works has been requested to target additional budget cuts for FY 2009, and "this is the sort of thing that will be discussed as a possible deferral. The legislation was written such that the mandate is contingent on the funding," he explained.

Mr. Sanderson concluded with an invitation for MAEO to participate in MACo's annual legislative initiative process. "If you have issues where we have a joint interest – let us know, and we can talk about how we work together," he offered.

Contact: *Michael Sanderson*

Critical Area Law Debated on Public Radio

MACo Associate Director Leslie Knapp Jr. discussed the recently passed critical area legislation (HB 1253) with Public Radio Delmarva's News Director Don Rush on April 18. Critical Area Commission Education and Conservation Coordinator Mary Owens and Chesapeake Bay Foundation Project Manager Alan Girard also participated in the panel discussion.

The group discussed the reasons for HB 1253, explaining several key provisions of the legislation. Mr. Girard discussed the declining health of the Bay and the bill's new 200-foot buffer provisions. Ms. Owens noted that under the bill, the Commission would gain limited authority to adopt its own regulations, which would enable the Commission to better implement and administer the State's critical area program.

Mr. Knapp stated that the bill improved enforcement efforts in the critical areas while maintaining traditional local land use autonomy. He explained that the bill's new enforcement requirements constituted an unfunded mandate, while Mr. Rush explored possible State funding mechanisms.

All three panelists agreed that the bill was the result of a positive collaborative process that resulted in a substantive bill that passed with bipartisan support. The entire 60-minute radio show is available at www.publicbroadcasting.net/delmarva/.jukebox?action=viewMedia&mediaId=697124

Contact: *Leslie Knapp Jr.*

Southern States County Association Meet in Florida

MACo Associate Director Leslie Knapp attended the Conference of Southern County Associations (CSCA) Annual Conference in Destin, Florida, on May 14-16.

The conference provided updates on environmental, infrastructure, tax, and public safety issues. Mr. Knapp moderated a panel discussion where member associations shared their key 2008 legislative and environmental issues.

CSCA is a non-profit organization representing Southeastern county elected officials and county associations. CSCA's membership includes 15 southern states ranging from Maryland to Texas, and over 1,381 counties (44% of all counties in the United States). The goals of CSCA are to serve as a forum for the exchange of information about county issues, establish a cohesive voice for county concerns at the federal level, foster regional relationships, and provide a mechanism for carrying out research on a regional basis. The CSCA Board of Directors is composed of the County Association Executive Directors of each member state.

Other key meeting sessions included: (1) a discussion on county transportation funding; (2) an update by the United States Environmental Protection Agency (EPA) on new air quality standards; (3) the potential establishment of a Southeast Regional Water Resource Council, similar to the Western States Water Council; (4) an overview of green building practices; (5) an introduction to natural resource ecological and environmental credit trading; (6) the use of state and county partnerships to reduce corrections costs; (7) a global overview of development and infrastructure challenges by the National Association of Development Organizations; and (8) a roundtable discussion on local property tax challenges and reforms.

CSCA's next annual meeting is scheduled for next year in North Carolina.

Contact: *Leslie Knapp Jr.*

New Voting Procedures Announced for NACo

Credentials and voting information for NACo's 2008 election of officers to be held during their Annual Conference in July were mailed May 7 to the chief elected official of each member county. In order to vote, a county must have paid its 2008 dues and have at least one paid registration to the conference.

The 2008 credentials procedures have been changed and each member county must return a form,

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signed by its chief elected official, in order to vote. In addition to being mailed, the credentials form is also available in the Members Only Section of the NACo Web site (www.naco.org) The deadline to return the form is Friday, June 27.

MACo has adopted a policy that Maryland casts its votes as a block. This policy recognizes that as a small state, Maryland can only be influential if it does so. This block vote is determined by a vote of the elected officials attending the caucus meeting. The policy has been traditionally honored.

The credentials form authorizes the state association, i.e. the MACo Executive Director, to be the county's proxy. Maryland counties planning to have representatives attending the conference are urged to designate the state association as the proxy to insure all votes are cast.

This year's election at the conference will be held Tuesday, July 15 at 10:00 a.m. - a departure from the traditional Tuesday afternoon election. Counties will also vote then on resolutions on NACo legislative and association policy for the coming year.

Contact Emily Landsman, NACo membership coordinator at elandsman@naco.org or call 202/942-4242 if you have questions.

Contact: *Ellen Clarke*

Briefly

New Intergovernmental Affairs Director Named

Governor O'Malley has announced the appointment of Israel "Izzy" C. Patoka as the Director of Intergovernmental Affairs. Mr. Patoka currently serves as Executive Director for the Governor's Office of Community Initiatives

Natural Playground Photos Requested

The MD Dept. of Natural Resources' Public Communications Office (PCO) would like to take photos of a "Natural Playground" located in Maryland. The photos will be used for display purposes as part of our Children in Nature initiative. Examples can be found on www.naturalplaygrounds.com/portfolio.html. Contact Chip Price at DNR if you have such a playground and our PCO will request that the Governor's photographer stop by and take the necessary photos. James W. "Chip" Price, Director, Program Open Space Grants 410-260-8426 or cprice@dnr.state.md.us

Childhood Obesity Prevention

NACo is seeking childhood obesity prevention policies, programs and initiatives. Does your county have a policy, program or initiative that aims to prevent childhood obesity and promote healthy living? NACo is collecting best practices for its upcoming Healthy Counties Database and wants to highlight the good work your county is doing. The database will be searchable on NACo's website this summer and is intended to serve as a resource for county leaders interested in taking steps to help children and families live healthy lifestyles. Please e-mail relevant information to Casey Dillon at cdillon@naco.org or contact her at 202-942-4243.

Award for Marilyn Praisner

The Association of Public Safety Communications Officials and NACo have dedicated a new award to former MACo and NACo Board member and Montgomery County Council member, the late Marilyn Praisner. The award honors Praisner's significant contributions to public safety communications and her commitment to clear and effective governance. Her husband, Don, and Montgomery County council member Phil Andrews, accepted the award at a banquet held in Washington, D.C. on April 16.

Job Openings

OFFICE ASSISTANT - MACo - Seeking a full time office assistant. MACo has eight full time staff members. The position requires attention to detail and the ability to maintain a positive helpful attitude in a multi-tasking environment. Other necessary attributes include computer knowledge; excellent organization, telephone, and communication skills; and a willingness to assume varied responsibilities, such as general staff support, file and facilities management, "in-house" catering and meetings' coordination, "out of office" conference support, and printing/ mailing coordination. Microsoft Office knowledge and familiarity with MD General Assembly legislative processes will be given special consideration. In addition to a competitive salary, generous benefits include sick and vacation leave; life and disability insurance; retirement plan; long term care insurance; parking; bonus eligibility; training opportunities; and fully employer-funded health, dental, and optical insurance. Closing date is **June 20**. *No telephone calls, please.* Application materials are available at www.mdcountries.org on the Jobs page.

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DEPUTY COUNTY ATTORNEY - ST. MARY'S COUNTY -Must be graduate of an accredited law school & admitted to the Maryland Bar. Experience in municipal law, land use, real property, and litigation desirable. Assists and works under the direction of the County Attorney in providing legal support and advice to the Board of County Commissioners, and county boards, departments and agencies. Duties include legal research, preparation and drafting of pleadings and other documents; representation of County Gov't. in District and Circuit Courts and before Administrative Boards; review and approval of documents submitted by County agencies for legal sufficiency. Prior legal experience required. Salary: \$63,814 - \$75,650 (B.O.E.). Closing Date **May 30**. To apply, submit a 2002 Application and writing sample to: St. Mary's Co. Gov't., HR Dept., POB 653, Leonardtown, MD 20650, 301-475-4200 x 1100, fax: 01-475-4082 www.co.saint-marys.md.us. Selectee must pass drug screening test and background investigation. EOE

MANAGER II – OFFICE OF EMERGENCY MGMT. & HOMELAND SECURITY (OEMHS) MANAGER - MONTGOMERY COUNTY - Requisition # 3119 - \$70,632 - \$128,222. Job Summary: This is an executive level position in the newly reorganized Office of Emergency Management and Homeland Security and is responsible for leadership, management, planning, coordination and overall direction of Office of Emergency Mgmt. and Homeland Security (OEMHS). The OEMHS Manager reports to the CAO, who may delegate regular communications and coordination to an Assistant CAO. The OEMHS Manager will also be delegated the authority to serve as the Chair of the County's Emergency Management Group (EMG) and make recommendations to the CAO and County Executive regarding declarations of emergency and request for additional resources if the nature of an emergency exceeds the capabilities of the County. The OEM Manager will support and provide guidance to the Homeland Security Directorate, consisting of the Directors of Fire, Police, Transportation, Technology Service and the Public Health Officer regarding homeland security grant priorities, project funding and allocations for grant implementation. For Min. Qual., Preferred Criteria, and On-line Application Process, visit: www.montgomerycountymd.gov, click on "Careers," click on Apply On-Line, click on Managerial/Executive Category, scroll down and click on Search, and click on Requisition #3119. You may also submit your resume to

Montgomery Co. Office of HR, 101 Monroe Street, 7th Floor, Rockville, MD 20850. Application deadline is May 27, 2008.

ENGINEER II (SOLID WASTE) BUREAU OF SOLID WASTE MANAGEMENT, DEPT. OF PUBLIC WORKS - BALTIMORE COUNTY - Min. Qualifications: Bachelor's Degree in Engineering and two years engineering experience (Qualifying education may be substituted for experience) or P.E. license. Various and diverse office and field duties involving engineering, env. monitoring, and regulatory compliance associated with operations and construction projects at one active sanitary landfill, closed landfills, and other solid waste facilities. 35 hr. work week. \$46,684 to \$58,032, with longevity steps to \$74,142. Open until filled. For benefits, job description and/or application: www.baltimorecountymd.gov/Agencies/humanresources/jobs/index.html. Contact Stephen G. Lippy, P.E., DEE, 410-887-2009, or email slippy@baltimorecountymd.gov (7/08)

The Maryland Association of Counties

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