



# Courthouse News

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of Counties

Volume 31 Number 9

September 11, 2009

## Governor O'Malley Addresses Local Officials at Conference

Governor O'Malley spoke before a packed audience at the Annual Summer Conference making a plea to local government officials to continue working in partnership to address shortfalls in the Fiscal 2010 budget. The Governor praised local officials, stating, "You have some of the most important jobs in America". He also stated that he appreciates the partnership and what State and local governments have accomplished together. He acknowledged, "As local officials you entered public service to build things up, not dismantle them." However, he asked that local governments work in partnership with him to further reduce spending in the budget.

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*"... We will not take local tax money  
and divert it to the State."*

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The Governor had already reduced general fund spending by approximately \$3 billion. This has been without mid-year reductions to local aid through cost containment efforts (though both the Administration and General Assembly have recommended local reductions as part of the budget processes). The Governor stated that he needs help from local governments to achieve the next round of reductions, necessitated by mid-year revenue write-downs. Late July, \$280 million was cut from State department and agency budgets. During his remarks, the Governor stated that "in order to cut the remaining \$400 million required we have to turn to local aid." Based on a recommendation from the Department of Budget and Management, the Governor stated he intended to reduce aid to local government by \$250 million. In actuality, the reduction plan approved by the Board of Public Works on August 26 reduced funding to local governments by over \$210 million in the following areas: community colleges, local health departments, police aid, and highway user revenues.

More important, the Governor stated "we will not take local tax money and divert it to the State," referring to local income tax revenue. He said that actions taken in other states would not be enacted here, such as laying off teachers, releasing violent prisoners early, taking students off of Head Start, and dramatically increasing college tuition.

Contact: Andrea Mansfield

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## Legislative Committee Meeting

September 23 - 11:00 a.m.

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## Legislative Planning Meeting

Same Day - 10:00 am

## 2009 Officers

**President Wilson Parran**

parranwh@co.cal.md.us

**1st VP David R. Craig**

dcraig@harfordcountymd.gov

**2nd VP Wayne Cooper**

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**Secretary Robert M. Hutcheson**

rhutcheson@allconet.org

**Treasurer Cathy Vitale**

cvitale@aacounty.org

## Important Dates!

January 6-8, 2010

Annual Winter Conference, Hyatt Regency Hotel, Cambridge

August 18-21, 2010

Annual Summer Conference, Convention Center, Ocean City



*Wilson Parran*

### Message From the President

The last few weeks have, in many ways, shown me both the ups and the downs of being one of MACo's leaders.

At our August summer conference, I had a chance to discuss issues with so many county officials, to meet with so many vendors exhibiting at

our trade show, and to attend so many educational sessions...it really showed me so much of what MACo is all about. I know that I personally came to my first MACo conference 8 years ago, and spent a little bit of time on the beach before getting to the convention center. But after seeing all the things going on at the conference itself, and learning so much while I was there, I haven't seen the beach in the years since.

In a lot of ways, the conference represents what counties need to be doing during these tough times. Hearing speakers talking about "doing more with less" is very valuable during difficult economic times...but I honestly think that what we also need to recognize is that we're into an environment where we're going to be doing less with less. That's the sort of adjustment that we face in delivering county services. While it's not the easiest thing we do, to face these challenges together with one another's best practices is the best we can do.

That, of course, leads to the State budget cuts that followed soon afterward. Many of us were trying to be prepared for the cuts that the Governor told us were coming, but were still surprised by the depth that some areas were reduced. I fear that in this process, it's the worst of both worlds... even as our own revenues at the county level are dropping due to the weak economy we also suffer "our share" of the State's problems as well, as the cuts get passed down by the hundreds of millions.

I find it disheartening to hear the Governor speak so eloquently at our conference about how difficult it is to cut back on public health services as we face the prospect of a swine flu pandemic. And then the local health departments get cut even more than the 25% we thought was the legal limit. And our local public works departments – especially in those counties who rely completely on the state law that requires sharing

transportation revenues with locals – took a cut that exceeded even our worst fears. As I talk with my county colleagues, there's simply no way that these cutbacks can land on the counties without turning into real pain for public employees, and real service cutbacks for citizens.

In challenging times there are opportunities to change behaviors. Legislation signed into law without a defined funding source leads to larger budget deficits in a weak economy. There is an opportunity now to only pass legislation that defines a funding source or by shifting priorities to fund new legislation. Bottom line: if you want this new initiative, what are you going to give up? Obviously, you cannot have it all at taxpayers' expense. We must all be accountable and responsible for our actions.

We know the storm hasn't passed yet. We know that more pressure on the State budget lies ahead, even for the current year, but certainly for the years ahead. I consider this the most important and dangerous thing facing us in these tough times, and in meeting with many of you back in the county seats, I hear you saying the same thing. We know that the Governor, the Board of Public Works, and the General Assembly face difficult decisions in reconciling their budget problems. There aren't any easy answers to be had. But we, the counties, can't continue to be the "part of the solution" as we have been of late. Enough!

Wilson Parran  
President

### BPW Approves Cut of \$210 Million in Local Aid

The Board of Public Works (BPW) unanimously approved Governor Martin O'Malley's recommendation at its August 26 meeting to cut \$450 million from the state budget with the local jurisdictions absorbing \$210 million of those reductions. These reductions essentially serve to reconcile revenue shortfalls already identified. When the Board of Revenue Estimates meets in September, additional adjustments may necessitate further mid-year actions.

The overwhelming share of cuts (\$159.5 million) came from Highway User Revenues (HUR), the share of the state's motor fuel and titling taxes that is ordinarily

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directed to local governments to support maintenance of local roadways. The HUR reduction may essentially eliminate any funding local jurisdictions have not already received from the state for FY 2010. The balance of local government reductions are from three areas; (1) \$20 million from the Local Health Departments; (2) \$20 million from Police Aid, and (3) \$10 million from the funding formula for community colleges.

These budget actions also focused on furlough and salary reductions for state employees, and reductions to state agencies, entirely protecting investments made to public schools. General fund support for public education has increased nearly \$700 million since FY 2007, while spending for the remainder of the Operating Budget has decreased more than \$1 billion.

While the county-by-county detail of cuts provided by the State includes both county and municipal funding reductions, MACo has developed the county-only share for the two areas where these numbers were originally intermingled, Highway User Revenues and Police Aid. This information, as well as the details of the reductions, can be found at [www.mdcounties.org](http://www.mdcounties.org).

*Contact: Andrea Mansfield*

### **MIA Policy Impacts Self-Insured Health Plans**

According to a recent Maryland Insurance Administration (MIA) Bulletin, self-insured counties must remove all capitated benefits from plans they administer or be subject to regulation by the MIA. The bulletin states that this change in policy will take effect January 1, 2010 forcing self-insured counties that provide capitated benefits to comply with all Maryland insurance laws, including benefit mandates and appeal procedures. Counties deciding to change all components of a health plan to a fee-for-service plan will not be subject to regulation.

At a time when budgets are extremely tight and many jurisdictions are laying-off or furloughing employees, MACo is concerned about the increased cost of such a policy shift, not just on the county budgets, but also on the budgets of the employees who benefit from these plans. The incorporation of capitated benefits into a health plan minimizes costs to the employer and employee. Maintaining capitated benefit

plans under the regulation of MIA or changing to fee-service plans have inherent costs that must be borne by both parties.

MACo staff met with representatives from several jurisdictions to discuss the potential impact and possible action to pursue. The group will meet again on September 14 in Annapolis.

*Contact: Andrea Mansfield*

### **MOE Workgroup: Reform Needed?**

Based on the blanket denial of maintenance of effort (MOE) waiver requests earlier this year and the likelihood that some counties will seek a MOE waiver for FY 2011 unless the economy significantly improves, MACo is considering making MOE reform one of its legislative initiatives for the 2010 Session. See the July 17, 2009, *Courthouse News* for a full history of the MOE waiver process. In expectation that MOE waiver reform may be a legislative issue, MACo has formed a workgroup to examine potential changes to the waiver process.

The workgroup, chaired by Wicomico County Executive Rick Pollitt, includes county elected officials, budget and finance officers, and legislative analysts. The goal of the workgroup is to create a process that better accounts for a county's budget situation while still recognizing the importance of educational funding. The approach currently being considered would create a set of objective criteria that would result in a county automatically being granted a waiver if the criteria were met. Also being considered is having a different organization, other than the State Board of Education, decide a MOE waiver request or the General Assembly granting a blanket waiver for the 2011 Session.

The workgroup will present its recommendations to the MACo Legislative Planning Committee on September 23.

*Contact: Leslie Knapp Jr.*

### **Growth Task Force Continues Deliberations**

At its upcoming September and October meetings, the Task Force on the Future for Growth and Development in Maryland will be making recommendations concerning Priority Funding Areas (PFAs), Transfer of Development Rights (TDRs), additional Smart Growth data indicators, and an educational program for county and municipal planning commissioners and boards of appeals members.

Below is an update on the issues of the five Task Force workgroups.

#### ***Priority Funding Area (PFA) Workgroup***

The PFA workgroup is examining whether the current system is working or whether it should be altered. The workgroup is also focusing on making PFAs coterminous with county and municipal growth areas, granting counties increased flexibility when setting their PFAs in exchange for greater land protections outside of PFAs, having the State and local governments “tier” lands inside and outside of PFAs in order to prioritize and direct State funding, better horizontal integration of land use goals among State agencies, and better vertical integration of land use goals between the State and local governments.

A school construction subgroup is focusing on (1) whether PFA criteria should be applied to school construction projects; (2) the use of vertical or multi-story schools; and (3) the creation of more certainty in the State school construction funding process, including the possibility of the State adopting a 6-year capital improvement plan. The subgroup has created a draft proposal that would require new school projects to be located within a PFA unless the Interagency Committee on School Construction (IAC) granted an exception. An exception could be granted if the school meets one or more specified criteria, such as the unavailability or prohibitive cost of land inside a PFA. The PFA review process would not apply to repairs or renovations and a decision by the IAC could be appealed to the Board of Public Works.

#### ***Land Preservation/Transfer of Development Rights (TDR) Workgroup***

The workgroup must provide a final report on TDRs to the Task Force with a final report due by November 1, 2009. The workgroup submitted an interim report to

the Task Force on July 29. The report: (1) summarized existing county TDR programs; (2) indicated next steps for the workgroup, including an examination of local options for overcoming obstacles such as public opposition and lack of demand in receiving areas; and (3) proposed options for inter-jurisdictional and Statewide TDRs. The workgroup is also studying targeted funding for land preservation programs and mandatory down zoning.

#### ***Indicators Workgroup***

Senate Bill 276/House Bill 295 from the 2009 Session created a set of growth indicators that counties must collect. In addition, the bill required the Task Force to assess potential Smart Growth indicators in the following subject areas by July 1: “(1) housing choices, including affordability; (2) the impact of growth on the environment, including land, air, and water; (3) the fiscal cost of growth; (4) the job and housing balance; (5) the impact of transportation on growth; (6) the impact of growth on business, including job creation, fiscal impact, agribusiness, tourism, and forestry; and (7) the impact of growth on cultural and historic resources.”

The workgroup examined potential indicators in each area, considering whether the indicators were relevant to growth and could realistically be collected by local governments, the State, or other entities, such as the National Center for Smart Growth and Education. Ultimately, the workgroup created two lists of indicators: 20 indicators the workgroup recommends for priority review and vetting, and a second list of possible indicators that require further study. The workgroup is also examining the feasibility of collecting some indicators through local building or occupancy permits. Contingent on approval of the Task Force, the workgroup has concluded its statutorily required work.

#### ***Conflicts/Inefficiencies Workgroup***

The workgroup is charged with examining conflicting laws, regulations, and policies that place Smart Growth in opposition with other policy goals, such as environmental protection. The workgroup, with input from county and municipal governments, has created a survey to identify areas of conflict, which will be considered in crafting potential solutions. That survey will be distributed to stakeholders shortly.

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### ***Education Workgroup***

Senate Bill 280/House Bill 297 of the 2009 Session requires the Department of Planning, in consultation with the Task Force, to “develop an online education course for members of planning commissions and boards of appeals.” To meet this statutory obligation, the workgroup has created a module-based framework for the planning commission and board of appeals online course. The modules explain basic planning and land use concepts, the role of a planning commissioner or board of appeals member, and growth management tools. Persons will receive certification upon course completion. The modules are designed to allow for local variations to be incorporated into the course material.

The workgroup is also considering Smart Growth curriculum for students (pre-k through grade 12), college students, adult citizens, elected officials, community leaders, and environmental and land use groups. One proposal for local officials would be to create a land use course through the Academy for Excellence in Local Governance.

The Task Force began meeting in January 2008 and will continue meeting through 2010, when it will sunset. Frederick County Commissioner Jan Gardner and former Worcester County Comprehensive Planning Director Sandy Coyman are MACo’s representatives on the Task Force. Associate Director Les Knapp attends the meetings as well.

The Task Force meets again September 16. Meeting materials and reports are available at: [http://www.mdp.state.md.us/future\\_growth.html](http://www.mdp.state.md.us/future_growth.html)

Contact: *Leslie Knapp Jr.*

### **Academy to Graduate 26**

Twenty-six county appointed and elected officials are scheduled to graduate from the Academy for Excellence in Local Governance on Sunday, September 13 at the University of Maryland Chapel. MACo President Wilson Parran will deliver the commencement address. Each graduate will receive a certificate of completion for this volunteer continuing education program for county and municipal government officials.

*Academy county graduates include:*

**Calvin Ball**, Council Member, Howard County;

**Judith Boggs**, Commissioner, Worcester County;

**Linda Busick**, Commissioner, Worcester County;

**Greg Fox**, Council Member, Howard County;

**Samuel Graves, Jr.**, Commissioner, Charles County;

**Paul Gunther**, Commissioner, Queen Anne’s County;

**Dion Guthrie**, Council Member, Harford County;

**Charles Jenkins**, Commissioner, Frederick County;

**Roger Layton**, Commissioner, Caroline County;

**George Leventhal**, Council Member, Montgomery County;

**David MacLeod**, Council Member, Wicomico County;

**Wayne Tome, Sr.**, Commissioner, Cecil County;

**Cathleen Vitale**, Council Chair, Anne Arundel County;

**Edgar Baker, Jr.**, County Attorney, Wicomico County;

**Lori A. Carter**, Deputy Director, Planning and Zoning, Wicomico County;

**JoAnn Carter**, Administrator, Boards & Commissions, DER, Prince George’s County;

**Faith Elliott-Rossing**, Planning Director, Queen Anne’s County;

**Robert Frances**, Director, Inspections, Licenses and Permits, Howard County;

**Dorianne Meloy**, Associate County Attorney, Prince George’s County;

**Sharon Morris**, Assistant Director of Administration, Wicomico County;

**Donna Nichols**, Human Resources Director, Cecil County;

**Kevin Reed**, Staff Analyst, Baltimore County;

**John Stewart**, Executive Director, Aging and Retirement Education, Baltimore;

**Michael Thompson**, Director of Planning, Washington County;

**Robert Williams, Jr.**, Deputy Council Administrator, Prince George’s County;

**Paul Comfort**, former County Administrator, Charles County; and

**Ted Zaleski**, Director, Department of

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Management and Budget, Carroll County.

A certificate will also be issued to the family of the late **Veronica Chenowith**, Harford County Council Member, who would also have graduated with this class.

Contact: *Ellen Clarke*

copy form and also is posted at [www.mdcounties.org](http://www.mdcounties.org).

County officials are urged to return their data by the deadline in order that MACo is able to distribute the surveys in a timely manner. Questions about completion should be directed to project manager, Karla Hutchins at (410) 269-0043.

Contact: *Ellen Clarke*

## Administrator/Attorney Conference Changes to Half-Day Format

In the wake of State budget reductions and all jurisdictions facing difficult budget decisions, the MACo Board has agreed to reduce its Administrator/Attorney Conference from two and a half-days to a half-day. The change will minimize county staff time out of the office, while still giving county administrators and attorneys the opportunity to discuss county budget cutting authority and cost cutting measures being implemented statewide. A legislator or representative from the Department of Legislative Services will also provide a preview of the 2010 Session.

The conference is being planned for the last week of October at a location in Prince George's County yet to be determined. Further details will be emailed to potential attendees and posted on the MACo website.

Contact: *Andrea Mansfield or Leslie Knapp, Jr.*

## 2009 Salary Survey In Production Now

The MACo 2009 Salary Survey questionnaire was distributed to county human resources directors this week. The survey is due to be published the first of November and counties are asked to complete data by October 2.

MACo picked up the survey project Spring 2008 after being notified that the Institute for Governmental Service and Research at the University of Maryland would no longer be compiling and publishing the document, which then included both municipal and county government data. The MACo Salary Survey, distributed last November, included only county government salary data. The Survey is available in hard

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## NOW AVAILABLE!

### 2009-2010 Directory of Maryland County Officials

**(Book or CD \$40)**

#### Maryland Association of Counties

169 Conduit Street, Annapolis, MD 21401  
(410) 269-0043 (301) 261-1140 FAX: (410) 268-1775

#### Executive Director Michael Sanderson

msanderson@mdcounties.org - Direct: (410) 268-9286

#### Associate Director Andrea Mansfield

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#### Research Specialist Michele Dinkel

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lknapp@mdcounties.org

#### Communications & Meetings Director Ellen Clarke

elclarke@mdcounties.org - Direct: (410) 268-9139

#### Assistant to the Executive Director Karen Lowe

klowe@mdcounties.org

#### Administration & Finance Director Leslie Velasco

lvelasco@mdcounties.org

### Conference Attendees Focus on “Doing More With Less”

While the MACo Summer Conference did not break any attendance records this year, organizers were pleased with the turnout of elected and appointed county officials who filled education sessions on topics dealing with recent budget cuts and a stalled economy.

In the keynote address, economist Anirban Basu and Delegate Murray Levy provided a somber, but frank snapshot of Maryland’s economy now with a forecast for the future of more difficult days ahead.

Many of topics focused on the conference theme of “Riding the Economic Cycle.” Topics included budget cuts, saving costs, and continuing to provide citizen services under the current economic climate. Other topics included Maintenance of Effort: A Broken System, Swine Flu/H1N1 Response, Gang Surveillance and Monitoring, Doing More (Services) with Less (Resources) and People, Riding the Cycle of Health Care Access with Uncertain Funding, Moving Low Income Citizens to Full Employment, Lean, Green and Clean: The New Mode of Transportation, The Bay Restoration Fund and the Potential Implication for Future Projects, Revisiting Priority Funding Areas, The Economic Development Benefits of Sports and Recreation, Managing Your Capital Project Costs Through Constructability Reviews, Maintaining Viable Services in an Economic Downturn, Census 2010: Counting for Funding, and Keeping Local Agriculture Sustainable.

In addition to addressing the closing session on Saturday, Governor Martin O’Malley conducted a session on “Bay Stat, State Stat, and Recovery Stat: Making Government Work with Openness and Transparency” to a standing-room only audience on Thursday.

Available conference Power Point presentations and handouts for some sessions have been posted to [www.mdcounties.org](http://www.mdcounties.org) on the homepage where you can download or view them. If you attended the conference and have not yet completed your evaluation, you can find it on the homepage as well.

The 2010 Summer Conference is scheduled for August 18-21, 2010 in Ocean City at the Convention Center.

Contact: *Ellen Clarke*



*The summer renovation of the MACo offices is nearly complete after extensive renovations to the HVAC system, the installation of a sprinkler system, and remodeling the basement of the building to add office space. Meetings in the library on the second floor are expected to resume later this month.*

### Job Openings

#### **DIRECTOR OF FIRE AND RESCUE SERVICES DIVISION - FREDERICK COUNTY**

- This professional position directs all facets of fire and rescue services (career personnel and volunteers) within Frederick County. This position performs administrative and supervisory work in the management of fire protection, injury prevention, pre-hospital emergency medical services, rescue and fire suppression activities, protection from hazardous materials emergencies, and disaster services. Requirements include a Bachelors degree in a related field and a Min 15 yrs exp in one or more areas of progressively responsible fire and rescue services mgmt, which includes extensive supervisory, budgetary and administrative work. Salary range \$114,912-\$187,257/yr (full-time; full benefits). Deadline to apply **September 30, 2009**. Submit County Employment Application form to Frederick Co. Div. of Human Resources, 12 East Church St, Frederick MD 21701. 301-600-1070 EOE [www.co.frederick.md.us/jobs](http://www.co.frederick.md.us/jobs)

#### **LANDLORD-TENANT MANAGER- DEPT. OF HOUSING AND COMMUNITY AFFAIRS - MONTGOMERY COUNTY**

- Salary: \$63,411-\$115,901. The Manager III (MIII) plans, supervises, coordinates, and reviews the work of seven Landlord-Tenant Investigators in the Landlord-Tenant Affairs

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Section. The work involves initial review of complaints and review of closed cases to ensure that complaints are handled in accordance with appropriate procedures, analysis, and evaluation of complaint patterns, and oversight of investigative staff work. The MIII provides advice and assistance to the Director, Division Chief, and investigative staff, as well as to landlords, tenants, property managers, and the real estate community, on the applicability of Federal, State, and County landlord-tenant laws, issues, enforcement, and legislation. The employee manages administrative and enforcement actions regarding landlord-tenant laws; in conjunction with the County Attorney's Office, prepares enforceable documents; and serves as liaison between the department and landlords, tenants, and property managers in sensitive investigations and negotiations. The MIII also provides support to the Commission on Landlord-Tenant Affairs (COLTA) through oversight of written case summaries and analyses of unresolved complaints presented to COLTA; coordinating COLTA public hearings and procedures; providing advice on policy-related issues; and drafting Decisions and Orders issued by COLTA as a result of a public hearing on unresolved complaints over which COLTA asserts legal jurisdiction. The MIII must be able to attend meetings and to participate in negotiations, conciliations, mediations, outreach, and educational efforts outside of normal work hours. To view entire job announcement and to apply online, please visit the county website at [www.montgomerycountymd.gov/careers](http://www.montgomerycountymd.gov/careers). Requisition ID 3679. **Closes September 30, 2009.**

**PROJECT ENGINEER – DEPT. OF PUBLIC UTILITIES - GARRETT COUNTY** - The Engineer oversees and coordinates capital water and sewer projects, reviews water and sewer design plans and specifications for residential, commercial and industrial developments, and provides technical assistance in relation to operation and maintenance of water and sewer systems. Example of Work: (examples are illustrative only) Develop a scope of work and cost estimates for water and sewer projects. Participate in the evaluation of proposals for professional and construction services in conjunction with the Purchasing Department. Review water and sewer projects in relation to compliance with Federal, State, County and Local codes, regulations and specifications. Prepare and coordinate permits for water and sewer projects with Federal, State, County and Local agencies. Oversee construction of water and sewer projects and provide input regarding construction materials, change

orders, requisitions, schedules and any changes to be made by the architect and/or engineer to upgrade the efficiency and maintenance of materials, machinery or equipment. Review and comment on design plans and specifications for water and sewer systems for residential, commercial and industrial developments. Maintain the Department's Standards and Specifications for water and sewer systems and provide technical engineering research and support to develop new or amend existing regulations, products and/or methods. Assist with the planning, amendment to and updating of the County's Water and Sewer Master Plan to reflect historical data and planned development as it relates to water and sewer infrastructure. Provide technical assistance and troubleshooting in relation to operation and maintenance of water and sewer systems. Design and prepare cost estimates for water and sewer connections, extensions, replacements, relocations and/or installations. Required knowledge, skills and abilities: This position requires competency and detailed knowledge of engineering principles and practices, construction methods, and data interpretation including design drawings, specifications, technical manuals, and environmental reports. Education and/or Experience: Bachelor of Science Degree in Civil Engineering with an Environmental specialization. Min. three (3) years of experience in the water and sewer field preferred. Salary and Benefits Included: This is a Classified Service position. A competitive salary and traditional County employee benefit package is included. – Application Process: A Garrett County Government application along with a letter of interest, resume and salary history 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. Deadline for application is **September 11, 2009.** EOE