



Courthouse News

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Wilson Parran

Message from the President

Last week, MACo's Board of Directors met in Annapolis for our Fall Retreat. We had a full agenda which included a series of meetings to discuss our own agenda and some of those responsible for addressing county related legislation. It was good to see everyone, of course, even if the natural tendency is to start swapping stories about budget cuts and disappointed constituents.

It's the nature of these challenging times that are of concern to us all, I suppose.

We continued our outreach to General Assembly leaders to involve not only the Committee chair but also subcommittee chairs. This time, we reached out to the House Environmental Matters Committee. I think we really benefited from our exchange with several leaders of that Committee who joined us for conversation about county issues – past, present, and future – that the Committee handles. This Committee has been a source of a lot of good judgment on our issues in the past, and it was good for many of our Board members to be able to meet Delegates Barbara Frush, Marvin Holmes, Anne Healey, and Virginia Clagett, and to talk with Chairman Maggie McIntosh, who has been a regular visitor to our meetings and conferences. The Committee has “done right” by us on many high profile issues, and it was good to extend thanks to them for that.

We also had an informative meeting with Senate Minority Whip Nancy Jacobs and House Minority Leader Anthony O'Donnell. A broad conversation about their perspectives on budget and policy issues gave Board members a good sense of what lies ahead next year. Senator Jacobs had been feeling under the weather (though it didn't show) so it was really great of her to come and speak with us.

We also had productive meetings with the Administration – talking about budget issues, the Governor's likely 2010 legislative agenda, and environmental policies that affect us. The Governor's Chief of Staff Matt Gallagher was particularly interested in our concerns about conflicting state regulations holding up projects, and floated the idea of the Governor convening “major project teams”

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By the People,
For the People*



January 6-8, 2010
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Annual Winter Conference

**You Can't Afford NOT
to Come (see page 10)**

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across agencies. That suggestion, understandably still in a formative stage, was well received by the county officials. In addition, we concluded our retreat with a discussion with the Secretary of the Environment Shari Wilson. Many concerns regarding the new Stormwater Management Regulations were raised. There was agreement to work through these concerns.

On the tip of everyone's tongue, though, has to be the budget issues. Joe Bryce, the Governor's Chief Legislative Officer, talked about the next round of cuts coming to the Board of Public Works, and while he couldn't be definitive, he did say some pretty encouraging things. I know Joe is being sincere when he said the Governor doesn't relish cutting local governments. Since he was one of us not that long ago, the Governor really understands how these cuts hit back home. I left our Board meeting hopeful that the BPW, in the next round of cuts, will recognize that counties have already taken our share... at least.

Last month, Michael Sanderson and I were the guests of MML at their Legislative Conference in Rocky Gap. I enjoyed the hospitality as well as the opportunity to continue to build on what we have in common.

Next week, Michael and I will conclude our member jurisdiction visits. Our reception everywhere has not only been warm, but very informative and helpful to the leadership and staff. The visits have fueled our confidence in the value MACo brings to county government. You provided us with good suggestions and we listened to your concerns. Be assured that MACo will continue to work for your benefit.

These are most certainly "interesting times," as the ancient curse says.

Best Wishes,



Wilson Parran
President

AG Releases MOE Opinion

Maryland Attorney General Doug Gansler released an opinion on November 4 finding that the budget actions taken by Montgomery and Prince George's Counties following the denial of their Maintenance of Effort (MOE) waiver requests earlier this year do not comply with MOE requirements. The opinion also found that Wicomico County's budget action did comply with MOE.

The opinion held: "[T]he measure taken by Montgomery and Prince George's counties is not a permissible means of satisfying a county's MOE obligation for Fiscal Year 2010. The MOE law states that shifting appropriations between a county budget and the school budget 'may not be used to artificially satisfy' the MOE requirement. The shifting of debt service to the school board budget for the first time for FY 2010 artificially satisfies the MOE requirement, unless a corresponding adjustment is made to the prior year's budget in computing the MOE target amount. By contrast, Wicomico County has fully funded the MOE target without conditioning the expenditure of those funds for debt service obligation previously paid by the County. The use, at the suggestion of the local [school] board, of separate surplus funds in its school construction fund for debt service appears consistent with the State education law and the purpose of that fund."

The finding means that Montgomery and Prince George's Counties could be penalized between \$16 and \$64 million each for FY 2010. MOE waiver reform is a MACo 2010 legislative initiative and there are plans to introduce legislation during the Session creating a more objective waiver process.

Contact: *Leslie Knapp Jr.*

Administration Officials Address Board

Representatives of Governor O'Malley's Administration addressed the Board of Directors during their Fall Retreat on November 4 to discuss the State budget, Maintenance of Effort (MOE) waiver reform, the transfer of teacher pensions, and how the Intergovernmental Affairs Office can become more involved in cross agency issues. Representatives in attendance were Chief of Staff Matt Gallagher, Chief

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Legislative Policy Advisor Joe Bryce, the Office of Intergovernmental Affairs Director Izzy Patoka, and his Special Assistant Ashley Valis.

Mr. Gallagher advised that “The Governor prides himself on his positive relationship with the counties”. He also expressed the Governor’s appreciation of MACo working closely with the Administration on the revenue initiatives of the 2007 Special Session. He noted that the Governor is sensitive to county needs and understands that mid-year cuts are a problem. “In fact, many decisions the Governor makes are based on his experience as Mayor,” said Mr. Gallagher. “We are going back to the Board of Public Works in two weeks to reduce the budget by another \$300 million.”

When Baltimore County Executive Jim Smith, asked, “How much will effect local government”?, Mr. Bryce noted that the Governor “feels that there has already been a great share felt by local governments,” and “the Governor is reviewing scenarios, but the focus is on State agencies and the use of stimulus funds.”

MACo Second Vice President Wayne Cooper expressed the counties discontent with the approach used to make reductions before the Board of Public Works in August. He asked, “Did the 25% rule matter and can there be more flexibility in its application?” Mr. Bryce expressed the Administration’s willingness to work with MACo and stated, “The Governor is open to approaches going forward.”

Mr. Bryce continued by discussing legislative initiatives being considered. He mentioned legislation requiring mediation to help resolve potential foreclosures before individuals lose their homes and an expansion of unemployment insurance benefits to enable the State to draw down more federal funds. Mr. Bryce expressed hope that a statewide bill regulating scrap metal dealers would pass, predicted a quiet year for growth issues, and said there would be legislation to extend the Heritage Structure Rehabilitation Tax Credit, which sunsets in July 2010. He said he is aware that MACo is interested in MOE waiver reform.

Concerning MOE, Montgomery County Executive Isiah Leggett said, “If there is ever a time when we need flexibility, the time is now.” Echoing his sentiment, Wicomico County Executive Rick Pollitt added that the denial of the MOE waiver requests by the State Board of Education left counties feeling that the waiver process is neither objective nor balanced. Mr. Bryce responded, “Organizationally, MACo is doing very well

communicating this concern. Everyone seems to understand MACo’s message — you can’t hit us on one end and not give us relief on the other.” For now, the Administration is listening to stakeholders, but understands that the counties don’t have anywhere else to turn to address local budget reductions. County Executive Pollitt reiterated, “none of us relish putting education on the table, but when 80% of your budget is education and public safety, you can only cut the other 20% so much.” Mr. Gallagher responded, “the Governor has met with the Superintendents and asked them to take a hard look at their budgets for the next two years.” He said, “they need to ask, can I sustain this, or should I be looking at making small reductions?”

Frederick County Commission President Jan Gardner stated, “In tough economic times, there is a silver lining- school construction.” She thanked the

“ . . . Jim Smith asked, ‘How much will affect local government?’ . . . ”

Administration for its support and urged them to “keep it up.” Mr. Gallagher responded, “School construction will be at a good level, not the \$350 to \$400 million it has been in the past, but higher than the limit set.” However, Mr. Bryce pointed out, “a number of adjustments need to be made to the capital budget to incorporate project splits from last session. This will impact the number of new projects that can fit into the capital budget.”

Garrett County Commissioner Fred Holliday expressed concern about the possible transfer of teacher pensions from the State to the counties. He asked for the Administration’s position. Mr. Bryce responded, “I don’t think it’s likely that something will happen this year. It may not come to a head until the following session.”

Mr. Patoka and Ms. Valis expressed their willingness to work with MACo to maximize the use of the Intergovernmental Affairs Office. Baltimore City Council member Rikki Spector asked, “Can the Intergovernmental Affairs office get involved in matters where the goals of one State agency seem to contradict the goals of another?” Mr. Gallagher responded, “We are taking steps to do that and have been taking issues to the subcabinet as appropriate. In addition, MDE has

assigned a staff member to focus on local issues.” The Administration is also discussing a major projects group that would meet on a monthly basis to hear from county governments on specific issues. It is envisioned that this group will address issues by gathering concrete information and requesting a response from the appropriate State agency in a specified timeframe.

County Executive Smith offered, “The general application of stormwater management regulations is an area where we could use some help.” Mr. Gallagher responded, “There has been an enormous groundswell on this issue. From the developers, it is unclear whether the issue is the regulations or the county process.” He said, “let’s get everyone together and talk about it.”

Contact: Andrea E. Mansfield

Environmental Leadership Talk Land Use and Planning

House Environmental Matters Committee (ENV) Chairperson Maggie McIntosh discussed land use and planning issues with the Board on November 4. Also present were Subcommittee Chairs Virginia Clagett, Barbara Frush, Ann Healey, and Marvin Holmes.

2010 Session and Beyond

Chairperson McIntosh stated that budget challenges would predominate the next few Sessions, but that the Committee would have some input on budget issues, such as Program Open Space. She also noted that she did not foresee any major policy legislation coming out of her Committee during the 2010 Session. “Next year may be one of the more quiet years in our Committee,” she predicted. She indicated that some legislation, such as growth performance measures and stormwater infrastructure, might be introduced for discussion purposes.

Looking past next Session, Chairperson McIntosh noted that Smart Growth might need to be completely redone. “I am almost at a point where I believe we have to blow up what we did and start new,” she commented. She is also examining decoupling revenues from growth and suggested the Joint Legislative Workgroup on State, County and Municipal Fiscal Relationships might take up that issue. (She is one the House representatives on that Workgroup.)

Delegate Frush agreed, “I think we will be playing defense next year.” Delegate Holmes noted he too serves on the Workgroup and said they do not have an agenda to shift teacher pension costs onto the counties. He will also be addressing the issue of “lost” crab pots in the Chesapeake Bay.

Delegate Clagett is working with the Department of Housing and Community Development (DHCD) and other stakeholders on legislation to authorize and expand the use of community land trusts. Delegate Healey stressed the need for MACo and MML to work together during these budget challenges.

Stormwater Management

Baltimore County Executive Jim Smith and Saint Mary’s County Commissioner Tom Mattingly raised concerns about stormwater management regulations recently adopted by the Department of the Environment. (MDE) Chairman McIntosh promised that her Committee will review the regulations to determine affect on existing and redevelopment projects

10-Year Planning Cycle

Talbot County Councilmember Tom Duncan proposed moving the planning cycle from six to 10 years. Chairperson McIntosh stated that she would support the change as long as counties were accountable for submitting plans within that time frame. “You need to have accountability and a penalty if the counties don’t comply,” she argued, “[The penalty] doesn’t have to be harsh or mean or cruel, but something has to happen.” Delegate Clagett agreed that the 10-year proposal “makes a lot of sense”.

Local Land Use Control & Regional Planning

Prince George’s County Councilmember Ingrid Turner asked for the Chairperson’s opinion on local land use control. “I still believe in local control,” Chairperson McIntosh responded, “but I do think there should be State goals and the State should have the ability to work with local government on Program Open Space and a vibrant agricultural community.” She expressed concern about the loss of farmland and noted that agriculture zoning varies among the counties.

Chairperson McIntosh also encouraged more regional planning through entities like the Southern Maryland Tri-County Council. “[Regional planning] should not have to be legislated,” she concluded.

Contact: Leslie Knapp Jr.

Minority Leaders Discuss Budget, MOE, and Teacher Pensions with Board

Board members met with Minority Whip Senator Nancy Jacobs, and Minority Leader Delegate Anthony J. O'Donnell to discuss recent budget reductions, MOE legislation and the transfer of teacher pensions. Although responses were not what members wanted to hear, the minority leaders said they value their relationship with MACo and want to enhance it by designating a liaison to work with MACo and MML.

With respect to the current budget shortfall, Thornton and the 2007 Special Session were described as the root of the current budget problem. Both leaders stated that "Thornton legislation passed without a funding mechanism and during the Special Session, taxes were raised and spending was increased." When asked about reductions in Highway User Revenue and whether the Republican Caucus in the House or Senate might get involved, Delegate O'Donnell said he will be supportive of the cuts, "We are facing a \$2 billion deficit and preferred not to increase spending in the first place," asking if MACo had another proposal.

County Executive Ken Ulman offered, "Give us more flexibility to deal with reductions. It is said that 40% of the State's general fund budget goes to local government, but when you break it down, approximately 38% goes to education and 2% funds local government operations. Within Howard County's budget, 70% goes towards mandated expenditures, which includes education. With only 30% of your budget to accommodate reductions, you need as much flexibility as possible. This is why a waiver of MOE is so important to local jurisdictions." Both individuals expressed support for some level of reform.

Delegate O'Donnell also advised the counties to be more conservative with their capital budget requests, saying the State cannot continue to accommodate such increases in capital outlays.

With respect to the transfer of teacher pensions, differing positions were expressed. Senator Jacobs stated that when counties raise teacher salaries that result in increased costs, there should be shared responsibilities. Delegate O'Donnell expressed his concern that it equates to increased taxes at a time when people can least afford them. He said he knows

that members of the House Republican Caucus are split and he has advised supporters of the teacher pension transfer not to be the "tip of the spear because it does equate to increased taxes."

Contact: Andrea E. Mansfield

Re-Write of Miss Utility Law Draws MACo Comments

MACo expressed its concern with proposed legislation to re-write Title 12 of the Public Utility Companies Article dealing with Underground Facilities, better known as the "Miss Utility Law." The Title 12 Re-Write Steering Committee has been re-writing this law for the past three years. The Committee held a public hearing on November 12 for interested parties to provide comment.

Of paramount concern to MACo is the removal of language authorizing counties and municipalities to be reimbursed for costs associated with the marking of underground facilities. While true that only a few jurisdictions currently charge and collect a fee for marking, the current statute gives flexibility to jurisdictions to seek reimbursement if they so choose. In these difficult economic times, this authority must be maintained. In addition, the revenue source is being eliminated while the jurisdictions are being asked to take on additional responsibilities.

“ . . . when you break it down, approximately 38% goes to education and 2% funds local government operations . . . ”

The proposed draft requires jurisdictions to mark storm drains, which are exempt under current law. The marking of storm drains will require significant additional resources in most jurisdictions, especially the more rural jurisdictions that have limited staff. In many jurisdictions the marking of storm drains would be performed by the highway department, not public works, which means a separate crew would need to be sent out and equipment would need to be purchased.

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While some storm drains are easy to locate due to size manhole cover locations, some jurisdictions with older developments and cities may not have adequate records to locate storm drains. This is further complicated because storm drains are made of concrete and difficult to locate.

Under the most recent draft of the legislation, the marking of storm drains has been delayed until January 1, 2013. However, MACo is still very concerned about the additional resources required to mark storm drains and the difficulties in locating them, especially with the ability to seek reimbursement being proposed for elimination.

Lastly, MACo expressed concerns with the creation of the MD Underground Facilities Damage Prevention Authority (Authority) and its ability to derive monies by assessing existing owner-members. The Authority is being established as a private entity, but is being given regulatory powers and the authority to impose fines. Typically such entities are instrumentalities of the State since they are established to enforce laws. It is unclear whether the Authority will be able to serve in this capacity.

More worrisome is the ability of a private entity to assess a governmental entity in order to pay for its operations. MACo opposes any provision that could divert funds in this manner.

Contact: *Andrea E. Mansfield*

MDE Secretary Briefs Board on Federal Actions on the Bay

Department of the Environment (MDE) Secretary Shari Wilson updated the MACo Board on November 5, discussing new federal actions regarding Chesapeake Bay restoration and concerns about recently adopted stormwater management regulations.

Federal Bay Restoration Update

"Bay Restoration is getting a lot of attention right now," Secretary Wilson explained. She noted that total maximum daily loads (TMDLs), which set strict nutrient and sediment caps for runoff into the Bay, would need to be in place in 2010. TMDLs are required because of litigation. MDE must regulate nutrient and sediment runoff from nonpoint sources – primarily agriculture and stormwater. "Maryland is in a good position

because we already have programs in place [to address nonpoint runoff]".

The Secretary also explained President Obama's Chesapeake Bay Executive Order (13508) and legislation proposed by Senator Ben Cardin and Representative Elijah Cummings (S. 1816/H.R. 3852). Both would codify TMDLs into federal law and grant the U.S. Environmental Protection Agency (EPA) more regulatory oversight on Bay restoration. The legislation would require the withholding of federal funds under the Clean Water Act to states that fail to meet certain milestones every two years. Secretary Wilson estimated that in order for Maryland to meet the first two-year milestone, the State must increase its Bay restoration efforts by 2.5 times.

2009-2010 Directory of Maryland County Officials

(Book or CD \$40)

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The legislation also includes an additional \$1.5 billion in aid to the Bay states for stormwater management projects and might include additional funding for agriculture. Secretary Wilson noted that the State will try to minimize the impact on farmers, but since agriculture is the largest nutrient runoff contributor (40 percent) in the Bay, it is likely that new burdens may occur. She also stated that future growth should be directed to areas with public water and sewer.

Stormwater Management

Baltimore County Executive Jim Smith, Howard County Executive Ken Ulman, and Saint Mary's County Commissioner Tom Mattingly raised concerns about recent changes to the State's stormwater management regulations. The new regulations require the implementation of low impact and environmental site design (ESD) techniques where feasible. The regulations take effect May 1, 2010. "You are having Smart Growth running head on with these regulations," County Executive Smith warned.

Secretary Wilson said concerns about the regulations fall into two categories: the regulations make redevelopment economically infeasible, and grand fathering existing or phased projects. She said MDE is working with the Task Force on the Future of Growth and Development (GTF) to see if there is an issue with redevelopment. (GTF will tentatively hold a summit on the regulations on January 11, 2010). She explained that ESD costs are very site specific. She further stated that MDE recognizes the grand fathering issue with long-term projects and is looking to give a year's leeway for projects close to approval.

MDE Technical Support

Frederick County Commission President Jan Gardner shared her frustration about the lack of MDE technical support, noting that much of the problem was driven by lack of funding. "It's a crummy situation," Secretary Wilson responded, "If we were doing our job well, we would be providing grants and staff for regions or counties." The Secretary noted that given the current lack of staffing and resources, MDE is reviewing technical aid requests on a "case-by-case" basis.

Water Reuse

Charles County Commission President Wayne Cooper questioned the Secretary about the potential for reusing "greywater," noting the opportunity for MDE and MACo collaboration. Greywater typically includes

sink and shower water that can be reused for certain applications, such as lawn irrigation. Secretary Wilson said a workgroup is studying associated public health issues and will finish next month. She noted that MDE would work with any project that included a water reuse proposal. She predicted water reuse would become common and "county support will be critical."

Contact: Leslie Knapp Jr.

Joint Workgroup Reviewing Structure and Sustainability of State Aid to Local Government

The Joint Legislative Workgroup to Study State, County and Municipal Fiscal Relationships began meeting on September 17 to examine and review the structure and sustainability of State aid to local government, including: highway formulas and transportation revenue sharing; State subsidies of pension costs; State policies for calculating education formulas; revenue structure and capacity of county and municipal governments; and locally imposed tax limitations and authority. MACo Board members, David Craig, Harford County Executive, Wayne Cooper, President, Charles County Commissioners, Richard M. Pollitt, Wicomico County Executive, and Michael Sanderson, MACo Executive Director, presented to the Workgroup on October 8 on fiscal issues currently facing local governments. Issues included: the perception that local governments are not experiencing the same fiscal difficulties as the State, even though State general and special fund aid to County and Municipal Governments has been reduced by 60% since FY 2007; the frustration with education aid being protected from reductions while the calculated percentage reduction to local government aid includes education; concern over the Maintenance of Effort waiver process; and concern with the transfer of teacher pension costs to the local governments. The Workgroup also requested MACo to respond to a series of questions concerning fiscal constraints currently in place, the division of services provided by counties and municipalities and tax differentials associated, types of aid unique to Maryland, county long-term plans to address budget shortfalls, and our expectations for the Workgroup, to name a few. MACo's written testimony

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and follow-up response to the Workgroup can be found at www.mdcountries.org/Research/Fiscal_Relationships.cfm.

The Workgroup has met every other week since September. In addition to MACo and MML presentations, the Department of Legislative Services (DLS) has provided information on the Structure of Local Government, taxing authority and revenue sources, state and local revenues and expenditures, an overview of aid to local governments, and the delivery of government services.

At the Workgroups' November 5 meeting, DLS discussed MOE requirements for education, hearing from the MD Association of Boards of Education (MABE) and the Public School Superintendents Association of MD (PSSAM) representatives. While both organizations support the current State Board adjudicated waiver process, they stated that they understand that the waiver denials have prompted legislative proposals calling for reform. Both also expressed that a waiver should be granted based on specific county criteria, not statewide standards. DLS's presentation and MABE and PSSAM's written testimony can be found at www.mdcountries.org/Research/Fiscal_Relationships.cfm.

The Workgroup will meet again November 19 for a work session and draft a report at their December 10 meeting. The Workgroup will continue meeting following the 2010 General Assembly Session; drastic changes are not expected to be recommended.

Contact: *Andrea Mansfield*

Growth Task Force Continues Work

The Task Force on the Future of Growth and Development (GTF) considered legislation to extend the GTF and a report on Transfer of Development Rights (TDR) programs from its Land Preservation and TDR Workgroup. At its December 2 meeting, the GTF will hear from the Priority Funding Area (PFA) Workgroup.

It is unlikely the GTF will recommend the introduction of significant land use legislation as it did last session. However, the GTF will support legislation to recodify as the "Maryland Sustainable Growth Commission". The Commission would remain as an

advisory body and sunset at the end of 2020. The GTF will also support the reauthorization of the MD Heritage Structure Rehabilitation Tax Credit program, a December 2008 report recommendation.

The PFA Workgroup reviewed recommendations on November 13, identifying 10 tentative PFA shortcomings and Department of Planning (MDP) suggestions under its new PlanMaryland initiative (which will work with the future State Growth Plan) to have the State redefine PFA criteria, catalog and refine State incentives to focus growth within PFAs, consider county zoning and land protections outside of PFAs when considering certifying PFAs, and creating a State growth commission or similar body to review the certification of PFAs and review actions by the State and local governments that appear inconsistent with the PFA designations.

Frederick County Commission President Jan Gardner and MACo Associate Director Les Knapp represent MACo on the workgroup. At the November meeting, Mr. Knapp objected to PFA certification at the State level and the creation of a State growth commission with regulatory or oversight duties. He objected to the State unilaterally redefining PFAs. He stated he was willing to consider new PFA criteria, if the State and local governments jointly develop it.

The PFA workgroup met again on November 19. For more information go to: http://www.mdp.state.md.us/YourPart/773/Task_Force.shtml.

Contact: *Leslie Knapp, Jr.*

Parks & Recreation Briefs POS and Land Preservation Subcommittee

MACo Parks and Recreation affiliate members presented before the Joint Subcommittee on Program Open Space and Land Preservation on November 3. The Subcommittee is co-chaired by Senator "Mac" Middleton and Delegate Rudolph Cane.

Richard Towle, Director of Talbot County Parks and Recreation and President of the Parks and Recreation affiliate, Paul Dial, Director of Frederick County Parks and Recreation, and Gary Arthur, Howard County Director of Parks, presented on behalf of the affiliate.

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Their presentation outlined the impact of recent funding changes on Parks Planning, while emphasizing the positive impact of local parks and programs. Panel members described the diversity of their program benefits to both the health and education of Maryland citizens and to the stewardship of the Chesapeake Bay.

The Subcommittee was also briefed by Meredith Lathbury, Director of the Land Acquisition and Planning Unit for the Department of Natural Resources, James Conrad, Director of the Maryland Agricultural and Land Preservation Foundation, and Joseph Tassone of the Department of Planning.

Contact: Michele Dinkel

Conference Focuses on State and Local Budget Issues

County administrators and attorneys convened for their annual Fall Conference on October 28 at the Newton White Mansion in Prince George's County. There was no fee to participate in this half-day event, which was designed as such to accommodate restricted travel and budget issues for county officials.

The conference kicked off with a presentation from Warren Deschenaux, the Director of the Office of Budget and Policy Analysis for the Department of Legislative Services. Mr. Deschenaux outlined a bleak picture for Fiscal Year 2011 and emphasized that a \$300 million deficit for FY 2010 must still be resolved.

Sessions on the 2010 General Assembly Forecast followed with presentations from Delegate James E. Proctor Jr., Vice Chair of the House Appropriations Committee, Joseph Bryce, the Governor's Chief Legislative Policy Advisor, MACo Associate Director Andrea Mansfield, and MACo Executive Director Michael Sanderson. Delegate Proctor told conference participants to anticipate further county budget cuts in the 2010 session.

Prince George's County Health Officer Donald Shell provided described the process he has utilized to maintain key operations and services in the face of State cuts to local health department budgets. Participants heard about the impact of furlough actions both by the state and counties, especially in terms of union contracts.

The county attorneys met with representatives from

the MD Association of Boards of Education to discuss better collaboration between counties and their local school boards and to review potential legislation reforming the MOE waiver process.

After the blanket denial of three county MOE waiver requests, waiver reform has become a MACo legislative initiative. Under the proposed legislation, waiver decisions would be based on objective rather than subjective criteria.

The Administrators focused their discussions on county budget actions and surveys being performed by MACo and the Department Legislative Services (DLS). DLS presented this information to the Spending Affordability Committee earlier that week. They discussed the important need to provide accurate and up-to-date information to combat the perception that local governments are not experiencing the same fiscal difficulties as the State.

The Retreat facility, Newton White Mansion, was provided for the event and owned by the Prince George's County Parks and Recreation Department.

Contact: Michele Dinkel

Legislative Process Day Offers Advice and Information for Affiliates

MACo hosted its Affiliate members for a Legislative Process Day on October 27 at MACo. The event was designed to introduce affiliate members to the legislative process, the role of MACo, and what to expect when testifying. It is expected that the Legislative Process Day will become an annual event.

Associate Director Leslie Knapp Jr. provided an overview of Session and the legislative process. Communications and Meetings Director Ellen Clarke discussed the oral and written testimony process and the role MACo plays in assisting its affiliate members. Ms. Clarke highlighted services MACo provides to county members who wish to testify on a bill or submit written testimony, including signing-up speakers and testimony printing and delivery.

Attendees heard presentations from Department of Legislative Services (DLS) representatives on the fiscal note process, the bond bill and budget hearing process,

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and the bill hearing process. DLS reference personnel also provided attendees with a walking tour of the State Capitol and the House, Senate, and DLS buildings.

Mr. Knapp and MACo Associate Director Andrea Mansfield concluded the program by providing tips on testifying. Affiliate member reactions to the event was very favorable and it is likely to become an annual MACo event.

Contact: *Leslie Knapp Jr.*

**Of the People,
By the People,
For the People**



Topics have just been confirmed for the Annual Winter Conference, January 6-8, 2010 at the Hyatt Regency Chesapeake Bay Hotel in Cambridge. The conference theme is "Of the People, By the People, For the People", focusing on the concept that government services are provided by the very people whom government strives to serve and protect. The schedule, hotel reservations information, and on line registration is available at www.mdcounties.org and on the blog at www.marylandassociationofcounties.wordpress.com/

Two Academy Core sessions will be offered on Wednesday, January 6:

- Basics of Risk Management will be held at 1:00 pm – 2:30 pm; and
- Employment Issues - 3:00 pm. to 4:30 p.m.

General sessions will include:

- Public Employees: The Heart of County Government at 9:00 am Thursday;
- Health Care Reform: The County Connection at 10:30 am Thursday;
- The 2010 General Assembly Forecast at 9:00 am Friday; and
- Maintaining #1 in Education in Challenging Times at 10:30 am.

Affiliate sessions on Thursday, January 7 at 1:00 p.m. include:

- Local Revenue Authority: Filling in the Gaps;
- Deferring Maintenance – Pave Now or Pave More Later;
- Prevention As a Money-Saving Tool in Public Health; (*Academy Elective*)
- Trails and Their Economic Connection to Your Community; and
- Increased Burdens on County Planners: 2002-2006.

At 2:15 p.m. on Thursday, Affiliate sessions will include:

- Community Efforts to Support War Veterans;
- CSI Maryland: The Technology of Crime; (*Academy Elective*)
- Environmental Health and the Emerging First Responder Role; and
- Accountability for Youth Services: Care Management Entities.

Highlights of the conference this year will include Governor Martin O'Malley's address to the membership, the announcement of the first recipient of the Marilyn J. Praisner Public Service Award, MACo Past President recognition, and the MACo Recognition Awards presentation during the Inaugural Dinner on Thursday evening.

Visit www.mdcounties.org for further schedule updates and watch your email for updated Conference Registration brochures.

Contact: *Ellen Clarke*



We're Blogging at MACo on "Conduit Street"

MACo has just launched its Blog, *Conduit Street*, where members and other interested persons may visit, subscribe or contribute information. It is found at: <http://marylandassociationofcounties.wordpress.com/> The Blog joins MACo's network of communications, including the website at www.mdcounties.org, *Courthouse News* and various other publications and email. Staff has been posting Blog entries onto *Conduit Street* since mid-October, so there is much information to read.

Conduit Street is intended to provide interactive current information on MACo activities, and county government issues on a daily basis. Executive Director Michael Sanderson, Associate Directors Andrea Mansfield and Les Knapp, Research Specialist Michele Dinkel, and Communications and Meetings Director Ellen Clarke are regular contributors to *Conduit Street*. Remaining staff members will also add Blog posts as needed.

While *Courthouse News* will continue to be published on an "as needed" basis during the General Assembly Session, and every six weeks during the Interim, it's primary purpose will be that of a permanent archive of Association news and current affairs for county government. The website will provide in-depth information regarding the Association, issues, legislation, affiliates and other relevant information as it is updated weekly.

County government officials are strongly encouraged to subscribe to the RSS feed via *Conduit*

Street to receive an e-mail notification when there are new Blog postings. If not interested in an RSS feed, please bookmark the location and visit regularly. It's easy to move between the MACo website (listed in Blog "Links") and *Conduit Street* to locate referenced information.

The Blog has helpful functionality, including searching for topics of interest. Visitors may search for issues via the "Tag" or the "Category" of the posting or through the general search function. There are Links for other websites and Blogs that may be of interest. You can comment on staff Blog postings as well and add information there.

Please visit *Conduit Street* soon. Send comments and suggestions to Blog Manager, Ellen Clarke, to help us improve the Blog and learn about our visitors.

MACo hopes you will find *Conduit Street* to be ultra timely, useful, informative, and a great way to share information between MACo, yourself, and your county government colleagues from throughout the state.

Contact: *Ellen Clarke*

"Dealing with Angry Citizens" Training Begins Early 2010

Five regional workshops on "Dealing with Angry Citizens" will be held beginning early 2010 for county and municipal government elected and appointed citizens. MACo and the Maryland Municipal League, through funding from the Maryland Mediation and Conflict Resolution Office (MACRo) are sponsoring the training.

How should local government officials deal with citizens who rant at public meetings, monopolize discussion, yell and call names, post negative or personal attacks on a Blog, or make unreasonable PIA requests? Or worse? And is there any way officials can prevent these situations?

If this scenario sounds familiar and you're interested in picking up helpful tips and acquiring tools for dealing with angry citizens, you may want to attend one of the five regional workshops. More details on the dates, locations, and registration process will be issued when available.

Contact: *Tom Reynolds (MML) or Ellen Clarke (MACo)*

Academy “Leadership” Training Begins December 16

The Academy for Excellence in Local Governance is pleased to announce its first Graduate level course on “Critical Leadership Skills for Difficult Times.” The opening Session is set for December 16 from 1:00 – 5:00 pm at the Local Government Insurance Trust (LGIT) in Columbia. You must be a graduate of the Academy to participate.

Class size is limited to 25 and preference will be given to currently serving local government officials. The one-time cost for the entire course is \$175. You must complete the course in entirety to earn a Certificate of Achievement. Register through the Institute for Governmental Service and Research by calling (301) 405-2988.

The course instructor is **Judy Sorum Brown** who teaches leadership at the graduate School of Public Policy at UMD; she is also a senior fellow of the James MacGregor Burns Academy of Leadership and an associate of the National Center for Smart Growth.

Because today’s challenges are so great, this is a good time to invest in sharpening leadership skills and creating a strategy for leading in uncertain and difficult times. Through an engaging, interactive learning process that begins with participants working face-to-face and then via an online distance-learning process, this course will open a critical conversation among local government officials about leadership.

Contact: *Ellen Clarke*

Briefly

Empowering Women – Free Symposium

The Maryland Commission for Women is hosting a free Symposium on Saturday, December 5, 2009 at Prince George’s Community College from 8:00 a.m. through 3:00 p.m. This free event is intended to empower women in this challenging economy with a day of workshops, resources and sharing. Issues for women are foreclosure prevention and intervention, financial education and literacy, domestic violence, and where to get help. Registration and breakfast is set for 8:00 a.m. followed by valuable workshops, lunch, and a wrap-up, and there will be vendors with advice and assistance. To register, visit: <http://www.dhr.state.md.us/mcw/>

[symposium.php](#) Questions? Call 410-767-3049 or e-mail mcw@dhr.state.md.us

Energy Efficiency Block Grants - Webinar

The Department of Energy released a Funding Opportunity Announcement (FOA) on October 19 for up to \$454 million for state, local, and tribal governments to increase energy efficiency in the building and other sectors. These are competitive grants under the Recovery Act’s Energy Efficiency and Conservation Block Grant Program in two topic areas: (1) the Retrofit Ramp-up Program and (2) the General Innovation Fund. Applications are due December 14, 2009. Details and Funding Opportunity Announcement at: http://www.eecbg.energy.gov/about/competitive_grants.html.

Maryland School Law Desk Book

The *Maryland School Law Desk Book* is the first education law reference of its kind. Written by experienced education law attorneys, and published in cooperation with the MD Association of Boards of Education (MABE), it offers information on legal issues facing schools within the context of state and federal education law. It also includes a comprehensive index and a table of cases cited.

Grant Writing Workshop December 17-18

The MD-National Capital Park and Planning Commission and Grant Writing USA will present a two-day grant-writing workshop in Landover, December 17-18, 2009. Beginning and experienced grant writers from city, county and state agencies are encouraged to attend. Purchase orders, checks and cards are welcome. Multi-enrollment discounts are available. Tuition payment is not required at the time of enrollment. Tuition is \$425 and includes class workbook and accompanying resource CD that’s packed full of tools and more than 200 sample grant proposals. Seating is limited, online reservations are necessary. Details at: <http://grantwritingusa.com/events/write/lamd1209.html> or contact Grant Writing USA, 800.814.8191, cathy@grantwritingusa.com or Prince George’s County, Dept. of Parks & Recreation at 301.583.2432 or email: lisa.stafford@pgparks.com.

TMDL Meetings December 8 & 11

EPA is holding two public meetings concerning the forthcoming total maximum daily load (TMDL) requirements for nitrogen, phosphorous, and sediment runoff in the Chesapeake Bay and its tributaries on December 8 and 11: Tuesday, December 8 @ 2:30 pm – 4:30 pm at MDE – 1800 Washington Blvd, Baltimore.

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Note: Parking on the RED Lot is limited. Parking is recommended on the BLUE Lot (west of RED Lot on Washington Blvd). Follow signs to "Bay TMDL Meeting"; Friday, December 11 @ 1:30 pm – 3:30 pm, Chesapeake College, Todd Performing Arts Center, US Route 50 and Maryland Route 213, Wye Mills, Maryland 21679; and a Webinar on December 8. Reserve your Webinar seat at: <https://www2.gotomeeting.com/register/568237411>. Submit comments by December 18 to: Jennifer Sincock at sincock.jennifer@epa.gov

EPA Requests Stormwater Rule Survey Comments

EPA is proposing a survey to help strengthen stormwater regulations and reduce stormwater discharges from newly developed and redeveloped sites. The draft survey would require detailed information about stormwater management and control practices, local regulations, and baseline financial information. EPA plans to propose a rule to control stormwater from newly developed and redeveloped sites and to take final action no later than November 2012. In support of this rulemaking, EPA is proposing to require three different groups to complete questionnaires about current stormwater management practices: 1) the owners, operators, developers, and contractors of newly and redeveloped sites; 2) the owners and operators of municipal separate storm sewer systems; and 3) states and territories. The proposed survey will be open for public comment for 60 days following publication in the Federal Register. Details at: <http://www.epa.gov/npdes/stormwater/rulemaking>

High School Dropouts Net Fiscal Drain

A new report from the Center for Labor Market Studies at Northeastern University finds that the average high school dropout will have a negative net fiscal contribution to society of nearly \$5,200. In contrast, the average high school graduate generates a positive lifetime net fiscal contribution of \$287,000 from ages 18-64. A copy of the report, *The Consequences of Dropping Out of High School: Joblessness and Jailing for High School Dropouts and the High Cost for Taxpayers*, can be found at: <http://tinyurl.com/yzga2c9>.

Voter System Vendor Merger Comments Wanted

Sen. Charles Schumer (D-N.Y.) wants to hear from local and state elections officials about the merger of the top two elections systems companies that he fears could raise antitrust issues. To read article about the merger [click here](#). County elections officials may address

comments to: Chairman Charles E. Schumer, Senate Committee on Rules and Administration, Russell Senate Office Building Room 305, Washington, D.C. 20510.

To expedite delivery, e-mail a PDF file of your letter as an attachment to adam_ambrogi@rules.senate.gov or to the Committee's chief counsel, Jason Abel at jason_abel@rules.senate.gov. Schumer's office will provide ways for information to be submitted anonymously in the event officials are concerned about making a public complaint for fear of retaliation.

Job Openings

ADMINISTRATOR, ADULT PROTECTIVE SERVICES, DEPT. OF HEALTH AND HUMAN SERVICES - MONTGOMERY COUNTY - Salary \$73,811 - \$133,922. The employee in this senior management position provides management and leadership to critical, mandated (i.e., Adult Protective Services and Public Guardianship) and supporting programs (i.e., Case Management, Home Care, health/nursing assessment and care planning). The work involves the provision of a high level of leadership support and administrative oversight to ensure compliance with State regulations and program requirements and to maintain the overall quality of high profile, legally mandated and essential services to frail elderly and vulnerable adults with disabilities. The employee administers a \$6 million budget and directs a staff of 57 (WYs) providing direct and support services. The employee in this position is also responsible for coordinating State appeals such as formal citizen complaints contesting adverse actions resulting in decreases in service provision. Min. Quals: Bachelor's Degree and 7 years of progressively responsible professional experience in health and human (social) services in a government or nonprofit organization delivering an array of home and community based services (e.g., Adult Protective Services/Guardianship, Case Management, Home Care/Personal Care, Respite Care, Medical Assistance Waivers), three (3) years of which were in a supervisory or executive capacity. Equivalency applies. Requisition ID 3838. Visit: www.montgomerycountymd.gov/careers. **Closes 11/27/09**

ADMINISTRATOR, FINANCIAL OPERATIONS, DEPT. OF HEALTH AND HUMAN SERVICES - MONTGOMERY CO. - Salary \$63,411 - \$115,901 - Senior management position responsible for supporting

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the management of the Dept. of Health & Human Services' (HHS) budget of approximately \$260 million, including \$55 million annually in State and Federal intergovernmental revenues. Duties include leadership and direction to the Fiscal, Contract, and Cost Allocation and Federal Claiming Teams; developing cost containment and funding strategies; directing fiscal reporting activities; overseeing HHS procurement policies and procedures; and facilitating the review and approval of contracts and other procurement agreements. The employee has a major impact on the negotiation of funding agreements; the maximization of federal funds; the timely and accurate submission of financial reports; the payment of invoices in accordance with established procedures; and, the completion of procurement and contract activity in an accurate and timely manner. Min.Quals: Bachelor's Degree and 5 yrs. exp. of progressively responsible professional experience in accounting, fiscal management, and related financial management activities. Equivalency applies. Closes **11/27/09**. Requisition ID 3840. Visit: www.montgomerycountymd.gov/careers.

ADMINISTRATOR, HOMELESS SERVICES, DEPT. OF HEALTH AND HUMAN SERVICES - MONTGOMERY COUNTY - Salary \$63,411 - \$115,901 - The employee in this senior manager position provides administrative oversight and direction to the Homeless Services unit which includes Single and Family Shelter Services programs. The employee is responsible for: 1) Coordinating the annual HUD SUPERNOFA Continuum of Care grant (\$6 million) including coordinating the annual Point in Time survey; 2) Providing programmatic oversight of the Homeless Mgmt. Information System (electronic database) which is critical in providing accurate and up-to-date data on homeless services; 3) Coordinating adult and family homeless systems of care including monitoring program performance of 50+ County contracts; 4) Providing input and updates to the Special Needs housing Service Area Chief on major policy issues and operational decisions; 5) Resolving multiple programmatic and contractual issues in coordination with public and private partnering agencies; 6) Directing and supervising a staff of professional social workers. Minimum Qualifications: Bachelor's Degree and five (5) years experience of progressively responsible professional experience in human (social) services. Equivalency applies. To view job and apply online, visit: www.montgomerycountymd.gov/careers. Requisition

ID 3841. Closes **November 27, 2009**.

ADMINISTRATOR, SCHOOL HEALTH SERVICES, DEPT. OF HEALTH AND HUMAN SERVICES - MONTGOMERY CO. - Salary \$63,411 - \$115,901: Senior manager position will provide administrative oversight and direction to School Health Services programs for students who are enrolled in Montgomery Co. Public Schools. The work includes management, administration, and clinical oversight of School Health registered nurses and certified nursing assistants who provide direct health care to students. The Nurse Administrator will manage health programs and services that involve health staff and contribute to school health services as well as community wide health objectives. The employee is responsible for resolving complex clinical practice problems as well as personnel and union issues; developing policies and budgets; and, interfacing with local and state representatives, private and community health practitioners, and other agencies to assure delivery of school health services in accordance with federal, state, county requirements. Other major duties include participation in orientation, training and mentoring of new employees. Min.Quals: The position requires five (5) years experience of progressively responsible professional nursing experience related to school health and public health. Per MD COMAR School Health Standards, candidate must be currently licensed by the MD State Board of Nursing Examiners as a Registered Nurse. The State of MD accepts as valid the current RN licensure from a candidate's primary state of residence if that state has an interstate compact with MD. Requisition ID 3842. Visit: www.montgomerycountymd.gov/careers. Closes **11/27/09**